

Governor Brown
Office of the Governor
PO Box 8069
Portland, OR 97207

December 19, 2018

Dear Governor Brown,

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 extinction.

Once, the Snake River produced millions of fish annually; now, these runs are a meager 3% of what they once were. Since their listing as “endangered”, they have continued to decline, despite having spent billions of dollars on various projects. Millions alone were spent on fish passage improvements along the lower Snake River, yet since 2002 The Smolt-to-Adult Ration (SAR) has been far below the necessary recovery point. **All other past attempts to restore river runs have failed.** Indeed, NOAA’s 2017 Spring / Summer Recovery plan says that despite an extensive list of actions, **none will recover these stocks.**

Therefore, immediate breaching of the lower Snake dams is critical. Each dam and reservoir will kill approximately 2 million Chinook smolts starting in April of 2019. Conversely, each breach will allow several hundred thousand of these fish 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, 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. However, 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 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); are failing 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; 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, and environmental NGO's also hold the belief that Judge Simon's verdict giving federal agencies five years (now four years directed by 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 regarding Snake River Salmon and Southern Resident Killer Whales (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). SAR's 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. 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 was provided to Washington's Orca Task Force and completely ignored. The large package of recommendations presented to Governor Inslee are 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. In regards to SRKW, 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. Corps' 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 spill 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 Government Officials to demand the Corps to immediately begin breaching. This now has over 700,000 signatures.

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.

Respectfully,

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