



Northwest Resource Information Center

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Tom Karier
Northwest Power & Conservation Council
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July 12, 2013

Mr. Karier:

The purpose of this letter is to request that you recuse yourself from participating in pending amendments to the Council's 2009 Fish and Wildlife Program and the 2010 Sixth Power Plan of which the Program is an integral part. The attached letter to Governor Inslee contains detailed justification for this request.

While serving as Council Chair 2007-2008 you played an active role in the Columbia Basin Fish Accords Memoranda of Agreement (MOAs) between the states and tribes and Federal Columbia River Power System "Action Agencies". The MOAs commit more than a billion dollars in federal funds to buy state and tribal government support for preposterous claims that the Biological Opinion serially declared illegal by the federal courts "satisfies" several federal laws, including laws either not related to the purported purpose of the funds, or laws which the parties *know* cannot be "satisfied" by expenditure of the provided federal funds, including the Endangered Species Act and the far more demanding requirements of the salmon restoration provisions of the Northwest Power Act. In short, the MOAs clearly appear to commit federal funds to pay the signatories to conspire to knowingly violate federal laws.

Your MOA conflict is compounded by you abdicating your legal duty vis-à-vis the salmon restoration mandate of the Northwest Power Act and by voting to adopt the Biological Opinion—serially rejected by the federal courts—as the new baseline for the pivotal main stem measures of the 2009 Program (tellingly minus the federal court's required spill at the dams), and voting to turn the fate of Snake River salmon over to the federal agencies responsible for driving them onto the List of Endangered Species. These actions are fundamentally opposite the Council's three decade-old legal mandate and independent duty to produce a combined Program/Plan to restore salmon and fisheries devastated by the FCRPS while maintaining a reliable and economical power supply.

These actions fatally taint your participation in pending amendments to the Council's 2009 Program/2010 Plan. NRIC requests that you formally recuse yourself no later than the September 15, 2013 deadline for recommendations to amend the Program.

Sincerely,

Ed Chaney
Director

cc: Governor Jay Inslee, Attorney General Bob Ferguson, NPCC Chair Bill Bradbury