

Endangered Species

EPA, Washington State Settle Endangered Salmon Suit

Endangered salmon will see new protections after the EPA and Washington state agreed to settle a lawsuit brought by environmental advocates.

As part of the settlement announced Oct. 18, the U.S. Environmental Protection Agency must review whether ammonia concentrations in waters populated by the salmon are hazardous to the fish and therefore harm predator species. If harms are found, the agency must then consult with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service on further plans to protect the fish.

Wastewater treatment utilities and animal feedlots discharge ammonia. The EPA updated the water quality criteria for ammonia in 2013, but Washington state last changed its criteria in 2006, according to Allison LaPlante, co-director of Lewis & Clark Law School's Earthrise Law Center, who represented Northwest Environmental Advocates in the lawsuit against the EPA.

"The case is about salmon and it's also about, from a bigger picture, species like orca that depend on salmon," LaPlante said.

Must Revise Temperature Standards As part of the settlement, the state Department of Ecology must revise its temperature standards to protect aquatic life. Tem-

perature can affect the viability of salmon. In addition, the agency must control sediment to prevent the smothering of salmon eggs in spawning grounds.

Department of Ecology spokeswoman Colleen Keltz said "we are committed to proposing a criteria for fine sediment that will help us protect the salmon eggs."

Industries impacted by the rule changes include agriculture, ranching, and forestry, which may face new limits on tree harvests that provide shade near waterways. The industries also could face restrictions on road building and other actions that increase siltation in waterways.

Attorneys for groups such as the Northwest Pulp & Paper Association, American Forest Resource Council, Washington Forest Protection Association, and the Washington Cattlemen's Association—which had supported the EPA in the case—didn't return emails or calls seeking comment.

The case is: *Nw. Envtl. Advocates v. EPA*, W.D. Wash., No. 2:14-cv-00196, *proposed settlement filed* 10/18/18.

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