



Environmental Advocates Sue Again to Protect Wild Salmon, Steelhead, and Orcas from Harmful Columbia River Hatcheries, as Feds Concede New Management Plan is Inadequate

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December 1, 2025– Wild salmon and steelhead in the Columbia River Basin are collapsing, and endangered orcas that depend on them are starving — yet the federal government continues to fund hatchery operations that fuel their decline. After years of warnings and repeated Endangered Species Act (ESA) violations, Wild Fish Conservancy (WFC) and The Conservation Angler (TCA) have [filed a new federal lawsuit challenging NOAA Fisheries](#) for once again failing to protect these species from ongoing harm caused by Columbia River hatcheries.

Under the ESA, NOAA must issue a Biological Opinion (BiOp) for any action it authorizes or funds that may affect listed species, determining the extent of the harm and requiring the protections needed to ensure the action is not likely to push those species closer to extinction. The new lawsuit challenges a [new BiOp NOAA issued in December 2024](#), which attempts to justify continued Mitchell Act hatchery operations despite fundamental scientific and legal deficiencies that violate the ESA and fail to safeguard the Columbia River’s protected salmon and steelhead.

In a stunning last-minute admission, [NOAA informed the groups on the eve of this filing that its newly issued 2024 BiOp requires “clarification” and will already need to be reissued](#). This acknowledgement underscores the urgency of the legal action, as NOAA has for more than a decade, allowed harmful hatchery operations to move forward under ESA reviews that do not meet scientific or legal standards, while continuing to direct tens of millions in federal funding to programs it knows are operating without a valid protective plan.

“It’s hard to imagine a clearer sign that NOAA is not doing its job,” said John McMillan, President and Lead Scientist for The Conservation Angler. “This latest plan downplays risk, glosses over missing science, and assumes wild steelhead and salmon can withstand more harm than they actually can. NOAA keeps rewriting the paperwork while the fish continue to disappear.”

The complaint details the various ways the 2024 BiOp understates well-documented genetic, ecological, and harvest-related impacts that hatchery programs impose on wild populations. It relies on incorrect assessments of wild fish abundance and trends, authorizes levels of harm that cannot be reliably monitored or enforced, and fails to account for the increased fishing pressure—particularly in ocean fisheries—created by releasing millions of hatchery fish. These deficiencies violate core ESA requirements and prevent the BiOp from serving as the rigorous, transparent review the law demands.

The lawsuit also challenges NOAA’s oversight of the Select Area Fisheries Enhancement (SAFE) hatchery program in the lower Columbia River, which operates under a similarly flawed 2025 BiOp whose impacts compound the harms caused by Mitchell Act hatcheries, and therefore must be evaluated together.

Perhaps most troubling, the 2024 Mitchell Act BiOp continues NOAA’s pattern of shifting timelines and postponing deadlines instead of addressing long-standing problems. Actions NOAA once required to be implemented no later than 2022 are now delayed until as late as 2034—over a decade later—effectively resetting the clock on years of missed obligations. By postponing overdue safeguards yet again, NOAA allows harmful practices to persist as wild fish decline and Southern Resident orcas continue to face chronic prey shortages. This entrenched cycle of delay and ineffective oversight is at the core of this challenge.

This new lawsuit marks the third time in a decade that WFC and TCA have been forced to challenge NOAA’s management of Columbia River hatcheries. [In 2024, WFC and TCA sued NOAA Fisheries and state hatchery operators](#) for various violations of the 2017 Mitchell Act and 2021 SAFE BiOps, 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. Rather than enforcing those protections, NOAA rushed to review and issue new BiOps for both programs in an effort to restore legal compliance and avoid delays to hatchery funding and fish releases.

“NOAA fast-tracked new plans that sweeps aside documented violations in order to maintain hatchery funding and fish releases, instead of fulfilling their primary duty to protect endangered wild fish and orcas,” said Emma Helverson, Executive Director of Wild Fish Conservancy. “Resetting and delaying the compliance timeline does nothing to address the underlying harm. NOAA is now delaying protections the agency previously said were required to be in place today to ensure the protection of these species into the future. Pushing deadlines out as far as 2034 is an unacceptable setback that would lock in another decade of avoidable harm.”

The 2024 BiOp also ignores analysis of how Columbia River hatcheries drive overharvest in ocean fisheries. Congress created the Mitchell Act in 1938 not as a recovery tool, but in an attempt to produce fish for harvest as mitigation for damage from dams, pollution, and other development in the Columbia Basin. Today these hatcheries release millions of fish that migrate and mix in the ocean with wild fish from rivers coastwide, creating a harvest dilemma in which salmon from threatened and endangered populations are harvested and killed at unsustainable rates, further undermining recovery.

“If we want more wild fish returning to their home rivers, we need a broader, ongoing conversation about how hatchery production drives harvest in the ocean,” said Helverson. “Flooding the ocean with hatchery salmon creates the illusion of abundance that increases harvest pressure on our most imperiled salmon populations — the fish we can least afford to lose. Meanwhile, under today’s ocean-harvest frameworks like the Pacific Salmon Treaty, more fish in the ocean simply results in more fish being harvested. We cannot recover these species without breaking this cycle.”

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The lawsuit was filed in U.S. District Court of Oregon. The Conservation Angler and Wild Fish Conservancy are represented by Kampmeier & Knutsen PLLC.

Wild Fish Conservancy is a nonprofit conservation organization headquartered in Washington State 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.

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.

Twenty-Five Years of Delayed Action and Failed Oversight

1999: NOAA Fisheries issues a Biological Opinion (BiOp) for Mitchell Act hatcheries.

2016: Wild Fish Conservancy sues NOAA for relying on the outdated 1999 plan, which ignored modern science on hatchery risks.

2017: NOAA issues a new Mitchell Act plan with stricter rules and deadlines to reduce harm to wild fish.

2021: NOAA issues a new Select Area Fisheries Enhancement hatchery program BiOp.2024 (January): WFC and The Conservation Angler notify NOAA of intent to sue because hatchery operators were violating terms and conditions required by 2017 BiOp— i.e. failing to install protective weirs; exceeding limits on harm to wild fish; Lawsuit also challenged the 2021 SAFE BiOp

2024 (April): WFC and TCA file a lawsuit to enforce the 2017 protections.

2024 (September): WFC and TCA settle claims against the Washington Department of Fish and Wildlife for their violations under the ESA. [Settlement details.](#)

2024 (December): In a rush to avoid the consequences of the lawsuit, NOAA issues two new, and hastily prepared, Biological Opinions. The new plans attempts to “wipe away” past violations by extending deadlines and using flawed data.

2025 (April): WFC and TCA voluntarily dismiss 2024 lawsuit and begin review of new Biological Opinions

2025 (September): WFC and TCA file a Notice of Intent to Sue over the legally deficient 2024 plans.

2025 (November 19): NOAA sends a letter admitting the 2024 Mitchell Act plan is flawed and must be re-issued.

2025 (November 21): WFC and TCA file current lawsuit to hold the government accountable.