

# Columbia Snake River Salmon BiOp

## 2008/2010 BiOp remanded

In August 2011 Judge James Redden remanded the 2008/2010 Federal Columbia River Power System (FCRPS) Biological Opinion (BiOp). He ruled that BiOp mitigation measures beyond 2013 are not reasonably certain to occur and ordered NOAA Fisheries to produce a new or supplemental BiOp. This new BiOp must be completed by 1/1/2014 for the period from 2014 to 2018 and include 1) a reevaluation of the efficacy of the RPAs (reasonable & prudent alternatives) in avoiding jeopardy, 2) identification of reasonably specific mitigation plans for the remainder of the BiOp, and 3) consideration of whether more aggressive actions like dam removal, flow augmentation, and/or reservoir modifications are necessary.

It is important to note that Judge Redden did not ask for an entirely new BiOp. He ordered NOAA Fisheries to fund and implement the BiOp as-is through 2013, including the MOAs (Fish Accords) they have executed with several states and tribes. The judge also did not order the federal agencies to expand the collaborative process beyond the sovereign parties, which are the states and tribes.

On November 22, 2011, Judge Redden stepped down from this case. On November 28th, Judge Michael H. Simon was announced as his replacement.

## PNWA continues to support the federal agencies' plan

PNWA manages the Inland Ports and Navigation Group (IPNG), a subset of PNWA members. IPNG is an intervenor in support of the federal government and had urged the Court to rule in favor of the 2008/2010 BiOp. We continue to believe that this BiOp is the product of the best available science as determined in an unprecedented collaboration among the federal government, Northwest Tribes and the Northwest states. The dramatic increase in fish returns over the last ten years demonstrates the health of the fish runs.

While PNWA is disappointed not to have the certainty that would have accompanied an outright approval of the BiOp, we are pleased the Judge allows existing river operations to continue through 2013. We are also pleased that Judge Redden agreed with the agencies on flow and reservoir operations, including opposition to John Day pool drawdown.

PNWA members on the Columbia Snake River System will focus in the near term on waterfront and navigation activities that protect and create jobs, while supporting the ongoing collaboration between the federal agencies and sovereigns. We will also continue to advocate for adequate federal financial support for fish recovery efforts.

## Next steps

The Judge directs the federal agencies to continue to collaborate with the sovereigns to develop mitigation actions to be included in the new/supplemental BiOp, and to develop data to support any proposed mitigation. He encourages NOAA Fisheries to "get out of the courtroom and get to work for the next two and a half years; an extended remand period provides an incentive for NOAA Fisheries and the various Accord parties to further develop and implement their proposed habitat mitigation measures, and provides time to study whether these habitat improvement measures are likely to produce the predicted benefits".

## Environmental benefits of the dams

In his ruling, Judge Redden does not order dam breaching, only that the agencies consider whether it is necessary. Dam breaching has been studied and rejected numerous times over the last twenty years.

Navigation and hydropower are clean, efficient and economical. Hydropower produces no greenhouse gasses; does not contribute to climate change; and is necessary for integrating wind and solar power into the regional energy system. Removing dams would shift power production to coal and natural gas and dramatically increase carbon emissions.

Barging along the 365-mile inland waterway is the cleanest and most fuel efficient mode of transportation, four times better than trucking. Breaching dams would end barge navigation, put up to 700,000 more trucks on the highway, and increase greenhouse gas emissions.

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The region has shown that it can increase salmon survival and maintain the benefits of the federal dams

