

Testimony of Lindsay Slater  
Vice President of Government Affairs  
Trout Unlimited

Before the House Committee on Natural Resources  
Subcommittee on Water, Wildlife and Fisheries

Oversight Hearing  
*Left in the Dark: Examining the Biden Administration's Efforts to Eliminate the Pacific  
Northwest's Clean Energy Production*

**Tuesday, December 12, 2023**

Chairman Bentz, Ranking Member Huffman, and Members of the Subcommittee:

Thank you for the invitation to testify. My name is Lindsay Slater. I am the Vice President of Government Affairs for Trout Unlimited and I am here today on behalf of our more than 300,000 members and supporters across the country. Trout Unlimited is a bipartisan, coldwater conservation organization made up of members who invest in their communities through stream restoration, collaborative conservation, and spreading the joy of fishing and the outdoors. Our diverse membership grounds us in the places where our supporters and staff live and work, including the Snake River and Columbia River basins.

I grew up in Chairman Bentz's district in eastern Oregon's Wallowa County on my family's fifth generation farm where salmon pass on their way up the Wallowa River.

Through last March, I worked for 26 years in Congress. First, in Chairman Bentz's district for the late Congressman Bob Smith, next for Congressman Greg Walden as his Legislative Director, and then for 22 years with Congressman Mike Simpson of Idaho as his Chief of Staff. I was fortunate to have a career working for three great men and legislators.

During my years working in Congress, I helped to develop solutions-focused legislation that created outcomes for interests and stakeholders that I believe were more favorable than the zero-sum game of picking winners and losers in the stewardship of our federal lands. The Steens bill with Congressman Walden and the Boulder White Clouds with Congressman Simpson are two examples of bills with outcomes more favorable to all parties.

I also learned from some of the best energy experts in the United States. There is an informal network of Northwest energy experts—many who are former Congressional staff—who educate the staff of the Northwest delegation through meetings and tours. I took my first PNGC power tour across Oregon and Idaho in 1998. This network is important to educate Congressional staff about very complex issues related to the Bonneville Power Administration (BPA) and the Northwest energy system. In the late 90s, the first pieces of BPA legislation I helped work on with the Northwest delegation were JOE and SLICE. We worked as a bipartisan team in those days.

Trout Unlimited has been involved in the dams and salmon discussion for decades. In conjunction with our Washington State Council, we recently held our annual meeting in Spokane, Washington, which is in Congresswoman McMorris-Rodgers's district. More than 300 people from around the country turned out to learn about Trout Unlimited's work in the Northwest and our efforts to recover wild salmon and steelhead populations. Approximately 70 people made the long bus ride to tour Lower Granite Dam to learn about what role the U.S. Army Corps of Engineers plays in trying to mitigate the impacts of the four lower Snake River dams.

Trout Unlimited has 25 chapters and nearly 10,000 members in local communities across the Pacific Northwest. Our members in Idaho, Washington and Oregon want to see wild salmon and steelhead return to their home rivers each year and want the same for their children and grandchildren. Many utilize electricity brokered by Bonneville Power Administration (BPA) through local public utility districts and electric cooperatives. They live in the very communities that rely on the agricultural economies of the fertile Palouse and Camas Prairies. They live in communities with seasonal economies that once were fueled by abundant salmon and steelhead. They want a region with a thriving economy; abundant, clean, and affordable energy, and wild salmon. And with the right investments and a strong commitment we can have all three. We can save salmon. We can develop and build new sources of energy, while modernizing our electrical grid. We can give the stakeholders the certainty they need for a strong economic future. But we cannot have all three as long as the four lower Snake River dams and the deadly reservoirs behind them remain. There is no future for wild Snake salmon and steelhead with the dams in place. So long as they block the rivers, the communities that rely on them for their well-being—especially the northwest tribes who have been sustained by wild salmon spiritually and materially for millennia and have federal treaties guaranteeing them the right to salmon harvest—will continue to be harmed.

It is important to note there are many dedicated people and organizations across the region who have spent years working to proactively solve this problem. A coalition of conservation groups has spent countless hours working with stakeholders and local communities to find solutions and provide the needed services for the region. Currently, the state of Washington—at the behest of these advocates and inspired by the work of Gov. Inslee and Sen. Murray—is leading a planning effort to design the infrastructure, irrigation, and energy services that will move the region into the 21<sup>st</sup> century.

I want to note that this hearing is driven by a leaked draft document from the settlement negotiations between the Biden Administration and the plaintiffs in a long-running court case. Trout Unlimited is not a party to those negotiations and as such I am unable to respond to any questions directly related to them. As the members of the committee are certainly aware, settlement negotiations are by their nature confidential. That said, the discussion around the need for dam removal should not come as a surprise. It has been a topic of scientific inquiry and regional discussion since the dams' authorization in the 1945 Rivers and Harbors Act. I would urge this committee to join the dialogue about the services needed to replace the benefits provided by the lower four Snake River dams.

### **The science of dam impacts on salmon is clear.**

The Columbia River Basin once hosted the largest salmon runs on the West Coast, with 10 to 16 million fish returning to the mouth of the Columbia River from the ocean each year. Half of them returned to the Snake River watershed in Idaho, where the thousands of miles of coldwater, high elevation forested streams that produced this remarkable abundance of fish are still largely intact.

The potential for recovery of Snake River wild salmon and steelhead is enormous. The Snake's thousands of miles of high-quality habitat and cold, clean water could support thriving wild salmon and steelhead populations if they could safely access it. Currently, Snake River spring chinook, Snake River fall chinook, Snake River sockeye and Snake River steelhead are listed as threatened or endangered and wild Snake River spring/summer Chinook runs are approaching a "quasi-extinction threshold."<sup>1</sup>

For 50 years, we have attempted to mitigate the harmful impacts of the dams and hydro-system by barging, adult fish ladders, juvenile bypass, turbine screens, spillway modification increased spill, hatcheries, and dozens of other mitigation efforts. But since the completion of the dams, we have never reached two percent fish returns; in fact, wild Snake River salmon and steelhead are near all-time lows. Stakeholders have spent half a century of rate payer money (including \$24 billion in mitigating funds from Bonneville Power Administration) and taxpayer money in the form of the Lower Snake River Fish and Wildlife Compensation Plan (LSRFWCP) doubling down on a failed system while some of the most miraculous and prolific wild salmon and steelhead runs in the world circle the drain.

The simple fact is that the four lower Snake River dams and their deadly reservoirs kill too many salmon and steelhead. Smolt (juvenile salmon and steelhead) are forced to swim to the ocean rather than drift backward as they do in a free-flowing river, letting the current carry them. These small fish—carrying distinct genetic code thousands of generations old that will lead them back to Idaho—die in turbines or are predated on by invasive smallmouth bass, walleye, and birds. Despite our best attempts, they die in the holding tanks of barges that attempt to move them past the dams, and others fail to return as adults because their ocean entry timing is disrupted. In fact, nearly 50 percent of smolts from Idaho never make it past the 8 dams that stand between the ocean and the Snake Basin.

The best coldwater salmon habitat left in the contiguous United States is in the Snake River Basin. Within the current native distribution of salmon and steelhead on the West Coast, the Snake's 30,000 miles of stream habitat represents 40 percent of all Pacific salmon habitat in the lower 48. Take a second to think about that. The Snake River Basin makes up 40 percent of Pacific salmon and steelhead habitat on the entire West Coast. And it's blocked by four aging, fish-killing dams.

Salmon recovery requires dam removal. The upper Snake River basin is the largest piece of intact coldwater habitat left for wild salmon in the lower 48. If we want to provide salmon with

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<sup>1</sup> Northwest Power and Conservation Council (2021). Nez Perce Tribe staff presentation on their analysis of Snake River Basin Chinook and Steelhead – Quasi-Extinction Threshold and Call to Action.

[https://www.nwccouncil.org/sites/default/files/2021\\_05\\_4.pdf](https://www.nwccouncil.org/sites/default/files/2021_05_4.pdf)

access to the critical high elevation coldwater spawning grounds, the easiest path is the removal of the lower four Snake River dams. The National Oceanic and Atmospheric Administration (NOAA) noted in their September 2022 report, “*Rebuilding Interior Columbia Basin Salmon and Steelhead*,” that the four lower Snake River dams would have the most significant impact for salmon recovery.<sup>2</sup> Specifically the report noted, “For Snake River stocks, the centerpiece action is restoring the lower Snake River via dam breaching.”

Removal would accomplish three important things for wild salmon.<sup>3</sup>

- Would reduce water transit time. The science is clear: a natural outmigration closer to historical norms of two days minimizes exposure to predators, reduces unmitigated energy expenditure, and results in healthier smolts when they arrive at the estuary. Outmigration time has increased by tenfold, from 2 days in a free-flowing riverine environment, to upwards of 20 days in the current system of dams and slack water.
- Would reduce lethally elevated water temperatures. The 140-mile-long chain of reservoirs created by the hydro system are a deadly heatsink for migrating adult salmon and steelhead. These elevated temperatures cause migration delays by blocking access to adult ladders. In 2015, an estimated 4,000 returning endangered Snake River sockeye were exposed to lethal thermal maximums. Only around one percent escaped to spawning grounds, compared to the annual average of 25 to 50 percent.<sup>4</sup>
- Would eliminate mortality from dam contact, including direct or indirect contact with turbines, spillways, and bypass facilities. The U.S. Army Corps currently estimates a 96 percent survival rate through a given dam facility but fails to account for mortality once smolt depart the tailrace. BPA and the U.S. Army Corp acknowledge that measured cumulative mortality through the hydro system is 48 percent, though latent mortality likely drives that number higher before smolt reach the ocean. Some estimates show that latent mortality through the hydro system can kill up to 67 percent of out-migrating smolt.

The impacts of the four lower Snake River dams cannot be put into any starker contrast but to compare the John Day and Grande Ronde Rivers of Oregon. Each have headwaters in the Blue Mountains, the John Day flowing west into the Columbia River, the Grande Ronde flowing east into the Snake River. The difference is that salmon and steelhead returning to the John Day River have three dam passages on the Columbia River while the Grande Ronde salmon and steelhead pass eight dams. John Day smolt-to-adult returns (SAR) are approximately three and four percent for wild Chinook salmon and steelhead, while Snake returns – including the Grand Ronde –

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<sup>2</sup>National Oceanic and Atmospheric Administration (2022). *Rebuilding Interior Columbia Basin Salmon and Steelhead*. <https://www.fisheries.noaa.gov/resource/document/rebuilding-interior-columbia-basin-salmon-and-steelhead>

<sup>3</sup> Trout Unlimited (2023). *Why We Need a Free-Flowing Snake River*. [https://www.tu.org/wp-content/uploads/2023/06/TU\\_SnakeRiverReport\\_F2-2.pdf](https://www.tu.org/wp-content/uploads/2023/06/TU_SnakeRiverReport_F2-2.pdf)

<sup>4</sup> Northwest Power and Conservation Council (2016). *Presentation on NOAA Fisheries’ 2015 Adult Sockeye Passage Report*. [https://www.nwcouncil.org/sites/default/files/2016\\_0412\\_5.pdf](https://www.nwcouncil.org/sites/default/files/2016_0412_5.pdf)

hover at 0.7% SAR (Appendix A). Currently, the SAR goals for ESA-listed salmon populations established by the Northwest Power and Conservation Council are set at two percent to six percent, with an average of four percent.<sup>5</sup>

We have spent billions of dollars and it's not working. Neither of Congress' attempts to remedy the dams' long-acknowledged impacts—the Northwest Electric Power Planning and Conservation Act of 1980 and the Lower Snake River Fish and Wildlife Compensation Plan (LSRCP)—have stopped the tragic decline of wild Snake River salmon and steelhead.<sup>6</sup>

<sup>7</sup>Since the completion of the dams in the 1970s, runs of Snake River *wild* salmon and *wild* steelhead have declined precipitously from their historical numbers, prompting each of their ESA listings throughout the 1990's. Today, both remain listed and hover ever closer to extinction.

### **BPA is failing to meet objectives for recovery and blocking investments for the future of the region.**

These dams contribute less than 1,000 megawatts annually, but cost billions to operate and mitigate. The Bonneville Power Administration, which operates the lower four dams, has spent \$24 billion in ratepayer funds on unsuccessful mitigation efforts over the past two decades.

The current resources for the BPA grid are 87 percent hydroelectric.<sup>8</sup> Drought and reduced snowpack are likely to further impact capacity. BPA must start planning a future that includes new, reliable, and robust sources of energy.

### **Tribal sovereignty**

The tribes are the voice that must be heard and listened to. These rivers were theirs and their cultures have been devastated when the rivers and salmon were taken from them when their traditional fishing grounds, villages and cultural sites were flooded by the dams.

The tribal nations of the Pacific Northwest, have treaty rights for “*the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians; and at all other usual and accustomed stations, in common with citizens of the United States.*” These rights were guaranteed by the United States through agreement, in the Treaties of Hellgate, Medicine Creek, Neah Bay, Point Elliott, Point No Point, Quinault, Walla Walla, Wasco, Treaty of 1855 – Yakima Nation and Treaty of 1855 – Nez Perce. These agreements between the US government and the sovereign nations of the Pacific Northwest are a constitutional mandate.

The guaranteed right to salmon was ratified by this body in 1859. The courts have continually upheld this right and the urgent requirement to meet our treaty obligations are not in question.

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<sup>5</sup> Northwest Power and Conservation Council (2020). Columbia River Basin Fish and Wildlife Program: 2020 Addendum. <https://www.nwcouncil.org/reports/2020-9/>

<sup>6</sup> Public Law 96-501 96th Congress (1980). Pacific Northwest Electric Power Planning and Conservation Act. <https://www.congress.gov/96/statute/STATUTE-94/STATUTE-94-Pg2697.pdf>

<sup>8</sup> BPA Fact Sheet. (2023) <https://www.bpa.gov/-/media/Aep/about/publications/general-documents/bpa-facts.pdf>

<sup>8</sup> BPA Fact Sheet. (2023) <https://www.bpa.gov/-/media/Aep/about/publications/general-documents/bpa-facts.pdf>

We must uphold the constitutional and ethical obligations to all sovereign nations of the Pacific Northwest.

### **Moving Forward**

Three years ago, U.S. Rep. Mike Simpson (R-ID) said what conservationists have long known: we can remove the dams, reopen hundreds of miles of rivers to recover wild salmon and steelhead, and replace all the dams' socio-economic benefits: irrigation, power, barging for agricultural products.<sup>9</sup> This was later affirmed by Washington Gov. Mike Inslee and U.S. Sen. Patty Murray (D-WA).<sup>10</sup>

But other elected leaders and policymakers, building on decades of inaction, are choosing the status quo over the most promising opportunity in decades to recover imperiled Snake River salmon and steelhead, and in the process failing to make good on America's treaty obligations to tribal nations and people of the Northwest. We must seize the opportunity now and figure out how to make it work.

Representatives Simpson, Murray, and Inslee each showed that we can have our salmon and protect the Northwest energy system and river stakeholders. This is not a zero-sum game of winners and losers. We are presented with an opportunity to diversify and reset all aspects of the energy and transportation system to prepare for the next 50 years in the Columbia basin. We should seize this opportunity rather than clinging to the status quo of biological opinions, lawsuits, appeals, and Congressional hearings. If we adhere to status quo, salmon, tribes, and stakeholders lose.

We can do better. For the salmon, the tribes, and the people of the Northwest. We can give the Snake River salmon their free-flowing river back.

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<sup>9</sup> Congressman Mike Simpson (2021). Columbia Basin Initiative. <https://simpson.house.gov/salmon/>

<sup>10</sup> Lower Snake River Dams: Benefit Replacement Report (2022). [https://governor.wa.gov/sites/default/files/2022-11/LSRD%20Benefit%20Replacement%20Final%20Report\\_August%202022.pdf](https://governor.wa.gov/sites/default/files/2022-11/LSRD%20Benefit%20Replacement%20Final%20Report_August%202022.pdf)

## 2022 Wild Steelhead & Wild Chinook Salmon Smolt-to-Adult Returns in the Columbia River Basin

