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THE HONORABLE MICHAEL H. SIMON

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

NATIONAL WILDLIFE FEDERATION, *et al,*

Plaintiffs,

and

STATE OF OREGON,

Intervenor-Plaintiff,

v.

NATIONAL MARINE FISHERIES  
SERVICE, *et al,*

Defendants,

and

NORTHWEST IRRIGATION UTILITES *et al,*

Intervenor-Defendants.

Case No. 3:01-CV-00640-SI

COLUMBIA SNAKE RIVER  
IRRIGATORS ASSOCIATION'S  
MEMORANDUM IN OPPOSITION  
TO MOTIONS FOR SUMMARY  
JUDGMENT

The great irony of this dispute is that salmonid survival through the Federal Columbia River Power System has for decades been statistically indistinguishable from survival up and down undammed rivers.<sup>1</sup> For this reason, claims that dam operations jeopardize the continued existence of listed salmon and steelhead, including this most recent motion for summary judgment, have always lacked merit. Insofar as it appears that both the agencies and this Court are bound to the fiction that every fish that dies in or near the river dies because of dams, CSRIA will at this juncture merely join the briefs and arguments filed by the Defendants and Defendant-Intervenors opposing summary judgment.

Dated: March 6, 2015.

*s/ James L. Buchal*  
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<sup>1</sup> The 2008 Supplemental Comprehensive Analysis coyly observes (at p. 7-41):

“Natural mortality certainly existed prior to the existence and operation of the FCRPS. However, no attempt is made to distinguish current natural mortality from other sources within the hydro analysis for this document.”

It has long been obvious in the professional literature and filings before this Court that natural mortality is so massive as to undermine the entire “jeopardy” premise. *See, e.g.,* C. Groot & L. Marsalis, *Pacific Salmon Life Histories* 340 (U.B.C. Press 1991) (reporting mortality rates of 70-90% for juvenile chinook salmon migrating down various West Coast rivers); Exhibits 2-3 to the Second Declaration of James L. Buchal, filed March 11, 2005 (showing common survival patterns across various dammed and undammed rivers).

**CERTIFICATE OF SERVICE**

I am a citizen of the United States and a resident of the State of Oregon. I am over 18 years of age and not a party to this action. My business address is 3425 S.E. Yamhill Street, Suite 100, Portland, OR 97214.

I certify that on March 6, 2015, the foregoing COLUMBIA SNAKE RIVER IRRIGATORS ASSOCIATION'S MEMORANDUM IN OPPOSITION TO MOTIONS FOR SUMMARY JUDGMENT will be electronically mailed to all parties enrolled to receive such notice. The following will be manually served by first class U.S. mail:

Washington Farm Bureau Federation  
975 Carpenter Road NE, Suite 301  
Lacey, WA 98516

Franklin County Farm Bureau Federation  
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s/ Carole A. Caldwell