

## Sportfishing advocates applaud federal court decision to reinstate fish passage center

by Bend Weekly News Sources

### Ruling is a Major Victory for Sound Science and Salmon Recovery

Representatives of a broad-based coalition of fishing businesses, conservation groups and Indian tribes applauded a U.S. federal appeals court decision Wednesday to order Bonneville Power Association to continue funding the Fish Passage Center, an agency that collects and provides unbiased scientific information about endangered salmon and other fish in the Columbia River Basin.

Scientists of the Fish Passage Center: Front row, l to r: Margaret Filardo, Michele DeHart, Thomas Berggren Back Row: Henry Franzoni, David Benner, Jerome McCann The 9th U.S. Circuit Court of Appeals' ruling found that the Bonneville Power Administration illegally discontinued funding the Portland, Ore.-based Fish Passage Center, and ordered it reinstated. The court wrote that BPA lacked "a rational basis for its decision" and termed the agency's action "arbitrary, capricious and contrary to law."

"Today, law and science has trumped politics," said Liz Hamilton, executive director of the Northwest Sportfishing Industry Association, and one of the plaintiffs in the case. "For now, at least, the science of salmon remains uncorrupted, despite attempts by this administration to subvert science, silence the messengers, and discredit data that doesn't fit its preconceived notions."

Created by the Northwest Power and Conservation Council under the authority of the Northwest Power Act, the FPC has been collecting, analyzing and providing unbiased scientific information about salmon and steelhead in the Columbia and Snake rivers for the past 20 years.

Bonneville's decision in late 2005 to cut off funding for the FPC effectively stripped Northwest state and tribal fisheries managers of their access to sound salmon science and hindered their ability to participate on equal footing with federal agencies in regional salmon recovery efforts, including the current court-ordered rewrite of the 2005 Biological Opinion (also known as the federal Salmon Plan) for the Columbia and Snake rivers.

When data from the Fish Passage Center figured in a 2005 U.S. district court order ordering BPA to spill water over the dams to aid migrating salmon, rather than running the water through turbines to generate additional electricity revenue, Sen. Larry Craig, R-Idaho, inserted a provision in a spending bill directing Bonneville to eliminate the center's budget.

"Many of our elected officials -- federal and state -- haven't been honest with us about salmon, dams and water," said Hamilton. "While the Senior Senator from Idaho is certainly entitled to advocate for hydropower interests, it goes too far when science is subverted, and an agency whose mission is simply to provide basic, unbiased data is attacked and undermined. We're delighted that the Court has turned back this insincere and blatant attack; it's a great victory for fish, and an even better day for science. But we still have deep concerns about Bonneville's complicity, and believe the agency's actions, particularly related to protecting and restoring salmon, may warrant further scrutiny and oversight."

"The Ninth Circuit held BPA accountable," said Stephanie Parent of the Pacific Environmental Advocacy Center (PEAC) who filed the petition. Not only

does BPA have a duty to fish, it has a duty to the public to engage in good government."

The action to reinstate the Fish Passage center was brought by Northwest Environmental Defense Center, the Public Employees for Environmental Responsibility and the Northwest Sportfishing Industry Association, who were represented by Stephanie Parent of the Pacific Environmental Advocacy Center in Portland, Ore., and joined by the Confederated Tribes and Bands of the Yakima Indian Nation.

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