

## Breaching of Snake River Dam AIW

**WHEREAS:** As the largest tributary of the Columbia [River], the Snake River is itself one of the country's major rivers. The Snake River flows 1,670 miles from its headwaters in Wyoming and drains an area of 109,000 square miles (more than 40 percent of the Columbia River Basin) in Idaho, Wyoming, Utah, Nevada, Washington, and Oregon.<sup>i</sup> The operation of 14 Federal hydroelectric dams on the Columbia and Snake rivers, referred to as the FCRPS, affects 13 stocks of Columbia River Basin salmon and steelhead protected under the ESA<sup>ii</sup> The four Lower Snake River Project facilities are: Ice Harbor Dam, Lower Monumental Dam, Little Goose Dam, and Lower Granite Dam. <sup>iii</sup>

**WHEREAS:** The decline of salmon and steelhead populations in the Pacific Northwest is a well[-]documented and complex problem. Scientists in the region have long been evaluating a variety of interrelated factors that have contributed to a general reduction of wild salmon and steelhead runs in the Columbia-Snake River Basin over the past several decades. These factors include overharvest; habitat loss and degradation in rivers, tributaries, lakes, and estuaries; competition and other dangers posed by hatchery fish; altered habitat and related challenges posed by dams and reservoirs; and other human-related causes such as timber harvest, farming, industrial facilities, and urbanization.<sup>iv</sup>

**WHEREAS:** Dam construction has played a significant role in the listing of the following species with protected status under the Endangered Species Act. The Snake River is also designated a critical habitat by the National Oceanic and Atmospheric Administration (NOAA) <sup>v</sup> and designated the second “most endangered river in the United States.”<sup>vi</sup>

- Snake River Sockeye Salmon, endangered in 1991.<sup>vii</sup> “Sockeye Salmon are native to the Snake River basin and historically were abundant in several lake systems in Idaho and Oregon. Today, the last remaining Snake River Sockeye Salmon spawn in Sawtooth Valley lakes . . . in Idaho. Five lakes in the Sawtooth Valley historically contained anadromous Sockeye Salmon . . . Currently, only the Redfish Lake population, supported by a captive broodstock program, is considered extant. The ESU was first listed as endangered under the ESA in 1991; the listing was reaffirmed in 2005 and 2013.”<sup>viii</sup>
- Spring, Summer and Fall Chinook and nine other anadromous, endangered and threatened between 1992-1999<sup>ix</sup> “The loss of this upstream habitat and inundation of downstream spawning areas by reservoirs associated with the Hells Canyon Complex and the three lower Snake River dams reduced spawning habitat for the single extant population – the Lower Mainstem Snake River population – to approximately 20 percent of the area historically available (NMFS 2015c).”<sup>x</sup>
- Southern Resident Orcas, endangered in 2005 and by “December 2020, the Southern Resident Killer Whale population had declined to a 40-year low count of 74 individuals.”<sup>xi</sup>

**WHEREAS:** Despite hard work, ingenuity, great expense, and commitment across all levels of Federal, state, Tribal and local governments and a wide range of stakeholders, many fish populations in the Columbia River Basin—salmon, steelhead, and others— have not recovered, some continue to decline<sup>xii</sup> and NOAA Fisheries concludes that SRKW [Southern Resident Killer Whales (orcas)] continue to face a high risk of extinction and should remain listed as endangered. <sup>xiii</sup>

**WHEREAS:** Nimiipuu (Nez Perce Tribe of Idaho) passed a resolution to support breaching the dams, recognizing the dams, particularly the lower Snake River dams have had a significant adverse impact on the anadromous fish runs and their Treaty rights. The Nez Perce Tribe stated it has relied upon the salmon resources of the Columbia River system since time immemorial and that the salmon have a vital and primary role in the cultural, religious, economic and physical well-being of the Nez Perce people. They

cited their exclusive right to take fish at all usual and accustomed places under the Treaty of June 11, 1855.<sup>xiv</sup> In June 2020, the Nez Perce General Council called on the Tribe to recognize that Snake River as a living entity that possesses fundamental rights and shall be represented by legal guardians whose duty it is to act on behalf of it.<sup>xv</sup>

**WHEREAS:** The Affiliate Tribes of Northwest Indians<sup>xvi</sup> have passed several resolutions including calling for the removal of the dams in the Columbia River basin<sup>xvii</sup>, that habitat degradation of ATNI members' aboriginal territory has caused significant declines in fish stocks, fishing closures, threats to Orcas and other aquatic animals; and this habitat degradation presents a clear and present danger to ATNI Tribes' livelihoods and traditions and shows the federal government's failure to protect the Tribes' treaty-reserved rights; of preserving and protecting critical lands and waterways that are culturally, traditionally, and historically invaluable to ATNI Tribes and are critical to the future of the Pacific Northwest.<sup>xviii</sup> ATNI also passed a resolution stating the best available science shows that the four Lower Snake River dams, and certain Columbia River dams, are the main causes of human-induced water temperature problems, and temperatures in a free-flowing Lower Snake River would be much more supportive of successful salmon migration and spawning.<sup>xix</sup>

**WHEREAS:** The recent Ninth Circuit decision in *United States v. Washington*, No. 13-35474, 2016 U.S. App. LEXIS 11709 (9th Cir. June 27, 2016), held that both Washington State and the United States governments are liable to signatory tribes for blocking or impeding salmon migration in violation of the 1855 Stevens Treaties.

**WHEREAS:** Supporting the rights of the Snake River would be consistent with Indigenous communities across the globe are seeking legal rights to their waters, lands and cultural resources. Rights of nature are included in the Ecuador and Bolivia constitutions, Ho-Chunk Rights of Nature Tribal resolution (Wisconsin), Nez Perce Tribal General Council resolution for the rights of the Snake River (Idaho), the Maori and the Te Awa Tupua/Whanganui River (New Zealand), Ponca Rights of Nature resolution (Oklahoma), Bangladesh and all its rivers granted legal status as well as India and the Ganges and Yamuna rivers, Yurok and Klamath river (Oregon), White Earth Band of Ojibwe and the rights of Manoomin (Wild Rice-Minnesota), Menominee and the rights of the Menominee River, the Innu of Ekuanitshit and the Magpie River (Quebec), the the Wurundjeri and the Yarra (Australia), Atrato River in Colombia among the many.

**THEREFORE BE IT RESOLVED:** We, the 2022 General Assembly of the Unitarian Universalist Association (UUA), call upon the UUA and its member congregations, in keeping with the UUA 1<sup>st</sup>, 2<sup>nd</sup>, 6<sup>th</sup> and 7<sup>th</sup> Principles, to:

Acknowledge and advocate that despite billions of dollars and decades of recovery efforts, Snake River salmon and other anadromous populations and the Southern Resident Orcas continue to decline to extinction levels and that time is running out to restore and protect them.

Acknowledge and advocate that the decline, extirpation and absolute extinction of the Snake River salmon violates Treaty rights of the Northwest Tribes and Nations, and severely jeopardizes their economic well-being and cultural continuity.

Acknowledge and advocate for the inherent right to exist and to flourish should be afforded all beings and the ecosystems upon which they depend for survival.

**THEREFORE BE IT FURTHER RESOLVED:** We call upon the UUA and its member congregations to contact the following leaders, informing of them of your support for breaching the lower Snake River dams and remind them of their responsibilities to the Tribes/Nations and their obligations under the Endangered Species Act:

- President Joe Biden (<https://www.whitehouse.gov/contact/#page>)
- Secretary of State Deb Haaland <https://www.doi.gov/contact-us>
- Washington State Governor Jay Inslee ([governor.wa.gov/contact/contact/send-gov-inslee-e-message](http://governor.wa.gov/contact/contact/send-gov-inslee-e-message))
- Senator Patty Murray ([murray.senate.gov/public/index.cfm/contactme](http://murray.senate.gov/public/index.cfm/contactme))
- Lt. Col. Richard T. Childers, Commander and District Engineer, U.S. Army Corps of Engineers, Northwestern District (<https://www.usace.army.mil/Contact/>)
- Scott Rumsey, Acting Regional Administrator, NOAA/National Oceanic and Atmospheric Administration Fisheries West Coast Regional Office ([scott.rumsey@noaa.gov](mailto:scott.rumsey@noaa.gov))
- Idaho Governor Brad Little (<https://gov.idaho.gov/contact/contact-us/>)
- Oregon Governor Kate Brown – Thank her for her public support of breaching the lower Snake River dams (<https://www.oregon.gov/gov/Pages/share-your-opinion.aspx>)

## Endnotes

<sup>i</sup> Federal Columbia River Power System Adaptive Management Implementation Plan, Lower Snake River Fish Passage Improvement Study: Dam Breaching Update, Plan of Study, US Army Corp of Engineers, Walla Walla District, March 2010, [https://www.nww.usace.army.mil/Portals/28/20100330\\_AMIP\\_NWW.pdf](https://www.nww.usace.army.mil/Portals/28/20100330_AMIP_NWW.pdf), pg 2

<sup>ii</sup> Federal Columbia River Power System Adaptive Management Implementation Plan, Lower Snake River Fish Passage Improvement Study: Dam Breaching Update, Plan of Study, US Army Corp of Engineers, Walla Walla District, March 2010, [https://www.nww.usace.army.mil/Portals/28/20100330\\_AMIP\\_NWW.pdf](https://www.nww.usace.army.mil/Portals/28/20100330_AMIP_NWW.pdf), pg 3

<sup>iii</sup> Federal Columbia River Power System Adaptive Management Implementation Plan, Lower Snake River Fish Passage Improvement Study: Dam Breaching Update, Plan of Study, US Army Corp of Engineers, Walla Walla District, March 2010, [https://www.nww.usace.army.mil/Portals/28/20100330\\_AMIP\\_NWW.pdf](https://www.nww.usace.army.mil/Portals/28/20100330_AMIP_NWW.pdf), pg 4

<sup>iv</sup> Federal Columbia River Power System Adaptive Management Implementation Plan, Lower Snake River Fish Passage Improvement Study: Dam Breaching Update, Plan of Study, US Army Corp of Engineers, Walla Walla District, March 2010, [https://www.nww.usace.army.mil/Portals/28/20100330\\_AMIP\\_NWW.pdf](https://www.nww.usace.army.mil/Portals/28/20100330_AMIP_NWW.pdf), pg 2

<sup>v</sup> Designation of Critical Habitat for Snake River Sockeye Salmon, Snake River Spring/Summer Chinook Salmon, and Snake River Fall Chinook Salmon, <https://www.fisheries.noaa.gov/action/designation-critical-habitat-snake-river-sockeye-salmon-snake-river-spring-summer-chinook>, “The critical habitat designation identifies those physical and biological features of the habitat that are essential to the conservation of the species and that may require special management consideration or protection. The economic and other impacts resulting from this critical habitat designation, over and above those arising from the listing of the species under the ESA, are expected to be minimal. The designation of critical habitat provides explicit notice to Federal agencies and the public that these areas and features are vital to the conservation of the species. In addition, the designation assists Federal agencies in carrying out their responsibility to ensure that agency actions will not result in destruction or adverse modification of critical habitat.”

<sup>vi</sup> America’s Most Endangered Rivers of 2022, American Rivers, <https://www.spokesman.com/stories/2021/apr/14/snake-river-named-most-endangered-river-in-america/?fbclid=IwAR0RDZEpERmjvosvx58UgXnfX8UaMnY-iWv1zUvtH7v9FhPRggcMalcddCM>

<sup>vii</sup> National Oceanic and Atmospheric Administration, <https://www.fisheries.noaa.gov/west-coast/angered-species-conservation/snake-river-sockeye-salmon>, November 20, 1991 (56 FR 58619) and June 28, 2005 (70 FR 37159); updated April 14, 2014 (79 FR 20802), <https://www.govinfo.gov/content/pkg/FR-1991-11-20/pdf/FR-1991-11-20.pdf>.

<sup>viii</sup> 2016 5-Year Review: Summary & Evaluation of Snake River Sockeye, Snake River Spring-Summer Chinook, Snake River Fall-Run Chinook, Snake River Basin Steelhead, National Marine Fisheries Service West Coast Region, Portland, OR, noaa\_17050\_DS1.pdf, pg. 16. Sockeye Salmon are native to the Snake River basin and historically

were abundant in several lake systems in Idaho and Oregon. Today, the last remaining Snake River Sockeye Salmon spawn in Sawtooth Valley lakes . . . in Idaho. Five lakes in the Sawtooth Valley historically contained anadromous Sockeye Salmon . . . Currently, only the Redfish Lake population, supported by a captive broodstock program, is considered extant. . The ESU was first listed as endangered under the ESA in 1991; the listing was reaffirmed in 2005 and 2013 (Figure 1). An ESA recovery plan for the Snake River Sockeye Salmon ESU was adopted by NMFS in June 2015 (NMFS 2015b).

<sup>ix</sup> National Oceanic and Atmospheric Administration, Species Directory, <https://www.fisheries.noaa.gov/species/chinook-salmon-protected>. 2016 5-Year Review: Summary & Evaluation of Snake River Sockeye, Snake River Spring-Summer Chinook, Snake River Fall-Run Chinook, Snake River Basin Steelhead, National Marine Fisheries Service West Coast Region, Portland, OR, noaa\_17050\_DS1.pdf, pg. 20. Lower Snake River MPG: This MPG historically contained two populations (Tucannon and Asotin); and one, Asotin Creek, is currently considered extirpated [not extinct, but no longer in the wild]. The ICTRT basic criteria would call for both populations being restored to viable status.

<sup>x</sup> 2016 5-Year Review: Summary & Evaluation of Snake River Sockeye, Snake River Spring-Summer Chinook, Snake River Fall-Run Chinook, Snake River Basin Steelhead, National Marine Fisheries Service West Coast Region, Portland, OR, noaa\_17050\_DS1.pdf, pg. 21. The area upstream of Hells Canyon supported the majority of all Snake River fall Chinook salmon production until the area became inaccessible due to dam construction. First, construction of Swan Falls Dam in 1901 blocked access to 157 miles of historically productive fall Chinook salmon habitat in the middle Snake River downstream of Shoshone Falls, a natural barrier to further upstream migration. Construction of dams associated with the Hells Canyon Dam Complex barred the fish from remaining spawning areas in the middle mainstem reach. The loss of this upstream habitat and inundation of downstream spawning areas by reservoirs associated with the Hells Canyon Complex and the three lower Snake River dams reduced spawning habitat for the single extant population – the Lower Mainstem Snake River population – to approximately 20 percent of the area historically available (NMFS 2015c).

<sup>xi</sup> Listed as endangered in 2005 in the U.S. Endangered and Threatened Wildlife and Plants: Endangered Status for Southern Resident Killer Whales, <https://www.federalregister.gov/documents/2005/11/18/05-22859/endangered-and-threatened-wildlife-and-plants-endangered-status-for-southern-resident-killer-whales> or <https://www.govinfo.gov/content/pkg/FR-2005-11-18/pdf/05-22859.pdf>. They are also protected under the Marine Mammal Protection Act. Listed as endangered in Canada in 2001, [Accord for the Protection of Species at Risk \(1996\)](https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/recovery-strategies/northern-southern-killer-whales-2018.html), <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/recovery-strategies/northern-southern-killer-whales-2018.html>, Species At Risk Act (SARA), Schedule 1, Part 2 Endangered Species, <https://laws.justice.gc.ca/eng/acts/s-15.3/page-10.html>, or [https://www.sararegistry.gc.ca/species/schedules\\_e.cfm?id=1](https://www.sararegistry.gc.ca/species/schedules_e.cfm?id=1). Government of Canada, Species Profile, [https://wildlife-species.canada.ca/species-risk-registry/species/speciesDetails\\_e.cfm?sid=699](https://wildlife-species.canada.ca/species-risk-registry/species/speciesDetails_e.cfm?sid=699)

<sup>xii</sup> Scientists estimate the minimum historical population size of Southern Residents was about 140 animals, 10 Years of Research Southern Resident Killer Whales & Conservation,” National Oceanic and Atmospheric Administration, [http://komonews.s3.amazonaws.com/140625\\_orca\\_report\\_quality.pdf](http://komonews.s3.amazonaws.com/140625_orca_report_quality.pdf). The first full count of the Southern Residents was in 1974 at 71 whales. Environmental Protection Agency, Southern Resident Killer Whales, <https://www.epa.gov/salish-sea/southern-resident-killer-whales#what-happening>. By December 2020, the Southern Resident Killer Whale population had declined to a 40-year low count of 74 individuals Environmental Protection Agency, Southern Resident Killer Whales, <https://www.epa.gov/salish-sea/southern-resident-killer-whales#what-happening>.

<sup>xiii</sup> “Columbia River Basin Fisheries: Working Together to Develop a Path Forward” White House Blog, dtd March 28, 2022 by Deb Haaland, Secretary of the Department of the Interior, Jennifer M. Granholm, Secretary of the Department of Energy, Michael Connor, Assistant Secretary of the Army for Civil Works, Brenda Mallory, Chair of the Council on Environmental Quality, Dr. Richard W. Spinrad, Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator

<sup>xiii</sup> “5-Year Review for Southern Resident Killer Whales,” National Oceanic and Atmospheric Administration (NOAA). <https://www.fisheries.noaa.gov/action/5-year-review-southern-resident-killer-whales>. This is the scheduled review process that was conducted in 2021, recommending the Orcas continue protection under the Endangered Species Act.

<sup>xiv</sup> Nez Perce Tribal Resolution, NP 99-140, dtd. February 23, 1999

<sup>xv</sup> Nez Perce Resolution SPGC20-02 dtd June 18-20, 2020

<sup>xvi</sup> Affiliated Tribes of Northwest Indians is a regional organization comprised of American Indians in the States of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska.

<sup>xvii</sup> 2019 Winter Convention, Resolution #19-07, Protect and Restore Salmon, Southern Reside Orca and Treaty Rights

<sup>xviii</sup> 2020 Mid-Year Virtual Convention, Resolution of Protecting NW Rivers & Streams, Resolution #2020-21

<sup>xix</sup> 2020 Mid-Year Virtual Convention, Resolution of Protecting NW Rivers & Streams, Resolution #2020-25