



Northwest Resource Information Center

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**Statement of Ed Chaney
In Behalf of Northwest Resource Information Center
Presented to the Northwest Power and Conservation Council
Boise, Idaho
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Thank you for the opportunity to speak on this historic occasion.

I come to bear witness to the official death of the salmon restoration promise of what is commonly called the Northwest Power Act. I've submitted written comments. My oral comments will be brief.

The year 2010 is the 30th anniversary of the Pacific Northwest Electric Power Planning and Conservation Act of 1980 and its historic mandate to the Council to develop a plan to restore salmon and steelhead and dependent economies devastated by the Federal Columbia River Power System.

Instead, in February 2009 the Council adopted amendments to its Fish and Wildlife Program which officially turned the fate of Snake River salmon and dependent economies over to the federal agencies responsible for driving them to the brink of extinction.ⁱ

Today the Council adopted the final elements of its Sixth Power Plan. It is a creative, forward-looking plan for the region's energy future. It has a dark side. In effect it ratifies the Columbia River Pork Alliance'sⁱⁱ theft of the economic benefits of energy conservation intended to mitigate the energy effects of changes in federal dams necessary to restore salmon and dependent economies.

The gods must be up to something; it is ironic that the Council took this action today in Boise, the birthplace of the salmon restoration provisions of what would become the Northwest Power Act, and the birthplace of this Council.

It was here more than three decades ago that four of us Idaho salmon advocates met with Senator Frank Church in the old Federal Court House on 8th and Bannock. We told him that the Corps of Engineers' four improperly designed dams on the lower Snake River threatened the survival of salmon and steelhead produced in the Snake River Basin. We pleaded that he add salmon protection language to a draft federal energy bill then in the works, the sole purpose of which was to obtain more pork at public expense for the region's pampered electric power ratepayers.

Senator Church was persuaded and did what we asked. That seed ultimately blossomed into what has been called the world's most ambitious fish and wildlife restoration program. The Act created this Council and mandated that it *first* quickly develop a plan to restore salmon and steelhead populations devastated by the Federal Columbia River Power system, and then *second*, develop a plan to mitigate the energy effects of changes in the federal dams necessary to achieve the salmon restoration objective.

The Council's mandate was elegant in its simplicity and ease of accomplishment. It was long known that the problem on the Snake River was four improperly designed Corps of Engineers

dams on the lower river in southeastern Washington. It was also known that energy conservation was the best and most economical means to mitigate the effects on power production of necessary changes in the dams to restore Snake River salmon and dependent economies to productive levels.

Simple, easy, no matter, it didn't happen. For thirty years the Council simply refused to develop the salmon restoration plan required by the Act; even after I sued the Council in 1994 for refusing to do so, and won! So to speak.ⁱⁱⁱ

Over the decades, from both inside and the outside, I've watched the Council's performance evolve from Kabuki to farce to Greek tragedy. The Council as a body metamorphosed from the appointed savior of salmon and steelhead and dependent tribal and non-tribal economies, into a co-conspirator in the Columbia River Pork Alliance's ruthless drive to not only subvert the salmon restoration intent of the Act, but to purloin the economic benefits of mandated energy conservation which the Act intended be used to mitigate the effects of salmon restoration on power production. Over the years some council members, mostly representing the State of Oregon, strived vainly in opposition.

So, with the Council's essential assistance, the Pork Alliance got a twofer at the continued expense of the fish and the tribal and non-tribal people who depended on them. Reasonable people might think that the long, tortured effort to achieve the opposite of what the Power Act required would be soul-rotting; they'd be wrong. It has been high fives all around!

Powerful members of the Northwest congressional delegation and the governors of Washington, Montana and Idaho (notably excepting Governor Cecil Andrus) for the most part were enthusiastic accomplices in this truly grand larcenist betrayal of the public trust. Oregon for the most part has been a stalwart advocate for the salmon.

Now The Pork Alliance has duped the hapless Obama Administration into joining its ranks. It remains to be seen if the federal courts of last resort are up to remedying these epic failures of governance and the rule of law.

Today, here in Boise at the birthplace of the salmon restoration provisions of the Northwest Power Act, and the birthplace of this Council, we have come full circle. We can now declare the salmon restoration promise of the Act officially dead. For now.

The Council's 30-year failure to do its duty has had epic disastrous ecological, economic and human consequences throughout the many thousand-mile freshwater and marine range of Snake River salmon.

The adverse ecological impacts range the gamut from depriving endangered bull trout and a multitude of other freshwater organisms of critical marine-derived nutrients nearly 1000 miles inland, to impoverishing killer whales by denying them a critical food resource.

The economic, social, and political impacts have been traumatic and widespread. Untold hundreds of millions of dollars have been lost to local, state, regional, and national economies; untold hundreds of millions more in future economic benefits are at risk.

The U.S. and Canada, states, Native American Indian tribes, local communities, and neighbors have been pitted against each other in internecine conflict over drastically reduced supplies of fish.

Treaties with Northwest Indian tribes and Canada have in practical effect been abrogated. The intent of laws and social contracts with all people of the Northwest and the Nation has been thwarted.

The region is wracked with legal and political turmoil that hemorrhages enormous amounts of human and economic capital and diverts attention from pragmatic solutions that would produce substantial national and Northwest economic benefits.

Governance has been egregiously corrupted at federal, regional, state, and tribal levels of government.

The rule of law has been made a mockery.

Three decades of ecological, economic, and social trauma. And it was all for nothing!

It is incontrovertible: It costs the region and nation more to kill Snake River salmon and dependent economies than it would cost to restore them to productive levels.

The forward looking power plan adopted by the Council today – albeit 30 years late in coming – is prima facie proof that it would have been easy for the Council to produce a plan to restore Snake River salmon with no discernable effect on the region's energy supply or the rates paid for that power.

Decades before the Power Act was signed into law it was known that contrary to law, the Corps of Engineers' design for the four lower Snake River dams negligently failed to make any provision whatsoever for juvenile salmon to pass downstream through the reservoirs and past the dams. Three decades into the act it is incontrovertible the salmon restoration intent of the Act vis-à-vis Snake River salmon can only be met by breaching the four lower Snake River dams. This would result in the loss of approximately 1100 average megawatts of energy incrementally over perhaps 15 years or so required to sequentially breach the dams.

By the Council's own accounting the region to date has acquired >3600 average megawatts of energy via conservation since passage of the act [draft plan, page 6-16]. The Act gives salmon priority on that "least-cost" energy to mitigate the energy impact of salmon restoration which for the Snake River = breaching the four dams. That cost – probably less than \$0.03 per kilowatt hour for the early conservation acquisitions – *has been included in Bonneville's rates for decades.*

It is, therefore, incontrovertible that the energy replacement cost of breaching the four dams has not and would not jeopardize maintaining an economical and reliable energy supply. Indeed, it would have an indiscernible effect on future regional energy supply and on the rates paid for that energy; and the carbon impact would be nil.

To the extent that the Council's historic mea culpa today foreshadows pulling the plug on the power council, I suppose we should be grateful.

It's not over yet. Not by a long shot.

As my Native American Indian friends say, the Salmon People are patient. They are also extremely resilient. For the most part, they have survived everything the Pork Alliance has thrown at them.

Salmon advocates also are resilient. A few of us also have survived everything the Pork Alliance threw at us over the years.

Until recently, even in my darkest moments I never thought I might not live to see the salmon restoration promise of the Northwest Power Act fulfilled. Three of the five people meeting in that room at the court house so long ago are dead. But the passage of time is augmenting the ranks of senior professional grey beards that cannot be politically intimidated or bought. Old dogs can still bite. They will never stop coming at the salmon killers until the Columbia River Pork Alliance and its enablers are brought to heel to the will of the people and the rule of law.

Thank you for the opportunity to bear witness on this historic occasion.

ⁱ See Northwest Resource Information Center comments on the Council's draft sixth power plan available upon request.

ⁱⁱ The Columbia River Basin is a political fiefdom long ruled by the Columbia River Pork Alliance, a politically powerful regional clique of compromised bureaucrats, monopolists, crony capitalists, entrenched pork barrel economic interests, and allied politicians who feed off public largess and each other. It includes electric utilities, waterway transportation interests, Big Ag and energy intensive industry. The energy faction dominates: Bonneville Power Administration is the goose that lays the golden eggs and, thereby, ringmaster.

For many decades the Pork Alliance defeated virtually every effort to substantially reduce the federal dams' damage to salmon and steelhead and related economies. The Alliance set out to defeat the salmon restoration intent of the Northwest Power Act. It succeeded. This success made listing Snake River salmon and steelhead under the Endangered Species Act a self-fulfilling prophecy. It soon came to pass. The listings elicited the customary wailing and gnashing of teeth and prophecies of doom for life as we know it in the Northwest. The Pork Alliance, of course, blamed its victims for causing all this trouble. It set out to defeat the ESA. This made it inevitable that the federal courts eventually would intervene. And this, too, came to pass. The Alliance, of course, blames radical environmentalists and activist judges.

ⁱⁱⁱ *Northwest Resource Information Center, Inc. v. Northwest Power Planning Council*, 35 F.3d 1371 (9th Cir. 1994), cert. Denied, 116 S.Ct. 50 (1995).