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Get serious about salmon, judge says

Redden tells federal officials he can drain water if they don't look at all the ways to save fish.

A judge in Oregon said he could order federal dam managers to drain more water from Idaho, spill more water away from power-producing turbines or draw down reservoirs on the Snake and Columbia rivers if officials don't do more to protect salmon and steelhead.

U.S. District Court Judge James Redden told federal attorneys he believes proposed plans to protect salmon "fail to satisfy the biological and legal requirements of the Endangered Species Act."

Redden did not say he would require officials to breach the four lower Snake River dams, which many scientists have said would be the best way to revive salmon runs. But his letter reminded the officials that he had asked them to consider all measures to save salmon, including dam removal.

"Federal defendants seem unwilling to seriously consider any significant changes to the status quo dam operations," Redden wrote.

Since the documents are still in draft form, officials still have time to make them right. But if they don't, Redden said he may just order the changes he sees necessary to benefit the fish. The judge and federal dam officials have disagreed on how to manage dams and salmon since the Clinton administration.

Redden's letter signaled that he wants the legal wrangling to end.

Redden said he would not send the plans - which are called "biological opinions" - back for federal officials to fix. Instead, he may order additional measures that could cost the region hundreds of millions of dollars a year. The resulting losses to farmers, electric utilities, cities and water- and power-using industries could have as big or bigger economic impact than breaching the four lower Snake River dams.

"A flawed biological opinion may result in a permanent injunction directing federal defendants to implement additional spill and flow augmentation measures, to obtain additional water from the upper Snake and Columbia rivers, or to implement reservoir drawdowns to enhance in-river flows," Redden wrote.

The letter comes in advance of a hearing scheduled Wednesday in Portland. Redden said he planned to give the federal agencies more time to revise the drafts and extend the public comment period to the end of the month.

Redden threw out the last proposal because he said it jeopardized continued existence of endangered salmon and steelhead in the watershed. Fisheries officials say the new plans won't - if they take \$1.5 billion worth of action.

The National Marine Fisheries Service said habitat restoration programs, hatchery operation changes and predator control, will offset the impacts of the dams on 13 stocks of salmon and steelhead declared threatened or endangered.

But Redden said in the letter he was not convinced that all the actions were likely to occur.

Salmon represent what's left of the wild character of the Pacific Northwest. The fish provide the basis for sport- and commercial-fishing industries that generate more than \$3 billion annually, as well as food and spiritual sustenance to American Indian people in the region.

The federal dams provide nearly half of the electricity that powers the almost \$400 billion economies of the four states. Barges haul millions of tons of grain and other products from Lewiston.

More than 7 million acre-feet of water is stored in federal reservoirs in southern and eastern Idaho including Lucky Peak, Arrowrock and Anderson Ranch dams on the Boise River. The water irrigates millions of acres of farms, provides water to thousands of homes, parks, schools and recreation and resident fisheries, said Norm Semanko, executive director of the Idaho Water Users Association.

"All of these uses would be jeopardized if the judge makes good on his threat and storage water is shipped downstream," Semanko said.

Spilling water over the dams' spillways helps young fish get to the ocean, but reduces the amount of electricity the dams produce.

Drawing down reservoirs such as John Day on the Columbia River reduces electricity production and makes barging more difficult. It would cost millions to lengthen pipes to keep irrigation water flowing.

This is the sixth biological opinion issued on the Columbia and Snake dams since 1992.

It comes after Redden had thrown out the last plan issued by the Bush administration and an earlier plan by the Clinton administration as inadequate and illegal.

Terry Flores, executive director of RiverPartners, a Portland based group that represents farmers, utilities and businesses that support the federal dam plans said they provide the most detailed scientific analysis ever done on the dams and salmon.

Redden said he may consider having an independent science panel review the analysis.

Redden's letter was aimed at focusing the parties discussion Wednesday, she said.

"There's nothing new in the judge's letter," Flores said. "These are the same issues that have been raised by the judge and the parties for more than a year."