

**Testimony of Pacific Coast Federation of
Fishermen's Associations (PCFFA)
to the
Senate Commerce, Science & Transportation Committee,
Subcommittee on Oceans, Atmosphere & Fisheries**

Re: S. 1825 (Pacific Salmon Recovery Act)

May 14, 2002

Washington, DC

Thank you for the opportunity to testify on this very important issue of salmon restoration funding -- a subject that means life or death to many west coast fishing-dependent communities.

My name is Glen Spain, and I am the Northwest Regional Director of the Pacific Coast Federation of Fishermen's Associations (PCFFA). We are commercial fishermen and women, working in America's oldest industry. Our members provide this country with one of its most important and highest quality food resources and a major source of exports, and our efforts provide tens of thousands of jobs in western coastal communities, jobs supported by the bounty of the sea.

PCFFA is the west coast's largest organization of commercial fishermen and fishing families,

representing the interests of small and mid-sized family-owned commercial fishing operations working and living in ports from San Diego to Alaska. We are a federation of 25 different port and vessel owners organizations coastwide, representing several thousand fishing families with a combined vessel asset and industrial infrastructure investment of nearly \$1 billion.¹¹

Fishermen are family food providers, but in order to be able to produce high quality seafood and maintain thousands of jobs in coastal communities, we need something to catch! Most of our people are now, or have been, salmon fishermen. However, every year for decades now, the long-term trend has been that there have been fewer and fewer juvenile fish surviving to come out of damaged west coast watersheds. Widespread habitat loss, massive forest liquidation and the destruction wrought by the thousands of west coast dams, many no longer cost effective or even needed, has now pushed many once abundant wild salmon runs to such low numbers that NMFS has had to put 25 separate and distinct runs of Pacific salmon and steelhead on the Federal Endangered Species list.²² In fact, ESA protections are all that now stands between many of these irreplaceable salmon runs and complete extinction. Several additional populations are also still under consideration for ESA listing, and will and should be listed unless we work in earnest to prevent their further declines and eventual restoration.

Thus, even though we are a heavily regulated industry ourselves under the ESA, we strongly support these listings and fully support maintaining a strong Endangered Species Act generally. We also support all efforts toward speedy recovery for these salmon runs. Extinction is not an option. Salmon extinctions mean economic extinction for many of our most important west coast fisheries supporting tens of thousands of fishing jobs as well as hundreds of rural fishing-dependent communities.

I have often heard statements from representatives of the very inland extractive industries that have caused and profited by the destruction of our salmon watersheds blame fishermen for the declines of the west coast's salmon runs. At best, these statements are disingenuous, little more than the fox blaming the geese for the sudden disappearance of other geese.

While there have certainly been instances of salmon overfishing in past decades, the facts show that at least since the passage of the Magnuson Act in 1976 in federal waters, and in California and other states decades before back to the late 1800's, west coast Pacific Salmon runs have been increasingly state and federally managed to target hatchery fish, not wild stocks, and that we are getting better and better at maintaining sustainable fisheries.

¹¹ A list of PCFFA member organizations is included as Attachment A.

²² For the current status of salmonid listing decisions see Attachment B, from the National Marine Fisheries Service web site: <http://www.nwr.noaa.gov/1salmon/salmesa/pubs/1pg300.pdf> For online maps of the many ESUs now listed see: <http://www.nwr.noaa.gov/1salmon/salmesa/mapswitc.htm>. For general information on the listings, see: <http://www.nwr.noaa.gov/1salmon/salmesa/specprof.htm>.

Today, only a very small portion of the total of all human caused salmon mortality can be attributed to fishing. So many once abundant fisheries are now closed already that meaningful salmon recovery simply cannot be achieved through more such closures. ESA listed coho salmon fisheries, for instance, were completely closed in California in 1994, and are now closed in all lower 48 coastal states. Even complete closure of all the rest of the salmon fisheries, which target hatchery fish, would provide only a very small benefit compared to the massive salmon mortality incurred at all the other stages of the salmon's lifecycle, i.e., in the watersheds. Blaming the fishermen for salmon declines today is like blaming the victim of a rape.

There are efforts underway everywhere to actually solve these problems, however, by protecting and restoring our watersheds and estuaries. Various state and local plans now exist for restoring depressed salmon runs and reinvesting in the natural resources which sustain them. However, particularly in this era of strained state budgets and budget deficits, the states cannot and should not go it alone.

The desperate need, as well as the value of providing matching federal investments to supplement ongoing state and local salmon restoration efforts, should be clear. The wanton destruction of this valuable economic and cultural resource is a national disgrace for which the federal government also bears considerable responsibility.

Reinvestment in our watersheds also makes excellent economic sense. As recently as 1988, just before the current collapses, salmon fishing in all its forms (sport and commercial) brought more than \$1.2 billion to the west coast economy outside of Alaska, supporting some 62,750 family wage jobs.³³ Though many of these jobs have now been lost or are at risk, a wise investment in this resource now will bring many of them back, helping to revitalize a whole region's coastal economy, and producing a multitude of other economic benefits for all.

Representative Mike Thompson's bill (H.R. 1157), passed overwhelming in the House on 13 June 2001 by a vote of 418-6, represents an important effort to commit the needed funds to help redress this economic disaster, and we commend him for his efforts. Representative Thompson has long been a friend of the fishermen. Likewise, so has Senator Barbara Boxer, whose S. 1825 is parallel to Representative Thompson's bill, with only slight differences. We thank them both for their leadership in restoring this economically and culturally important part of our west coast economies and the nation's oldest industry. Either of their bills would be acceptable, frankly, which puts us in the enviable position of being able to improve what are already good bills. Our comments, therefore, concern ways to merge these two bills into one, taking the best of both.

³³ From *The Economic Imperative of Protecting Riverine Habitat*, Pacific Rivers Council Report No. 5 (January, 1992).

APPROPRIATIONS VS. STAND ALONE BILL

There appears to be some continuing debate over whether these funds could be obtained directly through the appropriations process (as was done in previous years) or whether a separate authorizing bill is really necessary. We firmly believe there is ample authority under the ESA to fund the recovery efforts that the ESA requires through appropriations alone, if necessary. Every major salmonid species on the coast (including coho, chinook, chum, and steelhead) are now listed under the ESA in large parts of their range and for many genetically distinct major subpopulations (ESUs).⁴⁴ The geographic area in which they are listed ranges from San Diego to nearly the Washington-Canada border. The ESA, as you know, requires recovery plans for listed species, which necessarily implies the funds to make them a reality. Given that general and very broad authority, and given a past history of similar appropriations, a special appropriation to provide federal matching funds to assist ongoing state ESA recovery efforts makes perfect sense.

If there is any real question on this point, the Subcommittee Chair should refer the question to Legislative Counsel for a prompt opinion and proceed accordingly. What would be inappropriate would be to hold up the process of getting these desperately needed funds out to projects on the ground by allowing these kinds of trivial procedural questions to block the funding process itself.

A stand-alone bill also make perfect sense for authorizing this program for a longer period of time, such as five years, and providing it more structure and institutional strength. Such an authorizing bill would help prevent future confusion and would help maintain more stable funding – a desperate need for any salmon recovery program, which of necessity must be long term. Senator Boxer’s S. 1825 does just that.

In the interim, however, until a stand alone bill has been passed and signed, Congress should be pursuing both routes simultaneously. The real point is – get these programs the money and get the money to improvements on the ground. Don’t let the funding bog down in procedural complexities and side issues that, ultimately, are irrelevant.

All over the coast we need to be getting the restoration job done, and any delays would just further jeopardize fishing-dependent economies and make ultimate recovery that much harder as well as more expensive.

ASSURING ACCOUNTABILITY AND TARGETING PRIORITIES

A much more important issue is assuring that these limited funds are well spent on salmon watershed investments that make biological sense and which will give the most ‘bang for the buck.’ Specifically,

⁴⁴ Listings decisions are made on the basis of genetically similar subpopulations, called “Evolutionarily Significant Units” or ESUs.

we have been concerned in the past about the lack of guidelines to date to the states on how this money is to be spent. We worry that this money will simply disappear down a rathole on ineffective half-measures, much like what happened on the Columbia River, with little to show in the end in the way of increased fish populations. Moreover, our ability in the future to seek federal dollars for salmon could be seriously compromised if these funds are mismanaged. This is why we need a bill like S. 1825 or H.R. 1157, to provide “side bars” on how these funds will be spent, and to assure accountability.

Frankly, in California at least, we have already had some difficulty with previous federal salmon money already given that state. Counties, the timber industry and agriculture groups are all scrambling to grab these funds to cover, we fear, projects that may be ineffective or themselves damaging, or to merely subsidize industry’s existing legal obligations to mitigate impacts from their past operations (e.g., decommissioning logging roads) on fish and fish habitat. Many of the projects proposed in California have not in fact been for new projects, and some of the work being proposed is not even salmon-related.

Restoration plans and scientific standards are necessary, as are checks and balances to prevent waste and duplication. Those in the fishing-dependent communities in greatest need will have to bear the consequences of the Administration’s or Congress’s failure to provide the oversight necessary to assure that these limited funds are wisely invested. Both H.R. 1157 and S. 1825 require organized salmon restoration and recovery plans by state recipients for just that purpose.

SOME GUIDELINES REQUIRED FOR ACCOUNTABILITY AND EFFICIENT USE

We do not believe it necessary for the federal government to micromanage how the money is spent, but we do believe, at a minimum, that some common-sense guidelines are needed to keep these limited funds from being wasted. The guidelines we have recommend in the past in Congressional budget and/or bill language for these funds are as follows:

1. Funds should only be expended for work or projects conducted pursuant to an approved salmon fishery restoration or recovery plan which has had scientific review and which is likely to be biologically effective;
2. No funds should be expended for any work or project, in whole or in part, for salmon habitat restoration or to rebuild or restore salmon populations where there is an already existing legal or contractual obligation by another entity, public or private, to carry out or pay for that work or project, or to mitigate for past damage to the resource;
3. No funds should be used for any work or project for salmon habitat restoration or to rebuild or recover salmon populations unless there exist rules or regulations that reasonably assure that other activities near or adjacent to the work or project or within the watershed of the work or project will not

adversely affect, damage or destroy the work or project proposed for use of these funds.

The above common sense guidelines would, we believe, provide the National Marine Fisheries Service and states the necessary direction for developing memorandums of understanding with the states that would govern how these funds are best spent. Without these guidelines it would be next to impossible for NMFS agents in the region to negotiate strong MOUs with the states that will, in fact, help the fish. These or similarly helpful guidelines are in both H.R. 1157 and S. 1825 in various forms.

SALMON RESTORATION PLANNING IS NOT DIFFICULT -- REQUIRING A PLAN WILL SUPPORT EFFICIENT IMPLEMENTATION

Provisions in both H.R. 1157 and S. 1825 would require, as a prerequisite to receiving funds under this program, that there be a state approved salmon restoration and protection plan. Oregon has long since developed and is currently implementing a comprehensive statewide salmon and steelhead recovery plan (the 'Oregon Plan' – see website at: http://www.oregon_plan.org). <http://http://www> Among other things the Oregon Plan contains the following elements:

- (1) Both statutory and Administrative support – the Oregon Plan was created by both statute and Executive Order of the Governor;
- (2) Independent scientific review and oversight – an Independent Multi-Disciplinary Science Team (IMST) was created by statute to assure the scientific legitimacy of the plan, to assure that recovery measures were biologically sound and to oversee monitoring and adaptive management efforts over time;
- (3) A source of permanent funding – in addition to Legislative funds each year, some \$44 million a year was dedicated to the Oregon Plan by a statewide ballot initiative (Measure 66) in perpetuity;
- (4) A system of screening and prioritizing projects -- There is a clear project review process intended to get the best use of funding;
- (5) Comprehensive -- the Oregon Plan is state-wide, involving both salmon and steelhead, and directly involves the counties while assuring cross-county consistency.

Washington State also has most of the elements of a similar comprehensive recovery plan, including a screening and prioritization process for grants, and scientific oversight. Neither Oregon nor Washington would have significant problems meeting the minimal accountability and effectiveness criteria set forth in S. 1825. Nor would Alaska, given its very active and committed Department of Fish and Game and the models of both Oregon and Washington to emulate. States with already existing plans have already

done their homework, and should be allowed to have those plans expeditiously reviewed and signed off on by the NMFS and other federal agencies so they can start receiving those funds.

Unfortunately, even today California has no statewide salmon and steelhead restoration plan, though several counties have combined to create a regional plan. As to California, requiring appropriate planning and accountability as does language in both H.R. 1157 or S. 1825 – or alternatively, comparable language in any appropriations or budget report – as suggested above could only benefit the salmon resource, save federal taxpayers money by targeting investments wisely for the greatest return, and serve to provide California a strong incentive to make sure that there is in fact a California state recovery plan in place as soon as possible.

SOME IMPROVEMENTS THAT WOULD RESULT FROM INTEGRATING BOTH BILLS

There are some differences between the two bills (S. 1825 and H.R. 1157) that should be reconciled, and the best of each incorporated into a consolidated bill perhaps through the vehicle of S. 1825. The principle changes that could be made are as follows:

(1) A Standard for Recovery: The goal of salmon recovery is clearly the direction of all our efforts. However, it is often unclear just what “recovery” means in these contexts, and so it is important to have a standard or goal in mind within the statute itself. This standard appears most clearly in H.R. 1157, Sec. 11, with a reference to the declaration of July 2000 of the four Governors of Idaho, Montana, Oregon and Washington that established that the recovery goal should be “to protect and restore salmon and other aquatic species to sustainable and harvestable levels” while meeting the standards of all applicable laws.

The Four Governor’s Declaration is the clearest statement yet of the desired goals for salmon recovery programs ever produced in a policy paper, and Section 11 of H.R. 1157 should be incorporated verbatim into S. 1825. Indeed, recovery to “harvestable levels” is the only goal that makes economic sense, as it is the only way that the economic investment in salmon recovery can be recovered – ultimately many times over – by society. The ESA goal of just enough of a population to keep them (barely) off the endangered species list will lead only to museum runs, and the four Governor’s clearly recognized this in their joint statement.

(2) State to State Flexibility of Planning: The status of salmon recovery plans varies considerably from state to state, with Oregon’s the most developed and California’s the least. Approval of a state’s existing salmon recovery plan, particularly those most developed, should be expedited under this process to avoid bureaucratic barriers to success, while those states that have not yet adopted a statewide plan should be required to pass through all the steps outlined in S. 1825.

Oregon, for instance, already imposes two levels of scientific peer review on its salmon recovery plan, first at the statewide level through its legislatively created Independent Multi-disciplinary Science Team (IMST), and second at a project level for each project. Additionally, its internal guidelines for stream restoration projects have already been peer reviewed and approved by the National Marine Fisheries Service (NMFS), which has worked in close collaboration with the State of Oregon throughout the process. Asking a third level of review would be redundant and unnecessary, and I am sure this was not the intent of the language in S. 1825. If a credible and independent scientific review processes is already in place, this should be recognized as potentially sufficient to meet these requirements. We believe this was the intent of S. 1825 language to that effect, but minor wording changes could be made to more clearly state that intent.

(3) Accountability and Annual Funding Plans: There should be some provision for the submission of existing state salmon recovery and funding plans and their meeting these accountability criteria and annual spending plan requirements of S. 1825. Again, the State of Oregon, which has a well developed salmon recovery plan now being implemented, including ongoing funding mechanisms, could easily use its existing procedures and documents to meet these conditions, and it should be made clear that there is no need for redundant documents when the same documents can serve both functions. Some language allowing states to submit existing and approved statewide recovery and funding plans to satisfy those requirements in S. 1825 is a good idea to prevent such duplications.

(4) Level of Funding: We believe that the proposed level of funding authorized in S. 1825, \$350 million per year for five years, split among the various states and Tribes as indicated in the bill, is the correct amount. Remember that these funds are an investment. Eventually these funds invested will help restore a billion dollar a year west coast fishery, and will thus be repaid as dividends to the regional economy and to coastal communities many times over.

We caution, however, that these funds should not be seen as *in lieu* of additional and much needed separate funding for the Columbia River salmon recovery plan now in place, the CALFED process underway to help restore the aquatic ecosystem of the California Bay Delta, or any other existing salmon protection program. We need to do all of these things, and these other restoration programs are also required by other statutes. The funds designated in S. 1825 (and similarly in H.R. 1157) are intended to fill the gaps in funding primarily for coastal and other salmon restoration efforts that currently cannot be met.

Summary: Overall, these problems are minor wording and clarification issues, and may be merely differences in interpretation. Certainly the structure of S. 1825 is excellent, and the concepts of accountability and peer review are sound and necessary. Only minor changes need be made to promote the kind of state-by-state, from-the-ground-up, recovery planning process that recognizes that one size will not fit all circumstances.

PCFFA strongly supports S. 1825 in concept, and believes it will be a long step forward toward

making cost effective and economically beneficial use of salmon restoration funds that will greatly help our hard pressed coastal fishing communities and economies.

**SUMMARY: SALMON RESTORATION IS AN
INVESTMENT THAT WILL REPAY ITSELF MANY TIMES OVER**

Salmon are a self-reproducing and extremely valuable national resource that mean jobs and dollars in every west coast coastal and many inland communities. Well targeted investments in salmon habitat restoration, coupled with efforts to curtail or mitigate factors which lead to their loss, will without any doubt return many dollars on each dollar invested – *if invested wisely*.

However these funds are provided – whether solely by an appropriation, or through longer term funding through specific authorizing legislation, or some combination of both – this Congress and the implementing agencies have an obligation to the federal taxpayers, and to coastal communities, to see that these funds are wisely and effectively spent in accordance with the common sense criteria presented above or their equivalent. We believe that either S. 1825 or H.R. 1157, and preferably a bill combining the best of both, is the best route to follow and will greatly benefit the whole west coast regional economy.

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