

**Attachment – Additional Questions for the Record**  
**The Honorable Michael L. Connor, Assistant Secretary of the Army (Civil Works)**

**Honorable Cathy McMorris Rodgers**

- 1. The federal government is seeking a stay of the litigation, and the Administration is insisting that the agreement provide the region legal certainty. Yet the federal government has indicated that it intends to implement the Memorandum of Understanding regardless of a stay decision from the court because the commitments and measures are beyond the litigation and were a result of the Columbia Basin Restoration Initiative. How will a stay of the litigation provide certainty and resolve the litigation if the federal government has not reached a consensus with the parties and MOU implementation is beyond the scope of the litigation?**

**RESPONSE:** The Court granted the five-year stay of the litigation on the Columbia River System’s Environmental Impact Statement and Biological Opinions on February 8, 2024. The Memorandum of Understanding (MOU) with the U.S. government’s commitments is responsive to and advances elements of the Administration’s commitment in improving conditions for native fish in the basin within the agencies’ authorities. The stay in litigation allows the agencies and regional sovereigns to work in partnership to support these restoration efforts rather than expending the agencies’ resources in litigation. The MOU and associated Commitments document contain a 10-year set of operations that the agencies will follow, which will give the region certainty in operations.

- 2. How does the MOU provide certainty about river operations and fish programs given that parties or new plaintiffs can still raise separate complaints given the MOU is beyond the scope of the initial lawsuit?**

**RESPONSE:** The litigation that has been stayed concerns the adequacy of the NEPA analysis and ESA biological opinions, and under the MOU, the agencies have committed to evaluate and pursue actions to benefit ESA-listed species and other native fish in the Basin, among other commitments to expand Tribally-sponsored clean energy production, and provide stability for communities that depend on the Columbia River System for agriculture, energy, recreation, and transportation. In exchange for these commitments, the signatories to the MOU have agreed that they will not pursue claims in the current litigation and will not initiate new litigation that arises from the same or substantially similar factual allegations or assert the same or substantially similar claims for relief. This settlement provides a long-term pause from decades long litigation that has severely limited flexibility in operation and management of the Columbia River System. Currently there are no legal actions or challenges against the U.S. Army Corps of Engineers (USACE) related to the MOU and should any be brought, at that time, the USACE would evaluate the claims and take appropriate action.

## **The Honorable Brett Guthrie**

**1. Can you provide details about how the Army Corps of Engineers plans to continue working diligently with local community leaders and key stakeholders who will be affected by dam removals to ensure that they are supported with the resources, such as in the event that unintended consequences arise during dam removal as has happened in my district?**

**RESPONSE:** The Louisville District has and will continue working and coordinating with Edmonson County Water District (ECWD), local officials, and other stakeholders as dam removal efforts continue. The District has shared information on social media platforms and local news agencies and participated in multiple news interviews regarding the removal of Green River Lock and Dam 5 (GR5). District leadership reached out to the new ECWD Manager and intends to participate in a ECWD Board meeting next month. The District will continue engagement with ECWD through the life-cycle of the GR5 project. In other dam removal projects that the District manages, coordination with local officials, state agencies, and other stakeholders has been paramount.

**2. What steps will the Corps take to see through potential WRDA authorization and funding opportunity for Edmonson County Water District if authorized by Congress and signed into law?**

**RESPONSE:** The Corps will comply with any legislation Congress provides, after any funding necessary for implementation is received.

**3. In full detail, please explain how the pre-dam removal testing has impacted Edmonson County Water District in their water supply and water quality?**

**RESPONSE:** Sediment testing was conducted prior to GR5's removal, but it was limited to identifying potentially hazardous materials accumulated behind the dam.

The pre-removal hydraulic modeling indicated the water surface elevation at the ECWD Green River water intake would remain well above the minimum allowable elevation after removal. Ultimately, some of the modeling assumptions did not completely align with the field conditions as changes in the river continued to occur after GR6's removal and GR5's partial removal. This has resulted in a lower-than-expected water surface elevation at the water intake during GR5's partial removal. After GR6's failure and removal, sediment has continued to migrate downstream to GR5 pool, resulting in dynamic changes to water quality in Green River.

**4. Will the Corps send an updated audit on their initial river level projections based on the inaccurate information and applied audit information that started removal of Green River Lock and Dam 5, along with your updated statistics on the projected river levels once the dam is fully removed? If so, when will that be completed?**

**RESPONSE:** Yes. The District has continued to evaluate the initial modeling effort and update the hydraulic modeling with new information. The initial river level projections were based

upon the best available data at the time. The District worked with the U.S. Geological Survey to collect updated channel survey data in the summer of 2023 which was incorporated into the hydraulic modeling to evaluate potential impacts. The District assessed updated statistics and shared both the statistics and the assessment with ECWD and other stakeholders. The District will continue to evaluate potential changes to river level projections as new information is collect and develop a full accounting of modeling efforts and statistics following GR5's removal. Upon completion, the District will review this action for lessons learned and process improvements for future projects.

**5. How will the Corps continue to be a partner in mitigating the effects of Edmonson County Water District with their water source, stream bank erosion, and other affected infrastructure and continue to be a leading partner and problem solver in their ongoing issues?**

**RESPONSE:** The Corps will continue partnerships and engagement with local officials, state agencies, and stakeholders. As issues have arisen, the Corps has responded as the situation dictates. The Corps also holds bi-weekly meetings with project partners and state agencies, and communicates with ECWD and local officials bi-weekly as well. The Corps is committed with our partners to assisting ECWD in mitigating the effects of dam removal. As such, a backup pump was provided for ECWD before dam removal efforts began in the event of water supply issues.

**6. With the short-term solutions and long-term solutions still being discussed, will the Corps extend their deadline for finishing removal on Green River Lock and Dam 5? If not, is it the Corps' view that this would require a legislative fix to extend this deadline?**

**RESPONSE:** No, the Corps does not intend to extend the timeline for dam removal, which is expected to be completed in FY2025.