SUMMARY
On January 17, 2014, the federal government released its latest plan for Columbia Basin salmon and steelhead. This federal salmon plan is required under the Endangered Species Act (ESA) to address the significant harm that the federal dams on the Columbia/Snake Rivers cause to ESA-listed fish. Unfortunately for a treasured resource, the Northwest economy, and American taxpayers, the Obama Administration issued a plan that is virtually indistinguishable from a 2008/2010 plan that was found illegal by a federal district court in 2011.

Like its illegal predecessor, this latest plan:
- Ignores regionally-supported sound science.
- Employs a low-bar jeopardy standard that defines success as the return of just one additional fish per year.
- Sidesteps the court’s explicit instructions to do more to help salmon.
- Allows for rollbacks of salmon spill - a key to the higher returns we’ve seen in recent years.
- Fails to address the worsening impacts of climate change - impacts that are already hitting salmon hard.

BACKGROUND
Pacific salmon are a vital economic, cultural and ecological resource for the nation. These remarkable fish travel coastal waters from California to Alaska and inland to Idaho and once numbered in the tens of millions, but today they are in serious trouble. Thirteen Columbia-Snake Basin populations are currently protected under the ESA and harmed by federal dams on the Columbia and Snake Rivers. As a result, federal agencies must produce a plan (also called a Biological Opinion or BiOp) to avoid harm that would jeopardize the future of these species; courts have rejected four of the last five such plans. In 2011, U.S. District Court Judge James Redden found the most recent plan, the 2008/2010 BiOp (a blend of a Bush administration plan and an Obama administration addendum), illegal and sent it back to NOAA Fisheries to be rewritten by January 2014.

In his opinion invalidating the 2008/2010 plan, Judge Redden expressed “serious concerns” with the federal agencies’ reliance on habitat restoration as a means to protect and restore salmon and steelhead populations that are either killed or harmed by the federal hydrosystem: “I continue to have serious concerns about the specific, numerical benefits NOAA Fisheries attributes to habitat mitigation. Habitat improvement is a vital component of recovery and may lead to increased survival. Nevertheless, the lack of scientific support for specific survival predictions is troubling. Indeed, NOAA Fisheries acknowledges that the benefits associated with habitat improvement may not accrue for many years, if ever… NOAA Fisheries’ analysis fails to show that expected habitat improvements - let alone the expected survival increases - are likely to materialize.”

Judge Redden directed NOAA to redo its plan to include additional measures that would benefit imperiled salmon: “NOAA Fisheries shall produce a new biological opinion that reevaluates the efficacy of the RPAs [the actions included in the plan] in avoiding jeopardy, identifies reasonably specific mitigation plans for the life of the biological opinion, and considers whether more aggressive action, such as dam removal and/or additional flow augmentation and reservoir modifications are necessary to avoid jeopardy.”

Despite this clear direction and the fact that the 2008/2010 plan was found illegal, NOAA Fisheries opted not to make major changes in its 2014 plan. In an overview of its “new” plan, the agency states, “…NOAA Fisheries concludes that the 2008 Federal Columbia River Power System Biological Opinion’s analysis and conclusions, as supplemented in 2010, remain valid. The 2014 Supplemental Biological Opinion concludes that the RPA, as amended, is sufficient and is not likely to jeopardize the continued existence of the listed species or destroy or adversely modify their critical habitat. Additional mitigation actions are therefore not necessary to satisfy the requirements of [the Endangered Species Act] section 7(a)(2).” Or, in the words of a senior NOAA Fisheries official,
“Our finding was that our original analysis was correct, and that it was not necessary to look at additional actions.”

**THE SALMON COMMUNITY’S RESPONSE TO THE PLAN**

The salmon community has six basic concerns with the 2014 Federal Salmon Plan:

1. **The 2014 plan makes virtually no changes to the flawed and illegal 2008/2010 plan it’s supposed to fix.** Rather than prescribing new measures, this plan directs agencies to “stay the course” and implement the same 73 actions contained in the 2008/2010 plan. In its analysis of the sufficiency of the previous plan, NOAA Fisheries declared those existing measures adequate to meet its stated survival and restoration goals – despite the fact that the agencies have already fallen very far behind schedule in meeting those goals. The 2014 plan does not outline how the agencies will catch up by 2018 when the plan expires; and for many imperiled salmon populations, the jeopardy math still simply doesn’t add up.

2. **The 2014 plan allows dam operators to roll back existing protections.** Spill – water sent over the dams instead of through turbines to help young salmon migrate safely to the ocean – is one of our most effective measures to help salmon survival. It is one of the main drivers, along with good ocean conditions, of the Columbia Basin’s higher salmon returns in recent years. Yet this plan allows dam agencies to shut off spill in the late summer and to decrease spill in the spring – rolling back a key measure and defying common sense and good science in the process. While current spill has increased salmon survival, those survival rates are still far too low for most imperiled populations. Rather than curtail spill and increase risk of extinction, agencies should expand spill and increase salmon survival.

3. **The 2014 plan ignores the best available salmon science.** NOAA Fisheries ducked the court’s explicit direction to consider whether measures such as lower Snake River dam removal may be required to avoid jeopardy. Removing these four dams is the one option that federal, Tribal, and state fishery biologists have determined is the surest way to protect and restore Snake River fish. While not a silver bullet, dam removal must be thoroughly considered as part of a science-based salmon plan. The 2014 plan also rejects the findings of a long-running regional scientific study comprised of federal, state and Tribal fishery biologists that expanded spill could dramatically increase salmon survival – possibly leading to recovery for some stocks. Salmon advocates believe that expanded spill should be a centerpiece of federal restoration efforts, in order to provide salmon with additional near-term protections, and to better understand the role of spill in rebuilding and recovering endangered salmon.

4. **The 2014 plan sidesteps climate change impacts.** While NOAA itself has advanced much of the research showing the continuing, worsening impacts of climate change in the Northwest, its analysis in the 2014 plan does nothing with that evidence. NOAA simply assumes that any measures needed to mitigate for existing harm from the hydrosystem will also serve to mitigate the additional harm caused by climate change. Hoping that one action can address two cumulative harms is risky and unrealistic. NOAA should instead prescribe actions now to help ensure that Northwest salmon survive warmer, drier climate conditions in the coming years.

5. **The 2014 plan sticks with a faulty analytical framework.** The federal courts rejected the 2004 BiOp because it relied on a framework that determined the federal dams were immutable parts of the environment. While the 2008/2010 plan claimed to take a different analytical approach, the result is largely the same, and the 2014 plan again ratifies that flawed approach. This framework leaves salmon at a high risk of extinction for the foreseeable future. Instead of letting science lead the way, the plan leaves in place an analysis that justifies treading water – as long as one additional fish returns each year, NOAA concludes that the dams are not jeopardizing salmon.

6. **The 2014 plan encourages litigation and harms the region’s momentum toward collaboration.** By issuing an inadequate plan that fails salmon – and science and the law – NOAA Fisheries is derailing the region into further litigation. Salmon advocates remain committed to resolving the connected issues of salmon, energy, agriculture, and transportation, and we will continue to work hard for an inclusive, solutions-driven stakeholder process that does so. While NOAA squandered an opportunity to support a successful collaboration with a lawful, science-based salmon plan, the need for an authentic regional dialogue remains strong.

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