

Blue Mountains Biodiversity Partnership • Cascadia Wildlands
Center for Biological Diversity • Center for Food Safety • Deschutes River Alliance
Friends of the Earth • Food & Water Watch • Native Fish Society • Northwest
Environmental Advocates • Nuclear Information and Resource Service • Oregon
Wild • Spokane Riverkeeper • The Conservation Angler • WaterWatch of Oregon •
Wild Fish Conservancy • Willamette Riverkeeper • WildEarth Guardians

March 16, 2021

The Honorable Ron Wyden
221 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Patty Murray
154 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Jeff Merkley
531 Hart Senate Office Building
Washington, DC 20510

The Honorable Maria Cantwell
511 Hart Senate Office Building
Washington, DC 20510

Re: Oppose Rep. Simpson’s Disastrous “Energy and Salmon Concept”

Dear Senators Wyden, Merkley, Murray, and Cantwell:

On behalf of our organizations and our millions of members and supporters, we write to express our profound concerns with Rep. Simpson’s “energy and salmon concept” and to oppose his proposal in its current form. Each of our organizations strongly supports the removal of the four Lower Snake River dams to help restore the region’s culturally significant wild salmon and steelhead, and we fully support aiding every community impacted by the removal of the dams. However, this goal cannot be achieved by suspending the protections of our bedrock environmental laws for a generation or more, along with an unprecedented attack on environmental justice for millions of people that live across the Columbia River basin. The proposed suspension of core environmental laws is the most sweeping we have ever encountered and is unacceptable.

Breaching these Snake River dams may well save four of the most endangered salmonid species from extinction. But in exchange, Rep. Simpson’s proposal demands the most extensive rollback of environmental safeguards in the modern environmental era—a 25-year exemption for what would likely end up being most or all of the basin’s agriculture from every aspect of the Clean Water Act and Endangered Species Act, as well as a 35-year exemption from all environmental laws for every other significant dam in the Columbia Basin. In other words, Rep. Simpson is asking millions of the region’s residents to sacrifice their clean water protections and is risking the future of many other endangered, threatened, or sensitive species in the Northwest as the price for removing these four dams. Moreover, this deal would set a terrible and dangerous precedent for the rest of the nation, creating a model wherein environmental progress can only occur by sacrificing human health and environmental protections elsewhere.

Cynically, Rep. Simpson's proposal continues the false narrative that environmental safeguards are to blame for declining wild salmon populations. Nothing could be further from the truth. Almost all of the Columbia Basin dams were constructed prior to the existence of our key environmental laws, and the dams are a primary cause of declining wild salmon in the Pacific Northwest. The safeguards provided by the Clean Water Act, Endangered Species Act, and National Environmental Policy Act—and, yes, the litigation brought by Tribes, States, and environmental organizations based on those laws—are the reason that the Snake River wild salmonids are not already extinct. Those very laws are what brought the question of breaching these dams to this point. The strength of the Endangered Species Act is the reason our salmon and the endangered Puget Sound orcas that depend upon them still have a chance to recover, and the strength of the Clean Water Act provides tools to improve the Northwest's water quality to the benefit of species and human health. Efforts to protect water quality, wetlands, farmworkers from pesticides, and communities most impacted by pollution would all be jeopardized by suspending these laws for a generation.

The proposal's basic antagonism to fundamental environmental regulatory programs also fails to recognize that strong regulatory programs incentivize voluntary actions and self-policing by agriculture and others that can contribute to improved water quality and human and species health across the Columbia Basin.

While we support providing funds and resources to help the communities that would be impacted by the removal of the Snake River dams, Rep. Simpson proposes to spend \$34 billion with virtually no accountability on how those funds would be spent. And the geographic scope of this spending proposal goes well beyond the scope of communities impacted by the breaching of the four dams. Under his proposal, most funding would go towards special interests and large agribusiness, rather than ensuring that ordinary people are put first with good-paying, reliable jobs. Funding would go towards large factory farm agribusinesses to further subsidize operations that already cause massive water and air pollution and other environmental ills including climate impacts, and a vague list of other infrastructure projects including unproven hydrogen storage and small modular nuclear reactors that have little to do with the Snake River dams. Rather than providing funds to all reasonably impacted communities and concurrently ensuring those public funds are used for public purposes—such as protecting wild salmon and steelhead from increasingly warm and polluted habitat—Rep. Simpson would be the sole arbiter who picks winners and losers for decades to come.

Not only does Rep. Simpson's proposal fail to address the current and future impacts of climate change to salmon, it actually would stall efforts to address rising water temperatures in the mainstem of the Columbia River. Every salmon and steelhead migrating through the Columbia faces an existential threat from warming river temperatures, especially in dam-created reservoirs. But by exempting over 80 dams from virtually all environmental laws, it will be impossible to address lethal water temperatures in the mainstem Columbia, such as the John Day pool where most of the 2015 sockeye salmon bound for Idaho perished. Rep. Simpson's proposal does not even mention the critical need to protect and restore cold-water refuges for salmon migrating through the Columbia mainstem.

Finally, Rep. Simpson's proposal dramatically shifts power and management of the Columbia Basin, including the waters of the basin states, in part through proposed new "watershed partnerships" controlled by State Departments of Agriculture and corporate agricultural interests. This undermines existing federalism principles and partnerships between states and the federal government and interferes with existing state agency jurisdiction to manage and allocate water and keep it clean. The proposal would radically depart from well over a century of state jurisdiction over water allocation and management by moving control over waters related to the partnerships to the State Departments of Agriculture. The proposal would also upend other State agency programs designed to protect imperiled species and effectively suspend water quality and other conditions of use in water rights issued by the basin States. Rep. Simpson's proposal also undermines the sovereignty of Tribal nations regarding decisions that affect virtually every aspect of salmon management and environmental protection. Allowing the agricultural sector to operate with impunity—choosing if and when it will protect water quality, wetlands, or salmon—is a simple recipe for environmental catastrophe.

Breaching the four Snake River dams cannot come at the price of more polluted water across the Columbia River basin, fewer wild salmon and steelhead in every other watershed of the basin, a continued assault by the mainstem and tributary dams on most Columbia Basin wild salmon and steelhead, degraded and destroyed wetlands, diminished wildlife that depend upon aquatic habitat and agricultural lands, and profound environmental injustice. We should not turn our back on science-based solutions, the rule of law, Tribal sovereignty, and environmental justice based on a moment of political expediency. Rep. Simpson's proposal is untenable and will accelerate the extinction of wild salmon and steelhead and other species in the Columbia Basin and irreparably harm human health.

In closing, we ask you to look beyond the initial appeal of Rep. Simpson's proposal to see its profound implications for water quality, fish and wildlife, federalism, and people. The entire purpose of breaching the Snake River dams is to rescue populations of wild fish. But, perversely, Rep. Simpson's proposal would jeopardize those very same fish by removing their legal protection from other major sources of harm. And, also perversely, it would remove legal protections from all other wild salmon and steelhead, along with numerous other species and human health, across the vast Columbia River basin.

To be clear, the undersigned support removal of the four lower Snake River Dams. We applaud any effort to get the ball rolling on dam removal and welcome a robust conversation on how to make that happen in the near term. We stand ready to negotiate and support a path forward for both dam removal and mitigation of the realistic and reasonably related impacts of removal of these four dams. But the current proposal sacrifices too much, fails to address major limiting factors in the survival of wild salmon, steelhead, and other species in the Columbia Basin, and would lock in a failed status quo or worse for much of the rest of the basin, while providing a financial and regulatory windfall for some of the very forces that are responsible, in large part, for the plight of these species and many of the most serious environmental justice issues in the basin.

Signed,

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