

Press Statement

August 23, 2006

For immediate release

Court ruling opens door to restore water to the North Fork Skokomish River for the first time in decades

Statement from Brett Swift of American Rivers

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SEATTLE --- More natural river flows will be restored to Washington's North Fork Skokomish, thanks to a DC Circuit Court ruling yesterday that upholds part of the Federal Energy Regulatory Commission's (FERC) 1998 license for Tacoma Power's Cushman hydroelectric project. American Rivers, an intervenor in the case, called the ruling a victory for the public and for the river's health.

For approximately 50 years, Tacoma Power totally dewatered the river below the project during low-flow periods. More recently, the company has left only a trickle of water flowing in the North Fork Skokomish, harming the river ecosystem and the culture of the Skokomish Indian Tribe. As the court recognized, Tacoma Power operates the project without any significant license conditions, as it has done for the past 80 years.

The ruling strengthens the ability of the Department of Interior and other agencies to protect the natural resources entrusted to their care. The opinion was written by Judge Janice Rogers Brown, who was appointed by President George W. Bush.

The court flatly rejected Tacoma Power's argument that the law prohibited FERC from issuing an uneconomic license. Independent analysis has shown that, contrary to Tacoma Power's assertions, even with the new environmental requirements the company can still operate the Cushman project without significant increases in consumer power rates.

Brett Swift, deputy director of the Northwest office of American Rivers, made the following statement:

"Everyone in the community who benefits from a healthy river should be pleased with this ruling. The ruling reflects a new era of river management emerging in the Northwest and across the country, one that provides a better balance in how we use rivers, and recognizes that a healthy river is a real community asset.

"The public strongly supports protections for clean water and fish and wildlife, and a company that profits at the expense of the river, a public resource, has a responsibility to fix some of the damage it causes.

"The court flatly rejected Tacoma Power's argument that environmental protections could not be required if they made the project too costly to operate. Had that argument been

accepted, it would have resulted in the absurd situation where dams causing the most harm with the least economic return would have to do less than other dams to clean up their mess. That outcome makes no sense.

“The ruling essentially says that FERC doesn’t have to guarantee profitability of the aging Cushman hydro project, at the expense of the environment.

“Much has changed since the Cushman project was originally licensed in 1924. The court affirmed that when it comes time to renew a dam’s license, that license must be evaluated based on the latest laws and safeguards that protect the public interest.

“Tacoma Power has reaped an enormous economic benefit at the expense of the river and its fish and wildlife for over 80 years. Now it is time to restore the river and its salmon for the benefit of the Skokomish Tribe and the Puget Sound region.”

American Rivers is a national non-profit conservation organization dedicated to protecting and restoring healthy rivers and the variety of life they sustain for people, fish and wildlife. Founded in 1973, American Rivers has over 75,000 members and advocates nationwide, and staff in Washington, DC and the Mid-Atlantic, Northeast, Midwest, Southeast, California and Northwest regions.