

# Environmental group sues Army Corps over Columbia River dam pollution

By **GEORGE PLAGEN**  
EO Media Group

An Oregon environmental group is suing the U.S. Army Corps of Engineers claiming the agency pollutes the Columbia River with heated water, oil and other toxic chemicals at three hydroelectric dams between Portland and the Tri-Cities in southeast Washington.

Columbia Riverkeeper filed the lawsuit on Dec. 8. It alleges the Corps has failed to obtain permits regulating pollutants discharged into the Columbia River at The Dalles, John Day and McNary dams, in violation of the federal Clean Water Act.

Miles Johnson, senior attorney for Columbia Riverkeeper, said the dams are making the river too warm for endangered salmon and steelhead.

“Our runs of salmon and steelhead in the Columbia Basin are in serious trouble,” Johnson said. “It’s really disappointing to see the Army Corps refuse to even comply with our basic laws for protecting clean water.”

According to the lawsuit, pollution is occurring daily at the dams, threatening the health and survival of anadromous fish.

Columbia Riverkeeper initially sued the Corps in 2013 over discharges. The lawsuit was dropped a year later after the agency agreed to apply for Clean Water Act permits through the Environmental Protection Agency.

Those permits still have not been issued seven years later, Johnson said.

“We don’t think anyone, especially the federal government, is above the law,” he said. “We’re asking for the Army Corps to follow the law and reduce pollution going into the river.”

Matt Rabe, spokesman for the Corps’ Northwest Division, said the agency applied for the EPA permits in 2015 and takes its Clean Water Act obligations seriously.

“Our team is working tirelessly to find solutions that balance all of the purposes of the system, including the needs of fish and wildlife, flood risk management, navigation, power generation, recreation, water supply and water quality,” Rabe said.

Water temperature is one of the “pollutants” regulated by the EPA under the Clean Water Act. Both Oregon and Washington have established a maximum temperature of 68 degrees Fahrenheit for the Columbia River to protect salmon and steelhead runs.

Temperatures higher than 68 degrees can cause stress and disease among salmonids, leading to significant die-offs.

A recent EPA report for the Columbia and Snake rivers concluded that water temperatures regularly exceed 68 degrees at the dams between July and October.

Johnson said Clean Water Act permits could address this problem several ways. They might require the Corps to improve fish ladders at the dam, or draw down the reservoirs during the warm summer months to keep cooler water moving quickly through the system — rather than sitting stagnant and absorbing sunlight.

However, Rabe said that though the pools behind the lower Columbia River dams are considered reservoirs, they are largely not storage reservoirs but rather run-of-river facilities.

“This limits our ability to impact water temperatures by drawing down water levels in the spring,” he said.

Other users of the Columbia River system have questioned the temperature standard for salmon, arguing it is not realistically achievable and threatens the dams’ continued operations for navigation, hydropower and water supplies.

Kurt Miller, executive director of Northwest RiverPartners, said the temperature standard adopted in Oregon and Washington is setting the dams up for failure.

Northwest RiverPartners is a group based in Vancouver, Washington, that advocates for hydroelectricity, transportation and agriculture within the Columbia River system.

Looking at the EPA’s report released last year, Miller said water coming into the system from farther upstream was already warmer than 68 degrees — suggesting there is nothing dam operators can do to meet the target.

While the lawsuit does not specifically mention breaching dams, Miller said unachievable temperature standards could be used as a mechanism to further argue for dam removal.

“I think it gets at the motivation they’re going for,” he said.

Scientific research into the effect of dams on river temperatures is also mixed. In 2002, the Pacific Northwest National Laboratory in Richland, Washington, published a study indicating dams might actually offer a degree of protection, since it takes longer for larger bodies of water to heat than smaller waterways.

Combined with producing carbon-free electricity, Miller says productive hydroelectric dams should be part of the solution to combating climate change and keeping waters cool for fish.

## Catching a breakfast with Santa



Ben Lonergan/Hermiston Herald

Santa Claus, also known as Hermiston City Councilor Doug Primmer, greets 9-month-old Roslyn on Saturday, Dec. 11, 2021, at Pancakes with Santa at the Hermiston Community Center.

## Former Echo coach sues for more than \$200K

### Aaron Noisey alleges gender discrimination in lawsuit against school district

By **PHIL WRIGHT**  
Hermiston Herald

The former head coach for the Echo High School boys basketball team has filed a discrimination lawsuit against the Echo School District.

Aaron Noisey, through the Dolan Law Group, a Portland firm, filed the complaint Thursday, Dec. 2, in Umatilla County Circuit Court. Noisey seeks \$203,391 — \$2,391 in economic damages and non-economic damages of at least \$200,000.

Echo School District Superintendent Raymon Smith said he received a copy of the lawsuit but the district could not comment on pending litigation, and the district’s insurer would handle representation.

The district employed Noisey from 2018-21 as an alternative education teacher, head high school boys basketball coach, assistant high school girls basketball coach and assistant high school football coach. According to the eight-page complaint, Smith in March 2020 asked Noisey if he was interested in taking over the head high school girls basketball coach position.

During the next few months, according to the court filing, “Smith made it clear that the job was

(Noisey’s) to turn down,” and Noisey said he wanted to take over the position.

The complaint claims Noisey applied for the job in May 2020 and on June 9 had an in-person interview for the job with a committee that included Athletic Director Don Walker, high school football coach Thomas VanNice and school board member Jennifer Cox.

The complaint also claims the district interviewed Brandi Russell, district math teacher, physical education teacher and middle school girls basketball coach.

After the interview, Walker told Noisey he did not get the job because the district wanted a woman coaching the girls team.

The complaint claims

Noisey asked the district several times to rectify the gender discrimination, including an in-person meeting with Smith and Walker that resulted in Walker agreeing to write an apology for discriminating against him.

That letter came in an email Sept. 24, 2020, according to the complaint, but was not an apology, although it acknowledged Noisey’s gender was a reason he did not get the job. Noisey on Oct. 12, 2020, gave the Echo School District a tort claim notice.

Following that, the district became a difficult place for Noisey to work, the complaint alleges, with once friendly co-workers now excluding him. Noisey left the district in early June.



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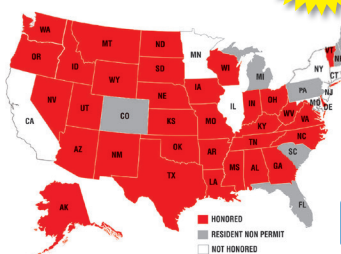
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