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WA-78

Judge Retains Control of NW Rivers

Dear Member,

In a long-anticipated early-August ruling on the 2008/2010 Federal Columbia River Power System Biological Opinion, U.S. District Judge James Redden ruled still not good enough. The BiOp—a plan to protect endangered salmon in the Columbia River Basin—has been tied up in court for more than a decade.

In his remand, the judge sent the BiOp back to the federal agencies, while directing them to continue to implement it with instructions to more completely identify precise habitat mitigation measures after 2013.

Terry Flores, executive director of Northwest RiverPartners, describes the BiOp, which has been endorsed by the Obama administration, “as a product of an unprecedented collaboration, the best science that sovereign and independent scientists could bring to bear, and a massive investment by Northwest citizens in salmon protection. The likes of this plan hasn’t been seen anywhere in the country.”

Fish and wildlife expenditures account for about one-third of the wholesale power costs of the Bonneville Power Administration, which sells power to our cooperative, 56 other electric cooperatives, 29 public utility districts and 42 municipal systems in the four Northwest states.

In his order, Redden alone continues to retain control of river operations. This includes a court-ordered regime of spill at certain times of the year. Spilling water at the dams increases costs to BPA ratepayers because it decreases the amount of electricity generated by the dams. To add insult to injury, the judge’s order mandates spill at times when there are few salmon in the river.

At the same time, the judge specifically rejected a plaintiffs’ request for even more flow and spill in the hydro system. Further, the judge did not accept plaintiffs’ arguments to establish a higher standard of species recovery under the Endangered Species Act. However, Redden did direct the federal agencies to describe habitat restoration efforts in greater detail to ensure the benefits to fish materialize after his 2014 deadline.

This was a complex ruling, and there continue to be many unknowns. No matter the science, Redden continues to demand more. Hang on to your wallets.

For more information, go to www.nwriverpartners.org.

Sincerely,
Doug Adams
Interim Manager