

Biden administration promises \$1 billion more for salmon, clean energy, but punts on Lower Snake River dam removal

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In a major agreement over the operations of hydropower dams in the Columbia River Basin, the federal government has promised to spend \$1

billion to help restore wild salmon, assist in the build-out of new tribal clean energy projects and spill water over the dams to help fish.

But removal of the Lower Snake River dams, a long-running and controversial goal of tribes and other groups, is explicitly put off for years in the [agreement](#) filed Thursday in U.S. District Court in Oregon.

The agreement stems from years of mediated negotiations in a decades-long court battle over dam operations.

It sets commitments made by the federal government to be implemented through a memorandum of understanding between the U.S. and the states of Oregon and Washington, the Nez Perce, Umatilla, Warm Springs and Yakama tribes, and environmental nonprofit organizations.

The new money for salmon would be combined with other spending and delivered over the next decade to help restore [wild fish](#) and assist in the construction of at least 1 to 3 gigawatts of tribally sponsored clean-energy production, said Brenda Mallory, chair of the White House Council on Environmental Quality, in a call announcing the agreement Thursday.

Tribal energy production could potentially replace the hydropower produced by the Lower Snake River dams.

Washington Gov. Jay Inslee and U.S. Sen. Patty Murray, D-Wash., have said that all services from the dams would need to be replaced before any dam removal plan would be considered by Congress.

In a key compromise, the agreement also reduces water spilled over the dams for summer and fall run fish, including fall Chinook, one of the more robust salmon runs on the river, and a mainstay of tribal and sport fisheries. That allows the Bonneville Power Administration to sell power

from the dams into the lucrative California power market. However, spring spill would be boosted, to help spring Chinook by providing something more like a spring freshet for young fish migrating to the sea.

The agreement is a gamble, said Shannon Wheeler, chair of the Nez Perce Tribe, a party to the agreement. The tribe has long sought breaching of the four dams to boost salmon runs that have dwindled to as few as 50 adult fish coming home to some tributaries in their territory.

"I don't like this agreement," Wheeler said in an interview. "Because we are placed last again, the fish are last, everybody else is made whole before we even get to take a step. Irrigators are ahead of us, transportation is ahead of us, even tourism is ahead of us.

"And we are actually losing on spill, our summer and fall runs, those are rolled back."

Ultimately the agreement is a compromise the tribe could accept—and had to, Wheeler said, given the lack of unified political support in Congress at this time for dam removal. The improvement in spill for spring Chinook—the most prized by [tribal members](#)—and opportunity for tribally led green energy development made the agreement viable, Wheeler said.

There is risk for both sides in the agreement. Just as the plaintiffs get no guarantee of dam removal, the plaintiffs retain their ability to go back to court at any time. The stay of litigation is in place for up to five years and could continue for as long as 10.

Some dam users hailed the agreement, saying it puts dam removal off the table not only now, but maybe forever. "Dam removal is effectively off the table for any conceivable future," Darryll Olsen, board representative for the Columbia-Snake River Irrigators Association,

wrote in a statement.

He predicted costs to river users of the agreement, including the public power system, would likely be marginal—especially compared with dam breaching.

Public power providers argued the agreement could raise rates for customers—and even the agreement itself can blow up anytime if the plaintiffs decide the government is not living up to its promises and seek to go back to court. "The words 'long-term' really don't apply here," said Kurt Miller, executive director of the Northwest Public Power Association.

His members were frustrated by lack of a seat at the table during the negotiations, and he warned nothing durable representing his members' 4 million customers is in place. "They did not form a broad consensus."

The agreement, if approved by the court, does push pause for now on nearly 30 years of litigation. "This marks a turning point in our decades-long litigation," said Earthjustice Senior Attorney Amanda Goodin, who represented the plaintiffs in the negotiations, in a written statement.

"Instead of attempting to defend yet another illegal dam operations plan in court, the Biden administration is setting a new course, following the science and the lead of the Tribes and States, to begin to replace the services of the Lower Snake River dams so that they can be breached."

Today, 13 runs of Columbia Basin salmon and steelhead are listed for protection under the Endangered Species Act. The National Oceanic and Atmospheric Administration in a comprehensive report on the river released in September 2022 stated that dam removal on the Lower Snake will be necessary along with other actions to boost salmon abundance.

Billions of BPA ratepayer dollars have been spent to save salmon in the basin, but not a single run has recovered.

Federal agencies in charge of dam operations and salmon recovery have been sued and lost six times over operation of the dams, which a series of federal judges going back to 1994 have found imperil salmon, a violation of both the ESA and treaties with Native American tribes.

The causes of salmon decline are many, including water withdrawals for irrigation, habitat lost to farming and development, historical overfishing, poor hatchery practices, climate change and fish killed by the dams. Passage for adult and juvenile salmon at the dams has improved, and the Columbia has seen some relatively good years. But climate warming and continued development in the region keeps raising the risk of salmon and steelhead extinction, particularly in the Snake.

The four Lower Snake dams were the last built in the system in the 1960s and 1970s. Together they generate on average enough power to serve a city about the size of Seattle. Irrigation on one of the pools of the Lower Snake dams also waters thousands of acres of food crops. Barge transportation through locks extends navigation from saltwater all the way to Lewiston, Idaho.

The construction of dams on the Snake, beginning with Swan Falls in 1901 and continuing with the Hells Canyon Complex in the 1950s and the Lower Snake dams in the 1960s and 1970s, eliminated or severely degraded 530 miles or 80% of the historical habitat for Chinook in the river.

In February 2021, a Republican congressman from Idaho, Mike Simpson, shocked the region with a \$34 billion plan for taking out the dams to benefit salmon, while replacing their benefits. GOP lawmakers panned it. Washington Democratic leaders took a different approach.

Inslee and Murray commissioned a report on replacing the benefits of the dams, released in August 2022. They found a significant infrastructure program costing \$10.1 billion to \$31.3 billion could replace the services of the dams. They also vowed dam removal could not happen without replacing those services first.

The Washington Legislature in 2023, at Inslee's request, approved \$7.5 million to fund studies on replacement of the power, river transportation and irrigation benefits of the dams. More studies would also be conducted under the federal agreement.

The conflict is one of the longest-running in the region.

In 1994, U.S. District Court Judge Malcom Marsh threw out the [federal government](#)'s plan of operations for the dams in the first court case over the issue, challenging the government's failure to operate the dams while adequately protecting salmon under the Endangered Species Act. The judge agreed with the plaintiffs in that case, decrying agencies' "small steps, minor improvements and adjustments—when the situation literally cries out for a major overhaul."

Instead, what will be overhauled now, potentially, are services provided by the Lower Snake dams. That is the gamble for the plaintiffs, Wheeler said. What was agreed to constitutes a possible pathway to breaching someday— but not a guarantee.

"We are rolling the dice, taking the chance that the irrigation is going to get fixed, then transportation gets fixed or on its way, and energy needs to be replaced, then will Congress make the decision?"

"Breaching comes last."

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