

NWRAP

NORTHWEST RESOURCE
ACCOUNTABILITY PROJECT

February 4, 2022

The Honorable Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

The Honorable Kate Brown
Office of the Governor
900 Court Street NE, 254
Salem, OR 97301-4047

The Honorable Greg Gianforte
Office of the Governor
PO Box 200801
Helena, MT 59620-0801

The Honorable Brad Little
Office of the Governor
3626 N La Fontana Way
Boise, ID 83702

Re: Northwest Power & Conservation Council, 2021 Power Plan Failure to Comply with the Northwest Power Act

Dear Governors Inslee, Brown, Gianforte and Little:

The purpose of this letter is to urge you to request your appointees to the Northwest Power and Conservation Council to revise its Draft 2021 Power Plan to include an analysis of the long-term energy and wildlife effects of breaching the four lower Snake River dams.

This analysis is mandated by the Northwest Power Act, which requires the Council to develop "an analysis of reserve and reliability requirements and cost-effective methods of providing reserves designed to insure adequate electric power at the lowest probable cost." (16 U.S.C. § 839b(e)(3)(E)). The Act also mandates the Council to develop the Power Plan while taking into consideration matters of environmental quality and fish and wildlife impacts. (Draft Power Plan 11-119, available at https://www.nwcouncil.org/sites/default/files/2021powerplan_2021-5.pdf.)

The Council's new sophisticated "ReDeveloped GENESYS" modeling tool is capable of providing the needed data. Moreover, it is difficult, if not impossible, to determine the region's reliable electricity needs "at the lowest probable cost," without that modeling.

Modeling with the lower Snake River dams breached is all the more urgent because salmon and steelhead in the lower Snake River are on the verge of extinction. A recent Nez Perce fisheries study found that 77% of the lower Snake River spring-summer chinook salmon runs will be quasi-extinct by 2025. The steelhead runs are closely behind. A quasi-extinction level is a level below which continued survival of the population is assumed to be precluded. (Budy, P.

Analytical approaches to assessing recovery options for Snake River chinook salmon.
UTCFWRU 2001(1): 1-86, p. 20, available at
<https://www.fws.gov/columbiariver/publications/recopt.pdf>.)

A recent federal government study agrees with the Nez Perce, but puts the extinction date a little farther out, finding that Snake River spring/summer chinook could be nearly extinct by 2060. (*Climate change threatens Chinook salmon throughout their life cycle*, February 18, 2021, Crozier, et al., available at <https://www.nature.com/articles/s42003-021-01734-w>.) "***The findings spotlight a need for immediate action, said Richard Zabel***, an author on the paper and head of the fish ecology division at the National Oceanic and Atmospheric Administration's Northwest Fisheries Science Center in Seattle. "***Dam breaching and all alternatives have to be on the table,***" Zabel said. Emphasis added. (<https://www.seattletimes.com/seattle-news/environment/warming-seas-could-wipe-out-snake-river-chinook-by-2060-scientists-predict/>.)

The Council has not put dam breaching on the table, even though they are charged with recovering salmon in the Snake River. On January 11 and 12 the Council held meetings which included a review of comments on the draft 2021 Power Plan, many of which called for breaching the Army Corps of Engineers' four dams on the lower Snake River, or at least modeling Snake River embankment removal under the Redeveloped GENESYS model to comply with the mandates of the Northwest Power Act.¹

NWRAP² representatives participated in the meeting, anticipating a discussion by the Council and subsequent opportunity to provide public comments. However, there was no discussion and no opportunity to comment.

The following comments support our request that the current draft plan be revised to include the ReDeveloped GENESYS analysis of breaching the four LSRDs.

- The U.S. Fish and wildlife Service in 1946 warned that building four dams proposed for the lower Snake River likely would result in extinction of salmon produced in the vast pristine headwaters of the Snake River Basin, the largest cold water refuge in the lower 48 states.
- The Army Corps of Engineers ignored the warnings. It built four dams 1960-1975 on the lower Snake River in Washington. They were not designed according to law requiring them to allow safe passage of juvenile salmon from the Snake River Basin.
- Before the last dam was completed, it was obvious that a catastrophe of epic proportions was in progress.

¹ "Examine removal, recommend removal, recommend preserving, maintain draft plan's current approach of not engaging LSRD analysis."

² Northwest Resource Accountability Project.

- To recover the salmon, Congress acted with uncharacteristic swiftness and no-nonsense language. It enacted what is commonly called the Northwest Power Act of 1980, discussed above, which mandated Snake River salmon be protected and restored. It gave the four Northwest states the opportunity, through what is now the Northwest Power and Conservation Council, ONE YEAR to produce a plan to change the Federal Columbia River Power System as necessary to accomplish that objective. Congress set forth its intent in the Act's legislative history.

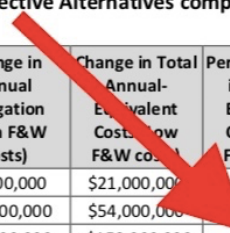
[C]onservation and enhancement of the great migratory fish and wildlife populations of the Pacific Northwest, something of great concern to the sportsmen and conservationists of this Nation, are for the first time, a matter of urgent priority under this legislation. They are placed on a par with other purposes for Federal facilities in this area. If the fish populations of the Pacific Northwest are to be restored to the sportsmen, the Indians and the commercial fishermen, this is the mechanism which will do it. *126 Cong. Rec. H10680 (Rep. Dingell).*

- The Council's salmon restoration plan was to be based on recommendations of the regions' fish agencies and tribes using *existing information*.
- The Council was *to* employ the *least cost means* to ensure a reliable, economic and efficient energy supply. Energy conservation was given priority and cost advantage for any necessary new resource acquisitions.
- The Council refused to do its job. It knew the ill-designed dams on the lower Snake River were the problem that was the Council's *raison d'être*. But it feared the political backlash. With the usually notable exception of Oregon representatives, the majority chose instead to betray the public trust, subvert the law, and spend/waste billions of ratepayer funds on smoke and mirrors mitigation projects to cover up its sacrifice of Snake River salmon.
- In 1995 the U.S. Court of Appeals ruled that the Council was guilty of failing to follow the law requiring protection and restoration of Snake River salmon. Furthermore, the Court ruled that the law proscribed using economic costs as the excuse for refusing to do so. *Northwest Information Center, Inc. v. Northwest Planning Council*, 35 F.3d 1394 (9th Cir. 1994) *cert. denied*, 116 S.Ct. 50.

The Council, of course, knew what the problem was. It petitioned the Army Corps of Engineers (COE) to study how to improve the survival of juvenile salmon at the four lower Snake River dams.

- The COE spent \$30 million, and in 2002 essentially concluded the dams could not be fixed; either the fish or the dams must be removed from the river.³ The fish lost the toss. Every conceivable Rube Goldberg gimmick was employed to improve juvenile fish survival at the untold cost of hundreds of millions of dollars. It didn't work; the salmon continued to decline toward extinction.
- In its 2009 Fish and Wildlife Program the Council formally abdicated its salmon restoration duty and defaulted to the main stem hydrosystem measures of the BiOp—which have been serially rejected as unlawful by the federal courts—as the “baseline” for its salmon plan [sic].
- In 2020 federal agencies completed an \$80 million court-ordered study. It again showed the four ill-designed dams on the lower Snake River must be breached if Snake River salmon are to be restored, and that breaching would have a positive economic impact on Bonneville's bottom line and rates. *Repeat, that Snake River salmon would be restored and Bonneville's costs would go down.*⁴

Table 3-312. Change in Annual-equivalent Costs under the Multiple Objective Alternatives compared to the No Action Alternative (2019 dollars)



MO	Construction Costs of Structural Measures (annual)	Change in Capital Costs (annual)	Change in O&M Costs (annual)	Change in Annual Mitigation (Low F&W Costs)	Change in Annual Mitigation (High F&W Costs)	Change in Total Annual-Equivalent Costs (Low F&W costs)	Percent Change in Annual-Equivalent Costs (Low F&W costs)	Change in Total Annual-Equivalent Costs (High F&W costs)	Percent Change in Annual-Equivalent Costs (High F&W costs)
MO1	\$20,000,000	\$0	\$0	\$1,000,000	\$1,000,000	\$21,000,000	2.0%	\$21,000,000	2.0%
MO2	\$53,000,000	\$0	-\$1,000,000	\$2,000,000	\$55,000,000	\$54,000,000	5.1%	\$107,000,000	10.1%
MO3	\$47,000,000	-\$32,000,000	-\$79,000,000	-\$95,000,000	\$10,000,000	-\$159,000,000	-15.1%	-\$54,000,000	-5.1%
MO4	\$45,000,000	\$0	\$0	-\$99,000,000	\$6,000,000	-\$54,000,000	-5.1%	\$51,000,000	4.8%

- 40 years after being given ONE YEAR to act, the Council steadfastly refuses to run the Re-Developed GENESYS model for the federal power system absent the four lower Snake River dams, or even to identify what changes in the hydrosystem are necessary to achieve the salmon restoration intent of the act and to ensure a reliable, economical and efficient (least cost) regional power supply.

³ *Lower Snake River Juvenile Salmon Migration Feasibility Report/Environmental Impact Statement, U.S. Army Corps of Engineers, February 2002.*

⁴ The agencies' EIS showed that breaching the four lower Snake River dams to recreate a free-flowing river—which would avert extinction of Snake River salmon and save billions of dollars—actually would reduce Bonneville's annual costs by 15 percent compared to the disastrous status quo. See Table 3-312 set forth below. *Change in Annual-equivalent costs under the Multiple Objective Alternative compared to the No Action Alternative.* MO3 is the reasonable alternative of breaching the four lower Snake River dams.

- The dams threaten extinction of Snake River salmon, one of the world's unique, irreplaceable, perpetually renewable natural resources. Loss of Snake River salmon also threatens salmon-dependent Southern Resident Orcas and a multitude other marine and freshwater animals and ecosystem functions for thousands of miles along the Pacific coast from northern California to southeast Alaska and more than 700 miles inland.

The dams cause billions of dollars in damage. Billions more spent to try to cover it up. Untold thousands of lives damaged. Untold numbers of small businesses destroyed; jobs lost. The ongoing damage compounds annually.

- These four dams are not economical to maintain, even if you ignore the enormous external costs they impose on the Northwest and the Nation. They produce a relatively small amount of electricity for the Northwest and sell it on the surplus market at a sizeable loss to non-preference customers.
- The energy produced by these dams has been replaced by conservation and renewables more than 10 times over as envisioned in the 1980 Northwest Power Act. The region has a surplus of energy as far as the eye can see. Irrigation and waterway transportation interests could easily and profitably be held harmless if the dams were breached.

Governors, we reiterate that it is urgent for you to request your appointees to the Northwest Power and Conservation Council to run the Redeveloped GENESYS model of the Northwest power grid absent the four lower Snake River dams, and include the results in the upcoming 2021 Power Plan that by federal law must include “an analysis of reserve and reliability requirements and cost-effective methods of providing reserves designed to insure adequate electric power at the lowest probable cost.”

We look forward to hearing from you. Please contact info@NWRAP.org to discuss this request.

Sincerely,

Scott Levy,
Northwest Resource Accountability Project,
and Director of bluefish.org, an information advocacy group.

NWRAP members are among the following signatures while some members wish to remain anonymous.

Ed Chaney, Northwest Resource Information Center
Sharon Grace, SRKW CSI/DamTRUTH, srkwcsi.org, Friday Harbor, Washington
Environmental Action Team ("EAT"), Orcas Women's Coalition, Washington
Anne McLaughlin, Chair, Palouse Broadband, Great Old Broads for Wilderness, Moscow, ID
Lin Laughy, Moscow, ID
Borg Hendrickson, Moscow, ID

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John Olmsted, The Dalles, Oregon

Rynda Clark, Bend, OR

Craig Lacy, Bend, OR

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