



PNWA led the way for a settlement and successful dredging of the Lower Snake River



Snake River dredging

Settlement reached, lawsuit dismissed, dredging completed

Current Status

For the first time since 1999, navigation was restored to a full 14 feet on the Snake River in March 2006. With this dredging, the full economic efficiency of navigation on the Columbia and Snake River system was restored. Barges are fully loading to 14 feet with containers, grain, forest and agricultural products headed downriver for export, and petroleum products and other commodities heading upriver for inland distribution.

The lower Snake River is authorized by Congress for navigation with a channel depth of 14 feet. Typically, the channel is maintained every two to three years. However, the U.S. Army Corps of Engineers was prevented from dredging by court order. Environmental groups challenged the Corps' Environmental Impact Statement and the Biological Opinion issued by NOAA Fisheries.

A subset of PNWA members known as the Inland Ports and Navigation Group (IPNG) banded together to defend navigation in the court cases. PNWA has been managing the efforts of IPNG. IPNG worked with the Corps and the plaintiffs to negotiate a settlement of the dredging case, allowing channel maintenance to proceed. That settlement was timely, indeed. Parts of the federal navigation channel were at less than 13 feet in three reservoirs and depths at port facilities were as shallow as 10 feet in Lewiston, ID and 8.5 feet in Clarkston, WA.

PNWA worked with the Corps to ensure that dredging proceeded between December 2005 and March 2006. The FY2006 Energy & Water Appropriations bill contained restrictive reprogramming language. PNWA worked collaboratively with the Corps and Congress to successfully identify funding for this project within the confines of those new reprogramming rules. Dredging began on December 15, 2005. The contractor finished the work prior to the completion of routine lock maintenance on March 25, 2006.

Lawsuit History

The U.S. Army Corps of Engineers completed an EIS (environmental impact study), received a favorable biological opinion from NOAA Fisheries, and issued a ROD (record of decision) to conduct dredging during the winter of 2005-2006. That action was challenged in court by the following plaintiffs, who filed suit against the U.S. Army Corps of Engineers: National Wildlife Federation (lead plaintiff), Earthjustice, Washington Wildlife Federation, Idaho Wildlife Federation, Idaho Rivers United, Pacific Coast Federation of Fishermen's Associations, and the Institute for Fisheries Resources. Judge Robert Lasnik presided over the case in the U.S. District Court, Western District of Washington.

The plaintiffs argued that: the EIS did not adequately address alternatives to dredging, including periodic drawdown to flush sediments, light loading barges and reducing sediment input into the river; dredging would irreparably harm salmon; the Corps is not legally obligated to maintain channel depth at 14 feet; and the economic impacts of delayed dredging are modest. The plaintiffs asked the court to: enjoin the Corps from dredging until they complete an EIS and biological opinion for a 20-year dredging and sediment management plan; and enjoin the Corps from raising the elevations of the reservoirs during fish migration season to accommodate uninterrupted navigation.

The case was settled with the following provisions:

- An agreement that maintenance dredging may proceed during the winter of 2005-2006.
- The Corps will complete a programmatic sediment management plan. PNWA has urged Congress to fully fund this endeavour.
- A provision allowing the Corps to dredge again if the channel is less than 14 feet at MOP (minimum operating pool) and barge traffic is impaired (normal NEPA process must be followed).
- Ports will have the ability to dredge their facilities if needed in the future (normal NEPA process must be followed).

PNWA and Stoel Rives LLP attorneys Beth Ginsberg and Eric Laschever represented IPNG in the negotiations.