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Northwest Way of Life, Jobs & People Win Today Judge Rules that Federal Government's Salmon Plan is Illegal...Again

Portland, OR - Today, Federal Court Judge James Redden ruled that the federal salmon plan for the Columbia and Snake rivers is legally flawed in four different respects. First, Judge Redden took issue with the federal agencies' assertions that the dams were part of the immutable landscape. Second, he states that NOAA's approach in this biological opinion "stands in sharp contrast to...prior biological opinions" and is "insufficiently comprehensive to 'insure'" the protection of salmon. Third, NOAA did not properly analyze critical habitat for salmon. And fourth, "NOAA's jeopardy analysis is contrary to the law because it does not address the prospects for recovery of the listed species."

"Today's decision is a victory for everyone living in Oregon, Washington and Idaho," said Todd True, Earthjustice's lead attorney on the case. "Both sides had their day in court and the Judge ruled that the federal government has shirked its responsibilities to this region and cannot legally manipulate the Columbia and Snake rivers in ways that will drive our salmon to extinction."

This year's low return of spring chinook has been devastating for Northwest people and communities. Tribal, sport and commercial fisheries have been shut down or drastically curtailed. In many places, fishing was closed almost as soon as it opened. Boats are in dock, guides are idle and millions of dollars destined for river communities now and in coming months won't be realized this year. While federal officials have repeatedly stated that their plan is "on track," this year's returns indicate just the opposite.

"The judge affirmed today what the low returns of spring chinook have been telling us all for weeks – this plan does not work and it is hurting the tens of thousands of people we employ in the Northwest," said Liz Hamilton, Northwest Sportfishing Industry Association. "Our businesses and region have suffered long enough. It is time for real salmon recovery - recovery that increases the number of jobs, the strength of our communities and meets our responsibilities to restore a balance to the Northwest."

Today's decision marks the federal government's second unsuccessful attempt at crafting a viable salmon plan. In May of 2003, Judge Redden ruled that an earlier plan also was illegal and ordered it replaced within the year. In response the federal government issued a new plan in late 2004. Now that the judge has ruled the 2004 plan illegal, he will be considering a request from plaintiffs to establish specific protections for salmon migrating through the Columbia and Snake rivers this summer.

“What's at stake here is nothing less than the Northwest way of life: abundant salmon, stable jobs and reliable energy,” said Jan Hasselman, National Wildlife Federation. “Our vision is for an economically and ecologically recovered Columbia basin. However, this administration's vision for the Pacific Northwest is to spend \$6 billion managing the path of salmon towards extinction.”

Recent studies have shown that restoring healthy runs of wild salmon would greatly benefit the regional economy. With a restored salmon fishery, Idaho alone would see almost half a billion in economic benefit from sportfishing. Similarly restored fisheries in Washington and Oregon would raise the total to almost six billion dollars in economic benefit to the region. In addition, the Pacific Coast Federation of Fishermen's Associations estimates that restoration of Columbia and Snake river salmon, would net the region an additional \$500 million per year in commercial fishing revenue and as many as 25,000 new family wage jobs.

“The federal government has allowed the four lower Snake River dams to threaten our jobs and way of life for far too long,” said Glen Spain, Pacific Coast Federation of Fishermen's Associations. “Our Northwest leaders have the power to put this region on the right path, a path that leads to stable jobs, good fishing, abundant salmon and places in the outdoors for our families to enjoy. Anything short of that only leads to extinction for salmon and the people that depend upon them for jobs.”

Scientists have told us that the Columbia and Snake river hydroelectric dams are by far the leading killers of salmon and steelhead. NOAA Fisheries' own documents state that the dams are allowed to kill as many as 86 percent of out-migrating juvenile salmon. Yet the federal government continues to disregard the value of these fish and the health of the rivers to people of the Northwest by not even considering the removal of the four obsolete dams on the lower Snake River – which scientists deem the best and surest way to salmon and steelhead recovery.

“We can have both clean, affordable energy and abundant, wild salmon,” said Sara Patton, NW Energy Coalition. “All that stand in the way are four dams out of the more than 400 dams in the Columbia-Snake system. These four out-dated dams produce relatively little electricity, and the power they do produce can be easily replaced with cheap energy efficiency and cost-competitive renewable energy facilities that, in turn, will create hundreds of permanent, local family-wage jobs and new farm income.”

“This decision affirms the fact that all salmon recovery options need to be on the table, including removing the four lower Snake River dams, which are draining our region's resources,” said Michael Garrity, American Rivers. “We can replace the benefits provided by these four dams,

and in doing so we can create jobs, revitalize local economies, create great fishing and recreational opportunities and preserve our Northwest way of life.”

“The Bush administration and the federal agencies have failed the people, communities, salmon and salmon-dependent businesses of the Northwest for far too long,” said Kathleen Casey, Sierra Club. “The Judge has stopped the charade of salmon recovery and now insisted that a real plan that accomplishes real recovery be put into place. The people and communities of the Northwest know that salmon and steelhead are part of our quality of life, support sustainable businesses and are important for our families and our future.”

“It’s a shame when we have to rely on the courts to affirm and uphold some of nature’s basic truths, but thankfully today Judge Redden has done that,” said Jeff Curtis, Trout Unlimited. “The take-home message here should be that if we want more fish in the river, we need to provide more of a river for fish.”