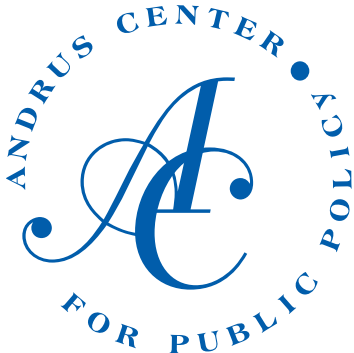


Energy, Salmon, Agriculture and Community: *REVISITED*



Andrus Center for Public Policy



**BOISE STATE
UNIVERSITY**



2021 Andrus Center Conference:
Energy, Salmon, Agriculture and Community: REVISITED

May 13, 2021

Boise State University
Andrus Center for Public Policy

Conference Proceedings

Dedication

Dr. John Freemuth, Cecil D. Andrus Endowed Chair for Environment and Public Lands, passed away suddenly on May 2, 2020 of a heart attack. Dr. Freemuth was a driving force to the 2019 conference *Energy, Salmon, Agriculture, and Community: Can We Come Together?* That conference set in motion much of what's written about here. He authored the post-conference white paper in 2019.

It is in Dr. Freemuth's memory that we dedicate this paper. At the beginning of the 2019 conference, he set the table for the day:

The goal of an Andrus conference, as it's always been (since) we started them, is to get people in the room and see if their conversations, both up here and in the halls and in private, can perhaps move the ball a little bit on these related issues of energy and salmon. (A) policy window may be opening with changes in certain things regarding energy, regarding BPA, regarding the state of the salmon, all of those things. We don't know if it will lead to anything, but that is our hope. That has always been our hope here. – Dr. John Freemuth



More than dedicating this paper, we also honor and celebrate Dr. John Freemuth's lifelong commitment and confidence in the power of bringing people together. That is the purpose of the Andrus Center.



Introduction: The 2019 Andrus Conference and “What if?”

Congressman Mike Simpson’s 2019 challenge for regional leaders to ask “What if?” forever changed the regional and national debate over how to save the iconic Snake River salmon and steelhead in the Pacific Northwest. The Andrus Center for Public Policy’s April 2019 conference *Energy, Salmon, Agriculture, and Community: Can We Come Together?* set the stage with Congressman Simpson’s keynote address. The conference also assembled a set of interests as broad as possible, with leaders from tribes, energy, agriculture, regional communities, fishing and conservation, and more.

The 2019 conference provided a needed reboot to one of the region’s more intractable issues. It broadened the voices at the table, ensuring that a more comprehensive and fair set of considerations are made if we are to ask (and answer) “What if the lower four Snake River dams are removed?”

Congressman Simpson did not come to the 2019 conference to advocate dam removal. He was not yet convinced of it himself. He came to challenge all of us (and himself) to creatively and honestly ask “What if?” He was also clear there were many interrelated issues that must be considered for our region to move forward, and recognizing that the dams provide value to people and communities. The dams have also contributed to moving salmon and steelhead towards extinction, impoverished tribal people, and harmed river communities.

On February 6, 2021, Congressman Simpson provided his own “What if?” answer. In an ambitious \$33 billion proposal, based on feedback from over 300 meetings with stakeholders and interest groups, Congressman Simpson proposed a set of discussion points. They were framed around dam removal to restore fish, to end the uncertainty resulting from litigation, and to keep all impacted stakeholder interests in an equal or better place. As months passed, few elected leaders stepped forward to even engage in the discussion. The exceptions were tribal leaders and governments who have [demonstrated unprecedented unity and support for Simpson’s proposal](#).

Science behind the collapse of Snake River salmon and steelhead is well established. The challenge is not about what is needed to save salmon. It is about politics, economics, and breaking a long-established status quo. Change is hard. Creating change while being fair is even harder. Removal of the earthen berms around the four lower Snake River dams to allow free river passage would significantly boost salmon and steelhead numbers for some of the best and most climate resilient spawning habitat left in the lower 48 states. These unique at-risk runs present the best prospects to return salmon and steelhead numbers to harvestable abundance for the benefit of tribal peoples of Idaho, Washington and Oregon, and commercial and recreational fishing in the Pacific Northwest region as a whole. Salmon are also part of our regional identity. Idaho has rivers and towns named for them. If we let the fish go, what does that say about us?

Much has happened since the 2019 conference. The Andrus Center decided it was time to check back in to measure the progress, take stock of the moment, and look at what may be missing or needed to ensure progress continues. The Center reconvened in May 2021 for chapter two of *Energy, Salmon, Agriculture, and Community: REVISITED*.



2021 Andrus Center Conference: Energy, Salmon, Agriculture and Community: *REVISITED*

May 13, 2021
Boise State University



AGENDA

- 9:00 am Welcome Message – **Tracy Andrus**, President and Chairman, Andrus Center for Public Policy
- 9:10 am Opening Speaker – **Shannon Wheeler**, Vice-Chairman, Nez Perce Tribal Executive Committee
- 9:30 am Opening Keynote Speaker – **Congressman Earl Blumenauer** (D-OR)
- 10:05 am Break
- 10:10 am Discussion Panel – Moderator **Rocky Barker**, Author and Environmental Reporter
Lynda Mapes – Reporter, Seattle Times
David Reeploeg – Vice-President, Federal Programs, Tri-City Development Council
Debra Smith – General Manager and Chief Executive Officer, Seattle City Light
Sam White – Chief Operating Officer, PNW Farmers Cooperative
Chris Wood – President and Chief Executive Officer, Trout Unlimited
- 11:10 am Break
- 11:20 am Midday Keynote Speaker – **Congressman Dan Newhouse** (R-WA)
- 11:55 am Break
- 12:00 pm Closing Keynote Speaker – **Congressman Mike Simpson** (R-ID)
- 12:45 pm Closing Remarks – **Tracy Andrus**, President and Chairman, Andrus Center for Public Policy

SUMMARY OF KEY CONFERENCE FINDINGS AND OBSERVATIONS

1. Congressman Mike Simpson has changed a decades-long discussion of dams, salmon, and the future of the Pacific Northwest as the region considers what could be one of the biggest river restoration efforts in history. He began his 2021 conference remarks by stating:

After studying this issue and the life cycles and the recovery efforts that have been made in the past, the science dictates either removal of these lower four Snake River dams or the extinction of the Snake River salmon.

2. Congressman Simpson's strongest allies in his quest to save Snake River salmon and steelhead are the Northwest Indian tribes including opening speaker Shannon Wheeler, Vice-Chairman of the Nez Perce Tribal Executive Committee. Their embrace of his Columbia River Initiative and Congressman Simpson's recognition of the threat to tribal cultural values of salmon going extinct, shown at the Northwest Tribal Orca and Salmon Summit in July, create a new path toward solution of this decades-old problem.
3. Oregon's Governor Kate Brown (D) has voiced support for Congressman Simpson's proposal, echoing past state commitment to salmon recovery. In May 2021, Congressman Earl Blumenauer (D-OR) voiced support for Simpson's plan at the time of the Andrus conference. Soon after, Senator Patty Murray (D-WA) and Washington Governor Jay Inslee came out and said they would not support adding Simpson's proposal to President Biden's infrastructure bill, but they would begin a similar "What if" process of their own.

At the tribal summit, Inslee said Simpson's "willingness to offer one path forward has helped bring us to this moment." His next step? "I believe it has set us up to take the next step, which is to define the ways to replace these services for the dams."

4. The Northwest electric utilities must become active participants in answering the "What if" question of how the region will replace the power and capacity of the four lower Snake River dams if they are replaced. Debra Smith, CEO of Seattle City Light laid out the question for them:

In general, in my industry, we want to spend money that results in measurable improvements and we want it to be a good investment. We sometimes wonder whether the model that exists today is the best model for ensuring that the investment that Bonneville makes ... is getting the results that we all want.

5. The driving force that could bring them to the table is the ongoing federal litigation that has continued since Governor Cecil Andrus first sued in 1993. The ongoing litigation surrounding the Biological Opinion for the Columbia River will present a major threat – especially to ratepayers of the Bonneville Power Administration. The long court processes took a new turn in July when plaintiffs State of Oregon, the Nez Perce, fishers and environmentalists asked for injunctive relief that could dramatically increase the costs for electric ratepayers.
6. As Lynda Mapes, environmental reporter for the Seattle Times said at the conference, the time has come:

So I just want to make sure that we don't lose sight of where we are in this particular moment. We have a delegation that's more powerful than anything we've seen since the days of Scoop, we have a big sack of money that's being proposed as at least a title in a larger bill in a national lift, and we have fish that are in the tank.

Prologue: Taking Stock, 2019 to 2021

The following is a brief appraisal of the major conference findings from two years ago. It provides a foundation and context for the 2021 conference.

Solving the “twin crises” together

In 2019, Congressman Mike Simpson made a case for looking at the twin crises faced by salmon and the Bonneville Power Administration (BPA) as an opportunity:

Strangely enough, I think the challenges ... facing the BPA, also creates the opportunity for us to solve the salmon crisis. Because the reality is, you cannot write a new BPA Act - you cannot write a new Northwest Power Planning Act - without addressing the salmon issue. You can't address the salmon issue without addressing dams, and you cannot address the salmon issue without addressing the challenges that the BPA have. They are interwoven.

By 2021, the financial crisis at BPA was not the catalyst it was thought to be. Some said it was not as dire as first described; for others, it was worse. Regardless, while financial issues at the BPA remain a contributor to current discussions, they are not the driver.

Northwest Power Planning Act Version 2.0

At the 2019 conference, Congressman Simpson called for a rewrite of the 1980 Northwest Power Act to assist the BPA in dealing with the issues affecting it today, including a changed power market. “Things are changing. They’re not the same as they were 40 years ago.”

By the time of the 2021 conference, urgency to restructure BPA in order to deal with BPA finances waned. The Idaho Governor’s Salmon Workgroup discussed the topic at meetings where utility interests asserted the financial concerns were exaggerated or there were some ways to deal with it. But avoiding legislation that could open vulnerability to the California delegation seemed the BPA’s overriding concern.

Breach the status quo

At the 2019 conference, Idaho Governor Brad Little called for “breaching the status quo” and tasked his Office of Species Conservation to create a collaborative stakeholder group to work on Idaho-based solutions.

The Governor’s Salmon Workgroup was established and had its first meeting in June 2019 and began deliberations, culminating in a report in December 2019. See <https://species.idaho.gov/wp-content/uploads/sites/82/2020/12/Idaho-Salmon-Workgroup-Report-December-2020.pdf>.

Tribal Voices

Speaking to the 2019 conference, Jaime Pinkham, then-Executive Director of the Columbia River Inter-Tribal Fish Commission, urged attendees to consider hatcheries, spawning habitat, and conditions in the ocean as well as dams. Since then, the region has continued on its current course of management that Pinkham spoke to, but his predicate was “until we get the political strength to really talk about the long-term future of the dams,” and not that “the other issues around the hatcheries and the habitat, the ocean conditions and the harvest conditions in the international waters...” need be addressed on their own. Two more years of salmon returns have happened since the April 2019 conference and the prospects for long-term survival remain bleak.

But also, foretelling a new finding below, the political strength required to seriously consider dam removal has grown, largely because Congressman Simpson proposed a detailed plan and strong and growing tribal leadership, and governments have backed him up.

Keeping everyone whole

The 2019 conference clearly demonstrated there was some willingness to discuss the ideas of “keeping everybody whole” if changes to the federal hydropower system to improve salmon and steelhead migration are implemented. But there are significant details to be worked out about how such compensation or economic mitigation would actually be implemented. The concept has deep roots with one example in the Cecil Andrus archives at Boise State. A white paper developed in the early 1990’s titled *Compensation Principles for the Idaho Drawdown Plan* fleshed out the concept.

The broader 2019 theme of keeping everyone whole did gain ground, shifting towards the larger river-dependent northwest economy questions. Congressman Simpson’s belief that these many issues are interwoven with salmon recovery is a truth that holds.

Can We Come Together?

In addition to the Andrus Conference in 2019 as a catalyst for Governor Little’s Salmon Workgroup, several other events and processes continued or commenced in the two years. The Columbia River Partnership, first established in 2017, continued its deliberations and released its final report in October 2020 with statements of a “strong sense of urgency that immediate action is needed to address salmon and steelhead declines.” The Partnership results were followed up with the four northwest governors releasing a letter where they pledged to advance the goals of the Partnership, and aiming to “recover harvestable salmon and steelhead populations, conserve other fish and wildlife, honor and protect tribal needs and way of life, and strengthen the electricity and agricultural services that communities rely on.”

At the same time there were missed opportunities, such as the Columbia Basin System Operation Environmental Impact Statement and Biological Opinion that

remained a traditional process rather than a collaborative effort. The September 2020 decision immediately entered litigation. Also frustrating attempts to come together, Bonneville Power Administration funded a report in 2020 claiming that because many west coast salmon runs are also faring poorly in river systems without dams, the ocean is to blame.

Andrus Center 2021 Conference, “REVISITED”

More than 375 people joined online for the May 13, 2021 conference *Energy, Salmon, Agriculture and Community: REVISITED* to hear from tribal and congressional elected officials, and representatives from a number of interests across the Columbia River Basin. Attendance exceeded that of the 2019 conference.

The gathering on May 13th is reflective of the moment: a virtual gathering around computer screens. That said, it included distinguished speakers such as Shannon Wheeler (Vice-Chairman of the Nez Perce Tribe), Congressman Earl Blumenauer (D-OR), Congressman Dan Newhouse (R-WA) and Congressman Mike Simpson. A panel representing electric utilities (Debra Smith, Seattle City Light), grain shippers (Sam White, PNW Farmers Cooperative), Washington’s Tri-Cities (David Reeploeg, Tri-City Development Council), conservation and sportsman (Chris Wood, Trout Unlimited) and the Pacific Northwest’s leading journalist on the issue (Lynda Mapes of the *Seattle Times*). Rocky Barker of the Andrus Center’s Board of Governors moderated the proceedings.

Congressman Newhouse approached the Andrus Center and asked to be on the agenda, and the Andrus Center immediately agreed. This guaranteed Congressmen from the states of Idaho, Oregon and Washington speaking at the conference.

Consistent with the 2019 conference, the major themes and issues engaged by the discussion panel focused on the financial challenges faced by the Bonneville Power Administration, the persistent state of salmon runs in peril, and exploring how actions to recover salmon be designed and implemented to keeping everybody whole.

Bonneville’s challenges

Congressman Blumenauer laid out the day’s context.

In the short term, there’s even some challenges about whether or not people are going to leave the BPA system at least temporarily, chasing lower cost power on the spot market. BPA has challenges in terms of maintaining the vast network of dams, water resources, the locks and levees, as well as its grid. It’s expensive to provide the resources that BPA ... has used to deliver energy to the Pacific Northwest now for three quarters of a century. There’s strains on that budget, and challenges in terms of whether they’ll have the resources for the capital investment to maintain it.

As a leader of one of Bonneville's largest customers, Debra Smith pointed out,

Bonneville right now has primary responsibility through the Northwest Power Act and the Northwest Power and Conservation Council to one, market that power, but two, manage the fish obligations that come about as a result of operating the dams that are owned by the Corps and the Bureau.

Congressman Simpson succinctly asked "How do you make the BPA sustainable and competitive into the future; that's the issue that I talked about two years ago that still hasn't been addressed."

Salmon remain in peril

In his opening keynote, Vice-Chairman Wheeler spoke to the Nez Perce Tribe's recent call to alarm on the ominous status of Snake River salmon and steelhead,

An analysis that our co-managers at the Idaho Department of Fish and Game, Oregon Department of Fish and Wildlife, and Washington Department of Fish and Wildlife concurred with. We're talking about the point where population becomes doomed to extinction, what biologists call quasi-extinction threshold. Right now, 42 percent of the Snake River spring and summer Chinook populations are at below the quasi-extinction threshold. That is 50 natural spawners returning to the tributaries for four consecutive years and 77 percent of the population are predicted to drop below the quasi-extinction levels over the next four years.

Chris Wood said, "Scientists tell us that ... if we want to rebuild healthy and harvestable populations of fish and the Snake, we need at least four adult fish to return for every 100 smolts that migrate out to the ocean." Wood compared the situation in the Yakima Basin, where salmon traverse four mainstem dams from natal habitat to the ocean. Chinook salmon maintain a smolt to adult ratio that's about 2.7 times that of the Snake. In the John Day Basin, salmon have to cross three dams, and they maintain a smolt to adult ratio that is about almost four times what we see in the Snake," said Wood. "By the time the salmon in the Snake River cross their eighth dam, their smolt to adult ratio is actually less than one percent."

Keeping everyone whole

Simpson, in both his proposal and conference remarks, said "If you're going to remove the lower Snake River dams you have to make the stakeholders whole. That's why this is such a broad concept and why it involves \$33.5 billion." The perspectives from other speakers indicated a widespread support for the concept that any strategy must address community and economic impacts and transitions.

Congressman Blumenauer added his support: “There are solutions in terms of dealing with some of the navigation and transportation issues, but what needs to happen is people need to break this down and look at what the facts are now and look at the choices.”

Vice-Chairman Wheeler agreed that Congressman Simpson’s comprehensive proposal shows that restoring salmon in the lower Snake River can also unite and strengthen all Northwest communities and economies.

Representing a viewpoint from the tri-cities, David Reeploeg expressed appreciation for,

...the approach that Congressman Simpson has taken in putting this plan together in that he has recognized that there are some very significant impacts across the Pacific Northwest, and I feel like he’s really made a good faith effort to try to address all of those. Obviously, I think there would need to be many more conversations to come to really make sure that that is correct or to better understand what the impacts would be and how to completely compensate for them.

Chris Wood summed up the concept,

What’s so admirable about Congressman Simpson and now Blumenauer, is that they’re looking at this issue from a different way, not from the fish side, but how do we recover the species from going extinct, while also lifting up all the boats, and making sure all the potentially affected interests would come out of this better off than they were before.

The appeal of the “keeping everyone whole” approach is noted by long-time journalist and observer Lynda Mapes:

So I just want to make sure that we don’t lose sight of where we are in this particular moment. We have a delegation that’s more powerful than anything we’ve seen since the days of Scoop, we have a big sack of money that’s being proposed as at least a title in a larger bill in a national lift, and we have fish that are in the tank. I mean I’ve been covering this a long time.

An additional storyline emerged to varying degrees from different perspectives during the conference that deserves mention.

What we’re doing for salmon isn’t working

Remembering back to 1994 as a reporter for the *Spokesman-Review*, Lynda Mapes recalled, “I remember very well sitting in the newsroom when that decision came down from Judge Malcolm Marsh calling for a complete overhaul on the river and

I thought 'oh wow, something big is going to happen. Things are going to change.' Well here we sit five federal decisions later still having this conversation."

Congressman Simpson pointed out the region has spent \$17 billion:

...trying to recover salmon and we haven't recovered salmon. We send 400 - close to 500,000 - acre feet of water down the river every year trying to recover salmon [and it] hasn't recovered salmon. And we've been in court fighting these BIODs and everything else for years and years, spending millions of dollars. On that I think we need a moratorium on the lawsuits and try to actually recover salmon.

Congressman Blumenauer concluded his remarks by stating, "Let's dive in and do it, rather than pretend that somehow this is going to go away if we just spend a little more money on fish recovery and we battle a little bit over the flow of river water. That's just not going to cut it in the immediate future."

A perspective from the electric utilities, Debra Smith said,

The fact that there is continued litigation and we've lost in court a number of times would indicate that we're not getting the results we need. So, I think the issue is often on the power side (I hate to use the word 'sides' because I actually think we're all on the side of species recovery). I think the concern is that money will just keep flowing, we won't get the results we want, and the cost will continue to go up.

Earlier Smith had said, "In general in my industry we want to spend money that results in measurable improvements and we want it to be a good investment. We sometimes wonder whether the model that exists today is the best model for ensuring that the investment that Bonneville makes is getting the results that we all want."

The reflections from congressional and electric utility interests are also shared by fish conservation interests, an ambivalence expressed by Chris Wood,

I think we're going to keep winning in the courts and we're going to keep losing in the river. These fish, they're slowly going extinct and we have federal laws that are supposed to stop that. We've spent \$18 billion - I think it is now - on the least successful salmon restoration plan in the history of the known world. Whatever we're doing now isn't working, we have to do something different.

By no means does this imply there is any sort of convergence on what can or should be done to change the federal hydropower system to improve prospects for salmon

survival. Far from it. Significant opposition to removing dams remains steadfast. The array of speakers demonstrates that viewpoints remain divergent and in opposition on what actions are needed. As David Reeploeg said,

One thing that strikes me is that for every point there is a counterpoint ... someone might say that the salmon numbers are terrible on the Snake River then someone else might say well yeah but they're just as bad nearly everywhere else.

He went on to lay out that,

...first is to exhaust all of our other efforts and then second is to show in a really definitive way that at least a broad consensus of scientists from the federal and state agencies and tribes can all agree on that removing the dams would actually achieve the desired results.

For his part, Congressman Newhouse said,

This is a multi-faceted very complex equation that we're trying to solve. It's not just one thing. I think there's a number of different factors that have to be addressed and I think it's wrong for us to focus on just one thing and like I made the point earlier, before the lower Snake River dams were ever constructed the numbers of salmon were already diminishing beginning in the late 1800s.

And that “There’s hatchery issues, there’s harvest issues, there’s all kinds of things that we need to focus on as well as improving the passage at dams.”

Aftermath of the 2021 Conference

The pace of events related to salmon and the Columbia River system accelerated in early 2021 leading up to the May 13 Andrus Center Conference. And the tempo has continued since, making it challenging to articulate findings from the May conference that are not influenced by subsequent events. But a number of observations are clear.

Tribal leadership

Congressman Simpson's proposal was a ground-breaking policy step, yet by his own statements and proposal, he recognizes the trail blazed by decades of advocacy by Pacific Northwest Indian tribes. Native Americans have lost the most to dams. They are also fighting the hardest to restore salmon and steelhead, complemented by decades of engagement by conservation organizations. The Nez Perce have been particularly strong, but support from tribes from the headwaters to the sea is having an impact.

Tribal unity is unprecedented and growing nationally with an expected reach into the Biden Administration. Restoring salmon is as much about tribal justice as fish and economics. Social justice issues have political resonance nationally, and tribes have leverage to shape how the Pacific Northwest congressional delegation steps forward. Restoring salmon would be the single largest environmental justice action the Biden Administration could achieve in the Pacific Northwest.

Simpson as a leader

Congressman Simpson has changed a decades-long discussion of dams, salmon, and the future of the Pacific Northwest as it considers what could be one of the biggest river restoration efforts in history.

By his own admission, Congressman Simpson came into this issue seeking alternatives to dam removal. Growing from the 2019 Andrus Center conference, Congressman Simpson's 2021 recognition that "salmon need a river" and that dam removal was required to get there broke a decades-long political barrier and reframed the debate to include keeping everyone whole.

Simpson began his 2021 conference remarks by stating, "After studying this issue and the life cycles and the recovery efforts that have been made in the past, the science dictates either removal of these lower four Snake River dams or the extinction of the Snake River salmon."

While Simpson's 2019 speech sparked up a conference room at Boise State University, his challenge to ask "what if?" reflected a problem-solving approach dating from his service as Speaker in the Idaho House, a long tenure as a member of Congress, and his leadership on the House Appropriations Committee. His appreciation for commonsense conservation rose from steadfast leadership to secure

wilderness designation of the Boulder and White Cloud Mountains of central Idaho, a theme that would reflect later in his work for the Great American Outdoors Act and other measures.

A set of principles guided the development of his proposal: Ensure that all interests are in an equal or better place, salmon are on sustainable path to harvestable abundance, and that the years of endless litigation and resulting economic uncertainty is ended.

While he expected engagement from regional Democrats after his February 2021 release, he didn't get it. In May 2021, Congressman Blumenauer (D-OR) joined Simpson, complementing long-term support from Oregon, most recently from Governor Kate Brown.

Democrats - will they catch up?

Other than Governor Brown and Congressman Blumenauer, regional Democrats did not engage Congressman Simpson, or for a long time provide meaningful alternatives. Using a common label, Washington and Oregon are blue states. They are also green states where environmental issues (and environmentalists) matter.

Within 24 hours of closing remarks by Andrus Center President Tracy Andrus, where she echoed earlier comments that, "We know what you're against, now we need to know what you are for," Senator Murray and Governor Inslee announced opposition to the Simpson proposal yet stated their intent to begin a new process to address many of the issues put on the table by Simpson. Details are still being hammered out.

The three other Democratic senators have not yet engaged in a discussion on the extinction threat or the specifics of Congressman Simpson's proposal.

Many Democratic leaders appear increasingly aware—in great part because of tribes—that the issue is here to stay. Within the Biden administration, there is interest but no single leader focused on this issue.

We've been here before, but maybe this time it will be different

The story of salmon and steelhead recovery in the Columbia Basin for the last forty years has followed a pattern most recently displayed by the conference where Congressman Simpson's proposed concept to recover salmon is opposed by Congressman Newhouse. It's not the first time an Idaho leader promoted ideas for salmon recovery and there is opposition from State of Washington leaders. It happened in 1980 when Senator Frank Church wrote the first language for a fish and wildlife program in the Northwest Power Act and Senator Henry Jackson led a colloquy on the Senate floor with Senator James McClure to minimize the meaning and intent of the new law. In the 1990s, Governor Cecil Andrus promoted modifying the lower Snake River dam to facilitate seasonal drawdowns and was opposed by Washington Congressman Tom Foley. In 2009, Idaho Senators Mike Crapo and James

Risch, with an assist from Oregon Senator Jeff Merkley, proposed regional talks on salmon only to be rebuffed by Senator Patty Murray and Maria Cantwell.

Yet there may be signs of change coming as shown at the June 2021 Salmon and Orca Summit co-hosted by the Affiliated Tribes of Northwest Indians and the Nez Perce Tribe. Washington Governor Inslee, in speaking to his and Senator Murray's new initiative to address the issue, said,

We should be committed to getting down to business to determine what can provide the services these dams provide, so we can define how to replace these services so we can build support in our communities for taking the next steps in the dam breaching discussion.

Regional power and a “once in a generation” opportunity

Beyond the threat of extinction, two key Simpson assumptions informed his decision to step forward. First, with Democrats taking control of the Senate in the 2020 election, the seniority of the regional congressional delegation provided great opportunity. They are at the apex of their collective power to accomplish big things. This is the moment for the region to come together, trade ideas, and put a proposal together. Second, by every indication, a House and Senate majority coupled with the new Biden Administration meant there would be a strong attempt to move a major once-in-a-generation infrastructure bill, a logical vehicle to get a big Northwest delegation-supported proposal funded.

At this point, when it comes to the collective power of the Northwest delegation to act for salmon the potential is unrealized. And the time-limited opportunity for a way to get funding keeping everyone whole and restoring harvestable abundance may be passing.

Governors matter but Congress decides

Following the 2019 Andrus Center energy and salmon conference, Idaho Governor Little convened his salmon work group. Since 2019, Governor Brown has been supportive of bold action for salmon recovery and Oregon remains a player in the long-standing legal challenges to dam operations. Before the 2019 conference, Washington Governor Inslee had convened an orca task force, and discussions included Snake River salmon, a key food source. In 2021, these and other actions led to an agreement for the four governors (including Montana) to convene a table to address salmon. This is now called the Columbia Basin Collaborative (CBC).

The CBC is a promising forum for making progress on salmon, orca, energy, agricultural and community issues. However, along with its late start, the collaborative may not be nimble enough to resolve the Snake River issue in time to save the salmon. And despite potential for the CBC, the lower Snake River dams are federally

owned and operated. Congress has to resolve the issue. It bears noting that the CBC could be an excellent forum to implement elements similar to those found in the Simpson proposal.

The fish...and the courts

Meanwhile salmon and steelhead, fragments of some of the greatest fish runs found on Earth, continue to decline towards extinction. And the courts are likely to continue to rule against federal dam operation plans.

The ongoing litigation surrounding the biological opinion for the Columbia River will present a major threat to ratepayers of the Bonneville Power Administration. The long court processes will take new steps in the summer of 2021. The federal agencies completed their environmental impact statement in 2020, but they used rules generated by the Trump Administration that raise new issues in court. The Biden Administration has already backed out of the Clean Water rules and is expected to reject the National Environmental Policy Act rules under which the EIS was written. Only one federal plan has withstood legal challenge since Idaho and Governor Andrus brought the first lawsuits in 1993. And that case hinged on a Federal government promise to make a decision in 1999 on changing the Columbia River System. Since then, it's been a long losing streak. Oregon, the Nez Perce Tribe and environmentalists have already asked U.S. District Judge Michael Simon to grant injunctive relief that could add millions of dollars to the costs of the federal dam operation as early as January.

Looking forward

As the summer of 2021 closes, prospects for a comprehensive salmon recovery package remain, but the challenges are great and a number of pieces still need to come together.

- An infrastructure bill is slowly moving forward in Congress, but does not include the Simpson proposal.
- Litigants have filed motions for injunctive relief regarding the latest federal plan.
- Senator Patty Murray and Governor Jay Inslee have announced their intentions for a new process to address salmon recovery, notably from Washington State where the dams are located. While formal details have not been released, this process is expected to return to “What if the dams are removed?” questions. It is expected to be time-limited with an intention of looking at legislative action before the 2022 midterm election. Both Murray and Inslee have recognized the considerable work Simpson has done to advance the conversation. Depending on how it evolves, this process could drive serious movement forward.

- Senator Maria Cantwell included a measure in the draft infrastructure bill to expand BPA's borrowing authority by \$10 billion. While addressing elements of BPA's serious financial problems, this action may reduce an incentive for some interests to work together on a comprehensive salmon package.
- The Biden Administration has many players tracking this complex issue but two issues are drawing attention: there is no single person or agency in charge or attempting to coordinate the administration's actions. Whoever speaks up represents the administration for that moment, for instance, recent statements from BPA highlighting the importance of the dams with virtually no reference to the imperiled fish they are also responsible for. The other issue is uncertainty about the degree the administration will actively defend the Trump administration's plans for dam management now under litigation.
- Finally, it's been a hot summer. Endangered fish are being trucked around lethally hot reservoirs. There have been fish kills. Time is not on the side of Snake River salmon and steelhead. The time for action is now.

Appendix

In February 2021, Idaho Republican Mike Simpson released his own answer to the “What if” question he put to conference participants in 2019. Among his ideas:

- Power marketed by the Bonneville Power Administration from the four controversial dams would be replaced under the plan, shippers and farmers would get funding for alternatives to the barge shipping on the Snake River and compensated for closed barge facilities. Lewiston and the Tri-Cities would get billions for economic development.
- Farmers across the Pacific Northwest, including those in Idaho’s Magic Valley, would get billions of dollars in incentives for water quality projects. Farmers in Washington State that now pump out of the reservoirs behind the Snake River dams would get millions in compensation they could use for altering their diversions.
- Place a moratorium on litigation over the Columbia River dams for 35 years by law and increase salmon funding for states and tribes, which would co-manage salmon restoration.
- Other dams, such as Idaho Power’s Hells Canyon Complex, would have their licenses extended for 35 years with a cap of 50 years. A \$500 million fund would be set up to provide an incentive to voluntarily remove dams and other river structures.
- The free-flowing river would be protected in the Lower Snake River National Recreation Area.
- Simpson’s plan would have Congress establish a Columbia Basin Fund of \$3.5 billion, funded by an infrastructure and stimulus bill advanced by the new Biden Administration. The Department of Energy would administer the fund out of headquarters at the Pacific Northwest National Laboratory in the Tri-Cities.
- BPA, the agency that markets the power from 31 federal dams in the Columbia Basin, would continue to manage the regional grid with advice from the Northwest Power Planning and Conservation Council, appointed by the four governors. Responsibility for fish management would go to a Northwest State and Tribal Fish and Wildlife Council and make tribes in the states of Idaho, Oregon, Washington, and Montana co-equal, primary NW fish managers.
- A new Snake River Center for Advanced Energy Storage would be located at the Pacific Northwest National Laboratory in Tri-Cities and the Lewiston-Clarkston area with cooperation from the region’s universities. Lewiston/Clarkston would get \$150 million for rehabilitating its waterfront, another \$25 million for an economic development fund, and \$50 million for tourism promotion.

- The paper mill in Lewiston would get funding to extend its water pipes into the Clearwater River, and for facilities to reduce its odor. Both Lewiston/Clarkston and Tri-Cities would get funds to pay for new infrastructure.
- Tri-Cities would get \$600 million to build an intermodal transportation hub and \$75 million for tourism development.
- The Snake River ports would get \$200 million. Grain growers would get \$1.5 billion to ensure they can get their grain to market, Snake River elevators and coops would get \$300 million for their facilities and irrigation farmers who pump out of the lower Snake reservoirs would get \$750 million. Washington State would get \$300 million to expand roads and rail.
- The Fund would also pay for major water quality work across the four states. That would include \$1.6 billion for agriculture waste management and another \$3 billion would go to watershed partnerships in all four states.
- The fund would include \$10 billion to replace the power generated by the four dams. Simpson said it could include a mix of solar, wind, nuclear, batteries and managing demand. BPA would get another \$4 billion to replace the energy lost from the spilling of water over the four dams on the Columbia that would remain.
- Another \$2 billion would go into grid upgrades that would make the region's aging transmission system more resilient and efficient. Simpson's plan would also raise the cap for BPA to borrow from the federal treasury.
- The Fund would provide \$400 million for sturgeon restoration in Hells Canyon, \$200 million for lamprey passage and \$700 million for priority salmon investments. It also would fund \$500 million to restore unprotected salmon runs above dams like Hells Canyon and Grand Coulee, which would not be protected under the Endangered Species Act.
- A Salmon Conservation Corps would put young men and women to work on salmon restoration programs. Another \$225 million would go to salmon restoration in Washington's Yakima Basin.
- Shifting responsibility for fish and wildlife funding to the state and tribal council furthers the co-management role the sovereigns already have on harvest and other issues.
- Northwest tribes, Oregon Democratic Gov. Kate Brown, national and regional environmental and sporting groups were quick to support Simpson efforts. But most agricultural groups, utilities, dam supporters and environmental groups opposing the litigation moratorium opposed or remained neutral to Simpson's approach. Early in May, Blumenauer, a progressive Congressman from Portland, joined Simpson in urging immediate talks on legislation.

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