



Lower Snake River Juvenile Salmon Migration Draft Feasibility Report/ Environmental Impact Statement

The U.S. Army Corps of Engineers invites any person who has an interest in the Draft FR/EIS or represents a group of people that have an interest in the subject matter of this study, to make comments. The Corps will respond to the comments related to their Draft FR/EIS in their next NEPA document produced for the Lower Snake River Juvenile Salmon Migration Feasibility Report/EIS. Comments will be accepted through March 31, 2000.

Please see the attached pages for comments by the Idaho water users.

Respectfully submitted by,

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Via e-mail and mail

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COMMENTS BY IDAHO WATER USERS
ON
THE LOWER SNAKE RIVER
JUVENILE SALMON MIGRATION
DRAFT FEASIBILITY REPORT/
ENVIRONMENTAL IMPACT STATEMENT

SUBMITTED ON BEHALF OF
THE COMMITTEE OF NINE
AND
THE IDAHO WATER USERS ASSOCIATION

MARCH 31, 2000

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COMMENTS BY IDAHO WATER USERS

ON

THE LOWER SNAKE RIVER JUVENILE SALMON MIGRATION DRAFT FEASIBILITY REPORT/ ENVIRONMENTAL IMPACT STATEMENT

These comments are submitted on behalf of the Committee of Nine and the Idaho Water Users Association (hereinafter "Idaho water users"). The Committee of Nine is the official advisory committee for Water District 1, the largest water district in the State of Idaho. Water District 1 is responsible for the distribution of water among appropriators within the water district from the natural flow of the Snake River and storage from U.S. Bureau of Reclamation reservoirs on the Snake River above Milner Dam. The Committee of Nine is also a designated rental pool committee that has facilitated the rental of stored water to the Bureau of Reclamation to provide water for flow augmentation pursuant to the 1995 Biological Opinion. The Idaho Water Users Association was formed in 1938 and represents about 300 canal companies, irrigation districts, water districts, agri-business and professional organizations, municipal and public water suppliers, and others. These comments have been prepared with the assistance of the scientists, biologists, and engineers who have been retained to address Snake River ESA issues.

Summary of Comments

The Lower Snake River Juvenile Salmon Migration Draft Feasibility Report/Environmental Impact Statement ("Draft FR/EIS") raises numerous issues in the

1 presentation of alternatives.¹ However, the Idaho water users have focused their comments on the specific set of issues pertaining to flow augmentation from the Upper Snake River.²

Idaho water users support the elimination of the 1.0 MAF alternative and oppose the continuation of the past flow augmentation using 427,000 acre-feet water from the Upper Snake River because:

- 2
- Flow augmentation does not provide significant biological or physical benefits;
 - Flow augmentation has high economic cost and impact; and
 - Flow augmentation must overcome huge political and legal hurdles.

Each of the alternatives in the Draft FR/EIS should be revised to eliminate Upper Snake River flow augmentation.

3 Idaho water users prefer Alternative 2 (maximum transport of juveniles), without Upper Snake River flow augmentation and in combination with other measures (predator control, harvest reductions, and improved transportation methods). Alternative 3 (major system improvements) is acceptable without Upper Snake River flow augmentation but it is not clear that it is cost-effective. Alternative 4 (dam breaching) is not a viable alternative and, in any event, should not include flow augmentation from the Upper Snake River.

The tribal discount rate of 0 percent should be deleted from the economic analysis because it will contribute to poor decision-making, it is inappropriate, and it is a dangerous precedent.

¹Throughout these comments, "Draft FR/EIS" is used to refer to the December 1999 Draft Feasibility Report and Environmental Impact Statement for the Lower Snake River Juvenile Salmon Migration Study prepared by the Department of the Army, Walla Walla District Corps of Engineers in cooperation with the Bonneville Power Administration, U.S. Environmental Protection Agency, and U.S. Bureau of Reclamation.

²Throughout these comments, the Upper Snake River means the portion of the basin above Brownlee Reservoir.

MAF Alternative

The alternative action of increasing flow augmentation from the Upper Snake River by 1.0 million acre-feet (MAF) was eliminated from further consideration for a variety of reasons (Draft FR/EIS, pp. 3-15, 3-16, 5.16-3, 5.16-4). Idaho water users strongly support the decision to eliminate the 1.0 MAF option for the reasons cited in the Draft FR/EIS:

- “High costs required for implementation”;
- “Multiple implementation issues”;
- “Uncertainty of availability of the 1.0 MAF”;
- “Unlikely this alternative would perform any better [biologically] than alternatives fully considered”;
- “Did not meet Federal criteria for completeness and public acceptability”;
- “Significant impacts to water quality, resident fish and wildlife, and recreation”;
- Highly variable and inequitable impacts among water users;
- Protracted litigation; and
- The need for congressional amendment of existing Reclamation law.

Appendix 1 contains the comments filed by the Idaho water users on the draft All-H Paper prepared by the Federal Caucus. Appendix 1 is incorporated herein as if fully set forth in the text of these comments on the Draft FR/EIS. As discussed in Appendix 1, there are additional reasons for eliminating the 1.0 MAF alternative. First, there is no evidence that flow augmentation from the Upper Snake River provides a significant biological benefit to the listed species. In fact, there is a strong possibility that additional flow augmentation from Brownlee Reservoir would decrease survival of fall chinook. Second, hydrological data does not support the premise that “natural” river conditions can be restored with flow augmentation. Summer flows have been trending upward since the early 1900s, augmented releases do not significantly affect velocities through the reservoirs on the lower Snake and Columbia Rivers, and the effect on the estuary is negligible.

Past Flow Augmentation

Each of the alternatives in the Draft FR/EIS includes the 1995-1999 levels of flow augmentation from the Upper Snake River, which are based on the 1995 and 1998

Biological Opinions (Draft FR/EIS, pp. 3-3, Figure 3-1). In the Draft FR/EIS, there is no rationale for inclusion of the past levels of flow augmentation in even one alternative, let alone all four alternatives. Inappropriately, past flow augmentation has been converted into a baseline condition even though, as discussed below, it has been an “interim” or “experimental” measure.

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Continuation of the past levels of Upper Snake River flow augmentation is opposed by the Idaho water users for the same reasons they are opposed to the 1.0 MAF alternative: there is no scientific justification, biological basis, or legal authority to take water from an area outside of historical and critical habitat to avoid a take or to provide a reasonable and prudent alternative to a take that is occurring or may occur in the critical habitat. Flow augmentation from the Upper Snake River does not provide significant benefit to listed species or their habitats and adverse impacts occur to water users and local resources.

The Upper Snake River basin has supplied over 3.5 MAF of water for flow augmentation over the past 10 years. Another 15 MAF have been provided from Brownlee and Dworshak Reservoirs. The past level of flow augmentation from the Upper Snake River was originally requested by various entities as an “experiment” or an “interim” measure. The Northwest Power Planning Council suggested flow augmentation as an “experiment” to test the hypothesis that there is a “relationship between spring and summer flow, velocity and fish survival” in an adaptive management framework (NPPC, 1994, p. 5-13). The National Marine Fisheries Service called for “interim target flows”, and thus flow augmentation, on the basis of a finding that “... a general relationship of increasing survival of Columbia River basin salmon and steelhead with increasing flow is reasonable.”(NMFS, 1995, pp. 1, 2) Despite the lack of scientific evidence or legal basis for flow augmentation, Idaho water users acquiesced in the experimental program and helped pass state legislation to authorize the use of water for flow augmentation. Several years of research were conducted to assess the effects of flow on the survival of listed species. As discussed in Appendix 1, no significant benefit from Upper Snake River flow augmentation is evident and thus, the basis for the NMFS

interim target flows has been dispelled. Moreover, Idaho's interim authority to use water for flow augmentation has now expired.

9 Data in Appendix F of the Draft FR/EIS confirms the futility of attempts to use 427 thousand acre feet (KAF) of water for flow augmentation to significantly increase water velocities through the lower Snake River, whether or not the dams are breached (also see the discussion in Appendix 1, pp. 17,18). Charts 29-1 and 29-6 show travel time versus flow for the Snake River reach from the confluence of the Snake and Clearwater Rivers to the confluence of the Columbia and Snake Rivers, a distance of 140 miles (Draft FR/EIS, pp. F29-2, F29-7). From the charts, average water particle velocities in the reach can be determined and the impact of flow augmentation on average water particle velocity can be estimated. The mean June 21 through August 31 flow for the period 1911 through 1997, without flow augmentation, is about 40 thousand cubic feet per second (KCFS). If the entire 427 KAF were used to augment the mean June 21 through August 31 period, the resulting flow would be about 43 KCFS (still significantly less than the NMFS target flow of 50-55 KCFS). If the dams are breached (near free flow conditions), the 427 KAF of flow augmentation would increase the average water particle velocity of 4.2 feet per second (fps) by less than 5 percent or about 0.2 fps and the water particle travel time for this reach would be reduced by about 1½ hours to about 47 hours. If the dams are not breached (full pool conditions), the 427 KAF flow augmentation increases the average water particle velocity by 0.02 fps to 0.42 fps and the water particle travel time for this reach would be reduced by about 30 hours to 485 hours, which is still more than 20 days. In either case, the increase in velocity resulting from Upper Snake River flow augmentation is insignificant.

10, 11 Idaho water users oppose continued Upper Snake River flow augmentation because there is no evidence that the release of enormous volumes of water has significantly benefited Snake River spring and summer chinook, steelhead, or sockeye populations or contributed to their survival. As thoroughly described in Appendix 1, studies of fall chinook survival above Lower Granite Reservoir show a relationship to migration timing, temperature, turbidity, flow, and travel time (in that order), but the relationship between

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cont. flow and adult survival is not statistically or biologically significant. Development of water resources in the Upper Snake River basin did not cause the decline of fish populations and has not resulted in the destruction or adverse modification of critical habitat. Continuing to reduce Upper Snake River water uses to provide flow augmentation will not reverse the fish population decline, recover the populations, or mitigate the adverse modification of critical habitat caused by activities in the lower Snake and Columbia Rivers.

Water User Positions on Alternatives 2-4

12 Alternative 2 (maximum transport of juvenile salmon) without Upper Snake River flow augmentation is the preferred alternative for Idaho water users. In combination with other measures,³ transportation improvements are cost-effective and biologically-effective measures to prevent jeopardy and enhance the recovery of listed species.

13 Alternative 3 (major system improvements) without Upper Snake River flow augmentation is also an acceptable alternative; however, it is not clear that the incremental biological benefits justify the significant increase in costs. Alternative 4 (dam breaching) is not a viable option when all of the biological, physical, economic, legal, and political realities are considered. In any event, Upper Snake River flow augmentation in addition to dam breaching is unnecessary and strongly opposed by Idaho water users.

Tribal Discount Rate

14, 15 The Draft FR/EIS presents the economic analysis of impacts using three different discount rates, including a tribal rate of 0 percent (Appendix I, pp. I-1-6, I-1-7). As discussed below, the 0 percent discount rate approach should be eliminated from the final FR/EIS because:

1. It will contribute to poor decision-making,

³Other measures supported by Idaho water users include predator control, harvest reductions, and improvements in transportation, as discussed in the attached comments on the All-H Paper.

14, 15
cont.

2. It is inappropriate because it is required for evaluation of federal projects and is not widely accepted among economists, and
3. It establishes a bad precedent which can severely skew results where there are significant differences in the streams of costs and benefits among alternatives.

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The choice of a discount rate for use in evaluating projects and policy issues has been controversial for decades (*See, e.g.,* Portney and Weyant, 1999; Quirk and Terasawa, 1991; Bazon and Smetters, 1999). The discount rates proposed by different economists for different purposes generally range from 2 to 10 percent or more (*Id.*). Commonly, higher discount rates (which represent the opportunity cost of capital) are favored for projects or impacts that span decades, while lower discount rates are more often suggested for issues that span centuries (*Id.*). Also, lower discount rates are typically favored by those in the “prescriptive” school of thought under which “the selection of the discount rate proceeds from what the authors call ‘ethical principles,’ or rules relating to the way that the well-being of different generations ought to be weighed” (Portney and Weyant, 1999, p.4). However, a 0 percent discount rate is not widely accepted in the economic community. In fact, the Introduction to the recently published collection of articles entitled *Discounting and Intergenerational Equity* reaches the conclusion that “a failure to discount future benefits and costs would be a recipe for poor intergenerational policy-making” (*Id.*, pp. 6, 7).⁴

⁴The relevant paragraph reads:

With one exception, every chapter in this volume suggests that it is appropriate—indeed essential—to discount future benefits and costs at some positive rate. Even the one exception—the chapter by Dasgupta, Mäler, and Barrett, in which they envision circumstances in which the discount rate could be zero or even negative—leaves us with the impression that this would be an unusual case (footnote omitted). Even while arguing for a lower discount rate than would be appropriate for a shorter horizon, as many of the chapters here do, the authors quite clearly believe that a failure to discount future benefits and costs would be a recipe for poor intergenerational policy-making. We take this to be one of the most important conclusions a reader might draw from this volume.

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Although the 0 percent tribal discount rate was included to “accommodate” the tribal perspective and had “little effect on the ranking of alternatives” in the Draft FR/EIS, it creates a dangerous precedent for the economic analysis of salmon measures. The use of a discount rate reflects the reality that benefits or costs which occur in the near future should be weighted higher than those that occur in the far distant future. Surely, the tribes would value salmon recovery (a benefit) that occurs in the next 20 years higher than recovery 100 years from now. Likewise, costs which are incurred in the near term should count higher than costs which occur in the distant future. Finally, federal projects of the type that form the core of salmon recovery efforts must be evaluated using standard discount rates (see OMB Circular A-94 and the Water Resources Council Guidelines).

The economics analysis in the final FR/EIS will be most valuable to decision-makers if it confines itself to quantification of impacts and measures of efficiency defined by traditional economic approaches rather than incorporating ethical perspectives. Ethical issues in the salmon debate should be addressed in the political arena, not hidden in the choice of discount rate.

References

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- Portney, Paul R. and John P. Weyant (eds.). 1999. *Discounting and Intergenerational Equity*. Resources for the Future, Washington, D.C.
- Quirk, James and Katsuaki Terasawa. 1991. “Choosing a Government Discount Rate: An Alternative Approach.” *Journal of Environmental Economics and Management*. Vol. 20. 16-28.

APPENDIX 1:

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SUBMITTED ON BEHALF OF
THE COMMITTEE OF NINE
AND
THE IDAHO WATER USERS ASSOCIATION

MARCH 16, 2000

(See Document #69205)