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The Northwest Big Short

Fact Sheet, A Northwest Energy Solution: Regional power benefits of the lower Snake River dams—Spin Doctors Hoist Bonneville Power Administration On Its Own Petard

Northwest Resource Information Center, Inc.

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The law locks up both man and woman
Who steal the goose from off the common
But lets the greater felon loose
Who steals the common from the goose.

--Anonymous ca 1800

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We are eyewitness to an egregious corruption of government in the Pacific Northwest. The disastrous economic, ecological and social consequences extend 1000 miles inland and thousands of miles along the Pacific coast.

It has been happening in plain sight for decades.

Through incompetence and malfeasance, Bonneville Power Administration and the Army Corps of Engineers over more than four decades wasted billions of public dollars protecting four ill-designed dysfunctional pork barrel dams on the lower Snake River in southeastern Washington.

With reckless disregard for the law and the cost to society, they deliberately drove Snake River salmon, one of the world's unique, irreplaceable, perpetually renewable natural resources, onto the List of Endangered Species.

They gambled the reliability of the Federal Columbia River Power System on an illegal house of cards that requires them to perpetually subvert salmon protection laws and inflict economic, ecological and economic damage on the Northwest and Nation.

They were enabled in this egregious scofflaw betrayal of the public trust by a complaisant hear-no-evil, see-no-evil, speak-no-evil Northwest congressional delegation, bribed state and tribal governments, and a myopic mainstream news media.

In March 2016 Bonneville Power Administration released a document titled *Fact Sheet, A Northwest Energy Solution: Regional power benefits of the lower Snake River dams*. This so-called “fact sheet” weaves a web of lies and deception intended to dupe regional and national decision makers and the general public.

The Lower Snake River Dams

The Army Corps of Engineers ignored multiple warnings and negligently failed to design four pork barrel dams on the lower Snake River in Southeastern Washington to safely pass migrating salmon as required by the law authorizing construction.

As predicted, disaster happened. Snake River salmon, one of the world's unique, perpetually renewable natural resources, an irreplaceable genetic heritage millions of years in the making, were driven to the brink of extinction in less than a half-century.

The dams were completed 1961-1975. Upper management in the Corps' Portland District and Bonneville Power Administration quickly developed an obsession with protecting the dysfunctional dams from multiple federal laws, no matter what the cost to society.

They wasted billions of ratepayer and taxpayer dollars on failed Rube Goldberg schemes, on propaganda-driven salmon tributary habitat projects to divert attention from the wholesale slaughter of juvenile salmon at the dams, on junk pseudo-science, on bribing state and Native American Indian governments to support subverting salmon protection laws, and on relentlessly spinning a web of lies and deception based on the tobacco industry model.

Bonneville's latest effort to dupe the public and decision makers is *Fact Sheet, A Northwest Energy Solution: Regional Power Benefits of the Lower Snake River Dams*.¹

This so-called Fact Sheet was released with a companion document disputing the effects of the lower Snake River dams on ESA-listed Puget

Sound orcas. *Southern Resident Killer Whales and Snake River Dams*, March 2016, has NOAA Fisheries Service's name on it, but characteristically reeks with Bonneville's DNA.

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There is extensive scholarly literature on the nature of lies and lying. Here we adopt the commonsensical definition that any statement made with an intention to deceive is a lie, including a truthful statement out of context that is made with an intention to deceive.²

The two documents were part of Bonneville's latest propaganda blitz to prepare for a possible judicial lightning Bolt³ vis-à-vis the Endangered Species Act, and to impugn the latest independent exposés of the disastrous economic and ecological damage caused by the four dams on the lower Snake River.

These four ill-designed pork barrel dams and reservoirs are the most economically costly, ecologically destructive and socially damaging energy generating facilities in the Nation. They threaten the survival of salmon produced the vast pristine and near-pristine headwaters of the Snake River Basin. The economic, ecological and social damage extends nearly 1000 miles inland and thousands of miles along the Pacific coast.⁵

Bonneville's March 2016 so-called Fact Sheet, however, audaciously implies the dams are good for Snake River salmon and Columbia River salmon in general.

And, furthermore, that they are, in effect, Doomsday Dams, i.e., they can't be fixed, and they can't be deconstructed to prevent extinction of Snake River salmon without enormous cost and contributing to global warming, or, risk turning out the lights in the Northwest during critical

"blackwhite . . . this word has two mutually contradictory meanings. Applied to an opponent, it means the habit of impudently claiming that black is white, in contradiction of the plain facts. Applied to a Party member, it means a loyal willingness to say that black is white when Party discipline demands this. But it means also the ability to believe that black is white, and more, to know that black is white, and to forget that one has ever believed the contrary."—George Orwell, 1984.

periods. It's all a crock, of course—a quintessential example of George Orwell's "blackwhite".

As if on cue, a month later on April 19, 2016, Bonneville demonstrated just how vital the lower Snake River dams are to keeping the lights on.

A few days of unseasonably warm weather in eastern Washington resulted in higher than expected demand for power in the Tri-Cities area while scheduled transmission maintenance was underway. Purportedly to avoid a power emergency, Bonneville and the Corps declared a "local transmission emergency" and reduced court-ordered salmon-saving spill at Ice Harbor Dam (lowermost of the four) to put more water through turbines and keep the lights on.

A few days of unseasonably warm weather and Bonneville and the Corps purportedly "had no choice" but to kill endangered salmon in order to keep the lights on. Coincidence or con? It wouldn't be the first time Bonneville and the Corps violated court-ordered spill and killed salmon to cover up their incompetence.

In 2007 a whistle-blower reported to the federal district court that Bonneville upper management and its accomplices at the Corps had covertly violated an agreement to spill water to improve the survival of ESA-listed Snake River salmon.

"On April 10, 2007 the court received an anonymous phone message alleging that Bonneville Power Administration (BPA) intentionally violated biological fish restrictions during 'the first part of April, end

*of March' to satisfy its hydro-power commitments, and sought to declare an emergency to conceal the variance."*⁶

Caught red-handed, Bonneville tried to cover up the cover-up by claiming there was a "system emergency." Federal District Judge James Redden was not amused.

"This was not a system emergency. It was a marketing error, and ESA-listed salmon and steelhead paid the price. This, the law does not permit."

If the April 2015 "local transmission emergency" wasn't a con, it starkly revealed that Bonneville's and the Corps' incompetence and malfeasance not only have threatened Snake River salmon and dependent economies with extinction, but simultaneously have put the reliability of the region's energy supply at risk.

Duping The President of the United States—But Not the Federal Courts

Deception and lies have long been the stock in trade of Bonneville upper management.⁷

In April 2009, Bonneville orchestrated a con similar to the Fact Sheet which successfully duped President Obama—through his Council on Environmental Quality—to adopt the outgoing George W. Bush Administration's corrupt Endangered Species Act policies vis-à-vis Columbia and Snake River salmon.⁸

A series of ESA-mandated Biological Opinions by NOAA Fisheries were choreographed by Bonneville. These BiOps and related initiatives constitute the most costly government-funded pseudo-scientific hoax in the Nation's history.⁹ Over a quarter-century they have been serially rejected five times by the federal courts, often with withering sarcasm.

The 1993 BiOp stated that the dams put Snake River salmon in jeopardy of extinction, but due to political cowardice, didn't contain any serious

political hack, n. A person on the public payroll who hides behind the Nuremberg and Mob Lawyer Defenses to betray the public trust by subverting the intent of law for political purposes and personal gain.

There is a robust scientific literature on how the lack of personal accountability for one's actions spawns unethical and immoral behavior. In the present instance these political hacks were instrumental in developing the policies, that once adopted, they then use as cover to escape personal accountability for the societal damage they cause.

remedies. U.S. District Court Judge Malcolm Marsh found the BiOp was insufficient to avoid jeopardizing the existence of Snake River salmon and ordered NOAA back to the drawing board.

*"[T]he process is seriously, 'significantly,' flawed because it is too heavily geared towards a status quo that has allowed all forms of river activity to proceed in a deficit situation-that is relatively small steps, minor improvements and adjustments -when the situation literally cries out for a major overhaul."*¹⁰

Then, in 2000, the U.S. Supreme Court appointed G.W. Bush President of the United States. Darkness fell on the Snake River Commons.

Political hack alumni of Bonneville, the Northwest Power Council and electric utility lobbies were put in charge of NOAA's northwest office.

The revised 2004 BiOp bizarrely argued that the ESA did not apply to the four lower Snake River dams because they were part of the "environmental baseline", that hatchery salmon are the same as wild salmon, and other patently fraudulent assertions.

U.S. District Court Judge Redden was not amused and again remanded the BiOp.¹¹ NOAA Fisheries appealed; the district court remand was upheld by the Ninth Circuit Court of Appeals.

*"At its core, the 2004 BiOp amounted to little more than an analytical sleight of hand, manipulating the variables to achieve a "no jeopardy" finding. Statistically speaking, using the 2004 BiOp's analytical framework, the dead fish were really alive. The ESA requires a more realistic, common sense examination. For these reasons, the district court's rejection of the 2004 BiOp's jeopardy analysis was entirely correct."*¹²

The revised 2008/2010 BiOp dropped previous bizarre assertions, but posited an equally implausible core strategy: Bonneville would fund a multitude of hypothetical tributary salmon habitat projects upstream of the dams, the hypothetical benefits of which would hypothetically off-set the slaughter of juvenile salmon by the four lower Snake River dams and reservoirs.¹³ This was, of course, a transparent Bonneville con.

In August 2011, U.S. District Court Judge James Redden rejected the 2008/2010 BiOp as being made of much the same scofflaw stuff as the previous versions.¹⁴

"As the parties are well aware, the [2004] BiOp was a cynical and transparent attempt to avoid responsibility for the decline of listed Columbia and Snake River salmon and steelhead."

". . . I find that the [2008/2010] BiOp impermissibly relies on mitigation measures that are not reasonably certain to occur. . ."

NOAA/BPA produced a revised 2014 BiOp. On May 6, 2016, U.S. District Judge Michael Simon rejected it as inadequate. He ordered NOAA, as well as the Corps and Bureau of Reclamation, back to the drawing board, and that their next ESA BiOp must also follow the National Environmental Policy Act.

"The Federal Columbia River Power System remains a system that 'cries out' for a new approach and for new thinking . . ."

". . . it may well require consideration of the reasonable alternative of breaching, bypassing, or removing one or more of the four Lower Snake River dams. This is an action that NOAA Fisheries and the action agencies have done their utmost to avoid considering for decades."

Judge Simon's remand was met with muted public wailing and rending of cloth by Bonneville, NOAA and allied pork barrel apologists for extinction of Snake River salmon.

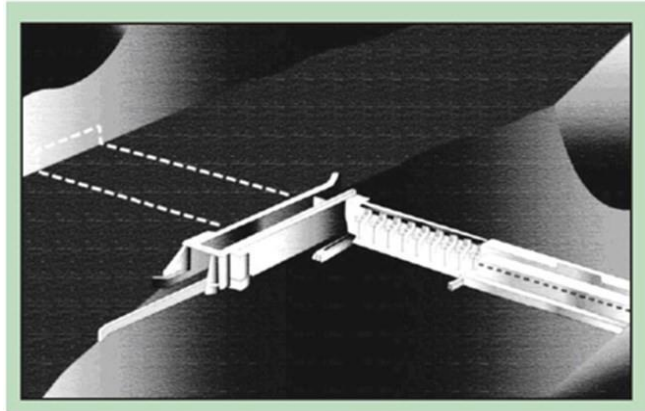
This was mostly for show; the remand bought the federal agencies more years of study and delay—which has been their fallback objective for decades. It has worked very well for them to date. Not so well for endangered Snake River salmon and the people who depend on them.

Judge Simon may have something up his sleeve, or not. On its face, his ruling throws the agencies into the briar patch they sought as fallback. These agencies have wasted billions of public dollars, caused billions of dollars in damage, and thumbed their noses at the law for 50 years.

It simply is not rational to expect them to voluntarily change their spots by having them do yet another study of how to correct a problem created by their own malfeasance and incompetence.

Context Counts

The March 2016 so-called "Fact Sheet" is simply the latest manifestation of Bonneville upper management's obsession with preserving the dysfunctional pork barrel dams on the lower Snake River, no matter what the cost to society now and in the future. It is a variation on the con Bonneville orchestrated to successfully dupe President Obama in 2009.



Breaching would remove a portion of each dam, allowing the river to flow freely around the remaining portion.

The macro lie of Bonneville's so-called Fact Sheet is its omission of context. The following omitted context illuminates the blatant attempt to deceive.

[] Salmon of the Snake River are one of the world's unique, valuable and perpetually renewable natural resources. Irreplaceable at any cost.

Snake River salmon produce economic, ecological and social values 1000 miles inland and thousands of miles along the Pacific coast.

Bonneville and Corps upper management knowingly and systematically subvert the wild salmon protection purposes of laws establishing Snake River Basin Wilderness Areas, Wild and Scenic Rivers, National Recreation Areas and federal land management policies.

Within the Snake River Basin is the largest contiguous wilderness and roadless land complex and largest expanse of pristine and near pristine salmon habitat in the coterminous United States. This 14 million-acre area includes more than 4.4 million acres in 6 Wilderness Areas, more than 700 miles in 12 Wild and Scenic Rivers, and nearly 1 million acres within 2 National Recreation Areas. Protecting wild salmon was a primary purpose of the laws creating all these areas.

For example, legislation establishing the Sawtooth National Recreation Area in 1972 has as its first purpose "the protection and conservation of the salmon and other fisheries."

The Central Idaho Wilderness Act of 1980 states:

"...these wildlands and a segment of the Salmon River should be incorporated within the National Wilderness Preservation System and the National Wild and Scenic Rivers System in order to provide statutory protection for the lands and waters and the wilderness-dependent wildlife and the resident and anadromous fish which thrive within this undisturbed ecosystem..."

[] The Army Corps of Engineers negligently failed to design the four lower Snake River dams to provide safe passage for salmon as required by the law authorizing their construction.

The Rivers and Harbors Act of 1945 authorized construction of the four lower Snake River dams in southeastern Washington. The law required that the dams be designed to provide safe passage for salmon migrating from the vast pristine headwaters of the Snake River Basin.¹⁵

Three additional giant hydroelectric dams were already in the works for the mainstem Columbia River below its confluence with the Snake. In 1946 the Director of the U.S. Fish and Wildlife Service warned that building four more dams on the lower Snake could jeopardize survival of Snake River salmon.

The Corps ignored repeated warnings. The Corps also ignored the catastrophic failure of fish passage facilities just upstream at Idaho Power Company's three-dam Hells Canyon Project built in the late 1950s-early 1960s. There, as predicted, juvenile salmon were unable to pass through the reservoirs; salmon and steelhead were made extinct in the vast upper Snake River Basin.

The Corps' design for the lower Snake River dams negligently made no provision whatsoever for juvenile salmon to migrate through the reservoirs

and past the dams. As predicted, disaster happened.

This was the "urgent priority" that drove Congress to embed strong salmon restoration measures in what is commonly called the Northwest Power Act of 1980.¹⁶

“. . . conservation 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)

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“. . . It is the off repeated thesis of the Fish and Wildlife Service that the losses imposed by successive dams are cumulative to salmon migration both upstream and downstream.

If we are successful in passing the fish over the proposed new dams on the main-stem of the Columbia, we will do so with an indeterminate but significant loss. If these survivors are then confronted with a series of four dams in the Snake there is the strongest doubt that these added obstacles can be overcome.

There is virtual assurance that only a fraction of existing runs could be gotten to the spawning grounds in the Snake River system, and that the progeny of this fraction would suffer further loss in its return movement to the sea”—Regional Director, U.S. Fish and Wildlife Service, 1946.

And it came to pass.

[] The Northwest Power Act of 1980 created the four-state Northwest Power Planning Council¹⁷ and gave it *one year, using existing information, to develop a plan to restore salmon and fisheries devastated by the Federal Columbia River Power System while maintaining a reliable and economical regional power supply.*¹⁸

- The law anticipated that big changes in the federal hydrosystem were necessary to mitigate their devastating effect on salmon and dependent economies.
- It granted Bonneville additional authority to acquire new resources as necessary to ensure a continued reliable and economical power supply.
- Conservation was declared a new energy resource and given priority over other sources of replacement power.
- Salmon were to be treated on a par with and given equitable treatment with other uses of the hydrosystem.

Bonneville and its Columbia River Pork Alliance allies supported passage of the Act. It was a bait and switch. They quickly corrupted the Council. It simply refused to produce the salmon restoration plan required by the Act.

Today, nearly 40 years after being given one year to produce such a plan, the Council refuses to even *identify* the known required changes in the hydrosystem. Council members continue to take the public's money, of course.

The Council's betrayal of the public trust paved the way for Bonneville and the Corps to drive Snake River salmon onto the List of Endangered Species.

Currently, Bonneville, Corps, NOAA Fisheries and the Council collaborate to keep Snake River salmon on costly perpetual ESA life support in order to protect the destructive pork barrel dams on the lower Snake River.

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The Council has twice refused to follow instructions of the Ninth Circuit Court of Appeals to do its duty vis-à-vis developing a plan to modify the hydrosystem as necessary to restore Snake River salmon.¹⁹

NRIC currently has the Council before the court for the third time, asking it to order the Council to do its job within 180 days and for the court to monitor compliance.²⁰

Details on the Council's nearly 40 year-long betrayal of the public trust @ http://nwrpic.org/documents/Comments_draft_amendments_2009_program.pdf.

It is incredible but true that the Council's Fish and Wildlife Program and its regional power plan are based on the illegal BiOp rejected five times by the federal courts because it threatens extinction of Snake River salmon.

[] The Ninth Circuit Court of Appeals in 1994 held that the salmon restoration mandate of the Northwest Power Act cannot be ignored by claiming that "it will cost too much".

*"[the Act] prevents power losses and economic costs . . . from precluding biologically sound restoration of anadromous fish in the Columbia River Basin . . . so long as an adequate, efficient, economical, and reliable power supply is assured."*²¹

[] The Ninth Circuit Court of Appeals in 1997 held that Bonneville and the Corps have the duty-independent of what the Council does or does not do—to ensure that the salmon restoration provisions of the Act are fulfilled.

*". . . if the Council's Program fails to ensure adequate fish survival, BPA would be required to take additional measures . . ."*²²

[] Hydropower represents a little more than one-third the Northwest region's total capacity of 28,900 aMW; the lower Snake River dams produce about 1000 aMW, less than 3 percent of

the total. The regional energy system currently is running at about 84 percent of capacity with about 4,600 aMWs of surplus energy.²³

Bonneville's Fact Sheet characteristically falsely assumes all the power foregone by deconstructing the four lower Snake River dams would be replaced by constructing new fossil fuel (gas) generating facilities, rather than by cheaper alternatives including conservation, wind, solar, energy purchases and trades, demand management, pricing incentives, etc.

[] Since the Northwest Power Act of 1980 the region has replaced 14 times more energy—with non-fossil fuel sources—than would be foregone by deconstructing the lower Snake River dams.

According to the Northwest Power and Conservation Council, the market, nudged by the Power Act, has produced very large energy savings through conservation and efficiency. Totalling almost 5,800 aMW (5 times the output of the LSR dams), conservation and efficiency gains are the region's second largest resource after hydropower. By 2035, energy efficiency gains will be nearly the size of the hydrosystem.

By the end of 2014, wind capacity in the region totaled about 8,700 MW (8 times the output of the LSR dams). About 5,550 MW of that capacity currently serves Northwest loads. The remaining 3,150 MW are presently contracted to utilities outside the region, primarily California.

[] The Council's Sixth Power Plan states that the region can retire all of its existing coal plants, and remove the four lower Snake River dams, and customer's monthly power bills will actually decline due to more efficient use of energy.²⁴

[] It costs far more to kill Snake River than it would cost to deconstruct (partially remove) the four dysfunctional pork barrel dams on the lower Snake River. I.e., the region and Nation would turn an enormous profit in dollars and total net social benefits.

Bonneville and the Corps have wasted billions of public dollars protecting the four lower Snake River dams from the rule of law; far more than it would cost to deconstruct the dams. In addition, the *annual economic damage* caused by the dams exceeds the actual *one-time cost* of deconstructing them.

The energy produced by the dams has already been replaced many times over since passage of the 1980 Power Act; the region has a surplus of energy as far into the future as the eye can see. There is no surplus of endangered Snake River salmon; they cannot be replaced at any cost.

Fact Sheet, A Northwest Energy Solution: Regional power benefits of the lower Snake River dams.

"There are three kinds of lies: lies, damned lies, and statistics." —Mark Twain²⁵

What Bonneville Doesn't Want You to Know

The Fact Sheet has a three-part over-arching con.

1] Bonneville strives to make the lower Snake River dams appear *essential* and *critical* rather than merely being presently *useful* to, for example, help integrate intermittent wind and solar power and meet hypothetical emergency needs such as a sudden cold snap.

2] Bonneville disappears the dams' enormous economic, ecological and social damage.

In fact, all the real and purported benefits of these dysfunctional dams could be achieved by other means which would end the disastrous ongoing damage and produce enormous net social benefits for the region.

3] Nearly 40 years ago the Northwest Power Act of 1980 gave Bonneville and the Corps the legal mandate—repeatedly affirmed by the federal courts—to make changes in the federal hydrosystem as necessary to restore Snake River salmon. The Act also gave Bonneville new

authority and a blank check to acquire any new resources necessary to ensure a reliable and economical power supply.

Instead of complying with the law, a succession of political hacks in Bonneville upper management, working with their analogs in the Corps, NOAA Fisheries and Northwest Power Council, wasted billions of public dollars defying the law and causing an economic, ecological and social disaster of epic proportions.

What Bonneville Wants You To Believe

In the March 2016 Fact Sheet Bonneville's spin doctors craftily arranged a mélange of lies, damn lies, statistics and lies of omission to create the false impression that the four lower Snake River dams are good for Snake River salmon and could not be breached, i.e., partially removed to recreate a free-flowing river, without enormous cost and contributing to climate change, or putting the region's energy supply at risk during critical periods.

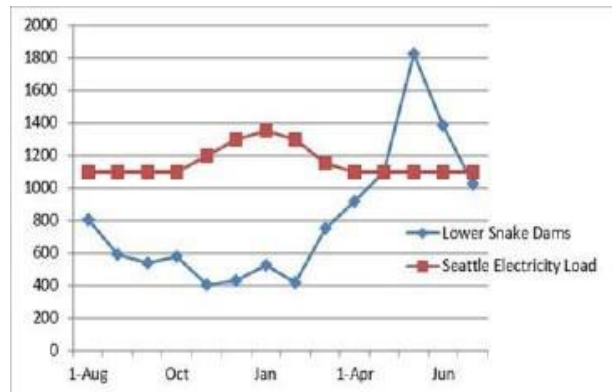
It would be a fool's errand to attempt to untangle and parse line by line the Fact Sheet's tangled web of deception. The following discussion deconstructs the main points and overall impressions that Bonneville seeks to imprint on its audiences. Bonneville provided a convenient place to start with the following "Five things you should know".

1. *"The four lower Snake River dams produce over 1,000 average megawatts of carbon-free energy. That's enough energy for over 800,000 average U.S. homes."*

This is a retread of one of the lies Bonneville and its allies told to dupe incoming President Obama in 2009. Then Bonneville claimed the four lower Snake River dams produced enough power to supply the City of Seattle (2013 pop about 650,000). The Fact Sheet claims the dams supposedly will power Seattle and an additional 150,000 or so average U.S. homes.

1000 aMW roughly approximated the City of Seattle's average annual load at the time—a totally meaningless comparison except to deceive. As shown in the following graphic, the dams' energy output fluctuates dramatically throughout the year and is only sufficient "to power a city about the size of Seattle" a few months per year.

This is a quintessential example of how Bonneville uses statistics out of context to deceive. To lie.



Adapted from graphic in Seattle City Light's 2010 Integrated Resource Plan.

2. *"It would cost \$1.3 billion to \$2.6 billion to breach the dams."*

Bonneville made billions of dollars in revenue illegally killing Snake River salmon for more than 50 years. The ill-gotten gains helped pay Bonneville's multi-billion dollar energy futures and nuclear power plant gambling debts, and cover the cost of its other multi-billion dollar screw-ups.

In the Northwest Big Short, however, Bonneville prices the cost of finally being forced to comply with the law at a highly exaggerated estimate of today's marginal cost. The con is obvious. Economists ignore. Politicians yawn.

Without bothering to analyze how Bonneville fiddled the books to get these numbers—the range of 100 percent is enough to suggest something crooked is afoot—four quick points:

First, Bonneville says it based these numbers on the Corps' estimates in 2000 updated to current dollars. Only the most cognitively impaired would take at face value any Corps' estimate of the cost of deconstructing negligently ill-designed dams it has spent 40 years and billions of dollars defending against the rule of law.

Second, multiple independent estimates,²⁶ most recently by a former Corps senior engineer,²⁷ suggest the Corps' year 2000 cost estimates were grossly inflated. Bonneville extended them to present dollars to what it hoped would be more scary proportions.

Third, and most importantly, Bonneville's numbers suffer from the lie of omission, i.e., they do not account for the fact that the economic and

The dams on the lower Snake River were given birth by a con. They couldn't be economically justified even by the notoriously corrupt accounting practices of the 1940s. The numbers had to be tortured to get them to confess to the 1:1 benefit/cost ratio required for the Corps to recommend construction.

The navigation benefits were hopelessly insufficient. The region already had a glut of electrical energy and more giant dams were planned for the Columbia River. What to do? More dams must be built! So the Corps added bogus hydropower benefits based on the "cost of equivalent power produced . . . by steam-electric [coal] plants." Voila! The dams were "justified" by using the hypothetical avoided cost of building coal-fired power plants that were not needed due to the glut of hydropower.

total net social benefits of breaching the dams far exceed the costs. To everyone except apologists for extinction of Snake River salmon and the enormous collateral economic, ecological and social damage, it is the net cost or benefit of breaching the dams that matter.

Fourth, Bonneville's purported costs of breaching are big numbers intended to have shock value.

When put into regional context, they're actually not shocking at all.

- According to the Northwest Power and Conservation Council, Bonneville claims to have spent \$15.28 billion since 1978 to partially mitigate the fish and wildlife damage caused by the Federal Columbia River Power system.²⁸

The Council's annual report to Northwest governors is a quintessential Bonneville con. The Council is an eager accomplice.

More than half of Bonneville's purported "costs" are claimed for revenue forgone because it had to comply with salmon protection laws. These are bogus charges. Bonneville has no legal right to river flows required for salmon survival. It simply claims the entire flow of the lower Snake River by adverse possession, then claims a phony cost when forced to comply with the law.

Steal a neighbor's car. Use it as an Uber cab to make money. When you're caught and have to return the car, try claiming a loss of income on your federal tax return.

- Bonneville and the Power Council conspired and used \$1 billion in public funds for Columbia Basin Fish Accords to bribe state and tribal governments to support the preposterous lie that NOAA's serially rejected illegal BiOp not only satisfies the ESA, but also satisfies the salmon restoration mandate of the Northwest Power Act. Therefore, the four lower Snake River dams do not have to be breached.²⁹ They continue to conspire on more "Godfather" bribes.

- Bonneville upper management paid insufficient attention to implementing the residential exchange provided for in the Northwest Power Act and was forced by the federal court into a \$3.3 billion settlement which in turn forced a 7.8 ³⁰ percent increase in its wholesale power rate.

- Bonneville and the Corps already have spent far more than \$1.3-\$2.6 billion on Rube Goldberg devices and other schemes in futile efforts to

significantly reduce devastating juvenile salmon mortalities, and on political eyewash upstream tributary salmon habitat projects the agencies and the federal courts know cannot conceivably off-set the mortalities at the dams.³¹

In context, the highly questionable, almost certainly bogus, \$1.3-\$2.6 billion the Fact Sheet claims it would cost to breach the four lower Snake River dams looks a lot less intimidating than Bonneville intended.

The bottom line: In 1995 The Ninth Circuit Court of Appeals held that cost cannot be used as an excuse for failing to restore salmon, so long as it does not jeopardize an economical and reliable power supply. The U.S. Supreme Court declined to hear the Council's appeal.

3. *"The four lower Snake River dams include some of the most advanced and successful fish passage systems in the world."*

This statement is beyond audacious. The fish passage systems may be "some of the most advanced" (if you call failed Rube Goldberg devices and barging salmon as "advanced"), but they incontrovertibly are not "successful".

Earth to Bonneville: All Snake River salmon, produced in the largest contiguous wilderness and roadless land complex in the U.S. outside Alaska, are threatened with extinction and are on the List of Endangered Species.

In truly Orwellian "blackwhite", an additional half page of the fact sheet devoted to this subject is actually titled, "THE LOWER SNAKE RIVER DAMS PROVIDE SAFE FISH PASSAGE".

In response to the 1995 Circuit Court of Appeals ruling the Council amended its Fish and Wildlife Program to include studying drawing down the four lower Snake River reservoirs to spillway crest (to increase water velocity and speed juvenile salmon migration), and spilling more water and

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Notwithstanding multiple laws to the contrary, Bonneville asserts exclusive ownership of the unappropriated flows of the lower Snake River. Then claims as a "cost" any diminution of energy production required to comply with salmon protection laws which extend at least as far back as the 1945 Rivers and Harbors Act authorizing construction of the lower Snake River dams. Actually, as far back as the 1855 treaty in which Native American Indian tribes reserved their right to fish for salmon in usual and accustomed fishing places.

In 1958 Congress amended the Fish and Wildlife Coordination Act to ensure that "wildlife [including salmon] conservation shall receive equal consideration and be coordinated with other features of water-resource development programs." The Northwest Power Act of 1980 mandated salmon be restored and given "equitable treatment" with all other uses of the Federal Columbia River Power System.

There is a glut of surplus power in the region. There is no surplus of Snake River salmon; they are threatened with extinction.

This is BPA-speak for "equal consideration" and "equitable treatment".

BPA-speak, noun. A language created by political hacks in Bonneville Power Administration which markets power produced by the Federal Columbia River Power System.

BPA-speak is a derivation of Newspeak, the fictional language in the Novel 1984 by George Orwell. BPA-speak is based on Newspeak's *blackwhite*, the dark art of saying one thing in the guise of its opposite to serve a corrupt purpose while pretending to be factual. Often blatant, e.g., substituting "the lower Snake River dams provide safe fish passage" for the factual "the lower Snake River dams threaten Snake River salmon with extinction".

Syn: false; misleading; devious

juvenile fish past the dams (to reduce mortality of fish passing through the power houses), and for examining the need to breach the dams.

In 2000 the Corps declared, in effect, that the four lower Snake River dams were Salmon Doomsday Machines. I.e., they couldn't be fixed, and that either a) migrating juvenile salmon and steelhead had to be removed from the river and barged or trucked 400 miles to the Columbia River estuary, or b) the dams had to be partially removed—breached—to restore the free-flowing river.



Bonneville's and the Corps' preferred method of downstream salmon migration.

The Corps and Bonneville have wasted billions of taxpayers and ratepayers dollars on a variety of Rube Goldberg schemes trying to save the dams from the law. It was like taping butterfly wings on pyramids hoping to make them fly. All those billions failed to overcome the deadly effects of the Corps' negligence in failing to design the dams to provide safe passage for salmon as required by law.

The good news is that those billions of dollars conclusively demonstrated—and Bonneville's Fact Sheet tacitly confirms—the dams can't be fixed. So they have to be breached. The region and Nation will turn an enormous profit in dollars and overall net social benefits.

4. *"The dams are now on track to achieve standards of 96 percent average dam survival for young spring chinook and steelhead migrating downstream and 93 percent for young summer-migrating fish."*

The 96 percent and 93 percent per dam survival standards are phony numbers which Bonneville, the Corps and NOAA made up out of whole cloth in an attempt to deceive the federal courts—which failed—and to hoodwink decision makers and the general public—which largely succeeded, with the uncritical support of a credulous news media.

The "average dam survival standard" is characteristically disingenuous. It actually means that of the juvenile salmon that arrive at the upstream side of each concrete structure, on average 93-96 percent would be alive when they got to the downstream side of the concrete structure. That's the standard the dams *"are now on track to achieve"*—not that *has been achieved*.

Lies of omission:

- Neither Bonneville's Fact Sheet nor NOAA's BiOp explains what those percent average survival rates mean. They do not claim that, if ever achieved, these rates of survival from the upstream side to the downstream side of each of the four dams means that the salmon would not still be jeopardized with extinction, or that they

would ever recover to some sustainable level as required by the Endangered Species Act, or that the much higher restoration standard in the Northwest Power Act would be met.

They don't make those claims because they would be transparently false, notwithstanding the billion dollars Bonneville bribed state and tribal governments to lie to the contrary in the Columbia Basin Fish Accords.

Bonneville/NOAA's phony "standards" are meaningless numbers made up for propaganda purposes. They are an integral element in Bonneville/NOAA's "adaptive management" con (a.k.a. study salmon to death) in the BiOp.

- Bonneville claims "the dams are now on track to achieve [these meaningless] standards". In fact *the only time these meaningless standards have been met is when river flows and water spilled at the dams are greater than called for in the BiOp.*

- These phony "standards" do not account for the high rate of mortality of juvenile salmon which never make it to the dams. They die attempting to migrate through the four lower Snake River reservoirs which slow migration (too long delay in transitioning to salt water is a genetic death sentence), and expose young salmon to debilitating high water temperatures and enormous, warm-water-boasted populations of predatory fish.

- These phony "standards" do not account for the enormous rate of additional delayed mortality of young salmon which survive the lower Snake River dams, but perish after reaching the Columbia River and Pacific ocean, due to cumulative effects of delay and stress of passing eight dams and warm water reservoirs. (Recall 1946 warning of U.S. Fish and Wildlife Service director.)

In short, the meaningless 96 percent and 93 percent average dam survival standards are just another typical Bonneville con.

5. "Wind and solar generators are neither technically nor economically viable replacements for these dams."

Here Bonneville builds a wind and solar power strawman then smothers it with a blizzard of statistics designed to deceive, while ignoring other alternatives for replacing the power that would be foregone by deconstructing the lower Snake River dams. Power that has already been replaced many times over since passage of the 1980 Power Act's salmon restoration mandate—the region has a surplus of power that extends far into the unforeseeable future.

Climate change is the new last refuge of Bonneville scoundrels.

According to the Fact Sheet, "If the region were to replace the energy produced by the lower Snake dams, it would most likely be with a fossil fuel, natural gas."

The Fact Sheet states, "BPA estimates that replacing the four lower Snake River dams with gas-fired generation would have an associated social carbon cost of \$98 million to \$381 million each year."

Fact: The region has already replaced many times over with carbon-free energy the total output of the lower Snake River dams in the four decades Bonneville has been fighting to ensure the dysfunctional salmon-killing dams stayed in place, no matter what the cost to society now and in perpetuity.

Since the 1980 passage of the Northwest Power Act—which gave conservation price priority over other replacement resources—to date the region has added approximately 14,500 aMW of conservation and wind energy—*more than 14 times the 1000 aMW production of the four lower Snake River dams.*

That 14,500 aMW produces no carbon (relative to gas-fired turbines); does not contribute to climate change; does not threaten Snake River salmon and dependent economies with extinction.

Bonneville's climate change bogeyman,, of course, also ignores the elephant in the room:

initiatives that could be employed to mitigate any residual increase in carbon production that might result from deconstructing the four lower Snake River dams.

The Capacity Con

To dupe the President of the United States into adopting the corrupt ESA policies of the G.W. Bush Administration, Bonneville and its federal agency co-conspirators told the President's Council on Environmental Quality in 2009 that it would take three nuclear power plants to replace the four lower Snake River dams.³²

The numbers add up: LSR dams 3000 MW (of *theoretical capacity*) = three 1000 MW nukes. So by Bonneville's "standards" it's not a lie, right? Wrong.

First, the dams may have 3000 MW of physical capacity. However, during critical periods there is not enough water in the river to use that capacity.

Second, it would be insane to propose building three nuclear power plants producing about 2600 MW of *actual firm energy* (3000 MW capacity at 85% efficiency) at a cost of say, \$20 billion, to replace 3000 MW of *theoretical* hydropower *capacity* which produces 1000 aMW, most of which is produced when the region has a huge seasonal surplus of energy.

Bonneville et al. also told CEQ that "[breaching the dams] would reduce generation by 2000 to 3000 MW on average in most fall and winter months during critical water periods."

The dams produce about 1000 aMW, *only about 500 aMW of which is produced in most fall and winter critical water periods.*

Trades of this magnitude—500 aMW in critical water periods—are common. In any event, sequentially breaching the four lower Snake River dams likely would take more than a decade. Over that period of time, replacing 500 aMW during critical water periods would get lost in the

regional energy supply rounding errors, would have no effect on system reliability, and the effect on rates would be indiscernible. Any residual production of CO2 could be easily mitigated.

Additional generating capacity eventually will be required in the region, but it will be added to accommodate future load growth, not to replace the capacity of lower Snake River dams.

Bonneville's Bottom Line: Destroy irreplaceable Snake River salmon now in order to delay the inevitable need for the region to add new capacity, sometime in the unforeseeable future.

Additional Un-facts in the Fact Sheet

"No matter how cynical you get, it's almost impossible to keep up." –Comedian Lily Tomlin

- *"Completed in the 1970s [1960-1975] the dams are work-horse multi-use facilities that provide power, navigation, recreation, and fish and wildlife conservation benefits to the Northwest."*

There is that small problem, omitted in the Fact Sheet, that the dams are the most costly and destructive energy source in the Nation, unnecessary for the regional power supply, and threaten extinction of Snake River salmon which are unique in the world and not replaceable at any cost.

The dams definitely are "work-horse multi-use facilities". In addition to threatening Snake River salmon with extinction, they also threaten ESA-listed Puget Sound orcas, and a multitude of freshwater organisms, including ESA-listed bull trout, which are impoverished by the loss of marine nutrients from decomposed adult salmon in nutrient-poor high elevation tributary habitats.

In addition, there is the grotesque public relations slaughter of cormorants and sea lions for preying on inconsequential numbers of Snake River

salmon compared to the annual slaughter of tens of millions by the dysfunctional Snake River dams.

And then there is also the waste of billions of dollars, the enormous economic damage, the corruption of fish and wildlife management in the region, the debasement of science, the subverting of the rule of law, the grotesque betrayal of the public trust, etc. Just to name a few of the other "benefits" of these "work-horse multi-use facilities".

- "... [the] lower Snake River dams are also critical links in the carefully synchronized operation of the Northwest's federal hydropower system."

Really? Still? After more than 40 years, billions of dollars wasted and passage of multiple laws and federal court decisions requiring changes in the hydrosystem to protect Snake River salmon?

This is a damning admission of incompetence, malfeasance and reckless disregard of the law.

- "When the upper Columbia streamflows are limited for power generation, the lower Snake dams may be used more to help keep the lights on in the region."

The lower Snake River dams are unnecessary and enormously destructive. There are many far less costly alternatives Bonneville characteristically neglects to mention.

- "[compared to] Wash. Dams removed, 31 aMW", and "IOU-owned [investor owned] Boardman Coal plant, 489 aMW" [scheduled to close], "The lower Snake River dams are significant energy resources."

And compared to, say, a bonfire of juniper branches, the dams are a *really* significant energy resource.

- "Overall salmon returns in 2015 were the highest on record since counts began at Bonneville Dam in 1938."

This is candidate for Bonneville's most-used lie of omission which it deploys widely and often to deceive the public and decision makers.

Bonneville neglects to mention that, unfortunately, these record returns were mostly composed of hatchery fish, *and did not include Snake River salmon on the List of Endangered Species*.

Also omitted, of course, is the fact that in 2015, 99 percent of endangered Snake River sockeye perished at the dams and in the reservoirs due to warm water and delayed migration.

"The hydrosystem is perfect, absolutely perfect. If you change the hydrosystem, the little old ladies in the I-5 corridor could find themselves without heat during the next Arctic chill event." — Jack Robertson, former Deputy Administrator, Bonneville Power Administration

Uttered in 1992 while Bonneville was busily subverting the Salmon Summit called by then Oregon U.S. Senator Hatfield seeking a regional non-ESA solution to the destruction of Snake River salmon by the lower Snake River dams.

The region and Nation are now reaping what Bonneville then sowed.

- "It's also important to remember that the clean power produced by the dams helps keep carbon emissions in check for the benefit of the entire region, including fish and wildlife."

The "clean power" that since 1980 passage of the Northwest Power Act has been replaced many times over with carbon free conservation, efficiency and wind?

The "clean power" that threatens with extinction salmon produced in the high-elevation habitats of the Snake River Basin, the largest salmon refuge against climate change in the lower 48?

Kill Snake River salmon to fight climate change?

As previously noted, there is a wide variety of alternative ways to mitigate any residual carbon impact of deconstructing the four dams.

- *"The revenue generated from these dams supports an extensive program for additional habitat and other actions to benefit fish and wildlife affected by the dams throughout the Columbia River Basin."*

Destroy Snake River salmon to generate money to benefit fish and wildlife elsewhere? What's wrong with this picture?

- *"Clean, flexible and reliable, these multi-purpose dams – Lower Granite, Ice Harbor, Little Goose and lower Monumental—work hard for the region and all of its values."*

Hold The Star Spangled Banner. These dams are the most costly and destructive energy generating facilities in the Nation. They are the product of egregious incompetence, malfeasance and betrayal of the public trust. They are illegal Snake River salmon killers . Their swath of economic, ecological and social damage extends nearly 1000 miles inland and thousands of miles along the Pacific coast.

There You Have It: What Bonneville Wants You To Know

- **Black is white.**
- **The lower Snake River dams provide safe passage for endangered Snake River salmon.**
- **The money made by killing Snake River salmon pays for restoring fish and wildlife elsewhere.**
- **The lower Snake River dams are Doomsday Dams. They cannot be fixed, and cannot be deconstructed without enormous cost and contributing to climate change, or risk that the lights in the region will go off in an emergency.**

The Emperor Has No Clothes

When viewed in context of four decades of multiple salmon protection laws and court decisions, the large surplus of power in the region, and the billions of dollars wasted to date, the March 2016 so-called "Fact Sheet" and the ostensibly reinforcing April 2016 "local transmission emergency" deliver a message that Bonneville did not intend: The emperor has no clothes.

Bonneville and the Corps for decades have had legal mandates and blank checks on the nation's taxpayers and the region's ratepayers to optimize the public benefits of Snake River salmon and hydropower. Instead, through a combination of incompetence and malfeasance they produced a catastrophe of epic proportions.

Over more than four decades they wasted billions of dollars protecting the four dysfunctional pork barrel dams with reckless disregard for the law and the cost to society.

They drove Snake River salmon to the brink of extinction.

They simultaneously created an unreliable federal power supply built on an illegal house of cards that requires perpetually subverting salmon protection laws and causing unending disastrous economic, ecological and social damage to the Northwest and Nation.

The good news is that it is plain for all to see that the emperor has no clothes. The ongoing regional catastrophe Bonneville and the Corps have teamed to create could quickly and profitably be turned around by expeditiously partially deconstructing the four dysfunctional pork barrel dams on the lower Snake River.

The bad news is that the scofflaw culture metastasized in Bonneville, Corps and NOAA Fisheries upper management has demonstrated it literally will stop at nothing to prevent that from happening.

The agencies have the political cover of a complaisant hear-no-evil, speak-no-evil, speak-no-evil Northwest congressional delegation, bribed state and tribal governments and a myopic mainstream news media.

Conflict-shy Snake River salmon advocates decades ago lost the political war by failing to show up. Disappointed by the Endangered Species Act for a quarter-century, they continue praying for a judicial lightning Bolt.

Meanwhile, Bonneville, the Corps, NOAA Fisheries and their pork barrel allies continue to game the legal administrative deference doctrine in court to buy time—long their default objective.

Time to rally apologists for extinction and work state governors and legislatures and the Congress to maintain the status quo. And to lay the groundwork for a legislative veto in the low probability event salmon advocates' legal prayers are answered.

Time to lure credulous NGOs into signing on as “partners”, a.k.a. collaborators, to give more political cover for the agencies’ obsession with maintaining the deadly status quo for Snake River salmon, no matter what the cost.

Bonneville upper management personnel sport business-like titles such as Administrator and Chief Executive Officer; Vice President, Environment, Fish & Wildlife. If these scofflaw poseurs and their analogs in the Corps and NOAA Fisheries actually were in private business, they'd be wearing orange jump suits.

The federal agency Snake River salmon killers know they will not be held accountable, no matter how many billions they waste, how much damage they do and how many people they hurt. They hide behind the policies they duped President Obama into adopting, giving them the cover of the Nuremberg and Mob Lawyer defenses.

They have the "I'll be gone, you'll be gone" attitude of corrupt Wall Streeters that caused the greatest financial crisis since The Great Depression. If Snake River salmon become functionally extinct, those responsible will be gone, secure in their retirements paid for by the public they so egregiously betrayed.

It's the Northwest Big Short.

The law locks up both man and woman
 Who steal the goose from off the common
 But lets the greater felon loose
 Who steals the common from the goose.

--Anonymous ca 1800

End Notes

¹ <https://www.bpa.gov/news/pubs/FactSheets/fs-201603-A-Northwest-energy-solution-Regional-power-benefits-of-the-lower-Snake-River-dams.pdf>

² See, e.g., Barnes, J. A., 1994. *A Pack of Lies: Towards A Sociology of Lying*, Cambridge: Cambridge University Press, and David Livingstone Smith, *Why we lie, The Evolutionary Roots of Deception and the Unconscious Mind*: St. Martins Press, 2004.

³ Not bad spelling; bad pun. Refers to U.S. District Court Judge Boldt's smack down of scofflaw state agencies refusing to acknowledge Native American Indians' treaty-reserved rights to fish for salmon.

⁴ James Waddell, retired senior Corps engineer, and the Center for Whale Research, Orca Network @ www.damsense.org/index.php/reports/.

⁵ Overview @ http://nwr.org/documents/Comments_draft_a_mendments_2009_program.pdf.

⁶ Opening sentence of May 23, 2007 *Opinion and Order, CV 01-640-RE, United States District Court, District of Oregon, Judge James A. Redden*.

⁷ For an overview of Bonneville's widespread scofflaw activities and the resulting damage to society, see http://www.nwr.org/documents/DOE_IG_petition.pdf (hereinafter IG).

⁸ IG, p. 10.

⁹ IG, p. 19.

¹⁰ *Idaho Dep't of Fish & Game v. Nat'l Marine Fisheries Serv.*, 850 F.Supp. 886, 900 (D. Or. 1994).

¹¹ 2005 WL 1278878 (D.Or.)

¹² 524 F.3d 917 Ninth Circuit Court of Appeals.

¹³ IG, p. 32.

¹⁴ *NWF v. NMFS* 839 F.Supp.2d 1117, U.S. District Court, D. Oregon, August 2, 2011.

¹⁵ *Rivers and Harbors Act of 1945, Public Law 79-14*.

¹⁶ Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. No. 96-501. (1980).

¹⁷ Now Northwest Power and Conservation Council.

¹⁸ Congress was focused on the impact of the Corps' four dysfunctional dams on the lower Snake River, but included the entire Columbia River Basin impacted by the FCRPS in its salmon restoration mandate.

¹⁹ *Northwest Resource Information Center, Inc. v. Northwest Power Planning Council*, 35 F.3d 1394 (9th Cir. 1994), cert. denied, 116 S.Ct. 50 (1995). *NRIC v. NW Power and Conservation Council*, 730 F.3d 1008, 1021 (9th Cir. 2013).

²⁰ *NRIC v. NWPCC No. 15-71482 (9th Cir.)*

²¹ *NRIC v. NWPCC No. 15-71482 (9th Cir.)* IG, p. 15.

²² *N.W. Env'tl. Def. Ctr. v. Bonneville Power Ass'n*, 117 F.3d 1520 (9th Cir. 1997). IG, p. 6.

²³ *Lower Snake River Dam Alternative Power Costs*, Rocky Mountain Econometrics, Anthony Jones, June 22, 2015 @ <http://www.damsense.org/index.php/reports/>.

²⁴ *Sixth Power Plan*, Appx. O at O-8 to O-9 (Tables O-3 and O-4); https://www.nwcouncil.org/media/6335/SixthPowerPlan_Appendix_O.pdf.

²⁵ Popularized by, not original to, Twain.

²⁶ See, e.g., NRIC's year 2000 *Duping the Northwest and the Nation, The U.S. Army Corps of Engineers' Economics of Restoring Endangered Snake River Salmon* @ <http://www.nwr.org/reports/Bearing.pdf>.

²⁷ See analyses @ <http://www.damsense.org/index.php/reports/>

²⁸ *Draft 2015 Columbia River Basin Fish and Wildlife Program Costs Report, 15th Annual Report to the Northwest Governors*, Northwest Power and Conservation Council, May 2016.

²⁹ IG, p. 24.

³⁰ See e.g., <http://www.bpawatch.com/newsletters/BPANewsletter1-10-30-07.pdf> and <http://www.sustainablebusinessoregon.com/articles/2011/07/bpa-settles-residential-exchange-dispute.html?page=all>.

³¹ IG, p. 32.

³² IG, p. 13.