

## 11. Congressional authorization assumption for MO3 incorrect.

The DEIS executive summary states “New congressional authority and funding would be required to implement the dam breaching measures in MO3” on page 24 of the executive summary. As a federal project owned and operated by a federal agency, this is incorrect. Army Corps of Engineers headquarters in DC down to individual divisions, such as the Northwest Division, follow the same authorization procedures for federal projects. These procedures are in accordance with the public trust doctrine, assuring that approved projects will benefit the public with a positive investment return, or cost-to-benefit ratio. Once built, these projects must maintain their benefits or be economically viable to continue operation. When a project is no longer economically viable, it is time for the Corps to stop spending money on it, and the Corps has decommissioned (Aka mothballing, care-taker, non-operational status) hundreds of projects in U.S. history under their own authority. It would be an inappropriate precedent to set if all future projects must be decommissioned by a vote of congress, not to mention congesting our legislative bodies. The corps being a federal agency, under governance of the US Army, has the right to uphold its authority on the Lower Snake River Dam projects, like any other.

An example of the CORPs authority over projects was during the decommissioning of Willamette Dam in 2011 without the use of congressional authorization. The project quickly went from caretaker status (could be reestablished) to non-operational status (will never operate again). The water behind the dam began moving over the low spill-way and the CORPs became free of their duty to manage and maintain it. Years later, a section 216 Study was initiated to decide what to do with the remaining structure. Similarly, the CORPs *could* put the Snake River Dams into a caretaker or non-operational status by removing the earthen berm, and allowing water to flow around the concrete structure, absolving them of any future operation and maintenance costs.

While the decision process for decommissioning is simple, authorization for changing the purpose of a project was made more multipart, because headquarters did not want projects to change their purpose without congressional authorization. This makes sense, because projects were authorized for a certain reason, and changing that reason, requires approval outside the District. *Securing a project for non-operational status is mutually exclusive to changing its purpose*, because its purpose is no longer needed. For the Snake River Dams in MO3, their purposes (Navigation and hydropower) would cease with a change in status, and there is no way to put the projects in non-operational status without breaching. Breaching as a means of securing the projects does not need the approval of congress because they will no longer be serving any purpose.

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