



**July 21, 2003**

**TO:** President Joe Biden C/O Council on Environmental Quality

**FR:** Northwest Resource Information Center<sup>i</sup>

**RE:** [CEQ-2023-0002] *Columbia River Salmon and Other Native Fish Request for Information*, and CEQ's "listening sessions" vis-à-vis one of the most economically costly, ecologically destructive, morally and legally corrupt betrayals of the public trust in the Nation's history.

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Mr. President, please listen to this:

**Keep your eye on the ball: The four Army Corps of Engineers dams on the lower Snake River.**

Don't be duped by the rising chorus of hosannas for a "comprehensive plan" to "settle" Endangered Species Act litigation. *Comprehensive plan* is the half-century-old shop-worn poison pill con boosted by Northwest politicians in thrall to the Bonneville Power Administration regional political hegemon, Corps of Engineers and their political enablers and shells.

**Lower Snake River dams: Fatally flawed pork barrel engineering-created disaster of epic proportions.**

The impetus for and the centerpiece of the issue being addressed under the aegis of CEQ is the virtual destruction of Snake River salmon by four illegally authorized, illegally constructed and illegally operated U.S. Army Corps of Engineers-constructed pork barrel dams on the lower Snake River in southeast Washington.

The dams built 1960-1975 were not designed and constructed according to law requiring them to allow safe passage of juvenile salmon from the vast pristine headwaters of the upper Snake River Basin.

As predicted in 1946,<sup>ii</sup> the dams threaten extinction of Snake River salmon, one of the world's unique, irreplaceable, perpetually renewable natural resources. The dams also threaten salmon-dependent Southern Resident Orcas and a multitude of other marine and freshwater organisms 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 of public dollars have been spent trying to cover up the damage. Untold thousands of lives have been damaged. Untold numbers of small businesses destroyed; jobs lost.

**Federal dams. Your duty. Last hope for Snake River salmon.**

According to dam builder Corps of Engineers, the dams cannot be fixed to comply with multiple treaties and laws,<sup>iii</sup> the former including the now 168-year-old Stevens Treaties of 1855 with Native American Indian tribes.

Bonneville and its allied federal agencies spent an estimated \$110 million on studies that reveal breaching the dams to restore free flowing river is the ONLY way to stop the damage, save the salmon and comply with multiple laws and treaties.<sup>iv</sup>

The dams can't be fixed. The salmon cannot be bypassed around the deadly dams and reservoirs. This has been conclusively demonstrated by 30 years of failed Rube Goldberg experiments by the Corps of Engineers. After spending billions of public dollars, all Snake River salmon are classified as threatened or endangered under the Endangered Species Act. More than a half-century of damage of epic proportions compounds annually.

**The science, the law (albeit unrequited), and the economics are settled.**

The dams must be breached to comport with multiple laws and treaties and stop the economic, ecological, and social damage they wantonly and illegally inflict on the Pacific Northwest region and Nation.

**Beware the shop-worn “comprehensive plan” poison pill con.**

Decades of past remands and contemporary stays of Endangered Species Act litigation gave Snake River salmon killers, notably the Bonneville Power Administration political hegemon and its shills and enablers, the victories they sought: delay—for decades their notorious default strategy.<sup>v</sup>

The salmon killers' current strategy in the so-called “settlement” of ESA litigation is to perpetually delay breaching. Give lip service to it. But actually smother breaching to death with the rouge and mascara of a deluge of public funds to buy more studies and process. To buy silence, support and political cover for yet another con in the long line of so-called “comprehensive plans” to save the salmon. That's been a winning strategy for nearly a half-century.

**Repeat: The so-called “comprehensive plan” now being touted as a path to “settlement” of the ESA litigation is a clone of the familiar poison pill the Bonneville political hegemon and its shills and sycophants have successfully used for a half-century to bury the crisis at the four lower Snake River dams in the forest of a regional “comprehensive plan” that further (perpetually) delays breaching.**

This is extremely difficult not to notice. Unfortunately, many have made the necessary effort.

**Mr. President, it is your duty to stop the madness. To follow the law. To do the right thing.**

Stop the compounding economic, ecological and social damage. Order the Army Corps of Engineers to begin beaching and concurrent mitigation within 180 days, to be completed within 5 years.

**Mr. President, that's it. That's all you need to do.**

There is absolutely no need for the so-called “comprehensive plan” promoted by the Bonneville Hegemon and its enablers and shills. That is their stealth strategy to delay breaching the four lower Snake River dams and prolong the hemorrhage of public damage that compounds annually.

Keeping existing waterway shippers and irrigators whole is a simple matter of upgrading existing irrigation and rail facilities. The cost of doing so will get lost in the rounding errors of the economic benefits. Breaching the uneconomical dams *will reduce energy costs to consumers.*

Now hear this: **The Northwest Power and Conservation Council's draft 2021 Power Plan identifies possible sources of energy equivalent to the average annual output of more than 50 lower Snake River dams.**<sup>vi</sup>

Contrary to the lies you're being told by Bonneville and its shills and sycophants, the piddling amount of electrical energy produced by the lower Snake River dams *was replaced a score or more*

*times decades ago* by non-carbon-producing resources as envisioned in what is commonly called the Northwest Power Act.<sup>vii</sup>

Several orders of magnitude more renewable energy now urgently seek access to markets blocked by Bonneville’s perfidy and incompetence vis-à-vis its chokehold on transmission. The 2021 NPCC Power Plan identifies possible sources of energy equivalent to the average annual output of 53 to 60 lower Snake River dams. If only 10 percent of these potential resources were tapped, the power saved and/or produced would be enough to replace the average power output of all four LSR dams<sup>viii</sup>

Everything else in the poison pill so-called “comprehensive plan” settlement con touted by the salmon killers and their dupes can be—and the 1980 Northwest Power Act intended to be—accomplished under existing law and the four-state Northwest Power and Conservation Council the Congress established a half-century ago in passing the Act.

[Least we forget, due to the “urgent” need *a half-century ago* to stop devastation of Snake River salmon by the dams,<sup>ix</sup> the Act established what is now the Northwest Power and Conservation Council and gave the four northwest states one year, using existing information, to do a comprehensive plan to save the salmon. You read that right.]

**Mr. President. It’s simple. Just do the right thing. The legal thing. The economical thing. The moral thing. You have both express and implied congressional authority to order the dams breached NOW.<sup>x</sup> Do it.**

The vast majority of people in the Northwest region and the Nation—Rs and Ds—and future generations of all political persuasions, will bless your name for doing so.

Decent Northwest elected officials, long intimidated into humiliating silence by the Bonneville political hegemon and its enablers and shills, will praise you for giving them the political cover they need to support ending the ongoing egregious betrayal of the public trust.

The federal agency conspirators and their political enablers and shills are in too deep to change spots. They desperately need to be able to claim “the devil made me do it”. They’ll continue to avoid blame for the decades of enormous destruction they’ve caused. Then they’ll take credit for the cornucopia of net social benefits that will flow from breaching the four lower Snake River dams.



Ed Chaney

Director, Northwest Resource Information Center<sup>xi</sup>

Mr. President:

Can you hear me now? Please listen to this:

[https://www.nwric.org/documents/Seattle\\_Times\\_Full\\_Page\\_Ad.pdf](https://www.nwric.org/documents/Seattle_Times_Full_Page_Ad.pdf)

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<sup>i</sup> Northwest Resource Information Center is a nonprofit, scientific, educational organization incorporated in Idaho in 1976 under section 501(c)(3) of the Internal Revenue Code. NRIC’s founding mission is to help protect Snake River salmon and dependent economies then imperiled by four ill-conceived, fatally flawed Army Corps of Engineers dams on the lower Snake River in southeastern Washington.

<https://www.nwric.org>

ii " . . . 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.*

iii <https://goia.wa.gov/tribal-government/treaty-walla-walla-1855>; <https://goia.wa.gov/tribal-government/treaty-yakama-1855>; [Included the Nez Perce]; *Treaty of 1863* <https://www.nps.gov/nepe/learn/historyculture/treaty-of-1863.htm> [known amongst nimíipuu (Nez Perce) as the “Thief Treaty” or “Steal Treaty”]; <https://www.sbtribes.com/fort-bridger-treaty/1868> [Eastern Band Shoshoni and Bannock]; *Rivers and Harbors Act of 1945* (Public Law 14, 79th Congress, 1st Session); *Lower Snake River Compensation Plan*, June, 1975, authorized by the *Water Resources Development Act of 1976*; *Fish and Wildlife Coordination Act*, 16 U.S.C. 2901-2911; *Multiple-Use Sustained-Yield Act of 1960*, Pub. L. 86-517; *Clean Water Act*, 33 U.S.C §§ 1251 et seq (1974); *Endangered Species Act of 1973*, Pub. L. 93-205; *Pacific Northwest Electric Power Planning and Conservation Act*, Pub. L. No. 96-501. (1980).

Multiple laws establishing Snake River Basin Wilderness Areas, Wild & Scenic Rivers, National Recreation Areas:

*The Wilderness Act*, Public Law 88-577 (1964) (16 U.S.C. 1131-1136); *Wild and Scenic Rivers Act*, P. L. 90 542 (1962); *Sawtooth National Recreation Area Act*, Pub. L. 92-400 (1972); *Hells Canyon National Recreation Area*, Pub. L. 94-199 (1975);

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, *The Sawtooth National Recreation Area Act* PUB. L. 92-400 (1972) has as its first purpose "the protection and conservation of the salmon and other fisheries."

*The Central Idaho Wilderness Act* (1980), Pub. L. 96-312, 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..."

iv *Columbia River System Operations Final Environmental Impact Statement, U.S. Army Corps of Engineers, Bureau of Reclamation and Bonneville Power Administration, July 2020, and Lower Snake River Juvenile Salmon Migration Feasibility Report/Environmental Impact Statement, U.S. Army Corps of Engineers, February 2002.*

<sup>v</sup> In their fanatical obsession to perpetuate hegemony over the Federal Columbia River Power System and regional politics, these agencies and their pork barrel captors conspire and spend billions of public dollars to defend the disastrous status quo that costs the region and nation untold billions of dollars in damage, billions more in wasted public funds, and billions more in lost economic opportunity. It's all being done in plain sight; *see, e.g:*

*Request for U.S. Department of Energy Inspector General Investigation of Waste of Federal Funds and Violations of Other Federal Laws by Scofflaw Culture in Upper Management of Bonneville Power Administration*, Northwest Resource Information Center. March 4, 2013.

[https://www.nwric.org/documents/DOE\\_IG\\_petition.pdf](https://www.nwric.org/documents/DOE_IG_petition.pdf)

*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. June 2016 [https://nwric.org/documents/The\\_NW\\_Big\\_Short.pdf](https://nwric.org/documents/The_NW_Big_Short.pdf)

<sup>vi</sup> [https://www.nwcouncil.org/sites/default/files/2021powerplan\\_2021-5.pdf](https://www.nwcouncil.org/sites/default/files/2021powerplan_2021-5.pdf)

<sup>vii</sup> *Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. No. 96-501. (1980)*. What is commonly called the Northwest Power Act of 1980 mandated Snake River salmon be protected and restored. It gave the four Northwest states, through what is now the Northwest Power and Conservation Council, *one year* to produce a plan—*using existing information*—to change the Federal Columbia River Power System as necessary to accomplish that objective.

The Council was quickly politically captured and corrupted by Bonneville, its political enablers, patrons and shills, and refused to follow the law. Billions of public dollars were spent over decades on Rube Goldberg antics attempting to protect the ill-designed dams from laws and treaties. It was akin to pasting butterfly wings on pyramids hoping to make them fly. Vast amounts of public money were poured down the notorious Bonneville Hegemon/Corps of Engineers Rat Hole. The salmon were pushed to the edge of extinction.

<sup>viii</sup> [https://www.lastsalmonceremony.org/files/ugd/a3022b\\_9f4d529b52ce4937a665d746dded7a\\_a6.pdf](https://www.lastsalmonceremony.org/files/ugd/a3022b_9f4d529b52ce4937a665d746dded7a_a6.pdf)

<sup>ix</sup> “. . . 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)

<sup>x</sup> *The U.S. President and Army Corps’ Discretion and Authority with Regard to Executive Action in Furtherance of Breaching the Four Lower Snake River Dams*. Elizabeth Dunne, Volume 14, Number 1, Spring 2022. Golden State University Environmental Law Journal.

[https://www.lastsalmonceremony.org/files/ugd/a3022b\\_86aebdc94fb64d5b9ea79c4940879132.pdf](https://www.lastsalmonceremony.org/files/ugd/a3022b_86aebdc94fb64d5b9ea79c4940879132.pdf)

<sup>xi</sup> NRIC director Ed Chaney has a half-century of professional experience with the lower Snake River dams and with the Bonneville Power Administration political hegemon at local, state, tribal, regional and national levels. He and a handful of colleagues initiated what eventually became the salmon protection provisions of the 1980 Northwest Power Act. <https://nwric.org/director.html>