

Yakamas Appeal Ruling Allowing Keechelus Dam Repairs

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The Yakama Nation has appealed a federal judge's refusal to halt repairs at Keechelus Dam to allow more studies on adding a fish ladder at the earthen storage dam.

The nation filed its appeal last week with the 9th U.S. Circuit Court of Appeals in San Francisco.

Thomas Zeilman, attorney for the nation, said on Monday he will request a accelerated hearing schedule to get the issue considered before repairs are completed.

A contractor, Kiewit Pacific Co. of Vancouver, Wash., is on schedule to complete the two-year project in November, according to Jim Mumford, the Bureau of Reclamation's dam safety branch chief in Boise, Idaho.

The nation is appealing a Jan. 24 order by U.S. District Judge Alan McDonald of Yakima. McDonald ruled two federal agencies acted properly in deciding to repair the dam.

The nation had sued the Bureau of Reclamation and NOAA Fisheries, formerly known as the National Marine Fisheries Service, last July, contending the agencies violated both the National Environmental Policy Act and the Endangered Species Act.

An approved repair plan, selected from a number of alternatives, included replacing the downstream face of the 128-foot-tall dam. Repairs began last year. The dam is located near the summit of Snoqualmie Pass along Interstate 90.

The \$32 million project was prompted by cavities discovered along the crest of the dam in 1997.

A total of more than 40 cavities resulted from construction timbers left inside the dam that gradually rotted.

Zeilman said the appeal focuses on what the nation contends is the failure by the two agencies to follow the Endangered Species Act when they agreed what should be done about the deteriorating dam.

Zeilman said the nation will argue the agencies failed to consider the larger picture of the 85-year-old dam's effects on threatened fish species as required by the 1973 law.

"The federal agencies chose a narrow scope which the federal courts have said you can't do," he said.

Two species of fish are listed as threatened in the Yakima River Basin. They are steelhead trout and bull trout.

Adding a ladder to the dam would have provided migratory fish access to spawning and rearing habitat above Keechelus Dam.

The dam, which holds 157,800 acre-feet of water is one of five storage reservoirs in the Yakima Irrigation Project.