



FRIENDS OF THE RIVER

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NEWS RELEASE

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Friends of the River Files Lawsuit to Save Endangered Yuba Salmon

Suit Claims Army Corps Policy Applying to Hundreds of Dams Violates Federal Law

Nevada City, CA - Friends of the River filed a citizen suit in federal court today against the U.S. Army Corps of Engineers, the National Marine Fisheries Service (NMFS), and the Bureau of Land Management (BLM) for failing to comply with Endangered Species Act (ESA) requirements to protect threatened spring-run Chinook salmon, steelhead and green sturgeon. The suit concerns the Englebright and Daguerre Point dams on the Yuba River which block fish from most of their upstream spawning habitat. These dams are owned and maintained by the Corps and present the primary barriers to bringing these threatened fish back from the brink of extinction. Salmon and steelhead were listed as threatened in the late 1990s and green sturgeon were listed in 2006.

“Friends of the River is compelled to file this lawsuit because salmon populations have plummeted by 99% in the Yuba River,” said Friends of the River Executive Director Eric Wesselman. “We need action to bring them back from the brink which would be good news for the commercial fishing industry and tourism as well.”

The lawsuit seeks actions that would reduce the harm caused by the Corps dams such as providing fish passage past the dams, removing predatory fish at Daguerre Point Dam, adding large woody material and spawning gravel below Englebright Dam, and restoring habitat by removing rock debris left over from the construction of Englebright. The Corps claimed in a 2013 policy memo that it has no legal duty to provide fish passage past the dams or improve habitat degraded by the dams and NMFS has concurred with the Corps.

“It is simply astonishing that the Army Corps and NMFS now assert that the ESA is impotent to save endangered species from the ravages perpetuated by these dams. Just a few years ago, NMFS took care in a formal Biological Opinion to set out all the reasons why the opposite is true, that the ESA requires urgent action from the Army Corps,” said Christopher Sproul at Environmental Advocates, lead counsel for Friends of the River.

In the policy memo at issue, the Corps asserted that it has no responsibility for complying with the Endangered Species Act at any of the Corps dams and reservoirs (of which there are nearly 400) to the extent that these facilities' existence is harming endangered or threatened species. This policy thus has the potential to hasten the extinction of numerous endangered and threatened species nationwide. The policy, if not reversed in court, would prevent resource agencies or environmental groups from seeking to require the Corps to take any actions to curb the harms being caused by these facilities.

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