

# Feds back off from poisoning Sierra stream

By Jeff DeLong, Reno Gazette-Journal

Federal attorneys withdrew a challenge to a judge's ruling against plans to restore one of America's rarest trout by poisoning a remote Sierra stream, a move conservationists are calling a victory but which federal officials characterize as but another development in a lengthy dispute over a project they still intend to pursue.

On Monday, federal attorneys filed a motion for "voluntary dismissal of appeal" in the Ninth Circuit Court of Appeals in the case pitting a coalition of conservation groups against the U.S. Fish and Wildlife Service and U.S. Forest Service over plans to poison Silver King Creek south of Lake Tahoe.

The government was considering appeal of a September ruling by U.S. District Court Judge Frank Damrell Jr. granting an injunction blocking plans to poison an 11-mile stretch of the creek to remove unwanted fish and replace them with threatened Paiute cutthroat trout.

"This means the judge's injunction is permanent now. I'm very pleased," said Patty Clary, executive director of Californians for Alternatives to Toxics, which sued to block the project along with Wilderness Watch and Friends of Silver King Creek.

Jeannie Stafford, spokeswoman for the U.S. Fish and Wildlife office in Reno, described Monday's motion as a "procedural step in the process" and said the government intends to continue pushing for the project.

"It does not mean that the project is dead," Stafford said. "We're still hopeful that the project is going to go forward."

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