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SACRIFICING THE SALMON

**A LEGAL AND POLICY
HISTORY OF THE DECLINE OF
COLUMBIA BASIN SALMON**

Michael C. Blumm



Sacrificing The Salmon A Legal Policy

Kaush Arha, Barton H. Thompson Jr.



Sacrificing The Salmon A Legal Policy:

Sacrificing the Salmon Michael C. Blumm, 2013-07 Pacific salmon are the paramount cultural and spiritual symbol of the Pacific Northwest. Since the beginning of human habitation, salmon have been central to subsistence, trade, and even religion. The natives of the region considered salmon so crucial to their way of life that they bargained in 1850s treaties to continue to harvest a share of the salmon runs in return for ceding to the United States the lands that now form the states of Idaho, Oregon, and Washington. A century and a half later, because of their environmental sensitivity, Pacific salmon runs from California to Alaska function as barometers of the health of the watersheds they inhabit. Their decline throughout the twentieth century is a reflection of the deterioration of Pacific Northwest watersheds. In this book, Professor Michael Blumm explains the role of the law in the decline of what were once the largest of the Pacific salmon runs: those of the Columbia Basin. The Columbia Basin is home to the largest interconnected hydroelectric power system in the world, considerable irrigation withdrawals, and extensive timber harvesting, grazing, and mining. All of these activities, along with substantial harvests in the ocean and the river, have adversely affected Columbia Basin salmon runs. As a result, the salmon runs, especially wild salmon, are now only a fraction of what they once were. Professor Blumm examines several unsuccessful promises to protect or restore the salmon runs, beginning with the Indian treaties of the 1850s and including a century of hatchery operations which aimed to compensate for habitat loss due to hydroelectric and other developments. These promises, as well as those made by the Northwest Power Act, the Pacific Salmon Treaty, the Endangered Species Act, the Clean Water Act, and the Federal Power Act, proved unable to reverse the decline of Columbia Basin salmon. Sacrificing the Salmon explains why these efforts failed and examines the prospects for the future. Professor Blumm is pessimistic about the capability of ongoing restoration programs under the Endangered Species Act and the Northwest Power Act to achieve their goals, because those programs are committed to a status quo of river operations that is the cause of roughly 80 percent of human-caused salmon mortalities. He believes that more therapeutic courses of action lie in litigation concerning the tribes' treaty rights and in efforts to breach several dams on the Lower Snake River, and he explains why. Sacrificing the Salmon examines all of these issues in the complicated relationship of the law and the decline of Columbia Basin salmon, the first book to do so. There are several lessons in this case study which may be applicable to other resources in other regions, and a concluding chapter of the book draws them. About the author: Michael C. Blumm is Professor of Law at Northwestern School of Law of Lewis and Clark Law School in Portland, Oregon. This book was previously published by BookWorld Publications in The Netherlands with ISBN 978 90 75228 25 0. **The Endangered Species Act and Federalism** Kaush Arha, Barton H. Thompson Jr., 2012-05-23 States today play a major role in implementing and enforcing environmental laws such as the Clean Air Act, Clean Water Act, and the Resource Conservation and Recovery Act. A thirty-year review of ESA identified state leadership in species conservation as a necessary element in better conserving the nation's imperiled species, yet the

theoretical and practical reasons and applications of an enhanced state role are little understood and have not been subjected to any meaningful analysis This book for the first time presents the legal and policy analysis for federalism considerations in implementing ESA The book undertakes a comprehensive analysis of the economic rationale for federalism in ESA administration compares administration of ESA to other major environmental statutes reviews various tools under the existing Act to enhance state role in species conservation evaluates major case studies to determine roles the state can play in species conservation and recovery and concludes with policy recommendations to encourage greater state involvement in species conservation

The Rights of Indigenous Peoples in Marine Areas Stephen Allen, Nigel Banks, Øyvind Ravna, 2019-09-19 The question of what rights might be afforded to Indigenous peoples has preoccupied the municipal legal systems of settler states since the earliest colonial encounters As a result of sustained institutional initiatives many national legal regimes and the international legal order accept that Indigenous peoples possess an extensive array of legal rights However despite this development claims advanced by Indigenous peoples relating to rights to marine spaces have been largely opposed This book offers the first sustained study of these rights and their reception within modern legal systems Taking a three part approach it looks firstly at the international aspects of Indigenous entitlements in marine spaces It then goes on to explore specific country examples before looking at some interdisciplinary themes of crucial importance to the question of the recognition of the rights of Indigenous peoples in marine settings Drawing on the expertise of leading scholars this is a rigorous and long overdue exploration of a significant gap in the literature

When Ideology Trumps Science Erika Allen Wolters, Brent S. Steel, 2017-12-01 This book reveals how embedded beliefs more so than a lack of scientific knowledge and understanding are creating a cognitive bias toward information that coincides with personal beliefs rather than scientific consensus and that this anti science bias exists among liberals as well as conservatives In 2010 an outbreak of whooping cough in California infected more than 8 000 people resulting in the hospitalization of more than 800 people and the death of 10 infants In 2015 an outbreak of the measles in Disneyland infected more than 125 people Both the whooping cough and the measles are vaccine preventable diseases VPDs that have been largely nonexistent in the United States for decades As these cases demonstrate individuals who prioritize ideology or personal beliefs above scientific consensus can impinge on society at large and they illustrate how rejecting science has unfortunate results for public health and for the environment When Ideology Trumps Science examines how proponents of scientific findings and the scientists responsible for conducting and communicating the applicable research to decision makers are encountering direct challenges to scientific consensus Using examples from high stakes policy debates centered on hot button controversies such as climate change GMO foods immunization stem cell research abstinence only education and birth control authors Wolters and Steel document how the contested nature of contemporary perspectives on science leads to the possibility that policymakers will not take science into account when making decisions that affect the general population In addition the

book identifies ways in which liberals and conservatives have both contested issues of science when consensus diverges from their ideological positions and values It is a compelling must read for public policy students and practitioners **The Wired Northwest** Paul W. Hirt, 2012-10-18 The Pacific Northwest holds an abundance of resources for energy production from hydroelectric power to coal nuclear power wind turbines and even solar panels But hydropower is king Dams on the Columbia Snake Fraser Kootenay and dozens of other rivers provided the foundation for an expanding regionally integrated power system in the U S Northwest and British Columbia A broad historical synthesis chronicling the region s first century of electrification Paul Hirt s new study reveals how the region s citizens struggled to build a power system that was technologically efficient financially profitable and socially and environmentally responsible Hirt shows that every energy source comes with its share of costs and benefits Because Northwest energy development meant river development the electric power industry collided with the salmon fishing industry and the treaty rights of Northwest indigenous peoples from the 1890s to the present Because U S federal agencies like the Army Corps of Engineers and the U S Bureau of Reclamation built many of the large dams in the region a significant portion of the power supply is publicly owned initiating contentious debates over how that power should best serve the citizens of the region Hirt dissects these ongoing battles evaluating the successes and failures of regional efforts to craft an efficient yet socially just power system Focusing on the dynamics of problem solving governance and the tense relationship between profit seeking and the public interest Hirt s narrative takes in a wide range of players not only on the consumer side where electricity transformed mills mines households commercial districts urban transit factories and farms but also power companies operating at the local and regional level and investment companies that financed and in some cases parasitized the operators His study also straddles the international border It is the first book to compare energy development in the U S Northwest and British Columbia Both engaging and balanced in its treatment of all the actors on this expansive stage **The Wired Northwest** helps us better understand the challenges of the twenty first century as we try to learn from past mistakes and re design an energy grid for a more sustainable future

Natural Resources Law and Policy James Rasband, James Salzman, Mark Squillace, 2004 This law school casebook helps instruct collegiate level students on natural resources law It s also intended to show students the challenges of managing natural resources policy Starting with theories behind the law the book then examines all aspects of resource disputes including economic scientific political and ethical considerations It explores the challenges presented by common pool resources scientific uncertainty mismatched scale market failures and institutional adequacy The book also considers resource law and management on both public lands and private property as well as in international settings **Water Resilience** Julia Baird, Ryan Plummer, 2020-09-21 This book synthesizes current knowledge and understanding of management and governance in the context of water resilience advances theory through synthesis of research and experiences from a variety of disciplinary perspectives The book highlights the implications of theory and experience for

innovation in practice and policy and it explores frontiers and future research The book further addresses the need for a consolidated interdisciplinary approach to the theoretical advances and practical implications of water resilience for academics resource managers aid organizations policy makers and citizens Keeping Faith with Nature Robert B. Keiter, 2008-10-01 As the twenty first century dawns public land policy is entering a new era This timely book examines the historical scientific political legal and institutional developments that are changing management priorities and policies developments that compel us to view the public lands as an integrated ecological entity and a key biodiversity stronghold Once the background is set each chapter opens with a specific natural resource controversy ranging from the Pacific Northwest s spotted owl imbroglio to the struggle over southern Utah s Colorado Plateau country Robert Keiter uses these case histories to analyze the ideas forces and institutions that are both fomenting and retarding change Although Congress has the final say in how the public domain is managed the public land agencies federal courts and western communities are each playing important roles in the transformation to an ecological management regime At the same time a newly emergent and homegrown collaborative process movement has given the public land constituencies a greater role in administering these lands Arguing that we must integrate the new imperatives of ecosystem science with our devolutionary political tendencies Keiter outlines a coherent new approach to natural resources policy **The Routledge Companion to Gender and the American West** Susan Bernardin, 2022-06-19 This is the first major collection to remap the American West through the intersectional lens of gender and sexuality especially in relation to race and Indigeneity Organized through several interrelated key concepts The Routledge Companion to Gender and the American West addresses gender and sexuality from and across diverse and divergent methodologies Comprising 34 chapters by a team of international contributors the Companion is divided into four parts Genealogies Bodies Movements Lands The volume features leading and newer scholars whose essays connect interdisciplinary fields including Indigenous Studies Latinx and Asian American Studies Western American Studies and Queer Feminist and Gender Studies Through innovative methodologies and reclaimed archives of knowledge contributors model fresh frameworks for thinking about relations of power and place gender and genre settler colonization and decolonial resistance Even as they reckon with the ongoing gendered and racialized violence at the core of the American West contributors forge new lexicons for imagining alternative Western futures This pathbreaking collection will be invaluable to scholars and students studying the origins myths histories and legacies of the American West This is a foundational collection that will become invaluable to scholars and students across a range of disciplines including Gender and Sexuality Studies Literary Studies Indigenous Studies and Latinx Studies *Practical Panarchy for Adaptive Water Governance* Barbara Cosens, Lance Gunderson, 2018-04-18 This book presents the results of an interdisciplinary project that examined how law policy and ecological dynamics influence the governance of regional scale water based social ecological systems in the United States and Australia The volume explores the obstacles and opportunities for governance that is

capable of management adaptation and transformation in these regional social ecological systems as they respond to accelerating environmental change With the onset of the Anthropocene global and regional changes in biophysical inputs to these systems will challenge their capacity to respond while maintaining functions of water supply flood control hydropower production water quality and biodiversity Governance lies at the heart of the capacity of these systems to meet these challenges Assessment of water basins in the United States and Australia indicates that state centric governance of these complex and dynamic social environmental systems is evolving to a more complex diverse and complex array public and private arrangements In this process three challenges emerge for water governance to become adaptive to environmental change First is the need for legal reform to remove barriers to adaptive governance by authorizing government agencies to prepare for windows of opportunity through adaptive planning and to institutionalize the results of innovative solutions that arise once a window opens Second is the need for legal reform to give government agencies the authority to facilitate and participate in adaptive management and governance This must be accompanied by parallel legal reform to assure that engagement of private and economic actors and the increase in governmental flexibility does not destabilize basin economies or come at the expense of legitimacy accountability equity and justice Third development of means to continually assess thresholds and resilience of social ecological systems and the adaptive capacity of their current governance to structure actions at multiple scales The massive investment in water infrastructure on the river basins studied has improved the agricultural urban and economic sectors largely at the cost of other social and environmental values Today the infrastructure is aging and in need of substantial investment for those benefits to continue and adapt to ongoing environmental changes The renewal of institutions and heavily engineered water systems also presents the opportunity to modernize these systems to address inequity and align with the values and objectives of the 21st century Creative approaches are needed to transform and modernize water governance that increases the capacity of these water based social ecological systems to innovate adapt and learn will provide the tools needed to navigate an uncertain future

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