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## Last Bush salmon plan illegal, advocates tell federal judge

Portland — Paving work on the road toward wild salmon and steelhead recovery could get underway today in a federal courtroom in Oregon.

Idaho Rivers United and a nationwide coalition of commercial and sport fishing groups, conservationists, tribes, and clean energy and taxpayer advocates returned to court in Portland to challenge an expensive and inadequate Bush Administration salmon 'recovery' plan for the Columbia and Snake Rivers. At today's hearing litigants will present oral arguments in the case, which will include answers to recently raised questions from federal Judge James Redden.

"We don't know what the judge will decide, but it is clear that salmon are still in serious trouble, and a big factor in keeping Idaho's runs from crashing are protections that Judge Redden has put in place to date," said Idaho Rivers United Executive Director Bill Sedivy. "It's time for a real solution to our salmon crisis — one that will restore these fish and provide the economic opportunities that salmon can bring to our communities."

The newest salmon plan, released May 5, 2008, by the National Oceanic and Atmospheric Administration Fisheries Service (NOAA), is the most recent in a succession of failed federal government plans to protect and restore wild salmon throughout the West. Redden, of the U.S. District Court in Portland, soundly rejected the government's 2004 salmon plan and warned last spring that "serious consequences" loom for federal agencies and Columbia Basin hydro-system operators if the 2008 plan fails to follow science and adhere to laws designed to meet the needs of salmon and steelhead listed under the Endangered Species Act.

Tom Stuart, an avid steelhead fisherman from Boise and former Stanley motel owner, said it is time to look forward.

"The Bush administration's Biological Opinion has enormous legal and scientific problems. We believe it is time to begin working toward a solution," Stuart said. "The Obama administration and Congress need to step in and bring interested parties together to find a lasting solution, a win-win for the region that is scientifically sound, legally valid and that boosts the region's economy. That can't be overlooked, the fact that recovering wild salmon would be a huge economic boon to Idaho's, and the Northwest's, communities and economies."

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## Page 2/Salmon advocates go to court today

A majority of fisheries biologists say that the surest, and probably only, way to restore Idaho's wild salmon populations is to remove the four lower Snake River dams in eastern Washington. Since the Bush Administration came to power in 2000, the federal government has refused to consider dam removal as part of the federal recovery plan.

"The fact that we are still in court over the failed salmon policies of the Bush administration is unfortunate," Stuart said. "But this is an important opportunity for Congress to ask President Obama to convene collaborative discussions so that we can find a solution to this longstanding crisis. It's time to move on."

Such discussions will be critical to achieving wild salmon recovery, Stuart said.

"With the new Obama administration and a new Congress in place, we now have a fresh opportunity to bring wild salmon back from the brink of extinction," Stuart said. "Only by putting science first can we meet the challenge of salmon recovery head on and take better care of people whose jobs, families and towns depend on them."

According to the Fish Passage Center, a government-funded, independent science and data analysis agency that monitors Columbia and Snake salmon and steelhead, 2008 and forecasted 2009 returns are likely the result of the spilling of additional water over dams in 2005 and 2006, when the now-returning adult fish were migrating to the ocean as young salmon. Redden ordered those in-river improvements after fishing and conservation groups fought to have them instituted. Anglers and scientists are calling the slightly improved salmon and steelhead returns the "Redden effect."

And, regardless of how he rules, Redden will have an effect today and in the near future as he weighs the merits of the case before him.

"Today we are taking the only action we can against another legally inadequate plan leftover from the Bush administration," said Todd True, senior managing attorney for Earthjustice, counsel for the litigants. "Despite two years of work and a clear warning from a federal judge that it could not continue to ignore the Endangered Species Act, the current plan is worse than ever. We believe we have a strong case for asking the court to reject the plan."

"The new administration should have a clean slate to develop a new plan that actually follows the science and complies with the law—a plan that will restore wild salmon and address the crisis facing all kinds of people who have been ill-served by a series of failed and inadequate plans."