

PAID ADVERTISEMENT

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President Biden

This is an urgent plea for your help!

The Bonneville Power Administration and Northwest offices of the Army Corps of Engineers and the National Oceanic and Atmospheric Administration are committing an epic ecological crime against humanity.

This crime has been happening in plain sight for 40 years since the 1980 Northwest Power Act's "urgent priority" mandate¹ to protect Snake River salmon from ill-designed Army Corps of Engineers dams on the lower Snake River in SE Washington.

***These are YOUR federal agencies.
Only you can stop them.***

The Army Corps of Engineers built four pork barrel dams on the lower Snake River in southeastern Washington with a fatally flawed design. The dams threaten extinction of salmon produced in vast pristine headwaters of the Snake River Basin.²

Loss of Snake River salmon also threatens salmon-dependent Southern Resident orcas and other marine and freshwater animals for thousands of miles along the Pacific coast from northern California to southeast Alaska and more than 700 miles inland.

Billions of public dollars spent failed to overcome the dams' fatal design flaw. 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.

These federal agencies—now your federal agencies—are obsessed with protecting the destructive, uneconomical dams, no matter what the cost to the public now and in the future.

The agencies have aggressively subverted multiple federal laws and treaties with Native American Indian tribes.³

They spent \$100 million on studies that reveal breaching the dams to restore a free flowing river is the ONLY way to stop the damage, save the salmon, and comply with the law.⁴

Instead, Bonneville Power Administration spent billions of ratepayer dollars to shield the uneconomical, destructive dams from the law.⁵



**Your watch.
Your duty.
Your opportunity.**

Bonneville paid Idaho, Washington and Montana hundreds of millions of dollars to support federal actions that won't work to save Snake River salmon—which were repeatedly rejected by the federal courts⁶—and to oppose breaching, the ONLY thing that *will* work.⁷

This epic betrayal of the public trust has been going on so long it has metastasized in the federal agencies and their state accomplices. They are all in so deep they can't change their spots.

It's the Northwest Big Short⁸ variant of the National Big Lie.

Witness Idaho and Washington elected officials' reactions to the recent proposal to breach the dams by conservative Congressman Mike Simpson (R-ID).⁹

Idaho is on Bonneville's payroll to oppose breaching the dams. Governor Little dutifully opposed Simpson's proposal. The majority in the Idaho Legislature literally worships dams, any dam, anywhere, even those that cost the state hundreds of millions of dollars in damage; the legislature censured Simpson for his breaching proposal.

Washington Governor Inslee and U.S. Senators Murray and Cantwell have had the power and duty to stop the dams' costly damage at any time during their many years in office. Instead, they betrayed the public trust and sided with the federal agencies to protect the dams. True to form, they doubled down against Simpson's recent proposal to breach the dams.

Mr. President, only you have the power to stop the madness!

- ✓ **Purge the anti-public interest rot that has metastasized at the top of Bonneville Power Administration and the NW offices of Army Corps of Engineers and NOAA Fisheries.**
- ✓ **Order immediate decommission of the four uneconomical and destructive federal dams on the lower Snake River in SE Washington. Mitigate effects.**

Enormous immediate and perpetual ecological, economic and social benefits will follow.

Mr. President, unless you intervene, and quickly, federal agencies under your control and their Washington and Idaho accomplices are going to get away with this epic betrayal of the public trust.

They will destroy Snake River salmon—one of the world's unique, priceless, perpetually renewable natural resources.

**Stop the madness.
Order the dams breached. Act now, or all is lost.**

FOOTNOTES

¹ **The Northwest Power Act.** *Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. No. 96-501. (1980).*

“ . . . 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)*

² **Wilderness Areas. Wild & Scenic Rivers. National Recreation Areas.** 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..." Excerpted from http://nwrhc.org/documents/The_NW_Big_Short.pdf

Native American Indian treaty-reserved rights. In multiple treaties with the U.S. numerous tribes and bands of Native American Indians ceded vast areas of territory to the U.S. at the point of a gun, e.g., the so-called 1855 Stevens Treaties. However, many reserved their rights to fish for salmon. In 1905 the U.S. Supreme Court upheld these rights saying salmon were "not much less necessary to the Indians than the atmosphere they breathed." *United States v. Winans, 198 U.S. 371 (1905).*

Of course, all such treaty promises were broken and ignored by the federal agencies, the Northwest Power and Conservation Council and the NW congressional delegation—all hell bent on protecting the ill-designed pork barrel dams on the lower Snake River, no matter what treaties or laws say, or how much damage the dams cause.

³ http://nwrhc.org/documents/DOE_IG_petition.pdf

⁴ *Columbia River System Operations Final Environmental Impact Statement*, U.S. Army Corps of Engineers, Bureau of Reclamation and Bonneville Power Administration, July 2020. *Lower Snake River Juvenile Salmon Migration Feasibility Report/Environmental Impact Statement*, U.S. Army Corps of Engineers, February 2002.

⁵ *Fact Sheet BPA invests in fish and wildlife*, Bonneville Power Administration, January 2019.

⁶ **The Endangered Species Act.** A Biological Opinion is the document required by the Endangered Species Act in which NOAA is to identify the factors responsible for the salmon being listed, and to define measures that must be taken to ensure those causative factors don't jeopardize the future recovery of the listed species sufficiently to avert extinction. It is not, as some mistakenly think, the "recovery plan" required by the Act. Not that that mattered to NOAA Fisheries, which argued that the ESA requires only that a recovery plan be prepared, not that the fish actually have to be recovered. You read that correctly.

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. "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." *2005 WL 1278878 (D.Or.)*

U.S. District Court Judge Redden remanded the BiOp and 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." *524 F.3d 917 Ninth Circuit Court of Appeals.*

On May 6, 2016, U.S. District Judge Michael Simon rejected the agencies' next new-improved BiOp 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." *Case No. 3:01-cv-0640-SI Opinion and Order.*

⁷ See, e.g., the discussion of the following item 3 beginning on page 24 of http://nwr.org/documents/DOE_IG_petition.pdf:

3. Bonneville upper management uses federal funds to bribe Native American Indian and state governments in an effort to influence the federal judge in the ESA litigation and to subvert the salmon restoration provisions of the Northwest Power Act and other federal laws.

See also <https://www.bpa.gov/efw/FishWildlife/CBFA/Pages/default.aspx>.

⁸ http://nwr.org/documents/The_NW_Big_Short.pdf

⁹ <https://simpson.house.gov/salmon/>