

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

December 12, 2018

Dear Governor Inslee,

The purpose of this letter is to warn you of several misconceptions regarding the U.S. Army Corps ability to quickly execute the breaching of the four lower Snake River dams (4LSRDs). Government data and evidence shows immediate breaching is in fact the *only* available remedy remaining which can quickly supply and recover adult Chinook for the Southern Resident Killer Whales (SRKW) in time to prevent their virtual extinction. NOAA historically estimated that 25% of the SRKW diet was derived from the Snake basin. However, with the collapse of the Fraser River and the declining Salish Sea and mid-Columbia runs, this is now well over 50%; as evidenced by the shift in “residency” of these whales spending much more time at the mouth of the Columbia River/coastal areas. **All other past attempts and those laid out by your SRKW Task Recommendations cannot overcome this deficit.** Even NOAA’s 2017 Spring / Summer Recovery plan says that despite an extensive list of actions, **none of them will recover these stocks.**

This is why immediate breaching of lower Snake dams is so critical since each dam and reservoir will kill approximately 2 million Chinook smolts starting in April of 2019. Each breach will allow several hundred thousand of these to grow big enough for orca and fisheries within 14-18 months post dam breaching. Nothing can achieve this quicker in terms of overall number and timing.

Over the course of this year, and most notably during Orca Task Force discussions, we have heard that the Corps must have an authorization from the U.S. Congress to breach. This belief by the Corps’ NW Division (NWD) is typical of field and regional offices as it creates the improper illusion that “their dams” are mandated by Congress. Given your experience as a U.S. Congressman, I am sure you appreciate that project authorizations are permissive by design of the U.S. Constitution in order to separate authorization and appropriations processes. The NWD recently published a “fact” sheet stating that the need for authorization is based on the Corps Engineering Regulation (ER1165). However, the purpose of this regulation is to prevent Corps field offices from modifying a project, in this case the dams, to change its purpose or increase its scope. Placing a project into a non-operational status is not a modification that changes the purpose or scope.

Because the 4LSRDs are failing to meet the national economic objectives dictated by Congress, (benefits must exceed costs; the 4LSRDs are well below 1-to-1); they fail to provide for salmon recovery; the Corps and Bonneville Power Administration (BPA) have insufficient funds to maintain all dams in the Federal Columbia River Power System (FCRPS); 99% of the power produced by the 4LSRDs is surplus and sold at a loss; they cannot provide peaking power; and these dams are the most expensive of the larger dams in the federal system. **Therefore, the**

Corps is obligated to place them into a non-operational status that does not require Congressional authorizations or new appropriations. See the *5 Means* policy paper in the attached anthology for further explanations.

The Corps, BPA, many elected officials (including your policy office), and environmental NGO' also hold the belief that Judge Simmon's verdict giving federal agencies five years (now four years directed by an executive memo from the White House) to complete a new Environmental Impact Statement (EIS) **prevents** the Corps and BPA from acting in the meantime to address the perilous situation Snake River Salmon and SRKW. **This is a spurious conclusion. Given the failures noted above, no existing law or court order requires review of the entire FCRPS before the Corps can place the 4LSRDs into a non-operational status.**

Salmon returns over the last several years are very low (below 1% for the last 5 years). Smolt-to-Adult Returns (SAR) and the high mortality and very low successful birth rates of the endangered Southern Residents clearly call for dam breaching to commence with Lower Granite dam this winter. This is also executable since the Corps operable 2002 EIS has a fully developed breach alternative that shows the earthen portion of the dams can easily be removed hydraulically at a fraction of the \$4-5 billion costs given to the SRKW Task Force by the Corps NWD. That is \$450 million, including large contingences and mitigation cost for irrigation, rail upgrades, cultural resource protection, etc. None of this cost is born by the State of Washington. Also, at no cost to the State, a free-flowing lower Snake River can yield several thousand jobs and direct/indirect benefits worth \$400 million annually. The cost of breaching is born by BPA as the most cost-effective means of mitigating the damage caused by 4LSRDs. See economic reports in anthology.

We also wish to point out that all of the above, and much more documentation, was provided to your SRKW Task Force and completely ignored. The recommendation put forth by environmental groups to develop a stakeholder plan over the next year is redundant of the Corps extensive work in the 2002 EIS and recently updated. It is simply another request for a handout from the state legislature for more studies.

The large package of recommendations presented to you is not much more than an assemblage of pet projects put forth by special interest for the Legislature to fund. While many may do some good toward salmon recovery, it is mostly pointless unless the 4LSRDs are breached. Ken Balcomb from the Center for Whale Research states, **"the package will not. . . avert the extinction of the SRKW."** One recommendation that is doing no good is increased spill. Corp's report no benefit to juvenile salmon but are unofficially reporting that returning adults are being harmed by gas embolism and "fall backs" not seen since the 1990s. This should stop immediately, and gas caps should not be raised.

Also ignored by the Task Force members and leaders was the overwhelming number of public comments made to the Task Force in addition to a petition calling for you and Senator Murray to demand the Corps to immediately begin breaching. This now has over 700,000 signatures. This combined with the hundreds of print media and hours of television, radio and social media,

and phone calls to your office, should alert you that further SRKW deaths and another failed year of salmon returns will fall squarely on your shoulders. Your reputation as an environmental leader will certainly be tarnished if not trashed.

In summary, how the Corps *accomplishes* immediate dam breaching is not your problem; it is the Corps problem to solve. As the Governor of the People of Washington State, the salmon, the orcas, and the Pacific Northwest ecosystem demand that you call and insist on immediate breaching.

Ken and I believe that a timely face-to-face briefing with you is crucial to understand the reasons for and actions required to immediately breach the four lower Snake River dams. During the past two years we have attempted to schedule this briefing with you.

Respectfully,

James Waddell, PE
Civil Engineer,
U.S. Army Corps of Engineers, Retired
Port Angeles WA 98363
360-775-7799
kairos42@earthlink.net

Dr. Balcomb, Center for Whale Research
P.O. Box 1577
Friday Harbor, WA 98250
info@whaleresearch.com