

# **EXHIBIT 2**

## UNITED STATES COMMITMENTS

### Guiding Principles

The Biden Administration is committed to supporting development of a durable long-term strategy to restore salmon and other native fish populations to healthy and abundant levels, honoring Federal commitments to Tribal Nations, delivering affordable and reliable clean power, and meeting the many resilience needs of stakeholders across the region. The Administration recognizes that business as usual will not achieve the goals of restoring salmon populations and ecosystem functions and that, despite hard work, ingenuity, great expense, and commitment across all levels of Federal, State, Tribal, and local governments and a wide range of stakeholders, many fish populations in the Columbia River Basin—salmon, steelhead, and others—have not recovered, some continue to decline, and many areas remain inaccessible to them. In the face of climate change, urgent action is needed to restore salmon and other native fish populations to healthy and abundant levels. The Administration is committed to rapidly engaging on comprehensive, durable solutions in the Columbia River Basin.

In carrying out this commitment, the Administration will consider the goals identified in the Columbia Basin Partnership Task Force’s Phase 2 Report and the Northwest Power and Conservation Council’s Fish and Wildlife Program’s 2020 Addendum. The Administration also will work collaboratively to address matters that affect Tribes and States and regional stakeholder interests, while also respecting Tribal and State sovereignty and expertise. In doing so, the Administration may not have the ability to commit to certain actions affecting other sovereigns through negotiations with Plaintiffs without first collaborating with those other sovereigns.

If stays are in place, the United States commits to engaging in substantive discussions in the forums facilitated by FMCS, with a whole of government commitment from the Administration. During any continued stay period, the Biden Administration also commits to the continued and deliberate engagement of senior Administration officials within CEQ and the Departments of the Interior, Commerce, Army, and Energy.

### Duration and Purposes of a Litigation Stay

To facilitate broad regional buy-in to collaborative processes essential to develop a durable strategy for obtaining long-term comprehensive solutions that meet the Administration’s principles and commitments described herein, the Administration believes a minimum 13-month stay extension (i.e., until end of August 2023) is required. In agreeing to an extended stay, the Administration will commit to status reports or other meaningful progress check-ins at appropriate intervals. These commitments and proposed off-ramps—including the ability of any party to move to lift the stay if “sufficient progress” is not being made in the FMCS process—is contained in a proposed Stay Motion.

The Administration is proposing to stay the litigation at least through the end of 2023 spill operations (through August 31, 2023), which allows it to work collaboratively with the region’s sovereigns and stakeholders to set schedules, identify critical milestones, and ultimately make substantive progress on the commitments described above.

## Federal Government Commitments

To demonstrate the breadth and seriousness of the Administration's commitment to completing and implementing the durable long-term strategy stated above, the Administration offers the following commitments:

- The Administration commits NOAA and the USFWS to review comments on the draft salmon rebuilding report from Tribal and State fishery managers and scientists and finalize the report on or before September 30, 2022, or within 30 days of the close of the comment period if reasonable requests for an extension of the comment period from Tribal or State fishery managers and scientists are received and granted. The Administration recognizes time is of the essence to have a final science-based report for policymakers and agrees to proceed accordingly.
- The Administration commits to thoroughly examining supporting all legislative proposals to advance salmon restoration in the Columbia River and examining all legislative proposals that undermine such restoration.
- The Administration commits to exploring lower Snake River habitat restoration opportunities, including but not limited to migration corridor restoration through breaching the four lower Snake River dams.
- The Administration commits to collaborating with sovereigns and other stakeholders and to immediately exploring appropriated or otherwise available short- and long-term funding opportunities and actions identified by Plaintiffs and other regional stakeholders—including addressing unmitigated Tribal needs, avoiding future issues with respect to creating inequities, and actions supporting salmon and other fisheries and fish and wildlife programs and infrastructure that can be implemented in 2023 and subsequent years. The Administration understands that this commitment will require ensuring adequate funds are available for agreed upon short- and long-term measures. By December 1, 2022, the Administration agrees to identify those short-term funding, operational, and other actions that can be implemented in 2023 based on actual and projected funding available from sources across the federal Departments and Agencies.
- The Administration commits to examining all current funding opportunities in 2023 and seeking additional funding for new power and transmission resources to offset future changes to the CRS as well as other emerging energy needs. The Administration understands that “future changes to the CRS” contemplates a broad set of future changes related to spills and other operational changes in addition to potentially breaching the four lower Snake River dams.
- Specific to reintroduction, the Administration commits to developing and implementing a plan to explore providing full support for and funding of Phase II reintroduction actions as well as other reintroduction efforts in the Upper Columbia River. The Administration commits to summarizing the status of the plan and progress on its implementation for these actions by December 30, 2022.

- The Administration commits to extending the current agreed upon operations in the October 2021 Term Sheet for Stay until August 31, 2023. By October 31, 2022, the Administration commits to evaluating and, as appropriate, adopting any reasonable operational changes proposed by Plaintiffs based on lessons learned from implementation of 2022 spill operations. The Administration further commits to exploring with Plaintiffs and other sovereigns post 2023 operations as part of a long-term comprehensive solution.
- The Administration commits to collaborating with affected Tribes, States, and regional stakeholders in the FMCS process and, by December 1, 2022, producing a schedule of Administration actions and critical milestones to meet the Administration's principles and commitments described herein and which the Administration intends to pursue.
- The Administration agrees that any litigation party can move to lift the litigation stay for good cause, which can include the lack of sufficient progress on the above commitments or on any collaboratively developed comprehensive basin-wide solutions.

### **Federal Government Position on a Litigation Stay**

At the highest levels, the Administration obtained informed consensus on and support for these commitments, a key accomplishment of the initial nine-month stay. During this stay period, Department leaders also engaged in good faith Nation-to-Nation consultation with the Basin's tribes, and high-ranking officials participated in weekly interagency meetings for months to develop and coordinate Administration positions. The agencies also have devoted thousands of hours preparing for and participating in meetings and presentations to senior Administration leaders on key issues. This work could not have occurred but for the stay, and it has developed the foundations necessary for meaningful Administration engagement on urgent problems that have sustained decades of litigation in the region. The full value of this Administration consensus and preparedness to rapidly engage on comprehensive, durable solutions in the Columbia River Basin will not be realized without an extended stay of the litigation.