



Conservation Advocates Serve Notice of Intent to Sue Over Feds Continued Failure to Protect Wild Salmon, Steelhead, and Orcas from Harmful Columbia River Hatcheries

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Friday, September 12, 2025 – Wild Fish Conservancy (WFC) and The Conservation Angler (TCA) have **announced their intent to sue** the federal government for failing to protect threatened wild salmon, steelhead, and orcas from hatchery programs in the Columbia River below Bonneville Dam. National Oceanic and Atmospheric Administration (NOAA) Fisheries is funding and authorizing hatcheries under the Mitchell Act, relying on an inadequate and flawed **2024 Biological Opinion** that contains scientifically indefensible conclusions and violates the Endangered Species Act (ESA). This formal analysis is legally mandated under the ESA to analyze and prevent harm to federally listed species and their habitats, and to provide legally binding terms and conditions to ensure their survival.

“Mitchell Act hatcheries are causing harm that we know how to prevent. We’re taking this action today as part of our long-standing commitment to hold the federal government accountable and prevent further violations that imperil these species and the ecosystems they depend on,” says Emma Helverson, Executive Director for Wild Fish Conservancy. “It’s time for NOAA to stop prioritizing maintaining harmful hatchery practices over their responsibility to protect wild fish for current and future generations.”

Hatcheries under the Mitchell Act are harming threatened and endangered Chinook, coho, chum, steelhead, and Southern Resident killer whales whose survival depends on the protection and long-term recovery of wild salmon populations. Harm to ESA-listed species and their critical habitats occurs through a variety of ways, including genetic and ecological interactions, harvest impacts, facility effects, fish removal activities, and others.

Congress enacted the Mitchell Act in 1938 in an attempt to mitigate adverse effects to salmon in the Columbia River Basin resulting from the construction of dams, water diversions, logging, and pollution. Today, NOAA Fisheries spends \$15–25 million annually on hatchery programs—funding about one-third of all artificial propagation in the Columbia River. Today, NOAA Fisheries, which both funds and regulates these programs, recognizes hatcheries as one of the leading threats to wild salmon and steelhead and that those risks require careful management. However, the agency’s failure to follow and enforce its own rules has allowed hatcheries to operate in a way that further endangers these imperiled species.

The notice letter details the various ways in which the 2024 Biological Opinion violates the law. The violations include, but are not limited to: failure to use best available science; failure to adequately protect wild fish from genetic and ecological impacts of hatcheries; reliance on unenforceable and vague terms; and failure to provide justification for delaying critical conservation measures that were required but never implemented under the previous biological opinion. In addition, NOAA Fisheries issued the ESA analysis without the notices, procedures, or reviews required under the National Environmental Policy Act (NEPA), depriving the public an opportunity to comment while ignoring reasonable alternatives.

This new action builds on decades of legal advocacy by WFC and TCA to ensure Columbia River hatcheries operate in a manner that does not further perpetuate the decline of threatened salmon and steelhead and their ecosystems. In 2016, WFC successfully challenged NOAA Fisheries for relying on an outdated 1999 Mitchell Act Biological Opinion that failed to incorporate substantial new scientific information demonstrating risks to ESA-listed species. As a result, NOAA Fisheries issued an updated biological opinion in 2017 establishing new rules and standards, and setting timelines for bringing the programs into compliance with those conditions.

In 2024, WFC and TCA sued NOAA Fisheries and state hatchery operators for multiple violations of the 2017 Biological Opinion, which included significantly exceeding federally mandated limits designed to prevent harm to wild fish, failing to meet implementation deadlines, and skirting accountability by ignoring legally mandated reporting requirements. The clear violations resulted in NOAA Fisheries rushing to formally review and issue the new 2024 Biological Opinion in an attempt to bring the programs back into legal compliance and prevent delays in hatchery funding and fish releases.

“NOAA’s rushed and flawed 2024 analysis leaves long-standing harm from Mitchell Act hatcheries unaddressed and lets these programs delay action on problems the federal government itself has identified as threatening the survival of wild salmon and steelhead,” says John McMillan, President of The Conservation Angler. “Rather than requiring immediate action to protect wild salmon and steelhead, the new plan repeats the same mistakes—relying on weak measures that will not even go into effect for several more years and ignoring the best available science while wild fish continue to decline.”

Since at least 2016, NOAA Fisheries has failed to enforce its own rules and comply with laws designed to protect threatened wild salmon, steelhead, and endangered orcas from Mitchell Act hatcheries. This

intent to sue is a necessary step to hold the federal government accountable, safeguard the Columbia River Basin's threatened wild fish, and stop ongoing harm that continues to threaten the survival of these species.

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Wild Fish Conservancy and The Conservation Angler are represented by Kampmeier & Knutsen PLLC.

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Wild Fish Conservancy is a nonprofit conservation organization headquartered in Washington and working from California to Alaska to preserve, protect, and restore the northwest's wild fish and the ecosystems they depend on through science, education, and advocacy. wildfishconservancy.org

The Conservation Angler fights for the protection of wild Pacific anadromous fish populations and their watersheds throughout the Pacific Northwest and Russia's Kamchatka Peninsula.

theconservationangler.org