



# United States Congress

NEWS RELEASE

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## **FEDERAL JUDGE THREATENS IDAHO'S WATER**

### **Salmon Ruling Would Use Endangered Species Act to Dewater Idaho**

WASHINGTON, D.C. – The Idaho Congressional Delegation expressed outrage Wednesday at U.S. District Judge James Redden's decision that no use of water in Idaho's Snake River – neither our economy nor our way of life – is as important as complying with his interpretation of the Endangered Species Act (ESA).

Senators Larry Craig and Mike Crapo, and Congressmen Mike Simpson and C.L. "Butch" Otter, said in a joint statement that they would take whatever action is necessary and possible to turn back this explicit threat to Idaho's water and future.

Redden's decision could lead to the dewatering of millions of acres of irrigated land in the name of salmon recovery, much as an earlier ESA decision did to Oregon's Klamath Basin in 2001. That would ruin the economy and individual livelihoods in rural communities throughout southern Idaho.

"We have said it before and we will say it again; let there be no mistake: We will protect Idaho's water and the Snake River Basin Agreement at all costs," Craig said. "Yesterday's decision has more to do with establishing a personal judicial legacy than saving a species. This court continues to ignore the big picture and all the factors that are in play. We're not makin' biscuits here, so just adding water isn't the answer."

"I will carefully analyze this ruling but must say I have never believed that court action will resolve this regional issue. As I have stated before, I will aggressively defend the SRBA, which remains the only durable agreement that deals with anadromous fish recovery flow augmentation and of course, reasonable electricity rates," Crapo said. "This ruling signals a clear threat to the potential for a long-term solution and undermines the efforts undertaken so far to meaningfully address this issue."

"Judge Redden's decision will harm electricity ratepayers, agricultural producers, small communities and businesses in the Pacific Northwest while providing limited, if any, benefit to salmon recovery efforts," Simpson said. "Decades of experience with the Endangered Species Act has shown us that court-imposed solutions most often cost average Americans dearly while doing very little to improve a species' chances for survival."

"I won't let this judge's desire to play God with Idaho's water destroy our state," Otter said. "Rulings like this only polarize the issue and force folks to dig in their heels. That helps nobody, least of all the fish."

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Redden said he will not be bound by congressional approval of the Snake River Basin Adjudication Agreement (SRBA), which authorizes the U.S. Bureau of Reclamation to provide 487,000 acre-feet of water from Idaho's upper Snake River to augment downstream flows for salmon migration.

If the Fisheries Service of the National Oceanographic and Atmospheric Administration determines in a new biological opinion that more flow augmentation is needed to restore endangered and threatened salmon runs, the judge cited his "broad latitude" in ruling that nothing in the SRBA would prevent him from ordering more Idaho water shipped downstream.

"Federal Defendants' position appears to be inconsistent with the Supreme Court's admonition that the ESA reflects Congress' explicit 'decision to require agencies to afford first priority to the declared national policy of saving endangered salmon,'" Redden wrote. "The Supreme Court made clear the language, structure, and history of the ESA reveals a conscious decision by Congress to give endangered species priority over the 'primary missions' of federal agencies."