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THE HONORABLE MICHAEL H. SIMON

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Pro Se

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON, PORTLAND DIVISION**

**NATIONAL WILDLIFE FEDERATION, et
al.,**

Plaintiffs,

and

STATE OF OREGON,

Intervenor-Plaintiff,

v.

**NATIONAL MARINE FISHERIES
SERVICE, et al.,**

Defendants,

and

NORTHWEST RIVER PARTNERS, et al.,

Intervenor-Defendants.

No. 3:01-cv-00640-SI

**DECLARATION OF JAMES M. WADDELL IN
SUPPORT OF AMICUS BRIEF**

I, James M. Waddell, declare as follows:

1. Attached as Exhibit 1 to this declaration is a true and correct copy of a letter dated January 17, 2017 from the Honorable Jo-Ellen Darcy, who at the time was Assistant Secretary of the Army (Civil Works). I received the letter February 9, 2017.

WADDELL DECLARATION SUPPORTING AMICUS
BRIEF (No. 3:01-cv-00640-SI) – 1

James M. Waddell
289 Ocean Cove Lane
Port Angeles, WA 98363

2. The Assistant Secretary of the Army (Civil Works) establishes policy direction and provides supervision of the Department of the Army functions relating to all aspects of the U.S Army Corps of Engineers' Civil Works program.

3. In the letter Assistant Secretary Darcy reaffirms that the *Lower Snake River EIS* (referred to as the FR/EIS in the letter) is the current operating EIS for the lower Snake River dams; that the non-breach alternatives in the EIS are the basis for the ongoing mitigation actions; and that the EIS contains dam removal/breaching as an alternative. Breaching is the only remaining untried environmentally preferred alternative thoroughly studied in the 2002 EIS and listed in the 2002 Record of Decision, http://www.nww.usace.army.mil/Portals/28/docs/environmental/lstrstudy/lsr_rod.pdf. Assistant Secretary Darcy also confirms the Corps' commitment to implement changes guided by the *Lower Snake River EIS* in its mitigation efforts, while the court-ordered NEPA process is underway, should the Corps' ongoing assessments require changes.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Port Angeles, Washington, on February 21, 2017.


JAMES. M. WADDELL



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

JAN 17 2017

Mr. Jim Waddell
289 Ocean Cove Lane
Port Angeles, Washington 98363

Dear Mr. Waddell:

This is in response to your letter co-signed with Ms. Sharon Grace, regarding immediate action to breach the four lower Snake River dams. An identical letter is being provided to Ms. Grace. I apologize for the delay in responding.

As you note in your letter, the U.S. District Court for the District of Oregon issued an Opinion and Order on May 4, 2016. The Order directs the Army Corps of Engineers (Corps) and the Bureau of Reclamation (Reclamation) to prepare a comprehensive Environmental Impact Statement (EIS) for operation and maintenance of the Federal Columbia River Power System. It emphasizes that the EIS prepared by the Corps and Reclamation should take a "hard look" at all reasonable alternatives, associated potential environmental effects, and ensure meaningful public involvement in the process; that hard look specifically mentions removing the four Snake River dams. The 2002 Lower Snake River Feasibility Report (FR/EIS) also mentions dam removal as an alternative; the other alternatives from that FR/EIS are the basis for ongoing mitigation actions.

The Corps is committed to conducting a National Environmental Policy Act (NEPA) process that is consistent with the guidance in the Order and satisfies Federal laws and regulations; the Corps will be accepting public input on issues to consider and will analyze all alternatives in its upcoming NEPA process to determine the appropriate way forward. Meanwhile it is also committed to following the guidance in the 2002 FR/EIS as a framework for its actions, which includes ongoing assessments as to the efficacy of the alternatives it has implemented to date; the results of those assessments will inform our next steps while the NEPA process is underway, and the NEPA process itself.

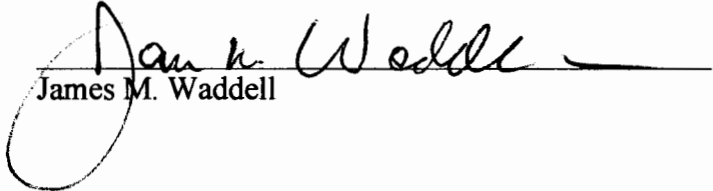
Thank you for continued interest in the Snake River dams.

Very truly yours,

Jo-Ellen Darcy
Assistant Secretary of the Army
(Civil Works)

CERTIFICATE OF SERVICE

I, James M. Waddell, hereby certify that on February 21, 2017, AMICUS JAMES M. WADDELL'S MOTION FOR LEAVE TO FILE SUPPORTING DECLARATION and DECLARATION OF JAMES M. WADDELL IN SUPPORT OF AMICUS BRIEF were served by First Class U.S. Mail on the parties at the addresses below.


James M. Waddell

Plaintiffs

National Wildlife Federation; Idaho Wildlife Federation; Washington Wildlife Federation; Sierra Club; Pacific Coast Federation of Fishermen's Associations; Institute for Fisheries Resources; Idaho Rivers United; Idaho Steelhead and Salmon United; Northwest Sport Fishing Industry Association; Salmon for All; Columbia Riverkeeper; NW Energy Coalition; Federation of Fly Fishers; American Rivers, Inc.

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