

September 5, 2007

The Honorable Dianne Feinstein
Chair, Senate Interior Appropriations Subcommittee
United States Senate
Washington, DC 20510

The Honorable Norm Dicks
Chair, House Interior Appropriations Subcommittee
United States House of Representatives
Washington, DC 20515

Dear Senator Feinstein and Congressman Dicks:

On behalf of the undersigned organizations and the millions of Americans we collectively represent, we are writing to express our concern with an anti-salmon provision in S. 1696, the Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2008. The provision, Sec. 127, urges the Secretary of the Interior to seek to expedite the implementation of an illegal biological opinion for Idaho's upper Snake River Basin. If enacted, Sec. 127 could threaten ongoing salmon recovery efforts while delaying real solutions to the Pacific Northwest's salmon crisis. We believe this language has no place in a federal appropriations bill and we seek your leadership in removing it from S. 1696.

As you know, the decades-long effort to restore salmon and steelhead to the Columbia and Snake River Basin is a complex and challenging one, involving federal, state, and tribal entities and agencies, myriad stakeholders, and billions of dollars in federal taxpayer and Northwest ratepayer money. We believe that Congress has a vital role to play in helping to get salmon recovery moving in the right direction – a role that includes oversight, coordination, funding, and authorizing legislation. Unfortunately, Sec. 127 constitutes a step backwards for salmon recovery, and for the hundreds of communities that depend upon these invaluable fish.

- Because it urges federal agencies to implement a biological opinion that has already been rejected by the courts and is currently being re-written by those agencies, Sec. 127 appears to be an effort to turn back the clock on salmon restoration. It risks undermining both the Endangered Species Act and a valid federal court process for no apparent benefit to salmon or the people of the Northwest.
- Sec. 127 only adds to the uncertainty surrounding federal efforts to recover imperiled salmon and steelhead in the Snake River Basin by directing agencies to seek to take actions the courts have already found illegal. Should the Secretary of the Interior choose to heed this language and expedite implementation of an illegal biological opinion, then progress toward real and effective salmon restoration will be even further delayed – a delay these species, and the people of this region, can ill-afford. The courts will have little choice but to intervene again as the parties to the ongoing legal process seek to get salmon recovery back on track.

- The biological opinion that Sec. 127 seeks to implement was invalidated by a federal district court in May 2006 in a decision that was not appealed by federal agencies. Now, more than a year later, those agencies are putting the finishing touches on their court-ordered rewrite of a new biological opinion, with a draft due on October 31, 2007. To interfere with this process now, when federal agencies have almost completed their work in compliance with a court ruling they did not challenge, would be both counterproductive and a waste of scarce federal resources.

Salmon and salmon-based communities are fighting for their lives throughout the Northwest, including Idaho, where Pacific salmon are most imperiled. Now is not the time, and a congressional spending bill is certainly not the place, to risk derailing salmon recovery. What both salmon and people need are real solutions, not misguided congressional directions and delay tactics. Restoring salmon to the Northwest is a national and regional challenge; if we are to meet this challenge head on, and future generations are counting on us to do so, our federal agencies must move forward with recovery measures that work – and all of the Pacific salmon states, including Idaho, must share in that challenge equally.

We look to you for your leadership in ensuring that Sec. 127 is removed from S. 1696. Thank you for your time, and for your consideration of our concerns.

Sincerely,

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Vice President for Government Affairs
American Rivers

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Conservation Director
Federation of Fly Fishers

Thomas O'Keefe, Ph.D.
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