

FRIENDS
OF
THE

earth

April 28, 2000

Northwest Office
6512 25th Avenue NW, Suite 320, Seattle, WA 98117

MAY 01 2000

Department of the Army
Walla Walla District, Corps of Engineers
ATTN: Lower Snake River Study
201 North Third Avenue
Walla Walla, WA 99362-1876

Re: Draft Lower Snake River Juvenile Salmon Migration Feasibility Report/Environmental Impact Statement and John Day Drawdown Study

Dear Lieutenant Colonel Bulen, Jr. and Study Team members:

Friends of the Earth (FoE) thanks you for the opportunity to comment on the U.S. Army Corps of Engineers' (COE) Draft Lower Snake River Juvenile Salmon Migration Feasibility Report/Environmental Impact Statement (DEIS) and John Day Drawdown Feasibility Study. FoE has more than 20,000 members nationwide who support our mission to protect the planet from environmental degradation, preserve biological, cultural, and ethnic diversity, and empower citizens to have an influential voice in decisions affecting the quality of their environment and their lives.

We are troubled that the COE has reached a decision about the Lower Snake River dams prior to the conclusion of the public comment period and consideration of those comments. By reaching a decision prior to concluding the public process, the COE makes a mockery of that public process and shows contempt for the public.

Preferred options

FOE supports recovery of Snake River Basin anadromous and resident fish stocks, which is the standard in the Endangered Species Act (ESA). Alternative 4, partial removal of the Lower Snake River dams is the only alternative in the DEIS that meets this standard, although additional actions are necessary to achieve recovery. The COE should continue to study John Day Drawdown including sponsoring an independent review of the project and implementing ways to avoid, minimize, and mitigate for the effects of the project on listed species. Absent a continuation of the study, the COE has no basis for any operations of the John Day dam in a manner that complies with the ESA.

Detailed Comments

Army Corps of Engineers Lower Snake River Juvenile Salmon Migration Feasibility Report/Draft Environmental Impact Statement



1 The DEIS fails to meet the federal government's responsibilities under (1) the Endangered Species Act (ESA), which calls for recovery of listed species, (2) the U.S. Canada Fisheries Treaty, which calls for "optimum levels of fish production," and (3) treaties with Tribes, which allow the Tribes to take fish in their usual and accustomed places. The focus of the DEIS is incomplete, distorted, and provides a misleading analysis of the scientific merits and economic costs and benefits of the alternatives. The "extinction avoidance" standard used to measure benefits or impacts to anadromous fish from the four alternatives is inappropriate scientifically and misinforms the public about what is needed to meet ESA-mandated recovery standards.

2 The four lower Snake River dams affect all river-dependent life stages of anadromous fish. The purpose of the DEIS should simply be the recovery of those listed fish and no significant impacts to wildlife resources affected by the projects. To achieve those goals, the COE should look at all aspects of how the Lower Snake River dams affect salmon as adults and, and avoid, minimize and mitigate for those effects.

3 Much of the DEIS is an exercise in false precision about numbers rather than focusing on achieving recovery. The presentations of the "sample spreadsheet" in Appendix A, Annex D, E, and F are impenetrable. Absent discussion of the data collection and analysis format, the data, much less the results, cannot be understood. Furthermore, the Annex F "lumps" steelhead runs A and B; "lumped" is neither a defined nor valid term in statistical research. The ESA requires recovery, not speculative estimates about recovery or extinction probabilities.

4 The DEIS draws focus away from the more important topics of restoring natural river functions and avoiding, minimizing, and mitigating the effects of the federal hydrosystem on life stages of fish. This approach is the centerpiece of many works on salmon restoration generally, such as *Upstream and An Approach to Restoring Salmonid Habitat-forming Processes in Pacific Northwest Watersheds* and those looking at Columbia Basin stocks specifically, such as *Return to the River* and *Wy-Kan-Ush-Mi Wa-Kish-Wit Spirit of the Salmon*.

HARZA's 1996 *Salmon Decision Analysis Lower Snake River Feasibility Study*, performed for the COE but, inexplicably, not referenced in the DEIS or Anadromous Fish Appendix, emphasizes the importance of biological criteria for making a decision and warns that data collected in the future will be just as controversial as data already in hand. The report stated clearly that the rapid removal of the Lower Snake River dams was the most economically and biologically sound path to facilitate recovery of affected stocks.

5 The DEIS fails to address the Independent Scientific Advisory Board's (ISAB) comments on the COE's past actions and capital projects on the Lower Snake and mainstem Columbia River dams. The references cite only one ISAB report, although that group has done several reports critical of COE capital projects including ISAB 97-15 *Downstream Passage for Salmon at Hydroelectric Projects in the Columbia River*, ISAB 98-2

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regarding juvenile salmon transportation in the 1998 seasons, ISAB 98-4 *Corps Capital Construction Project Review*, ISAB 99-2 *Report of the ISAR Review of the U.S. Army Corps of Engineers Capital Construction Program*, and ISAB 99-4 *ISAB Review of the U.S. Army Corps of Engineers' Capital Construction Program*.

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The DEIS fails to include discussion of the extensive history of dam removal in this country, ignoring the hundreds of dams that have been successfully removed. Enclosed is a copy of a recent report, *Dam Removal Success Stories*, prepared by Friends of the Earth, American Rivers and Trout Unlimited. It provides the COE information on the ecological, safety, and economic benefits that accompanied the more than 465 past dam removal efforts nationwide, including 36 dams from rivers and streams in the Northwest. Each was removed because either the dam had outlived its usefulness, or the negative impacts on the river and riverside community outweighed any benefits the dam may have provided.

Two of the case studies in the report detailing the removal of dams on the Clearwater and Walla Walla Rivers are of particular note, as the COE was directly involved with each project. Removal of Lewiston and Grangeville dams on the Clearwater River demonstrates that dams of substantial size were removed a generation ago to improve salmon and steelhead migration, and the removal of Marie Dorian highlights more recent efforts to restore fish runs through removal of dams.

The DEIS discussion of Economics, including Appendix I, is incomplete, distorted, and inaccurate. The DEIS consistently overestimates the costs, and underestimates or excludes the benefits, of partial dam removal (Alternative 4), while underestimating or entirely excluding costs of dam retention alternatives (Alternatives 1-3). In particular, the economic analysis completely ignores two major costs associated with dam retention: (1) the cost of acquiring additional flow augmentation in the Snake River Basin needed, according to NMFS and the All-H science paper, in order to protect listed salmon species; and (2) the cost of compliance with Clean Water Act water quality standards.

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In addition, the treatment and consideration of subsidies fails to consider the true social costs of keeping or removing the Lower Snake River dams. Friends of the Earth summarizes some of the subsidies, identified by the General Accounting Office, Congressional Budget Office, Office of Management and Budget, Bonneville Power Administration rate case and other documents in our *Green Scissors and River of Red Ink* reports, enclosed. Second, the economic analysis in the DEIS fails to properly consider rights. A recent paper in the *Washington Law Review* by Richard O. Zerbe and Linda J. Graham entitled "The Role of Rights in Benefit Cost Methodology: The Example of Salmon and Hydroelectric Dams" explains that proper consideration of legal rights is critical to an accurate determination of how benefits and costs are measured and whose interests are included in the analysis. Third, the DEIS fails to address the factors that Phil Lansing raised in an economic study of Lower Snake River dam removal conducted for the Oregon Natural Resources Council. Fourth, the DEIS fails to address the issues raised in 1996 report by the Institute for Fisheries Resources in *The Cost of Doing Nothing*, a study of the economic burden on salmon declines in the Columbia River

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Basin. Sixth, the DEIS fails to address the issues raised in *Saving Snake River Water and Salmon Simultaneously*, published by the Northwest Water Law and Policy Project in 1998. Seventh, the FEIS must identify and address additional ways to mitigate economic effects of dam removal. Eighth, the DEIS fails to address the issues raised in *An Economic Strategy for the Lower Snake River*, published by ECONorthwest in November 1999. Lastly, the summary information is skewed and fails to convey the true nature of the social costs of dam removal and retention.

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The DEIS provides an inadequate and cursory review of the energy market in the region and how dam removal or retention affects that market. The System Operations Review looks at the federal system in a static way that fails to consider how the system fits into the regional market. BPA's Business Plan and Final EIS is the most recent analysis of the dynamic energy market, and the FEIS should reflect the energy efficiency scenario that BPA studied. BPA found that increased investments in cost-effective conservation would save BPA and the region's ratepayers money while providing for cleaner air and allowing greater instream flows for salmon.

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Before the period when the COE removes the 4 Lower Snake River dams, the COE must take all reasonable steps to minimize and mitigate for the effects of the dams on the Snake River Basin stocks. These steps should include:

- Immediately end trucking and quickly phase out barging of juvenile salmonids migrating downstream in the Snake River.
- Cease spending on capital projects on the Lower Snake River dams except those necessary for partial removal.
- Increase flow augmentation in the Snake River, including supplementing the 427 kaf called for in the 1995 Biological Opinion with at least an additional 1.5 maf. This should be obtained by: (1) eliminating all illegal water use in the Snake River Basin; (2) acquiting water from the upper Snake River Basin; and (3) drafting at least 1 maf of water from Dworshak.
- Spill water at the 4 lower Snake River dams up to total dissolved gas limitations in order to facilitate juvenile outmigration.
- Place a moratorium on any additional water withdrawals in the basin until the 4 lower Snake River dams are removed.
- Place a moratorium on dredging in the lower Columbia River Shipping Channel, including the proposal to deepen the channel an additional 3 feet.

Federal Caucus

FoE has submitted comments on the Federal Caucus' "All H" paper, which we incorporate by reference with the following addition. The COE's frequent references in the DEIS, in other written materials, and in public statements correctly point to the many factors affecting Snake River Basin salmon and resident fish stocks, but do so in a manner that seeks to deflect attention away from the effects that the Lower Snake River dams have on those stocks. The COE should squarely address its responsibilities, and not

raise issues that, while pertinent to the fate of the salmon and resident fish stocks, are irrelevant to the COE's responsibilities.

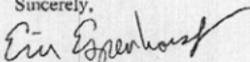
John Day Drawdown

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The COE should pursue additional study of seasonal drawdowns at John Day dam for the follow reasons: First, the study the COE recently concluded provides too little information about how the dams affect Columbia Basin anadromous fish stocks. Second, the COE has no information or basis to manage the project so as not to harm listed species. Third, the COE should fund an independent scientific evaluation to design the study to ascertain how the project affects listed species and how those affects may be avoided, minimized, and mitigated.

Please keep this office informed as to developments in this matter. If you have any questions, feel free to contact me.

Sincerely,



Eric Espenhorst

3 enclosures

cc: Will Stelle, NMFS w/o enclosures
Judy Johansen, BPA w/o enclosures