

Supreme Court sides with power plants over fish

WASHINGTON, D.C. (AP) – The Supreme Court has ruled that the government can weigh costs against benefits in deciding whether to order power plants to undertake environmental upgrades that would protect fish.

The court's 6-3 decision is a defeat for environmentalists who had urged the justices to uphold a favorable federal appeals court ruling that could have required an estimated 554 power plants to install technology that relies on recycled water to cool machinery.

By reducing water intake, the closed-cycle cooling also results in fewer fish being sucked into the system or smashed to death against screens. The Environmental Protection Agency estimates water-intake systems at power plants kill 3.4 billion fish and shellfish each year.

The ruling, written by Justice Antonin Scalia, was a victory for the power industry, which has long advocated for the use of cost-benefit analysis on environmental issues. The utilities were backed by

the Bush administration.

It is unclear whether the EPA in the Obama administration will chart a similar course or decide not to use cost-benefit analyses when they yield less environmental protection. EPA administrator Lisa Jackson previously directed the New Jersey environmental protection agency. New Jersey was one of several states that challenged the EPA regulations that the court approved Wednesday.

EPA spokeswoman Adora Andy said the agency would have no comment on the ruling. Reed Super, a lawyer for the Riverkeeper Inc. environmental group, said the court made clear that EPA has discretion in how to proceed.

"We have all the confidence in the world that the Obama administration will do the right thing," Super said.

The high court decision overruled the 2nd U.S. Circuit Court of Appeals in New York. The appeals court said the Clean Water Act does not allow cost to be used when deciding what technology would best minimize environmental impacts.

But Scalia said even the appeals court and environmental-

ists "concede that some form of cost-benefit analysis is permitted."

In dissent, Justice John Paul Stevens cited "powerful evidence" that Congress did not want cost-benefit analyses to be used in determining the best available technology for reducing the number of fish killed. Justices Ruth Bader Ginsburg and David Souter also dissented.

All new power plants must use closed-cycle cooling.

But the regulations at issue in the Supreme Court case apply only to older facilities.

Scalia said there is nothing wrong with EPA regulations that allow the use of less costly systems that come close to achieving the same environmental benefits as closed-cycle cooling.

The closed-cycle systems would cost \$3.5 billion a year and reduce the number of fish killed by up to 98 percent, he said. EPA says other technologies would cost a tenth as much and cut the number of fish killed by 80 percent to 95 percent, Scalia said.

Births

Zoe Julia Kollen

Cody Kollen and Sara Kollen of Madras are pleased to announce the birth of their daughter Zoe Julia Kollen, born on March 16, 2009.

Grandparents on the father's side are Al and Terry Kollen of Powell Butte.

Grandparents on the mother's side are Margarita Ohman of Cottage Grove, and

Vern Ohman of Martinsburg, Virg.

Great grandparents on the father's side are John and Frances Kollen of Madras.

Howlak Tichum

Lillian Walsey, 1952-2009

Lillian Walsey passed away on March 25, 2009 at her home in Warm Springs after an extended illness.

She was 57 years of age. Lillian was born on March 16, 1952 in Warm Springs to Richard and Rosalia (Johnson) Walsey.

Lillian was a lifetime resident of Warm Springs as well as an enrolled member of the Confederated Tribes of Warm Springs. She was a homemaker and mother.

Survivors include her significant other, Roosevelt Suppah of Warm Springs; children Tiffany

Smith, Wesley Smith, Lula Smith, Nikki Smith, and Nachele Kalama all of Warm Springs; brothers Tony, Kevin, Sam Howtopat; Reggie, Teddy, and Ronny Walsey all of Warm Springs; sister Cecilia Begay of Warm Springs.

Zelda "Lee" (Kalama) Thompson, 1929-2009

Zelda "Lee" (Kalama) Thompson Zelda "Lee" (Kalama) Thompson, 79, went home to be with the Lord on March 25, 2009.

She will be truly missed. Zelda was born in Nisqually on November 10, 1929 to Peter and Alice (Jackson) Kalama. She married Edgar Thompson Jr. (Tom) in 1950 and resided on the Nisqually Indian Reservation most of their married life.

She proudly received her GED in 1992 at the age of 62. She was the oldest tribal member working at the Nisqually Bingo and onto the Nisqually Red Wind Casino from 1992 to 2008, a beautiful lady, family, and friend to all.



She was a member of the Nisqually Indian Church and enjoyed attending services there as well as traveling to other churches to fellowship and worship God. She was an active and committed member of the Nisqually Indian Tribe, serving on various committees throughout her life. She had no children of her own but took in many as her special "brats".

She is survived by her twin sister, Zelma (Kalama) McCloud; oldest sister, Blanche (Kalama) Simmons, Nisqually Indian Reservation; and sister-in-law, Charlotte (Penn) Kalama, Queets; numerous nieces, nephews, great-nieces, great-nephews; and special friends. Zelda was preceded in death by her parents; brothers Lawrence, Elmer, Roy, and Fred, Edward, of Nisqually; half brothers, Francis, Oliver, Henry, and Gilbert, of Warm Springs; half sisters, Naomi, Mary, Esther and Irene, of Warm Springs; and Josephine, Mildred, Sadie Carmen and Violet, of Nisqually.

Marcelene (Gensaw) LeClaire, 1929-2009

Marcelene (Gensaw) LeClaire passed away on March 28, 2009 at Mt View Hospital at the age of 79.

Marcelene was born on November 11, 1929 at Klamath, California to William and Belle (Pilgrim) Gensaw.

Marcelene came to Warm Springs in 1947.

She was employed as a preschool teacher for the

Warm Springs Head Start program.

She was a member of the Warm Springs Full Gospel Church as well as the Yurok Tribe of California.

She is survived by children Charlene Carol Stacona-White, Chris Requa, Cheryl Heath, Ronaldo Greystar, Debra Stacona, Marcelene Stacona, and Louis D LeClaire all of Warm

Spring; William Stacona of Pendleton; and Mark Stacona of Klamath, California; sisters Victoria Belgard of Salem, and Ramona Gensaw of Requa Calif; brothers Willie Gensaw of Washington; Sammy Gensaw of Requa; and Carroll Gensaw of California; 19 grandchildren, 32 great grandchildren, and 1 great great grandchild.

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Contact Dorothy for information, 460-0963