

## **H.R. 3144: Misleading Information, Misguided Legislation - July 2017**

In June 2017, Rep. Cathy McMorris Rodgers (R-WA) introduced H.R. 3144 claiming it will “support the Federal Columbia River Power System and the benefits it brings to our region . . .” In fact, the bill would do the opposite: It would thwart efforts to protect endangered salmon, hinder development of a more efficient, reliable power system, and risk raising power rates.

The bill seeks to lock-in status quo dam operations in the Columbia-Snake River system that primarily benefit subsidized barge transportation and four costly dams on the lower Snake River that should be removed to help save wild salmon and the public’s money. The courts have rejected as illegal five different times over the past 16 years plans that would continue these business-as-usual operations. This failure has cost the public over \$10 billion without recovering a single salmon population.

Stakeholders are frustrated with these costly, ineffective measures. Salmon advocates are ready to work with stakeholders to craft a plan that recovers endangered salmon while finding solutions to meet the needs of other interests. H.R. 3144, however, will not move our region toward this type of resolution.

**Here are some misleading claims the co-sponsors offer to justify the need for H.R. 3144:**

***CLAIM: Improved fish passage and record returns. “Hundreds of millions of ratepayer dollars have successfully adapted [dam operations] to accommodate record salmon runs where an average of 97% of young salmon successfully make it past the dams.”***

***REALITY: Poor juvenile salmon survival and low adult returns.*** As the Lewiston Tribune explained in a July 10 editorial, the 97% survival figure is only correct if “you look at the percentage of salmon survival at each dam and no more. Take the entire eight-dam system on the Snake and Columbia rivers into account, however, and fish survival falls in the 70 percent range. Factor in fish mortality in the slackwater pools behind the dams - due to warmer water, slow currents, predators, disease and disorientation - and fish survival slips to about half.”

***CLAIM: “To replace the energy produced by the [four lower Snake] dams ... we’d need more than six coal-fired power plants or three nuclear facilities.”***

***REALITY: Lower Snake dams produce far less power than alleged and that power can be replaced with clean, renewable energy.*** The four Snake River dams produce just 1,000 average megawatts of power per year; they never produce their maximum capacity of 3,000 MW, the basis for the sponsors’ statement about what it would take to replace their power. In addition, because these are “run-of-river” dams with no storage, most of this electricity is produced in spring when runoff is high and demand for electricity is low. In fact, the region’s biggest challenge during these months is dealing with our energy surplus – too much power and too little market demand.

The power generated by these four dams is of limited value today and will be even less important tomorrow. The Northwest has an historic opportunity to economically replace this power with new clean, renewable resources, increased efficiency and smarter grid management – and restore wild Snake River salmon.

***CLAIM: “The 2014 BiOp plan represents the best possible path forward . . . which is why it had such broad support from . . . stakeholders across our region.”***

***REALITY: A broad coalition of stakeholders successfully opposed the 2014 BiOp.*** The State of Oregon, Nez Perce Tribe, commercial fishing, sportfishing, clean energy and conservation

organizations opposed the 2014 Federal Salmon Plan and each of its predecessors since 2001 in court. After hearing from these groups - and from the federal agencies and industrial river users that have supported these failed plans - the District Court concluded the 2014 plan, like its predecessors, is illegal and fails to protect wild salmon from extinction. During the most recent NEPA scoping public comment period, nearly 400,000 people submitted comments calling to remove the lower Snake River dams.

***CLAIM: In June, BPA “noted \$15.28 billion in total spending since 1978 on fish recovery.”***

***REALITY: Yes, BPA and other federal agencies have spent over \$10 billion taxpayer and ratepayer dollars since 1978.*** Unfortunately, this massive expenditure has failed to recover a single salmon run. BPA’s extensive use of ratepayer money for salmon restoration has been -- and continues to be -- a large and expensive failure because it does not focus on the core problem for salmon recovery – a major overhaul of federal dam operations on the Snake and Columbia Rivers that includes removal of the four lower Snake River dams. With intensifying impacts from climate change, a continuation of the failed status quo will doom our endangered salmon runs, while saddling Northwest ratepayers with billions in added costs.

### **H.R. 3144 - Legislative Overreach**

The actual purpose of H.R. 3144 is to overturn two recent decisions by the U.S. District Court. The first of these decisions from May 2016, found the most recent plan for managing the federal dams on the Columbia-Snake Rivers violated the ESA and NEPA and would not protect wild salmon from extinction.

This court ordered the federal agencies to develop a new plan that considers all reasonable dam management alternatives, including lower Snake River dam removal. It requires the agencies to examine climate impacts on salmon and the federal hydro-system. The court gave the agencies until 2021 to complete this analysis and plan.

The second decision, issued last April, found current dam operations based on the illegal 2014 plan would cause “irreparable harm” to salmon already facing extinction. The court required federal, state and tribal scientists to work together to develop a near-term plan to release more water over the dams’ spillways to improve juvenile salmon survival. This new plan will begin in Spring 2018, will comply with all state water quality standards and is widely considered the most effective near-term measure available to bring immediate benefits to salmon.

**H.R. 3144 would block both judicial decisions by requiring that, until 2022, dam operations must follow the illegal dam management plan rejected by the Court in 2016.**

**H.R. 3144 would seek to prevent any study, analysis or consideration of dam management alternatives, such as additional increases in spill or removal of the four lower Snake River dams.**

This legislative effort to circumvent the courts and the requirements of our nation’s laws is contrary to the way our democracy should work. Sadly, it would also protect a failed and costly status quo while blocking the opportunity to create a new plan that both reflects regional stakeholder input and works to achieve salmon recovery.

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