March 5, 2020

D. Peter Helmlinger, P.E.
Brigadier General,
Army Corps of Engineers
U.S. Army

Lorri Gray, Regional Director,
Columbia-Pacific Northwest
Bureau of Reclamation
U.S. Department of the Interior

Elliot Mainzer, Administrator and CEO
Bonneville Power Administration
U.S. Department of Energy

Dear Brigadier General Helmlinger, Regional Director Gray and Administrator Mainzer:

We are writing to urgently request that you extend the public review and comment deadline for the CRSO Draft Environmental Impact statement you released on Friday, February 28, 2020. Many members of the Northwest congressional delegation raised similar concerns at this time last year about the CRSO EIS’s revised timeline and highly abbreviated opportunities for meaningful public participation. The current planned comment period of just 45 days, which will end on April 13, 2020, is arbitrary and inadequate to allow the public, interested individuals, institutions and governments an adequate opportunity to review, analyze, consider and comment on a Draft EIS that runs to almost 3,000 pages plus another nearly 5,000 pages of technical appendices. We request that you allow at least as much time for comment on the Draft EIS as you allowed for the much simpler preliminary step of scoping for the CRSO EIS, i.e., 120 days or more.

A comment period of 120 days is also a minimum that would be consistent with sworn statements from your agencies to the Court in NWF v. NMFS, No. 01-640-SI (D. Or.), when the Court was setting a schedule for preparation of this EIS and a new management plan. At that time, agency managers told the Court that a minimum of five years would be needed to prepare the CRSO EIS. In support of this schedule, the Corps of Engineers explained that for a prior EIS that focused only on the lower Snake River, the agencies provided a five-month comment period on the Draft EIS and then explained that the CRSO EIS would be more complicated and draw greater public interest – and therefore would require more time than the earlier lower Snake
River study. The Corps also explained that it would take at least a year to analyze the number and depth of comments it expected to receive on the CRSO Draft EIS. Likewise, the Bureau of Reclamation pointed the Court to an EIS in the Klamath Basin where it provided a 100-day comment period on the Draft EIS and again indicated that the CRSO EIS was more complex and would require even more time.

The Court accepted and relied on these statements to set a five-year schedule for preparing the CRSO EIS as requested by your agencies. So far as we are aware, neither the Army Corps nor the Bureau has asked to withdraw or modify these sworn statements. Nor have they explained what has changed so that the public needs just 45 days to review and comment on an almost 8,000 page draft document. Yet your agencies have set a schedule for comment on the CRSO Draft EIS with a minimum 45-day comment period and allowed themselves only until the end of June 2020 to review comments and produce a final EIS. The truncated schedule is at odds with your agencies’ sworn statement to the Court, with the public interest in this issue, and the health and well-being of our salmon, steelhead, orcas, farming and fishing communities, Tribes and Northwest energy system.

It is the fundamental purpose of an EIS to inform the public and decision-makers. To achieve that purpose, the National Environmental Policy Act requires meaningful public involvement in agency decision-making. That is the process that Congress intended in order to ultimately deliver sound, well-reasoned and well-informed decisions for the environment and the nation. The minimum opportunity for public comment and the fore-shortened timeframe for considering these comments you are pursuing is contrary to the purpose and goals of the National Environmental Policy Act.

For all of the people in the Northwest and across the country who care deeply about issues addressed in the CRSO Draft EIS, we urge you to extend the public comment period on the draft from the current inadequate 45 days to at least 120 days. We also urge you to extend the current timeline for producing a Final EIS substantially to allow your agencies an adequate opportunity to fully and fairly review the comments they receive and consider additional analyses or actions that may be both reasonable and legally required.

Sincerely,

Linda Behnken, Executive Director
Alaska Longline Fishermen’s Association
Juneau, AK

Amy Daugherty, Executive Director
Alaska Trollers Association
Juneau, AK

Wendy McDermott, Director
American Rivers
Bellingham, WA

1 NWF v. NMFS, Declaration of David J. Ponganis re NEPA Schedule (ECF 2072) (filed June, 3, 2016).
2 Id.
3 NWF v. NMFS, Declaration of Lorri Lee re NEPA Schedule (ECF 2071) (filed June, 3, 2016).
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CC:  
Council on Environmental Quality  
Northwest Governors  
Northwest Congressional Delegation  
Pacific Northwest Tribal Government and Inter-Tribal Organization Leaders