

# Sacrificing the Salmon

A Legal and Policy History of the Decline of  
Columbia Basin Salmon



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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 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

**Water Policy and Planning in a Variable and Changing Climate** Kathleen A. Miller, Alan F. Hamlet, Douglas S. Kenney, Kelly T. Redmond, 2017-12-19 Water Policy and Planning in a Variable and Changing Climate addresses the current challenges facing western water planners and policy makers in the United States and considers strategies for managing water resources and related risks in the future Written by highly regarded experts in the industry the book offers a wealth of experience and explains the physical socioeconomic and institutional context for

western water resource management The authors discuss the complexities of water policy describe the framework for water policy and planning and identify many of the issues surrounding the subject A provocative examination of policy issues surrounding western water resources this book Considers the implications of natural climate variability and anthropogenic climate change for the region s water resources and explains limitations on the predictability of local scale changes Stresses linkages between climate patterns and weather events and related hydrologic impacts Describes the environmental consequences of historical water system development and the challenges that climate change poses for protection of aquatic ecosystems Examines coordination of drought management by local state and national government agencies Includes insights on planning for climate change adaptation from case studies across the western United States Discusses the challenges and opportunities in water energy land system management and its prospects for developing climate change response strategies Presents evidence of changes in water scarcity and flooding potential in the region and identifies a set of adaptation strategies to support the long term sustainability of irrigated agriculture and urban communities Draws upon Colorado s experience in defining rights for surface and tributary groundwater use to explain potential conflicts and challenges in establishing fair and effective coordination of water rights for these resources Assesses the role of policy in driving flood losses Explores policy approaches for achieving equitable and environmentally responsible planning outcomes despite multiple sources of uncertainty Water Policy and Planning in a Variable and Changing Climate describes patterns of water availability existing policy problems and the potential impacts of climate change in the western United States and functions as a practical reference for the student or professional invested in water policy and management

**The Rights of Indigenous Peoples in Marine Areas** Stephen Allen,Nigel Bankes,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 *Unlikely Alliances* Zoltán Grossman,2017-06-20 Often when Native nations assert their treaty rights and sovereignty they are confronted with a backlash from their neighbors who are fearful of losing control of the natural resources Yet when both groups are faced with an outside threat to their common environment such as mines dams or an oil pipeline these communities have unexpectedly joined together to protect the resources Some regions of the United States with the most intense conflicts were transformed into areas with the deepest cooperation between tribes and local farmers ranchers and fishers to defend sacred land and water *Unlikely Alliances* explores this evolution from conflict to cooperation through place based case studies in the Pacific Northwest Great Basin Northern Plains and Great Lakes regions during the 1970s through the 2010s These case studies suggest that a deep love of place can begin to overcome even the bitterest divides **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      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      **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      **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

Anthropology and Climate Change Susan A Crate, Mark Nuttall, 2016-06-03 Comprehensively assessing anthropology's engagement with climate change this volume both maps out exciting trajectories for research and issues a call to action Linking sophisticated knowledge to effective actions Anthropology and Climate Change is essential for students and scholars in anthropology and environmental studies      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 is 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      Nation-States and the Global Environment Erika Marie Bsumek, David Kinkela, Mark Atwood

Lawrence, 2013-04-02 Hardly a day passes without journalists policymakers academics or scientists calling attention to the worldwide scale of the environmental crisis confronting humankind While climate change has generated the greatest alarm in recent years other global problems desertification toxic pollution species extinctions drought and deforestation to name just a few loom close behind The scope of the most pressing environmental problems far exceeds the capacity of individual nation states much less smaller political entities To compound these problems economic globalization the growth of non governmental activist groups and the accelerating flow of information have fundamentally transformed the geopolitical



landscape Despite the new urgency of these challenges however they are not without historical precedent As this book shows nation states have long sought agreements to manage migratory wildlife just as they have negotiated conventions governing the exploitation of rivers and other bodies of water Similarly nation states have long attempted to control resources beyond their borders to impose their standards of proper environmental exploitation on others and to draw on expertise developed elsewhere to cope with environmental problems at home This collection examines this little understood history providing case studies and context to inform ongoing debates

*H.R. 1975, Northern Rockies Ecosystem Protection Act of 2007*  
United States. Congress. House. Committee on Natural Resources. Subcommittee on National Parks, Forests, and Public Lands, 2008

Advances in Marine Biology, 2007-10-02 Advances in Marine Biology was first published in 1963 Now edited by David W Sims Marine Biological Association UK the serial publishes in depth and up to date reviews on a wide range of topics which will appeal to postgraduates and researchers in marine biology fisheries science ecology zoology oceanography Eclectic volumes in the series are supplemented by thematic volumes on such topics as The Biology of Calanoid Copepods and Restocking and Stock Enhancement of Marine Invertebrate Fisheries New information on the offspring size in marine invertebrates Discusses important information on the social structure and strategies of delphinids More than 250 pages of the latest discoveries in marine science

Return to the River Richard N. Williams, 2005-11-21 Return to the River will describe a new ecosystem based approach to the restoration of salmon and steelhead populations in the Columbia River once one of the most productive river basins for anadromous salmonids on the west coast of North America The approach of this work has broad applicability to all recovery efforts throughout the northern hemisphere and general applicability to fisheries and aquatic restoration efforts throughout the world The Pacific Northwest is now embroiled in a major public policy debate over the management and restoration of Pacific salmon The outcome of the debate has the potential to affect major segments of the region's economy river transportation hydroelectric production irrigated agriculture urban growth commercial and sport fisheries etc This debate centered as it is on the salmon in all the rivers has created a huge demand for information The book will be a powerful addition to that debate A 15 year collaboration by a diverse group of scientists working on the management and recovery of salmon steelhead trout and wildlife populations in the Pacific Northwest Includes over 200 figures with four color throughout the book Discusses complex issues such as habitat degradation juvenile survival through the hydrosystem the role of artificial production and harvest reform

Sensing Changes Joy Parr, 2010-07-01 Our bodies are archives of sensory knowledge that shape how we understand the world But if global environmental changes continue at their present unsettling pace how will we make sense of time and place when the air land and water around us are no longer familiar Joy Parr one of Canada's premier historians tackles this question by exploring situations in the recent past when state driven megaprojects such as chemical plants dams nuclear reactors transportation corridors and new regulatory regimes forced people to cope with radical transformations in their work and home environments In each case the familiar

was transformed so thoroughly that residents no longer recognized where they lived or by implication who they were Sensing Changes and its associated website <http://megaprojects.uwo.ca> make a key contribution to environmental history and the emerging field of sensory history This study offers a timely prescient perspective on how humans make sense of the world in the face of rapid environmental change

**Rising from the Ashes** William Willard, Alan G. Marshall, J. Diane Pearson, 2020-06-01 *Rising from the Ashes* explores continuing Native American political social and cultural survival and resilience with a focus on the life of Numiipuu Nez Perce anthropologist Archie M. Phinney He lived through tumultuous times as the Bureau of Indian Affairs implemented the Indian Reorganization Act and he built a successful career as an indigenous nationalist promoting strong independent American Indian nations *Rising from the Ashes* analyzes concepts of indigenous nationalism and notions of American Indian citizenship before and after tribes found themselves within the boundaries of the United States Collaborators provide significant contributions to studies of Numiipuu memory land loss and language Numiipuu Palus and Cayuse survival peoplehood and spirituality during nineteenth century U.S. expansion and federal incarceration Phinney and his dedication to education indigenous rights responsibilities and sovereign Native Nations American Indian citizenship before U.S. domination and now the Jicarilla Apaches self-actuated corporate model and Native nation building among the Numiipuu and other Pacific Northwestern tribal nations Anchoring the collection is a twenty-first century analysis of American Indian decolonization sovereignty and tribal responsibilities and responses

*Water Allocation in Rivers under Pressure* Dustin Evan Garrick, 2015-07-31 This book compares water allocation policy in three rivers under pressure from demand droughts and a changing climate the Colorado Columbia and Murray Darling Each river has undergone multiple decades of policy reform at the intersection of water m

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