

## Salmon Advocates challenge de-funding of agency

By the Associated Press (January 25, 2006)

PORTLAND — Conservation and sport fishing groups have filed a lawsuit challenging a legislative move by Sen. Larry Craig, R-Idaho, directing the Bonneville Power Administration to eliminate funding for an agency that counts young salmon crossing dams.

The lawsuit was filed Monday in the 9th U.S. Circuit Court of Appeals in San Francisco by the Northwest Environmental Defense Center, the Public Employees for Environmental Responsibility and the Northwest Sportfishing Industry Association. It names BPA as the defendant and asks the court to direct the agency to keep the Fish Passage Center intact.

“We must not allow one man’s political maneuvering to trump science and the law,” Mark Riskedahl, executive director of NEDC, said in a statement.

U.S. District Judge James Redden took control of dam operations last year after finding that the Bush administration offered an inadequate plan for protecting salmon listed under the Endangered Species Act.

After data from the Fish Passage Center figured in Redden’s order to spill more water over the dams to help young salmon reach the ocean, rather than running the water through turbines to generate electricity, Craig inserted a provision in a spending bill directing BPA to find another organization to count fish.

That drew an outcry from Indian tribes, fisherman and conservation groups, who accused Craig of political payback for the fight with the Bush administration in court over salmon policy.

The lawsuit argues that Craig’s provision does not have the force of law, because Craig inserted it into the conference report, not the bill itself.

A spokesman for Craig, Dan Whiting, said the provision wasn’t a last-minute addition but rather originated earlier in the process when the Senate passed its version of the appropriation bill. Whiting said Craig “is confident that the court will rule in favor of Congress’s ability to direct taxpayer dollars.”

BPA feels it has been instructed by Congress to stop funding for the Fish Passage Center, said BPA spokesman Mike Hansen. Funding ends March 20, and a new contractor is supposed to be in place by March 21.

The plaintiffs expect BPA to name someone this week, said their attorney, Stephanie Parent.

Created in 1984, the Fish Passage Center has 11 employees and gets \$1.1 million a year from BPA, which markets power produced by the dams. The funding is provided under the Northwest Power Act, which requires some of the profits from dam operations to benefit fish and wildlife.

Lawsuits under the Northwest Power Act must be filed in the 9th U.S. Circuit Court of Appeals, rather than a district court, Parent said.