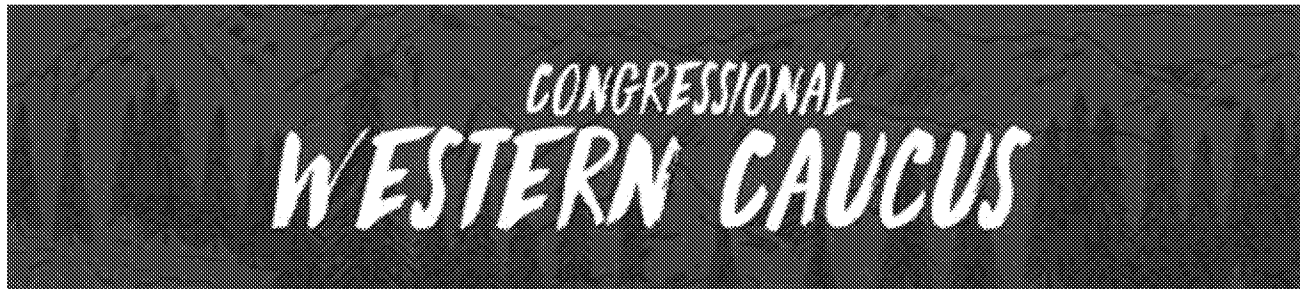


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Sent: 4/25/2018 10:22:44 PM
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Subject: Dam Protection Bill Holds Water on House Floor



For Immediate Release
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Date: April 25, 2018
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Dam Protection Bill Holds Water on House Floor



WASHINGTON, D.C. – Today, Congressional Western Caucus Chairman **Paul A. Gosar D.D.S. (AZ-04)**, House GOP Conference Chair **Cathy McMorris Rodgers (WA-05)**, House Committee on Energy and Commerce Chair **Greg Walden (OR-02)**, House Committee on Natural Resources Chair **Rob Bishop (UT-01)**, Chief Rules Officer **Dan Newhouse (WA-04)**, and Western Caucus Members **Kurt Schrader (OR-05)**, **Jaime Herrera Beutler (WA-03)**, **Doug LaMalfa (CA-01)** and **Greg Gianforte (MT-At Large)** issued the following statements after H.R. 3144 - legislation sponsored by Rep. McMorris Rodgers that protects the operations of

the four Lower Snake River Dams in accordance with the best available science - passed the House floor by a vote of 225-189:

House GOP Conference Chair Cathy McMorris Rodgers stated, “Dams and fish can coexist, and after more than two decades in the courtroom, let’s let scientists, not judges, manage our river system and get to work to further improve fish recovery efforts. When the sun doesn’t shine and the wind doesn’t blow, our dams provide critical baseload energy to power homes and businesses all across Eastern Washington and the Pacific Northwest. Not only that, they provide transportation and irrigation benefits for our farmers, flood control for our communities, and recreational opportunities that fuel our economy. This isn’t about the merits of protecting salmon, we all agree on that. This is about providing certainty and letting experts and scientists in the region, who know the river best, work collaboratively to meet that goal. I’m proud to usher this legislation through the House.”

“I have heard from countless constituents expressing strong support to defend the clean energy and many economic benefits provided by the dams in Central Washington, which is why I introduced this bipartisan legislation with Rep. Cathy McMorris Rodgers and Pacific Northwest colleagues,” said **Chief Rules Officer Dan Newhouse**. “The current Biological Opinion was negotiated with input from a diverse group of local stakeholders and provides a collaborative framework for dam operations that balances energy production with fish recovery efforts. I strongly encourage my colleagues in the U.S. Senate to act to preserve our dams and maintain low energy rates that families rely on in the Mid-Columbia region. I am grateful for the support from my House colleagues on both sides of the aisle in approving this legislation to save our dams on the lower Snake and Columbia Rivers.”

House Committee on Natural Resources Chairman Rob Bishop stated, “This bill is a logical solution to the illogical regulatory mess facing communities of the Pacific Northwest. It will save tax payers \$16 million and protect fish by preventing a potentially deadly environment. I commend Rep. McMorris Rodgers for bringing up this bipartisan, common sense piece of legislation.”

“Our bill finally codifies that science, not politics or the courts, should dictate the best way to balance fish recovery and the power needs in the Pacific Northwest,” said **Congressman Schrader**. “Scientific experts steeped in fish recovery and clean renewable energy will be able to do their job based on good science rather than an ideological crusade to eliminate dams on the river system resulting in the loss of our region’s best carbon free energy asset. Simply put, the Columbia River Power System will be managed according to the 2014 Obama Administration approved biological opinion until a new BiOp can be completed by 2022, saving ratepayers millions of dollars. I am pleased to have worked with Rep. McMorris Rodgers, and our Pacific Northwest colleagues, on this bill to bring science back into the equation for our Oregon and Pacific Northwest Salmon recovery efforts.”

House Energy and Commerce Chairman Greg Walden stated, “In Oregon and throughout the Pacific Northwest, we are blessed with a river system that allows goods to flow to market and provides renewable hydropower that generates 43% of electricity in our state. River operations that have been guided by years of research by federal agencies, tribes and other cooperators have now been threatened by court order, and Northwest families and our communities will likely pay the price in higher power rates. This legislation provides needed certainty for power generation and river operations while federal agencies update the biological opinion and court proceedings continue. This is important for our ag communities, renewable energy generation and power users across our region. I was glad to work with my colleague from Oregon, Kurt Schrader, to pass this legislation through the House, and I hope the Senate will act promptly on this bipartisan plan.”

Congressional Western Caucus Chairman Paul Gosar stated, “The United States Congress has a vested interest in insuring that *it*, rather than the judiciary, promulgates Federal policy. Hydropower is a clean source of energy and its reliability and cost-effectiveness are just a few of the reasons it enjoys the stature it has today. It needs to maintain that stature, including the requirement of careful, science-based policy-crafting when changes to hydroelectric policy are at question, if we are to guarantee a reliable energy future for our country. The judge who ordered the dam spills took the opposite track, devising and issuing brand new policy from the bench which lacked the justification scientific study would bring to his actions. H.R. 3144 fixes this problem by reasserting that Congress wields federal policymaking power and clarifying that we prefer the 'science first, policy after' approach when hundreds of millions of our citizens' dollars are at stake.”

“There’s only one sensible way to balance the health of our salmon runs with residents’ need for low-cost, hydropower energy in the Northwest – and that’s to restore a scientifically-backed operations plan. On behalf of our salmon, our Northwest ratepayers, our economy, and our environment, passing H.R. 3144 is vital to ensure that we’re relying on collaboration and science to best manage our river system,” said **Congresswoman Herrera Beutler**.

Congressman LaMalfa stated, “Despite favorable opinions from federal agencies serving under the Obama Administration, an activist judge is still attempting to hamper operations of four important dams in the Pacific Northwest. While this is hardly surprising, it does risk setting a precedent that dam operations can be influenced, or even ceased, at the whim of an overeager judicial system. We shouldn’t be placing unproven environmental science above the needs of local communities. This legislation provides some certainty for the operations of these particular dams, while also putting in place measures to protect federal dams from politically biased judges. Under this legislation, only Congress can decide to remove a federal dam, and that’s how it should be.”

Congressman Gianforte said, “The Federal Columbia River Power System has provided generations of Montanans with clean, low-cost energy. Environmental red tape and litigation, however, threaten that reliable source of affordable energy and our Montana way of life. The legislation passed today brings needed certainty to the management of the system and needed relief to Montana ratepayers.”

Background:

H.R. 3144 seeks to provide certainty for the Federal Columbia River Power System (FCRPS) by keeping in place the current bipartisan operations plan and salmon mitigation measures that are consistent with multiple agency processes and opinions developed and approved by the Obama Administration.

A bipartisan dear colleague can be found [HERE](#). A full list of endorsements can be found [HERE](#). A Committee summary can be found [HERE](#). Bill text can be found [HERE](#). The Committee Report can be found [HERE](#).

Specifically, this legislation provides for the continued operations of the four Lower Snake River Dams in the Pacific Northwest through September 30, 2022 in accordance with the best available science and a biological opinion previously approved by the previous Administration. Under the bill, only an act of Congress or a subsequent final biological opinion could cause a departure from current operations or make structural modifications to the four dams addressed by this legislation. A clarifying amendment that was adopted allows for the Secretaries involved in operating the

dams to conduct operation and maintenance activities and make necessary capital improvements. Finally, H.R. 3144 allows for the continuation of an underway National Environmental Policy Act (NEPA) review process while avoiding an extremely costly spill experiment that may prove harmful to the very fish it claims to benefit.

The current biological opinion that governs operations at the FCRPS is based on the best available science and was produced as the consequence of bipartisan collaborative efforts undertaken by local stakeholders, tribes, ranchers, irrigators utilities, federal agencies and elected officials. It was implemented by the previous administration and made express efforts to carefully balance environmental and economic priorities while protecting crucial energy sources.

The FCRPS generates approximately 40 percent of total U.S. hydroelectric generation and provides energy to fifty-four rural cooperatives in seven different states. This clean source of energy produces stable baseload power without emitting carbon and serves as backup generation for intermittent wind and solar sources.

The four Lower Snake River Dams – the Ice Harbor, Lower Monumental, Little Goose and Lower Granite dams – have now come under siege due to an agenda-driven District judge in Oregon issuing an arbitrary and poorly-reasoned court order.

The judge is attempting to force operators to ignore the federally-authorized scientific consensus represented by the current operations plan in order to spill water downstream – a change that will cost \$40 million dollars in lost power sales and harm other infrastructure operations so as to “speed migrating salmon to the Pacific Ocean.”

Finally, the judge has ordered a new environmental review that he presumably hopes will retroactively justify his spill order when it is completed in several years. The judge has put the cart before the horse in ordering major policy changes first and seeking scientific backing afterwards; the effect is to set poor precedent in which judges are empowered to ignore a scientific consensus on major energy or infrastructure projects so long as they do so while posturing in the service of empty talking points.

The judge’s order comes as part and parcel of claims that mandatory spills will improve the movement of salmon along the Columbia River. The status of these claims remains unverified scientifically, with research showing that large spills such as those the judge ordered can be substantially harmful to the population levels of the very fish they aim to protect.

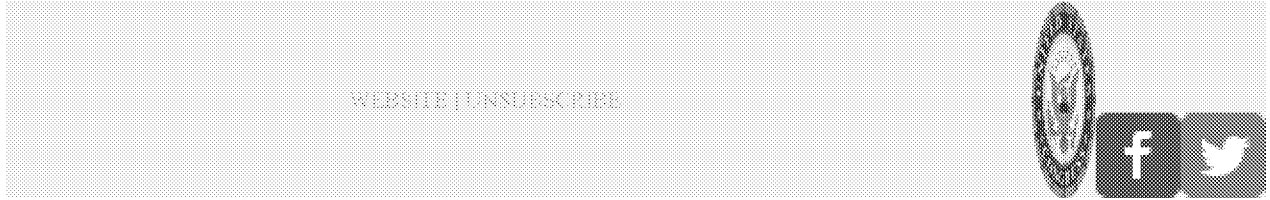
H.R. 3144 accomplishes two important goals: 1) Ensuring the continued operation of the Snake River Dams until 2022 or until the NEPA review concludes and determines a new operation plan, and; 2) Establishing that it is the intent of Congress that major changes to operations plans which are themselves undergirded by recent science and the sign-offs of multiple federal agencies be avoided when the scientific study on which such a change must be based is incomplete or contradictory.

The continued, regular operation of these dams is of interest for Pacific Northwest states as well as California, Nevada, Wyoming and Montana as significant components of the economies of said states, and for overall energy grid reliability.

Codifying the provisions in H.R. 3144 provides certainty and sends a strong signal to the judicial branch that Congress does not intend to allow agenda-driven judges to legislate by overturning

longstanding, statutorily-guided federal policy when the relevant scientific studies, the direction of federal agencies and the will of Congress contradict such a conclusion.

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