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Written Statement of John A. Rosholt

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Re: U.S. Army Corps of Engineers  
Juvenile Salmon Migration Draft  
Feasibility Report/Environmental Impact Statement  
The Federal Caucus Conservation of Columbia Basin Fish All-H Paper

My name is John A. Rosholt. I have practiced law in Idaho for 36 years. Our firm has represented Twin Falls Canal Company (TFCC), North Side Canal Company (NSCC), and American Falls Reservoir District (AFRD) throughout my career. Today my comments are my own, although after 35 years in practice it is difficult for people to acknowledge that a lawyer can have opinions separate from his clients.

To reminisce, as a youngster in a poor family, our Sunday entertainment in the late 1940's was a visit to Washington Water Power's small dam which also formed the Potlatch Mill Pond. The steelhead and spring chinook provided the entertainment for four wide-eyed children as the fish tried to surmount the dam's spillway and continue upstream to spawn. What drama! Eventually, the fish that could not make the jump found the fishladder. So I know and appreciate these magnificent animals, as I did my weekly ice cream cone on the way home. Although I have never caught a salmon, I have eaten several of Albertson's finest, my preference with butter, lemon and dill. I have not known whether they were hatchery or native filets.

I think my personal career experiences give me a background from which to comment on the dam breach/augmentation issues associated with the recovery of the endangered salmon, as do most Idahoans. I am 62 years of age, and was born and raised in Lewiston. My father and mother were survivors of the depression. I came along near the end. They, along with most of the people in the Columbia Basin, supported the "New Deal" dam building and anything else that would get them out of the depression. They were aware of the fact that salmon runs would be impacted by the construction of Bonneville Dam, perhaps impacted most seriously when Grand Coulee would be completed. No one, including the tribes, objected loudly. The jobs created by cheap and plentiful hydro power and the USBR's Columbia Basin Project were a Godsend. The area broke free of the depression only to face five years of WWII. Following the war, the BPA power base and the "value-enhanced" products of irrigation built communities, tax bases, schools and a quality of life unexcelled. Since the "New Deal", the Pacific Northwest has always opted for jobs. Biologists in the mid-1930's represented that hatcheries could fill the shortfall of fish caused by the dams. The decision to build the Columbia and Snake River Dams was intentional,

purposeful and popular. Only a few did not focus on the possibility of losing anadromous fish at the time. Fish were secondary to citizens.

As I grew up in Lewiston, the area business people, chambers of commerce, and others were pulling for dams to bring slackwater to Lewiston, so Idaho's only seaport could serve year around, rather than only for the two months of historical navigation available to the old paddlewheels and steamers during the high flows of the spring floods in the early century. The 50's, 60's and 70's were the height of American's dam building era. Lewiston and its supporters were successful in authorization and construction of the four Lower Snake dams by the United States.

As I attended law school at the University of Idaho in the early 1960's, the Idaho Legislature considered and passed statutes facilitating the formation of Port Districts. I personally wrote a paper on National Transportation Policy for my Public Regulation of Business course in law school, comparing barging costs to other modes of transportation. In the paper, I lamented that National Transportation Policy prevented the transportation industry from free competition protecting the railroads and trucking industry.

But Lewiston was euphoric with its new role. It was now a seaport and more than a single-industry mill town. The port would compliment the timber and the agricultural industries. Other ports formed for Clarkston, Garfield County, and other political subdivisions along the Lower Snake River in Washington State. It also got a new transportation route in the face of the worst highways in America.

But political priorities change, seemingly more in times of economic prosperity. In the 1970's, we reached the ultimate with the passage of the Endangered Species Act, prioritizing the restoration of plants, animals, snails, etc. thought to be in short supply. We also became affluent enough to decide that only native salmon and steelhead were deserving of our support. Conscious and reasoned decisions of the past are all available for reconsideration in the name of fish recovery, regardless of the impacts. The federal government agencies seem in unison to be giving deference to the National Marine Fisheries Service in spite of their many different trusteeships and stewardships designated in treaties and statutes.

The recent salmon recovery studies including those which are the subject of this hearing, are being depicted as an either/or proposition, even though that is an over simplification. "Remove the dams and save the fish without any Idaho water" is the most popular theme. This should appeal to Idaho's largest population base, South Idaho irrigators. Unfortunately, no one in authority has said this. Not NMFS, not USF&WS, USBR, the Army Corps or even the Tribes. What they say is they don't know how much Idaho water will be required whether or not the dams are removed. Without a compact or federal legislation limiting augmentation water from Idaho, Idaho has to balk at removing dams. How would Idaho look with the dams, jobs, navigation, and electricity gone, and 427,000 to 2.4 M/A/F/A being then taken, drying a million irrigable acres? And still the Salmon do not return?....

I personally have followed the Elwah Dam saga on the Olympic Peninsula in

Washington. That dam was built to supply electricity for a paper mill which was then the leading industry in Port Angeles, my wife's home town. The dam blocks migrating salmon from spawning beds upstream. The dam is being authorized for removal. Ironically, there are more than ten, perhaps more than fifteen, other streams which feed the Straits of Juan de Fuca from the Olympic Peninsula. Those streams are all undammed, yet none have salmon returning to spawn although they were all spawning habitat similar to the Elwah when there were fish in the Elwah. Maybe predators, temperature, ocean conditions, harvest and other factors play a larger role in fish decline than concrete. Several undammed Canadian rivers are experiencing the same void of spawning salmon.

To me we are premature. While Americans think we can do anything with money, are we really now at a point where such drastic alternatives are the only choices in salmon recovery – dam removal or dry Idaho? I contend that no one knows the answer, albeit the emotion appears on the side of breach because of the financial support of the environmentalists and the press. Breaching may enhance fish recovery. But what if it doesn't? If it is not successful, and no upper limit has been established to protect Idaho on augmentation water, then we lose the navigation, electricity, jobs, and the irrigation community.

While some at the hearings contend for dam removal and augmentation, they probably don't need jobs and eat very little. The silent non-affluent majority of Idaho's citizens need better reasoned science and common sense from the scientists and the bureaucrats before they support decisions that could push us into the unknown. An early visit to the aggressive non-breach alternatives seems most prudent.

It only seems logical with the kind of money being spent that we first exhaust all the non-breaching alternatives (harvest, predators, etc.). If nothing works, perhaps there is a better chance of unity in Idaho's position. The present dichotomy of Idaho's political position is so esoteric, e.g. keep the state together regardless of logic. If there really are no non-breach alternatives, the politicians will have to bite the bullet and pick an alternative if native salmon recovery remains a national priority which trumps Idaho's preferences.

JOHN A. ROSHOLT

