# [***Court Sides with Wild Salmon and Communities; Feds' Columbia/Snake River Salmon Plan Again Found Illegal***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5JPK-MDB1-JC11-1198-00000-00&context=1516831)

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**Body**

The ***Defenders of Wildlife issued*** the following news release:

The U.S. District Court for the District of Oregon this week invalidated the federal government's 2014 Columbia Basin Biological Opinion (BiOp). Judge Michael Simon ruled that this latest plan - like each of its four predecessors - violates the federal Endangered Species Act and National Environmental Policy Act. The Orca Salmon Alliance applauds this ruling as a monumental step toward recovering wild Chinook salmon populations on which endangered Southern Resident Killer Whales depend.

The Court sided with plaintiff fishing businesses, conservation groups, clean energy advocates, the State of Oregon and the Nez Perce ***Tribe*** in finding the latest federal plan for protecting endangered Snake and Columbia river salmon - and by extension the endangered Southern Resident Killer Whale population - and steelhead fatally flawed. The Court ruled the BiOp inadequate and illegal on several grounds:

\* It rejected the plan's foundational "trending towards recovery" legal framework that allowed the agencies to conclude that the plan was working "with very little actual improvement in fish abundance";

\* It rejected the plan's heavy reliance on uncertain and speculative habitat mitigation measures to make up for the harm caused by the dams;

\* It found the government failed to adequately assess the "potentially catastrophic impact" of climate change on the basin's salmon and steelhead populations;

\* It found that the agencies violated the National Environmental Policy Act by failing to consider alternatives to the current narrow approaches that have "already costs billions of dollars, yet they are failing" and;

\* It ordered a new biological opinion and full NEPA analysis that complies with the law no later than March 1, 2018.

"With today's ruling, federal courts have found five successive Columbia Basin salmon plans dating back to 2003 illegal. Time is running out for these species. Today's ruling underscores the urgency of dramatically reforming the government's ineffective, illegal strategy for protecting salmon in the Basin," said Steve Mashuda, managing attorney of Oceans for Earthjustice.

"We are down to 83 Southern Resident Killer Whales, and they rely on salmon for their food and survival. The whales need the federal government to act--and act quickly--on the court's ruling," says Howard Garrett, co-director of Orca Network.

"This ruling is great news for salmon," said Dr. Deborah Giles, Research Director at the Center for Whale Research, "if we lose the fish, we lose the whales. New science confirms the strong relationship between the killer whales and Columbia and Snake River salmon, and that connection must be fully addressed in a new plan that implements the major overhaul the court demands."

With hot water and low flows, 2015 was one of the most devastating summers on record for salmon. Climate change is adding insult to injury for endangered salmon in the Columbia Basin and the endangered orca that rely on them.

"Endangered southern resident orca need more fish. Today's ruling reaffirms that without significant improvements in dam operations, particularly in light of climate change, southern resident orca and the salmon they depend on will continue their inevitable slide towards extinction," said Elizabeth Ruther, biologist and Northwest representative for Defenders of Wildlife.

"Chinook and other salmon in the Columbia Basin face numerous threats - lethal dam operations and mounting climate impacts today are chief among them," said Ben Enticknap, senior scientist at Oceana.

"Orca and salmon advocates have been calling for real action from the federal agencies for years. Usually, it's three strikes you're out. This is the government's fifth strike. The court is demanding immediate, bold action," says Giulia Good Stefani, staff attorney with the Natural Resources Defense Council.

"Northwest residents deserve an honest review of what it will take to restore Columbia and Snake river salmon and steelhead to abundance while enhancing the region's energy supply and farming economy," stated Joseph Bogaard of Save Our wild Salmon. "We look forward to working with the region's elected officials and stakeholders to support salmon recovery and our communities in the Inland Northwest and on the coast. We all want a future with abundant salmon, healthy orca, affordable clean energy and vibrant farm communities. I hope this ruling will serve as a catalyst to make this a reality."

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