

EXECUTIVE ORDER NO. 24-28

**DIRECTING COORDINATED AND TRANSPARENT IMPLEMENTATION
OF OREGON'S COMMITMENTS TO THE COLUMBIA BASIN
RESTORATION INITIATIVE AND THE RESILIENT COLUMBIA BASIN
AGREEMENT**

WHEREAS, The Columbia River Basin and its iconic salmon and steelhead have been part of the ecological, cultural, economic and spiritual identity of Oregon since 1859, and the Native Peoples of the Pacific Northwest since time immemorial, and must remain so for future generations.

WHEREAS, The State of Oregon recognizes the impacts of Columbia River dams on tribal communities and the need to strengthen sovereign collaboration in support of comprehensive and inclusive salmon restoration efforts across the Columbia River Basin system.

WHEREAS, In 2023, the states of Oregon and Washington and the Yakama, Nez Perce, Umatilla and Warm Springs Tribes (the "Six Sovereigns") came together to develop the *Columbia Basin Restoration Initiative* ("CBRI") to chart a path forward to restore the salmon and steelhead fisheries and restore ecosystem function in the Columbia and Snake rivers.

WHEREAS, On September 27, 2023 a *Presidential Memorandum* was issued establishing the federal policy to restore wild Columbia River Basin salmon and steelhead and other native fish to "healthy and abundant" levels, and to "...secure a clean and resilient energy future for the region...support local agriculture and its role in food security domestically and globally...and to invest in the communities that depend on the services provided by the Basin's Federal dams to enhance resilience to...climate change." The Presidential Memorandum directed all federal executive agencies to align with these goals and determine shortcomings in their ability to do so.

WHEREAS, On December 14, 2023, the United States government, Six Sovereigns and the National Wildlife Federation thereafter entered into the "Resilient Columbia Basin Agreement" (RCBA), that stays ongoing litigation related to the operation of the Columbia River System for up to ten years to enable fulfillment of commitments, collaboration, and partnerships to advance the objectives of both the *Presidential Memorandum* and the *CBRI*.

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WHEREAS, The *RCBA*, coupled with the newly unified and cohesive leadership from the Six Sovereigns, represent a unique moment in time and unprecedented window of opportunity to resolve the salmon crisis and associated litigation while honoring treaties, rebuilding healthy and abundant wild fish runs, enhancing community and watershed resilience and adaptation to climate change, meeting regional energy and decarbonization goals, and ensuring continuity of services provided by the Columbia River.

WHEREAS, It is my Administration's policy to take full advantage of this window of opportunity through coordinated State leadership and support for full implementation of the *CBRI* and the *RCBA*, and in doing so, to help complement other efforts by the State to meet our decarbonization and climate goals, secure a resilient, reliable, and affordable energy system, and to modernize our infrastructure. Oregon's communities will benefit from these actions by being resilient and adaptive to climate change and will be best positioned for a prosperous economic future.

NOW, THEREFORE, I, TINA KOTEK, Governor of the State of Oregon, by virtue of the power and authority vested in me by the Constitution and statutes of the State of Oregon, do hereby issue this order to become effectively immediately:

IT IS HEREBY ORDERED THAT:

Named executive branch entities shall take actions necessary within their existing authority, and identify necessary additional authorities they do not presently have, in support of fulfilling Oregon's commitments to the *CBRI* and the *RCBA*.

1. This order applies to:
 - a. The following executive branch agencies ("Agencies," or individually "Agency"):
 - Department of Fish and Wildlife
 - Department of Environmental Quality
 - Water Resource Department
 - Oregon Watershed Enhancement Board
 - Department of Energy
 - Department of Agriculture

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- Department of Transportation
 - And other Agencies deemed appropriate or necessary based on topic-specific issues and circumstance.
 - b. The representatives to the Northwest Power and Conservation Council (NWPCC) appointed by the Governor of Oregon.
2. The executive branch agencies listed above are directed as follows:
- a. No later than February 1, 2025, each Agency must provide a written report to the Governor addressing the following in relation to the *CBRI* and *RCBA*:
 - i. Identify and describe all program commitments that identify the Agency, and any program commitments that are within the Agency's direct or indirect areas of expertise;
 - ii. Describe the agency's existing statutory and administrative authority and programs to implement program commitments identified in subsection i;
 - iii. Describe any gaps in statutory or administrative (rule) authority that would be necessary to accelerate full and effective program implementation;
 - iv. Identify opportunities within existing programs and authorities to accelerate effective program implementation; and
 - v. Identify any resources the Agency currently has to implement the *CBRI* and *RCBA* and all resources and funding the Agency does not currently have but would need to accelerate effective *CBRI* and *RCBA* implementation.
 - b. No later than March 15, 2025, and no less than twice annually, the Agencies must convene with the Governor's office to review coordination among Oregon, the USG, and the Six Sovereigns for the purpose of assessing their work to achieve and accelerate full implementation of the *CBRI* and *RCBA* and to recommend to the Governor any actions needed to optimize the State's participation in the *CBRI* and *RCBA*.
 - c. No later than June 1, 2025, and annually thereafter, each Agency will report to their Board or Commission on the Agency's implementation of the *CBRI* and *RCBA*, including identifying opportunities to enhance the agency's role in *CBRI* and *RCBA* implementation.
 - d. No later than November 1, 2025, and annually thereafter, the Agencies and the Governor's office will convene a meeting with the Six Sovereigns to discuss ongoing implementation efforts and opportunities for collaboration

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to optimize implementation by Oregon and to establish a clear partnership among the Six Sovereigns to inform and expand support of key elements of the *CBRI* and *RCBA* among other regional sovereigns and stakeholders.

3. The Oregon representatives to the NWPCC will:
 - a. Coordinate and collaborate with other members and staff of the NWPCC to identify opportunities for the NWPCC to advance the goals of the *CBRI* and *RCBA* in full consideration of the 1980 Northwest Power Act; and
 - b. No later than April 1, 2025, report to the Governor a description of the opportunities that have been identified under subparagraph a. and the actions that are needed to implement those opportunities.
4. Transparency and collaboration must be recognized as important to successfully accomplishing the goals and objectives of the Six Sovereigns' *CBRI* and the federal commitments of the *RCBA*. Agencies subject to this order will develop and implement a coordinated approach to undertake the following consistent with this spirit and incorporated into reporting requirements of this Executive Order:
 - a. For Oregon energy, transportation, agriculture, water and recreation sectors potentially impacted by Lower Snake River restoration associated with the *CBRI* and *RCBA*, seek input and collaboration from these sectors to help ensure efforts moving forward are consistent with the *CBRI* objectives to:
 - Ensure continuity of services provided by the lower Snake River dams are secured prior to dam breaching;
 - Ensure that efforts to secure those replacement services minimize additional rate pressures and financial burdens on potentially impacted sectors;
 - Ensure collaboration with sovereigns and stakeholders to secure the necessary Federal investments for lower Snake River restoration and salmon and steelhead recovery, in a manner that does not disproportionately burden any single sector;
 - Ensure advancing the *CBRI* and associated *RCBA* are complementary to, and help leverage resources toward, an equitable clean energy transition; a reliable, resilient and affordable energy system; and statewide efforts to modernize and enhance transportation, water and climate security.



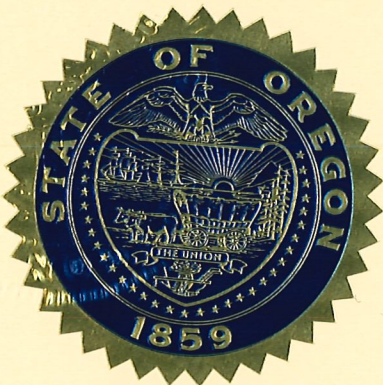
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- b. For Oregon transportation, fishery, tourism and economic development sectors, seek stakeholder input and collaboration regarding opportunities to optimize and integrate how the *CBRI* and *RCBA* activities approach restoring fish runs, enhancing natural functioning watershed conditions, and enhancing resilience and adaptation of the basin to impacts arising from climate change.
- c. Incorporate appropriate input from these collaborations with Oregon sovereigns and sectors into broader regional collaborations of the signatories to the *CBRI* and *RCBA*, as well as the *Regional Energy Needs Planning* process.
- d. Coordinate with the Governor's Office to support on-going government to government consultations and cooperation with Tribal Nations.

EXPIRATION: The RCBA stays litigation for up to 10 years (December 2033) subject to specific terms for withdrawal by non-federal parties. This Executive Order will be reconsidered at the end of the 10-year stay, or at the time any non-Federal party withdraws from the MOU agreement and/or the RCBA is terminated. The duration of this Executive Order is to be guided by its intent to affirm and promote full implementation of the CBRI until salmon and steelhead are restored to healthy and abundant numbers.

Done at Salem, Oregon, this 27th day of September, 2024.



Tina Kotek
GOVERNOR

ATTEST:

LaVonne Griffin-Valade
SECRETARY OF STATE