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Salmon & Steelhead In the Balance

In the Northwest, federal policies have pushed once-mighty fisheries to the brink of extinction. The end game may come this summer. **A special report.**

End Game for Snake River

Editor's Note: This is the third in a series of articles on the threatened extinction of one of the nation's most valuable, perpetually renewable resources, the wild salmon and steelhead of the vast Snake River Basin in northeast Oregon, southeast Washington and central Idaho.

So, it has finally come down to this.

In late spring or summer of 2005, a federal judge is scheduled to rule on the George W. Bush Administration's desperate effort to protect four costly pork barrel dams at the expense of endangered Snake River salmon and steelhead.

This timing can't be just coincidence. The gods must be up to something.

2005 is the 150th anniversary of a group of treaties executed by the United States guaranteeing Native American Indian tribes' reserved rights to salmon and steelhead produced in large part in the Snake River Basin.

2005 is the 25th anniversary of the Northwest Power Act, a sweeping law enacted to, once and for all time, bring the Federal Columbia River Power System into compliance with the oft-expressed, but persistently evaded, salmon and steelhead-protection will of the nation.

What irony that 2005 is the year the Bush Administration seeks to "disappear" Endangered Species Act protection for wild salmon and steelhead produced in vast, pristine habitats of the Snake River Basin and, with the same stone, undermine the law's protection for creatures great and small nationwide.

Thus begins the latest chapter in the dark history of wild salmon and steelhead once numbering in millions of fish; an

evolutionary heritage tens of millions of years old, since the Ice Age, uniquely adapted to infinite habitat niches more than 500 miles inland.

It is an epic tragedy and betrayal of the public trust.

A Little Neglect

Benjamin Franklin once said, "A little neglect may breed great mischief: for want of a nail the shoe was lost; for want of a shoe the horse was lost; and for want of a horse the rider was lost. ..."

Congress authorized four large pork barrel dams on the lower Snake River in southeastern Washington with the intent they would be built and operated to substantially protect migratory salmon and steelhead. The Army Corps of Engineers designed the dams with fish ladders to allow adult fish to migrate upstream to spawn. No provision was made for their progeny to migrate downstream. This negligence was not merely inattention to detail. It took effort.

In 1946, 15 years before the first dam was completed, the director of the U.S. Fish and Wildlife Service formally reiterated many previous warnings that Corps dams proposed for the lower Snake River would threaten survival of salmon and steelhead produced upstream.

In 1958, three years before the first lower Snake River dam was completed, Idaho Power Company completed Brownlee Dam upstream on the Snake River. Juvenile salmon were unable to migrate through the reservoir; rescue efforts failed; vast spawning areas upstream of the reservoir were



Salmon and Steelhead

PART III

By Ed Chaney

abandoned. It was a widely publicized disaster.

Still the Corps did nothing to modify its design of the four lower Snake River dams. They were completed between 1961 and 1975. Disaster happened.

Out of desperation, the Corps started straining juvenile fish from the river at the dams and transporting them in trucks and in river barges hundreds of miles downstream to the Columbia River estuary. This Rube Goldberg scheme did not suit fragile juvenile wild salmon and steelhead. The runs continued to decline.

In 1980 Congress declared this was an “emergency” and enacted the Northwest Power Act that, among other things, mandated restoration of all salmon and steelhead runs depleted by the federal power system. The Act established The Northwest Power Planning Council, composed of two members appointed by each governor of Oregon, Washington, Idaho and Montana. The council’s principal charge was to quickly prepare a plan to modify the federal power system as necessary to restore the fish runs.

That didn’t sit well with “The Columbia River Pork Alliance,” the powerful regional clique of bureaucrats, monopolists, crony capitalists, entrenched economic interests and allied politicians who for decades have fed off the federal dams and each other. To protect the flow of pork, the Alliance supported salmon restoration language in the Act. It was a bait and switch. The Alliance soon made an origami tiger of the council. Salmon restoration mandates went down the memory hole. All Snake River salmon and steelhead eventually were

listed as threatened or endangered under the ESA.

Bonneville Power Administration is the Pork Alliance ringleader. It sells and transmits the power produced by the Corps’ ill-designed fish killing dams. In many ways Bonneville is a semi-autonomous, regional political fiefdom. It uses its control over vast amounts of electricity (read dollars) as a velvet fist to evade and control civil authority, to bribe political allies and to manipulate public opinion in service to the Pork Alliance agenda.

Harsh words. Bonneville and the Corps deserve the thanks of a grateful nation for the good things they do. The subject of this article is not one of them.

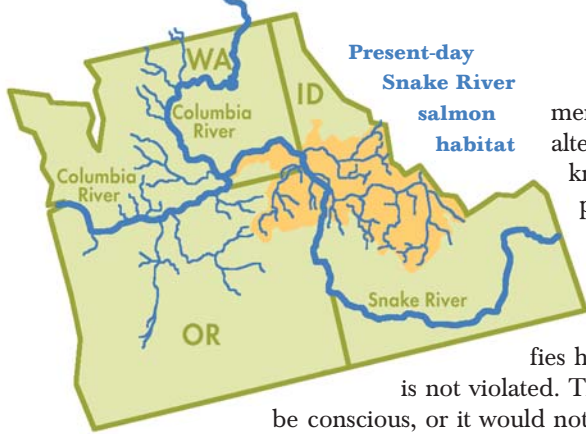
The Pork Alliance spent untold millions of dollars on relentless doomsday propaganda to scare the public and rally political allies to defend the lower Snake River dams against the ESA.

In one of the greatest cons of the 20th century, the Corps asserted there were only two choices: either the fish or the dams had to be removed from the river. Insufficiently sophisticated minds were puzzled by this. For decades the Corps had insisted its dams did not pose a serious problem for Snake River salmon and steelhead. Classic doublethink.

“Doublethink means the power of holding two contradictory beliefs in one’s mind simultaneously, and accepting both of them. The Party intellectual knows in which direction his

Photos: The beginning and the end – wild salmon and steelhead are an evolutionary heritage tens of millions of years old adapted to an infinite variety of niches in vast pristine habitats of the Snake River Basin.

Photo by Glenn Oakley



memories must be altered; he therefore knows that he is playing tricks with reality; but by the exercise of doublethink he also satisfies himself that reality

is not violated. The process has to be conscious, or it would not be carried out with sufficient precision, but it also has to be unconscious, or it would bring with it a feeling of falsity and hence of guilt.” – George Orwell, *1984*.

The Pork Alliance cynically calculated that breaching – partially removing – the dams was a political poison pill the region would not swallow. To cover that bet, the Corps cooked the books to create the false illusion of economic doomsday for the region if the dams were breached. The Corps also concluded the fish would be better off in barges than in a free-flowing river.

Game. Set. And match. Or so the Pork Alliance thought. Much to its horror, the idea of breaching the dams slowly gained national political traction. So much traction, it motivated the President of the United States, George W. Bush, to stage a bizarre save-the-pork-barrel-dams reelection campaign rally at the lowermost dam, which is located out in the middle of geographic and demographic nowhere.

Reelection happened. Now, what to do about that pesky Endangered Species Act?

Non-Recovery Plan

National Marine Fisheries Service (NMFS), part of National Oceanographic and Atmospheric Agency (NOAA), had the job of preparing a recovery plan pursuant to the ESA. In its precursor December 2000 Biological Opinion (BiOp – dreadful acronym), NMFS dutifully reported that the lower Snake River dams jeopardized Snake River salmon and steelhead.

Forced to doublethink, NMFS averred the jeopardy posed by the dams could be offset by a grab bag of habitat restoration projects predator control programs and improvements to hatcheries, none of which are materially relevant to threatened wild fish produced in pristine Snake River habitats. The dams, reservoirs and juvenile salmon barging programs that actually threaten these fish would go largely unchanged.

Salmon advocates sued. The federal judge ruled that NOAA’s proposal was fraught with too many uncertainties to pass legal muster, and sent the agency back to the drawing board.

Meanwhile, soon after the 2000 BiOp was released, the G.W. Bush Administration had come into power.

NOAA’s new, improved November 2004 BiOp includes a David Copperfield-like showstopper: It disappears the four

lower Snake River dams, i.e., the dams were built before the ESA became law; therefore, it does not apply to the physical structures, only to the operations of those structures. Measures proposed by federal power system “action agencies,” Bonneville, the Corps and Bureau of Reclamation, will offset the effects of these operations. Voila! The dams no longer jeopardize the fish.

The action agencies’ proposed measures mostly are recycled from the rejected 2000 edition, with the rouge of more detail and the mascara of promises to monitor their effectiveness. The only measure materially relevant to endangered wild fish produced in pristine habitats is a device called a Removable Spillway Weir. These weirs would be tacked onto the dams to attract juvenile fish away from the turbines and over the spillways at shallower depth and under less pressure. Sounds like a positive step toward reducing the deadly effects of the dams’ flawed design. Hold the applause.

The weirs are designed to attract juvenile fish over spillways while spilling much less water than the inadequate amount spilled currently, thereby generating more power. Not necessarily a bad thing. But in dealing with the Pork Alliance it is never prudent to neglect comedienne Lily Tomlin’s admonition, “No matter how cynical you get, it’s hard to keep up.” True to form, the Corps and its Pork Alliance, partners gave priority for installing weirs to dams with greatest opportunity to increase power generation, not to dams where the weirs would most benefit endangered salmon and steelhead.

Once the new weirs are installed at all four lower Snake River dams, there is no assurance they will be operated to maximize juvenile salmon and steelhead survival.

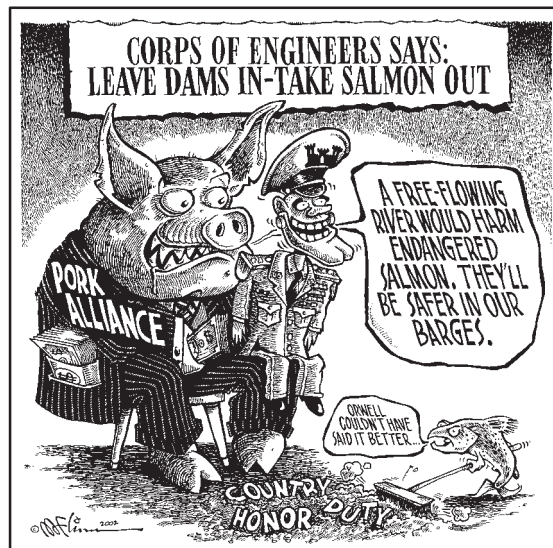
Even if they were, it is uncertain the benefits to fish would be as great as the current inadequate spill program.

(Inquiring minds would like to know: If the weirs are as good as advertised at improving survival of endangered salmon and steelhead, why install only one relatively tiny weir per giant dam? That’s a rhetorical question.)

The new weirs do not address the second deadly half of the migration problem caused by the Corps’ flawed project design – the reservoirs. During frequent years of low stream flow there is very little current through the reservoirs. Juvenile fish have great difficulty getting to the dams where they *could* be spilled (the majority presently are collected and barged). Many don’t make it. During these conditions the Alliance is even more fiercely covetous of what little water it is forced to “waste” to help fish survive.

When you connect all the dots of the Bush Administration’s overall strategy to make a hollow shell of the Endangered Species Act, it would put wild Snake River salmon and steelhead produced in pristine habitats at even greater risk than they are now. Roughly translated:

- The four lower Snake River dams were built before the ESA became law; therefore, the structures are exempt from the law. The ESA applies only to the operation of





The Snake River is the largest tributary to the Columbia River. It originates in the State of Wyoming and flows 1,038 miles [1671 km] to its confluence with the Columbia. The Snake drains an area of about 109,000 square miles [282,310 km²].



New spillway weirs attract fish close to the dam and reduce the depth they have to sound to pass over the spillway. Illustrations by Army Corps of Engineers.

those structures.

- The action agencies' proposed measures are asserted to at least roughly maintain the total number of fish currently in the severely depleted populations of listed fish.
- Wild fish produced in pristine habitats will continue to suffer roughly the current level of mortality in the reservoirs, at the dams and in barges and, therefore, remain at high risk.
- The ESA was only intended to conserve genetic material of species listed under the Act, not to conserve wild populations of the listed species.
- Hatchery fish genes are the same as wild fish genes. Resident rainbow trout genes are the same as anadromous steelhead genes.
- The ESA's protective definition of habitat "critical" to listed species' recovery will not be applied to habitat no longer accessible as the result of man's activities – even if such activities are responsible for the listing.
- The ESA does not mandate that listed species actually have to be recovered; only that recovery plans must be produced.

You have to admit that – in an Enron sort of way – it's a bold, even elegant strategy. I hate that. But this has to be soul-rotting work, even for masters of doublethink.

See You in Court

Public interest salmon advocates, Indian tribes and the State of Oregon quickly challenged in federal court the Administration's 2004 BiOp and action agencies' strategy. Oregon Governor Ted Kulongoski refreshingly made no bones about having a dog in this fight.

"As governor, I will not sit by while the federal government attempts to dismantle our environmental legacy and erode our sovereignty. The time has come to draw a line and say enough! That's what I intend to do, starting with the federal government's 2004 Biological Opinion for the Columbia River Power System."

Will the Bush Administration pull off this brazen daylight assault on the Endangered Species Act? Will the Corps evade accountability for its negligent failure to design its pork barrel dams to pass juvenile salmon and steelhead as Congress intended? Will Bonneville get away with endangering wild Snake River salmon and steelhead produced in pristine habitats for cash to pay its nuclear power plant and energy futures gambling debts? Stay tuned.

One can always hope for a judicial lightning bolt. That's not a spelling error. It's a bad pun. In 1974 Federal District Court Judge George Boldt got fed up with Northwest states' persistent interference with Native American Indians trying to exercise their treaty-reserved rights to fish for salmon and steelhead. He decreed the tribes were entitled to half the harvestable fish. It was difficult to tell who was more stunned, the plaintiffs or the defendants.

No matter what the outcome of the current legal proceedings, the fight to save and restore wild Snake River salmon will not be over any time soon. Litigation is a tactic, not an objective. The Columbia River Pork Alliance has elevated evading the intent of salmon and steelhead protection laws to an art form. Wild salmon and steelhead of the Snake River Basin will never be safe until the Pork Alliance culture is ethically cleansed, reformed and held accountable to the salmon-protection will of the nation.

Up the Ante

The Pork Alliance never has been held accountable for its betrayal of the public trust. Its beneficiaries, allies, enablers and sycophants have suffered no consequences for their lack of citizenship and willingness to beggar their neighbors in order to evade salmon-protection laws and free enterprise. They all think they never will be held accountable. Salmon advocates must disabuse them of that kind of thinking. Show them salmon have teeth.

- Create blowback. Most people in the United States don't know anadromous from hippopotamus. They do know the Endangered Species Act. Use the Bush Administration's effort to undermine the ESA to recruit a whole new class of advocates nationwide for Snake River salmon.
- Retrieve the Northwest Power Act's salmon and steelhead restoration mandates from the regional memory hole. Put the four-state regional council up against the wall: Either do the job the public pays it to do, or stop taking the money, confess to an ignominious failure of devolving federal duty to states, fall on its sword, turn out the lights and lock the door.
- An era of domestic fiscal austerity looms over the nation. Pork Alliance subsidies increasingly will become low-hanging fruit. Form national alliances to knock them off.
- Follow the lead of the late Supreme Court Justice Louis Brandeis who held that "sunlight is the best of disinfectants" for failure of governance and of the market. Relentlessly shine the public spotlight on failed institutions, compromised bureaucrats, egregious subsidies and elected officials who protect them all.
- Bear witness. Take names. 🐟

Ed Chaney has 30 years professional experience with Columbia/Snake River salmon and steelhead issues. He lives in Eagle, Idaho. The articles of this series and an overview of NRIC's Columbia/Snake River Salmon Accountability Project are available at www.nuric.org.