

Judge rules against environmentalists on Snake River dredging

Matthew Weaver

Capital Press

Published:

February 11, 2016 3:55PM

The Pacific Northwest Waterways Association is hailing a U.S. District Court judge's ruling in Seattle against arguments that the U.S. Army Corps of Engineers didn't take the proper precautions when dredging the Lower Snake River in 2015.

The U.S. Army Corps of Engineers did everything right when dredging sediment to improve navigation on the Lower Snake River in early 2015, a federal judge has ruled.

U.S. District Judge James L. Robart ruled against a coalition of environmental groups and a tribe in their bid to sue the corps for alleged violations of the National Environmental Policy Act and Clean Water Act. The coalition claimed dredging, which is used to remove accumulated sediment that interferes with commercial navigation, is damaging to the environment.

"Absent from Plaintiff's declarations are any factual showings of actual harm to salmon or lamprey as a result of the Corps' 2015 dredging activities," Robart wrote in his ruling. "Not one of Plaintiff's declarants specifically tether the generalized harm to fish or the environment they assert to the Corps' particular 2015 dredging at issue here. Instead, Plaintiffs posit sweeping, generalized assertions that dredging in general is harmful to fish ... The alleged harm must be concrete and particular."

The 2015 dredging was timed to occur when salmon and lamprey were likely not present, Robart said.

Robart also dismissed the plaintiffs' argument that the corps' programmatic sediment management plan (PSMP), which monitors and plans for sediment management, violates NEPA and the Clean Water Act.

Robart concluded his ruling by saying if the plaintiffs believe that dredging is no longer in the public's best interest, they should petition Congress and not the court.

Kristin Meira, executive director of the Pacific Northwest Waterways Association, which manages the Inland Ports and Navigation Group, called Robart's ruling a "clear-cut victory" for the corps and for navigation on the Lower Snake River.

"The judge ruled the plaintiffs were not appropriate in bringing this suit," Meira said. "The Corps was completely in the clear in how they planned for dredging and how to evaluate sediment in the future. This was really fantastic news for folks who care about a balanced approach to the river system, and one that recognizes the value of goods movement as well as the environment."

environment.

Meira doesn't see room for an appeal from environmentalists who oppose dredging. She didn't see anything in Robart's ruling that would be negative for agriculture.

"Obviously, we're disappointed," said Kevin Lewis, conservation director with Idaho Rivers United. "There are significant issues with the Lower Snake River, with the hydrosystem, the barging, the river navigation system — we believe it is a failing system, it is costing the taxpayers millions of dollars every year to support that system."

Lewis declined to comment on Robart's finding of showing of harm to salmon or lamprey.

Lewis said his organization will look at Robart's ruling and "move on from there." Could future dredging projects result in further legal action?

"I don't know if you'll see any legal action, but you'll certainly see continued scrutiny of the operation of the Lower Snake River system," Lewis said.

Idaho Rivers United, Washington Wildlife Federation, Pacific Coast Federation of Fishermen's Associations, Institute for Fisheries Resources, Sierra Club, Friends of the Clearwater and the Nez Perce Tribe brought the lawsuit against the corps.

The plaintiffs, the corps and the Inland Ports and Navigation Group, intervening on behalf of the corps, all sought summary judgment from the court.

MARKETPLACE

Auctions Hay Real Estate Tractors

Featured Ads