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QFRs: Subcommittee on Energy, Climate, and Grid Security

The Honorable Russ Fulcher

1. I, along with several other colleagues within the PNW delegation, co-led the introduction of H.R. 7066-the Defending Against Manipulative Negotiators Act. Thank you to my colleague Rep. Newhouse for sponsoring this bill. This legislation would prohibit any federal funds from being appropriated for the purposes of physically or operationally breaching the Lower Snake River Dams. Additionally, it would prohibit the use of federal funds from implementing the Columbia Basin Restoration Initiative, as proposed in the memorandum of understanding filed on December 14th, 2023, in the District Court for the District of Oregon as part of the final negotiation between several sovereign nations and CEQ relating to the Lower Snake River Dams. PNWA has given their support for H.R. 7066, can you please explain why?

Answer: *The Pacific Northwest Waterways Association (PNWA), is a national voice in advocating for our region's maritime and port infrastructure development, balancing both the public interests of economic development with environmental stewardship.*

Nowhere is that balance of economic development and environmental stewardship more realized than in the eight federal dams and their locks along the Columbia-Snake River System. In addition to their pivotal importance for the Western United States' energy infrastructure, the four Lower Snake River Dams are a critical component of the Columbia Snake River System, a 465-mile federal waterway (Marine Highway M-84) that provides access to international markets for farmers as far as the Midwest utilizing the most energy-efficient mode of transportation— barges.

PNWA supports H.R. 7066, Defending Against Manipulative Negotiators Act, for two primary reasons: first, the Columbia Snake River System and the set of eight federal locks and dams are vital to the economic and environmental health of the Pacific Northwest and Nation, and second, the back-room secretive process by which the administration and "six sovereigns" used to craft the USG Commitments Document ignored community stakeholders, tribal governments, business interests whose economic livelihoods depend on the System, and other state governments. The process sets a potentially dangerous precedent for the rest of the nation's congressionally authorized projects.

2. In December 2023, CEQ along with several sovereign nations came to a final agreement in their ongoing CRSO mediation and litigation. However, many stakeholders who represent electricity customers, river-dependent ports, farmers, and recreationists have long complained about the

lack of consultation on the part of CEQ and the Biden administration. PNWA is one of those stakeholders. At PNWA, you represent tug and barge companies, steamship operators, grain elevator operations, agricultural producers, electric utilities, irrigation district, and so many more across Washington, Oregon, and Idaho. Can you please explain how all of these groups would be negatively impacted if the Columbia Basin Restoration Initiative were implemented and a de-facto operational breaching of the dams were achieved?

Answer: *Not only would our membership be significantly affected by de-facto dam breaching, so would the Pacific Northwest and United States as a whole. Further, as the US Government acknowledged, whether de-facto or in actuality, only Congress can decide to breach the dams.*

As one of the leading trade gateways in the United States, over 8.6 million tons of cargo are moved by barge on the inland portion of the system, feeding the deep draft lower Columbia River, which transported over 51 million tons of cargo in 2020 - worth over \$27B dollars in 2022. The Columbia Snake River System is the top wheat export gateway in the nation, second for soy and corn exports, and tops on the West Coast for autos, wood, and mineral bulk exports. The system often also serves as a "pressure relief valve" for the Mississippi/Missouri River system. The system's inland and deep draft portions work together to provide a vital link between U.S. growers and manufacturers with global customers.

The current distribution of commodities moving out of the region to deep draft export ports as follows: 90% barge and 10% rail. With the removal of the LSR locks, commodities transported by barge would decrease — as producers try to shift commodity freight from efficient river barge to truck and rail.

The Ports and all river-borne commerce from the Pacific Ocean to Lewiston, Idaho, rely on Marine Highway M-84. This federal marine highway and its 14-foot navigation channel would cease to exist without the LSRD, and those trade gateways that run through the ports would be destroyed. The 14-foot navigation channel is mandated by Federal law under the Congressional Flood Control Acts. Many members of our organization, like the Port of Lewiston, depend wholly on barging and would completely close doors should LSRD breaching occur. Additionally, members like Tidewater Barge Lines, which transports much of the grain on the Snake River, would lose nearly 90% of its business, putting the company and more than 260 employees at risk. There are hundreds of thousands of jobs linked to river commerce – PNWA commissioned an independent study last year (FCS Report) which showed the horrible effects on our membership and the communities in Idaho, Washington, and Oregon.

Additionally, the burgeoning river cruise industry has been very upfront that they would cease operating on the system without the four Lower Snake River dams. These cruises provide jobs and support industry along the length of the Columbia/Snake system; many of these communities are small rural towns that have seen significant increases in their tourism revenue. The lower Snake River welcomes more than 30,000 cruise ship passengers a year (from around the nation), with the Columbia-Snake River System being the number two destination in the United States for river cruises.

In a recent study, the removal of the four lower Snake River dams are estimated to increase transportation and related environmental costs in the U.S. by over \$8.1 billion over 30 years. This equates to a net present value of \$4.2 billion (based on standard 7.0% annual discount rate). Even more worrisome, removing the Snake River locks would cause diesel fuel consumption to increase by nearly 5 million gallons per year as barges are replaced by less efficient truck-to-rail shipments. Shifting commodity flows from barge to truck and rail will result in increases in NOx, CO2 and other harmful emissions by over 1,251,000 tons per year, equivalent to adding one new large coal-fired power plant every 2-3 years.

3. In the final litigation agreement, the document emphasizes that only Congress can physically breach the dams. However, dam breaching is mentioned a total of 68 times. Additionally, the agreement explicitly states the intent to study alternative energy sources, promising hundreds of millions of dollars in unappropriated funding for fish mitigation and restoration, and support spillage operations. My concern is that CEQ and the Biden Administration are trying to circumvent congressional authority as the sole decision maker in dam breaching by implementing policies which will cause a de-facto breach of the dams. Is this a concern of PNWA? And, if so, why?

Answer: *An important outcome of the mediation process is, as you mentioned, the Administration's acknowledgment that dam breaching cannot occur unless authorized by Congress. That said, the Administration has demonstrated that its intent is to make operational changes at the projects to achieve de facto breaching. However, the federally authorized channel in the Columbia Snake River System is established by law "at a minimum of 14 feet deep and 250 feet wide". Any drawdowns that reduce the federal navigation channel to less than 14 feet deep or eliminate navigation would violate federal law. Nonetheless, PNWA is concerned the Corps may disable river navigation with an aggressive spill regime that might maintain the depth of the navigation channel but would create dangerous and unsafe currents, eddies, and flows in the river such that barging could not be undertaken – these changes would prohibit safe navigation on the system.*



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