

Joint News Release

Sept. 2, 2008

For Immediate Release

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Conservation groups, the state of Montana, Kootenai Tribe of Idaho and federal agencies reach historic agreement to help save the Kootenai River white sturgeon

Bonnors Ferry, Idaho –After extensive negotiations, the Center for Biological Diversity, Kootenai Tribe of Idaho, the State of Montana, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers and Bonneville Power Administration have reached an important settlement agreement. The agreement was submitted to the District Court of Montana today for approval.

The Kootenai River white sturgeon, threatened by dam operations, water quality degradation and loss of habitat, was listed as endangered on September 6, 1994. The adult population has been decreasing at an estimated rate of 9 percent per year. Restoration efforts in recent years have focused on managing Libby Dam to mimic spring flow conditions that are hoped to assist the sturgeon to again successfully reproduce.

“The Kootenai River white sturgeon is on the brink of extinction,” said Noah Greenwald, science director for the Center for Biological Diversity. “This historic agreement helps give the sturgeon a shot at survival.”

Under the agreement, the Corps, on behalf of itself and the Bonneville Power Administration, will submit a request to the U.S. Fish and Wildlife Service to clarify portions of the 2006 Biological Opinion for the sturgeon. The clarifications include continuation of interim operations at Libby Dam through 2009 that utilize temperature control and flows limited to the existing capacity of the dam’s generators to try and create conditions that will assist sturgeon reproduction. If these measures are not successful, the Corps will utilize Libby Dam’s spillway, within specified parameters, to test increased flows — again with the intent of assisting the sturgeon to reproduce.

In the long-term, the Corps will consider modifications to the selective withdrawal system at Libby Dam to more reliably and efficiently manage temperature of water releases. The Kootenai Tribe of Idaho, with funding and support from the federal agencies, will carry out a restoration project to restore habitat conditions for the sturgeon.

“The sturgeon are central to Kootenai culture and we have worked hard toward their recovery in collaboration with our co-sovereigns, the Corps, Bonneville Power Administration, and the US Fish and Wildlife Service,”

said Kym Cooper, Kootenai Tribal Vice-Chairperson “It is through this sovereign collaboration that we have ensured that all governments with responsibility to the sturgeon are working together in a way that makes sense,” continued Cooper.

Two conservation organizations, the Center for Biological Diversity (CBD) and Wild West Institute, who were represented by the Western Environmental Law Center, filed the most recent round of litigation in September 2007 in the federal district court in Missoula, Montana. The lawsuit challenged the U.S. Fish and Wildlife Service’s 2006 Biological Opinion regarding the effects of Libby Dam operations on the Kootenai River white sturgeon, Bull Trout, and Kootenai Sturgeon critical habitat, alleging that the Service did not prescribe adequate measures to protect the Kootenai River white sturgeon.

“After nearly six years of litigation, the parties have agreed to a plan that will help save the sturgeon,” said Geoff Hickox, an attorney from the Western Environmental Law Center who represented the conservation organizations. “We are deeply appreciative of the hard work being done to save the sturgeon on the part of the many individuals involved with this agreement.

In June 2006, the State of Montana intervened in the case to protect its interests above and below Libby Dam and to pursue stable operations at that facility to protect ESA-protected white sturgeon, bull trout, and other important resident fish. The Kootenai Tribe of Idaho, which has been a leader in the basin to save the sturgeon, last of the largest freshwater fish in America, also intervened in June 2006 to support the Biological Opinion.

“Montana will do all it can to protect our fish and people above and below Libby Dam,” commented Bruce Measure, a Montana Member and vice-chair of the Northwest Power and Conservation Council. “This agreement provides a base to help the sturgeon, protect other resident fish in the process, and allow actions and operations to proceed that local biologists know have the best chance of benefiting endangered white sturgeon. I would like to personally thank Governor Schweitzer whose support and encouragement have been instrumental in helping us get to this point.”

The parties all have agreed that a River Restoration Project, a central component of a comprehensive Kootenai River ecosystem restoration and habitat improvement project being developed by the Kootenai Tribe of Idaho with federal funding and support, is important to long-term sturgeon recovery efforts. The Tribe has established design and policy committees consisting of representatives from the U.S. and Canada to assist it in its design. The master plan, due by December 31, 2008 will include a funding strategy to implement the comprehensive plan.

“We’re designing the Project with our co-sovereign partners in a way that takes into account all the ecosystem needs and goes much further than what is required under the ESA” says Sue Ireland, the Kootenai Tribe’s Fish and Wildlife Director. Kootenai Tribal Chairperson Jennifer Porter adds that “we’re hoping our comprehensive project will lead to a healthy ecosystem and the return of our Kootenai resources.”

“We are very pleased that all parties have been able to reach an agreement” said Rich Torquemada, acting supervisor for the U.S. Fish and Wildlife Service in Spokane, Washington. “Now we can move forward with our partners in the important work of recovering this critically endangered species.”

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