

# Court Docs Supporting Immediate Breach of the 4 Lower Snake River Dams Filed

Experts Oppose Stay of Case for Lower Snake River dams, WA USA.

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## **Experts File Court Documents Supporting a Court-Ordered Immediate Breach of the 4 Lower Snake River Dams, Oppose Stay of Case**

On October 21, 2021 five experts, each with decades of experience as natural resource scientists and managers, provided expert declarations in an amicus brief filed with the Oregon U.S. District Court in the long- running court battle over the impacts of federal dams on endangered salmon, steelhead, and salmon-dependent orcas.

These five, Ken Balcomb, Jim Waddell, Dr. Deborah Giles, Rod Sando, and Dr. Chris Pinney, filed declarations in *National Wildlife Federation, et al. v. National Marine Fisheries Service, et al.* as “friends of the court,” advising the judge that the urgency of the extinction crisis facing these endangered fish and orcas requires a court order for immediate breaching of four federal dams on the lower Snake River in eastern Washington state.

The plaintiffs and defendants in the case, including conservation groups, the State of Oregon, the Nez Perce Tribe and federal agencies, recently announced that they have reached an agreement to “pause” the case through July 2022, and requested a stay from the federal court. Presiding Judge Michael H. Simon has not yet granted the stay.

**Mr. Waddell** filed an opposition to the proposed delay. **“While it may be tempting for the Court to be hopeful that the parties may reach a long-term collaborative solution, history shows us otherwise. Government data and reports show that these four dams have little if any economic value. The endangered salmon, steelhead and southern resident orcas — who the Endangered Species Act is meant to protect — would not be requesting a stay. They simply do not have time to wait until July 2022. It might, at first, seem like just another year, but those years of more studies and more studies and delay upon delay have added up to over 20.”**

**Chris Pinney**, retired U.S. Army Corps of Engineers fish biologist, describes the current “quasi- extinction status” of Snake River fish stocks, stating: **“Without breaching, lower Snake River salmon and steelhead stocks will continue to extinction, most likely evident [for some stocks] in the next four to six years, or less.”**

**Dr. Deborah Giles**, research and science director for the non-profit Wild Orca, writes **“Unless the four lower Snake River dams are breached in in the very near future as part of the recovery measures, the Southern Resident orcas will not survive or recover.”**

**Rod Sando**, states: **“The Court needs to control the future survival of the ESA-listed species by ordering dam breaching....Anything less will guarantee the extinction of wild fish and the disastrous loss of a legacy resource that has existed for thousands of years.”**

These declarations and supporting filings can be downloaded at this link: [https://drive.google.com/drive/folders/1x-TX-OTgSoSBd\\_IGFABoimcAGzPuxjrR](https://drive.google.com/drive/folders/1x-TX-OTgSoSBd_IGFABoimcAGzPuxjrR)

The Northwest Resource Accountability Project (NWRAP) is comprised of natural resource and other professionals, with many decades of experience in science, policy, economics and law. NWRAP’s focus is on requiring accountability and transparency from government officials and agencies in the Pacific Northwest.

Brief bios of the five amicus filers:

**Jim Waddell**, retired engineer with 35 years that included high-level experience closely involved in dam operations with the U.S. Army Corps of Engineers. Mr. Waddell’s Declaration explains how **“The Corps Has Inherent Authority to Place the Dams in Non-Operational Status and Breach Them.”**

**Kenneth Balcomb III**, founder and senior scientist with the Center for Whale Research, who has engaged in research and studies on the SRKWs since 1976. After reviewing the SRKWs’ decline and starvation due to lack of their primary food, chinook salmon, Mr. Balcomb calls breaching the four Lower Snake River Dams **“potentially the single most important measure we can take to get the SRKWs the quantity of food they need before it’s too late....Now is the time to act.”**

**Dr. Deborah Giles**, research and science director for the non-profit Wild Orca and research scientist and lecturer for the University of Washington, who has conducted extensive research on Southern Resident Orcas. Dr. Giles' opinion is that: **“Unless the four lower Snake River dams are breached in in the very near future as part of the recovery measures, the Southern Resident orcas will not survive or recover.”**

**Chris Pinney**, retired fish biologist with 28 years of experience in endangered fish operations with the U.S. Army Corps of Engineers. After reviewing why technological fixes like improved bypasses and increasing spill won't recover ESA-listed fish, Mr. Pinney describes the current “quasi-extinction status” of Snake River fish stocks, stating: **“Without breaching, lower Snake River salmon and steelhead stocks will continue to extinction, most likely evident [for some stocks] in the next four to six years, or less.”**

**Rod Sando**, who headed state fish and wildlife agencies in Minnesota and Idaho, and served as Executive Director of the Columbia Fish and Wildlife Authority. After reviewing 30 years of the federal agencies' failed management of endangered fish, and contentious regional politics preventing their best ecological recovery measure, dam breaching, Mr. Sando states: **“The Court needs to control the future survival of the ESA-listed species by ordering dam breaching....Anything less will guarantee the extinction of wild fish and the disastrous loss of a legacy resource that has existed for thousands of years.” ###**