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### **PPC Sues Corps of Engineers to Block Unilateral, Unlawful, and Inequitable Actions at Detroit Dam**

**Portland, Oregon** – The Public Power Council (PPC), an association representing the interests of the consumer-owned utilities that purchase hydropower from the Bonneville Power Administration, took the unprecedented action of suing the U.S. Army Corps of Engineers over the Corps’ decision to suspend power generation at Detroit Dam during high-demand hours, in violation of the Administrative Procedure Act and National Environmental Policy Act and in violation of the authorizing legislation that governs operation of the project.

PPC learned through a Corps website posting, that the agency decided to turn off power-producing turbines at Detroit Dam during the critical operations window between 6 a.m. and 10 a.m. and 6 p.m. and 10 p.m. each day between November 1, 2020 and February 1, 2021. The lost generation is up to 60 percent of the output during these critical winter months and 15 percent of the overall annual generation. The Corps failed to conduct any consultation with impacted parties, nor did it conduct any review of the environmental impacts of its decision, in clear violation of federal requirements for major actions.

“The Corps’ decision to turn off turbines in the middle of the winter peak power using season came as a complete surprise to PPC and our public power utility members across five states, as there was no public process to let anyone know,” said Scott Simms, PPC Executive Director.

Detroit Dam was authorized by Congress to serve specific operational purposes, including power generation. The congressional authorization, and supporting Corps documents preserve a portion of the dam’s reservoir for power generation and recognize that generation during peak winter hours is the primary purpose of the power function. Power customers pay all the costs related to power production at Detroit will continue to pay all of those costs, even while losing the power as a result of the Corps’ actions. The economics of the Detroit project are already in clear contrast to other federal hydro projects such as the Lower Snake River Dams, which provide more power and flexibility for the grid at a fraction of the cost.

The Corps’ action appears designed to respond to a recent court ruling that the agency failed to meet its obligations to restore fisheries impacted by the dam. PPC members are strongly invested fish mitigation efforts, but those efforts must not be inequitably borne by power customers or implemented without full and proper analysis and consultation.

Rather than taking sporadic and unilateral actions that substantially interfere with the project's authorized purposes, PPC believes that the best path forward at Detroit Dam rests on the recently enacted federal legislation directing the Corps to study deauthorizing power at Detroit Dam. Deauthorization, which is also supported by fish and environmental stakeholders, will facilitate proven and environmentally effective fish mitigation measures that will also provide a cost-effective investment for U.S. taxpayers.

"Deauthorizing power production at Detroit dam is the best long-term option; the best for consumers, the best for fish, and the best for taxpayers," Simms said.

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### **About the Public Power Council**

The Public Power Council, established in 1966, is an association that represents the interests of consumer-owned electric utilities in the Pacific Northwest. PPC's mission is to preserve and protect the benefits of the Federal Columbia River Power System for consumer-owned utilities. PPC is a key forum to identify, discuss and build consensus around energy and utility issues. For more information, please visit us on the web at [www.ppcpx.org](http://www.ppcpx.org).