



November 2, 2016

The Honorable Patty Murray
154 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Murray:

RE: Two More Malnourished and Now-dead Orcas, Dam Breaching Answer to Salmon Recovery

You likely have heard or read news coverage of the recent deaths of several Southern Resident orcas, who eat only fish, primarily Chinook salmon. In response to this crisis, biologists are calling for immediate action by President Obama to implement channel bypasses around the Snake River's Lower Granite dam starting in December 2016. Given the critical importance of the Southern Resident orcas and the Snake River salmon to Washington state residents and tourists, and to the state's environment and economy, we look to you for support. Without your support, both may be lost.

The recent announcement of yet another Southern Resident orca's death by the Center for Whale Research has been covered by the *Washington Post*, all the major TV stations in the Seattle area, the two local National Public Radio stations, and the Associated Press, as well as many print, television and online news organizations up and down the West Coast, including British Columbia, and as far away as Macau and Nepal. The death of orca J28, emaciated at 23 years of age, is especially tragic for her two calves, seven-year-old J46 and especially her 10 month old, J54.

One of the most heartbreaking photos taken during the past weeks is little J54, struggling to survive and too weak to swim on his own. In the photo his big sister J46 and his cousin J47 are holding him up. The photo was taken October 23 and we can be certain J54's struggles have ended since then - probably within hours of the photograph.



Photo credit: Captain Mark Malleson

All speakers at the press conference held October 28 in Seattle emphasized that the Southern Resident diet consists primarily of Chinook salmon and that the need to recover salmon on the Snake River is urgent.

The four lower Snake River dams can be breached beginning December 2016 pursuant to the 2002 Environmental Impact Statement (EIS) under which the Army Corps of Engineers currently is operating the dams. Breaching beginning this year would fully comply with the Portland district court's May 2016 scathing decision in *NWF v NMFS, et al.*, in which the court rebuked the federal agencies for doing everything they

could to avoid lower Snake River dam breaching in their expensive, but futile, efforts to recover salmon runs listed under the Endangered Species Act.

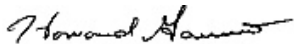
In light of the Court's clear preference to breach the lower Snake River dams to avoid driving salmon to extinction and the reasonability of the breaching option, I have the following question: Will you support a December 2016 draw-down of the Lower Granite reservoir?

Please note that:

1. The 2002 EIS (see link below) that provides the NEPA coverage for operating these four dams has breaching as the only remaining alternative that can prevent extinction and promote recovery of endangered and threatened wild Snake River salmon and steelhead;
2. With the renewable and greener wind and solar energy that is now online, the dams' hydroelectric power is surplus, and not even used for peak power, leading to a benefit of only 15¢ for each dollar invested (meaning 85¢ is wasted for every dollar spent);
3. The land returned to agriculture from the reservoirs' draw-down could contribute to the Washington school budget through land leases to viticulture and other agriculture;
4. No new appropriation or legislation is needed;
5. Draw-down would require a simple time and materials contract by the Corps to bulldoze channels in the dams' earthen berms (see 2002 EIS), while the dam turbines, locks and spillway would remain in place, avoiding the cost of structure removal;
6. NOAA's 2016 Recovery Plan for Spring/Summer Chinook states that the Corps has invested over \$1 billion since the mid-1990s to increase the survival rate of Snake River wild salmon and steelhead. Significantly, while the recovery plan contains an extensive list of actions to move the salmon and steelhead toward "viable status," NOAA admits that the Recovery Plan "will not get us to recovery.";
7. Tax- and ratepayer dollars saved from breaching the dams could be used to catch up on deferred maintenance at the other aging dams in the Columbia Basin hydrosystem;
8. Removing the four lower Snake River dams will be the largest watershed restoration ever accomplished in North America; and
9. Most importantly, failure to start the Lower Granite reservoir drawdown between December 15th 2016 and January 8, 2017, will likely lead to the extinction of Snake River wild salmon and the endangered Puget Sound orcas.

I look forward to hearing your voice in support of immediate action by President Obama. Waiting for the scoping process would delay action until it's too late for Snake River Chinook and Southern Resident orcas, and would result in the very outcomes the federal court sought to avoid. If you need any additional documentation for any of the scientific, legal, or economic issues I have raised, please email or call.

Sincerely,



Howard Garrett
Board President, Orca Network

Enclosure: 10/28 Media Coverage

Link for 2002 EIS Summary US Army Corps of Engineers
<http://www.nww.usace.army.mil/Portals/28/docs/environmental/lrstudy/Summary.pdf>

cc: Mike Spahn