

# NORTHWEST SALMON RECOVERY

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**JOINT HEARING**  
BEFORE THE  
SUBCOMMITTEE ON INTERIOR  
AND RELATED AGENCIES  
COMMITTEE ON APPROPRIATIONS  
UNITED STATES SENATE  
AND THE  
SUBCOMMITTEE ON INTERIOR  
COMMITTEE ON APPROPRIATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED SIXTH CONGRESS  
FIRST SESSION  
**SPECIAL HEARING**

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## CONTENTS

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	Page
Statement of Hon. Gary Locke, Governor, State of Washington .....	1
Opening remarks of Senator Slade Gorton .....	1
Opening remarks of Representative Norm Dicks .....	3
Opening remarks of Senator Patty Murray .....	5
Opening remarks of Senator Ted Stevens .....	6
Opening remarks of Representative Jim McDermott .....	7
Opening remarks of Representative Adam Smith .....	8
Summary statement of Hon. Gary Locke .....	9
Statement of Robert Anderson, president, Mid-Sound Fisheries Enhancement Group .....	14
Statement of Al Adams, president, Hood Canal Fisheries Enhancement Group .....	14
Statement of Roger Braden, Chelan Public Utility District .....	14
Statement of Hank Sitko, executive director, Northwest Marine Trade Asso- ciation .....	14
Statement of William Ruckelshaus, Madrona Investment Group .....	14
Statement of Ed Owens, Coastal Fisheries Coalition .....	14
Summary statement of Robert Anderson .....	14
Prepared statement .....	18
Summary statement of William Ruckelshaus .....	20
Prepared statement .....	21
Salmon conservation in the Pacific Northwest: The need for more effective coordination in the development of recovery plans .....	21
Ensuring science-based action .....	22
Designing an effective recovery strategy .....	23
A new institutional arrangement for salmon recovery .....	24
Summary statement of Al Adams .....	25
Prepared statement .....	27
Summary statement of Roger Braden .....	27
Prepared statement .....	29
Summary statement of Hank Sitko .....	30
Prepared statement .....	33
Harvest .....	33
Hatcheries .....	33
Habitat .....	34
Summary statement of Ed Owens .....	35
Prepared statement .....	37
Endangered Species Act .....	38
Statement of Bill Wilkerson, Washington Forest Protection .....	45
Statement of Linda Johnson, Washington State Farm Bureau, Washington Cattlemen's Association .....	45
Statement of Mike Miller, president, Pacific Properties .....	45
Statement of Robert Kelly, Nooksack Tribe .....	45
Statement of Tim Stearns, Save our Wild Salmon .....	45
Statement of Conrad Mahnken, National Marine Fisheries Service .....	45
Summary statement of Bill Wilkerson .....	45
Prepared statement .....	47
Key points of the agreement .....	47
Pesticide application .....	48
Wetland protection .....	48
Watershed analysis .....	48
Alternative plans .....	48
Small landowners .....	48
Revisions to the permit process .....	49

VI

	Page
Enforcement .....	49
Adaptive management .....	49
Assurances .....	49
Funding .....	49
Summary statement of Linda Johnson .....	49
Prepared statement .....	51
Federal funding to the State for habitat restoration .....	52
Federal funding to in-State Federal agencies for predation .....	52
Federal funding for buy-back of commercial and tribal licenses .....	53
Key points of the forests & fish agreement .....	53
Riparian protection .....	53
Westside riparian strategies .....	53
Eastside riparian strategies .....	54
Unstable slopes .....	54
Northwest Indian Fisheries Commission .....	54
Tribes encouraged by forestry pact discussions .....	54
Questions and answers on forests and fish .....	55
Summary statement of Mike Miller .....	57
Prepared statement .....	59
Summary statement of Robert Kelly .....	61
Prepared statement .....	62
Summary statement of Tim Stearns .....	63
Prepared statement .....	65
Summary statement of Conrad Mahnken .....	67
Prepared statement .....	69
The present hatchery system .....	69
Hatchery and wild fish interactions .....	69
The changing role of hatcheries .....	69
Hatchery reform .....	70
Statement of Bob Drewell, Snohomish County executive .....	73
Statement of Ed Hansen, mayor of Everett .....	73
Statement of Jim Buck, Washington State representative .....	73
Statement of Debbie Regala, Washington State representative .....	73
Statement of Ed Thiele, Okanogan County commissioner .....	73
Statement of Louise Miller, King County council .....	73
Summary statement of Bob Drewell .....	73
Prepared statement .....	76
Summary statement of Ed Hansen .....	77
Prepared statement .....	79
Habitat .....	80
Unfunded mandate .....	81
“Harvest” recommendation .....	81
Coordinating effort .....	84
Summary statement of Representative Jim Buck .....	84
Summary statement of Representative Debbie Regala .....	86
Prepared statement .....	88
Summary statement of Ed Thiele .....	89
Prepared statement .....	91
Needs of eastern Washington .....	92
Summary statement of Louise Miller .....	93
Prepared statement .....	95
Watershed level resource protection King County Waterways 2000 .....	95
How money should be spent .....	97
Statement of Will Stelle, National Marine Fisheries Service .....	105
Statement of Curt Smitch, special assistant to Governor Gary Locke on natural resources .....	105
Statement of Billy Frank, Northwest Indian Fisheries Commission .....	105
Statement of Bob Lohn, Bonneville Power Administration .....	105
Statement of Tom Dwyer, U.S. Fish and Wildlife Service .....	105
Summary statement of Will Stelle .....	105
Prepared statement .....	108
The coastal salmon initiative .....	108
The science initiative .....	109
Prepared statement of Hon. David Anderson, P.C., M.P., Canadian Minister of Fisheries and Oceans .....	109
Summary statement of Curt Smitch .....	112

VII

	Page
Summary statement of Billy Frank .....	114
Prepared statement .....	116
Summary statement of Bob Lohn .....	118
Summary statement of Tom Dwyer .....	120
Prepared statement .....	123
How the fiscal year 1999 salmon money was spent .....	123
How all the federal agencies are coordinating with regard to the impacts of salmon and bull trout listings .....	124
What the Pacific Northwest will face in the coming year as a result of the listings .....	124
How the agencies will make ESA compliance easier .....	125
What Federal and local needs are to be met to conform to the demands of the listings .....	126
How bull trout and salmon habitat needs do or don't overlap .....	127
How HCPs will address the needs of bull trout and salmon .....	128
New State employees .....	129

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**WEDNESDAY, APRIL 7, 1999**

U.S. SENATE, SUBCOMMITTEE ON INTERIOR AND  
RELATED AGENCIES, COMMITTEE ON APPROPRIATIONS,  
AND HOUSE OF REPRESENTATIVES, SUBCOMMITTEE  
ON INTERIOR, COMMITTEE ON APPROPRIATIONS,  
*Seattle, WA.*

The subcommittees met at 10:30 a.m., in the auditorium, Seattle-Tacoma Airport, Seattle, WA, Hon. Slade Gorton (chairman), Senate Subcommittee on Interior and Hon. Norm Dicks (chairman), House of Representatives Subcommittee on the Interior, presiding.

Present: Senators Gorton, Stevens, and Congressman Dicks.

Also present: Senator Murray, Congressmen Adam Smith and McDermott.

### **NONDEPARTMENTAL WITNESSES**

#### **STATEMENT OF HON. GARY LOCKE, GOVERNOR, STATE OF WASHINGTON**

##### **OPENING REMARKS OF SENATOR SLADE GORTON**

Senator GORTON. Can we get everyone to take a seat, please, so that we can start on time? We have a lot of people to hear from today.

Thank you all very much for your attention and for your attendance. And I want to welcome all of my colleagues, the number of which indicates the importance of this hearing, not just to the community, but to members of Congress as well. Welcome, also, to all of the people who are going to testify before us here today on salmon recovery in the Northwest.

This is a joint hearing of the House and Senate Interior Appropriations Subcommittees. I am chairman of the Senate Subcommittee; Congressman Dicks is the ranking Democratic member of the House Subcommittee. Of course, Senator Stevens is the chairman of the entire Appropriations Committee in the Senate, and is of particular importance to us and has a great interest in the subject.

Northwest salmon populations have declined dramatically from historical levels. Even since 1990, a number of fish runs have been listed under the Endangered Species Act. With the recent addition of nine more runs to this list just last month, virtually every section of the State of Washington is now affected by this process, including the heavily populated Puget Sound region. In fact, the recent listing of Puget Sound chinook marks the first time that a

major urban area has been directly impacted by the Endangered Species Act.

The reasons for the decline in salmon are complex, but and vary from watershed to watershed. What has impressed me most in my travels across the State, however, is the recognition by Washingtonians of the importance of restoring salmon runs. Rather than focusing on past differences, farmers, conservationists, homebuilders, small businessmen and women, and locally elected officials are working together to reverse the declining trend of these magnificent fish. It's appropriate to commend everyone here today who has contributed to this effort already.

People in Washington State are coming together in unprecedented ways. For example, the Avista Corporation in Spokane provides an example of the importance of collaboration among all affected interests in recovering salmon populations. Avista has worked closely with agencies, tribes, and conservation organizations to relicense its hydroelectric projects on the Clark Fork River. This spirit of cooperation has led to a landmark recovery plan for the recently-listed bull trout populations. The agreement allows Avista to continue operating its hydro projects while it supports habitat and fishery restoration. This approach may not exactly fit the situation in Puget Sound, but it is a clear example of what can be achieved when all interested parties work together at the local level rather than leaving exclusive control in the hands of federal agencies 2,500 miles away.

I am also encouraged by a growing sentiment in our region that we need to focus on clear, measurable performance standards in terms for salmon recovery. What I hear is an emerging body of opinion that I believe is on the right track. Let me give you some ideas that I believe should guide us as we continue to work toward broader consensus.

First, we must define success. We need clear, measurable goals defined as a percentage of juvenile passage and a percentage of adult returns to spawning grounds.

Second, after we establish clear measurable success standards, someone, preferably at the State or local level, must be empowered to establish a specific plan to achieve those defined goals. This reform will then encourage the least-cost measures first rather than the most expensive.

Third, we must protect State water rights, and at a minimum, we must ensure that private property is only transferred on a willing buyer, willing seller basis, and that the value of private property not acquired is not destroyed.

And fourth, restoring our rivers and streams in the Northwest will not be enough to save our salmon. Salmon spend less than one-third of their lives in the river and the rest in salt water. The federal government must reform harvest practices and predator control or we will not succeed in restoring weak salmon runs.

The purpose of this hearing, however, is to hear from you, and to get on record the great work being done in our State to restore salmon habitat. Holding a public forum like this will enable all of us sitting here to make an even stronger and more compelling case to our colleagues in the House and the Senate on the merits of your

efforts. Some of the questions I intend to ask our witnesses today include:

How will different localities and States within our region coordinate efforts to ensure the most effective regionwide recovery possible?

Who will determine which projects receive federal funds and which ones don't?

What's the role of federal agencies and Congress? Does Congress need to pass legislation to help implement some of the broadly supported goals we've outlined above?

What can be done to expedite approval and on-the-ground implementation of recovery projects?

As Chairman of the Senate Interior Appropriations Subcommittee, I've worked hard with Congressman Dicks and the rest of our Congressional delegation to secure initial funding for this effort last year. We continue to work for a substantially greater amount of funding for the coming year. In order to be successful in securing the necessary funds, however, we must build a solid record of success in on-the-ground salmon recovery efforts. This can only be accomplished through your continued efforts and through a process that enables you enough flexibility to get the job done in ways that work best in each of our communities.

With that, I look forward to a thought-provoking and informative hearing. We must continue to work and talk with all of those who share our goal of preserving both our salmon resource and our way of life in the Northwest. I've learned a great deal from many of you in this room, and want to continue to hear from you so that I can make the best case for salmon recovery in the Northwest.

And with that, I recognize as the co-chairman of this hearing my friend and colleague, Congressman Dicks.

#### OPENING REMARKS OF REPRESENTATIVE NORM DICKS

Mr. DICKS. Thank you very much, Mr. Chairman. Good morning. I would like to start by giving my thanks to Senator Gorton for proposing this hearing and for asking me to participate with him. As the new ranking minority member on the House Interior Appropriations Subcommittee I'm looking forward to the role Senator Gorton and I will be able to play in helping the region respond to the salmon listing.

I am particularly pleased that Chairman Stevens could be here today. He has been a real friend of the Pacific Northwest. We will need his help and leadership both on funding and on the crucial need for a United States/Canada agreement under the Pacific Salmon Treaty. We are both very pleased that so many of our colleagues are able to join us here today.

I also would like to welcome Governor Locke, who has shown strong leadership in addressing the salmon decline. And as we extend our appreciation for the individuals and groups who will be providing testimony for us today, we thank you for your commitment of time and effort, and your plan to restore these vital salmon runs.

I'm pleased that we are here today to listen to the region firsthand. I think it is imperative that Congress fully understand the significance of these particular listings under the federal Endan-

gered Species Act. People in the region have probably heard this before, but this point is extremely important: there has never been an ESA listing impacting such a large urban area, and the species itself is one of the most complex ever listed. We will need to pool our efforts and our expertise if we are to be successful in the recovery of these fish, but we will need help.

As many of you are aware, Senator Murray and I, with the support of all of our colleagues, asked President Clinton and Vice-President Gore to include funding for the Pacific Coast Salmon Recovery Initiative in the Administration's budget for the fiscal year 2000. These funds, \$100 million, if appropriated—that's where we need Senator Stevens' help—will provide critical support to our local governments and tribes as we implement restoration activities in the Puget Sound area.

Last year Senator Gorton was able to include \$20 million in the Senate Interior Appropriations bill, which I was able to keep on the House side. This initial funding will provide the State the ability to act quickly in response to the listing, but we know that ultimately recovery will be a multi-year effort. It is my hope that we can look at our experiences with the Northwest Forest Plan, both its successes and failures, and structure the salmon recovery money in a similar fashion with a strong federal commitment.

But any federal commitment must be a partnership with the region. The proposed salmon money requires a State match. You have our assurance that we in the Congress will do whatever we can to get the money appropriated, but if the State match is not made, Washington and other States will not be eligible for these funds.

The salmon recovery fund is crucial, and I believe it is crucial that we reach agreement with Canada in the Canada/United States Pacific Salmon Treaty. Fisheries managers tell me that nothing will get fish into our rivers faster than a solid ten-year management agreement with the Canadians. We have been making good progress so far this year, and the Canadian government should be complimented on its prior implementation of stringent harvest reductions. The agreement last year between Canada and Governor Locke helped to bring back more salmon to Puget Sound rivers. A new agreement with Canada is essential. The Clinton administration, at our urging, has made this a top priority.

We must also recognize our commitment and legal obligation to the Pacific Northwest tribes. I am please that my good friend Chairman Billy Frank of the Northwest Indian Fisheries Commission will join us today, and look forward to his testimony. As co-managers of our State's fisheries, we must act in tandem with the tribes on any and all recovery strategies. To that end, I want to compliment the Tri-County effort and the participating tribes for their cooperative and highly successful leadership. I hope your effort can serve as a model as we expand our efforts.

I also want to briefly mention a creative program which I think can help us tremendously in the protection of habitat and restoration of salmon runs. The Conservation Reserve Enhancement Program will help private landowners receive compensation for the habitat they set aside, and can also apply for matching monies to provide enhancements such as shading, vegetation, erosion control

measures, and larger buffers around fish-bearing streams. I think it is imperative that we look at all areas of concern to salmon and believe that an excellent example of creative problem-solving can be achieved through the Conservation Reserve Enhancement Program.

Finally, I applaud the timber, fish, and wildlife approach, the so-called Forest Module, as an example of working together.

Finally, to Al Adams and the Hood Canal Salmon Enhancement Group, and frankly, to all of the salmon enhancement groups in our State, I think you are doing a tremendous job, and the funds that we're trying to get are there to help you at the local level as you make the efforts to restore these runs.

It is my hope that this hearing will help us clarify and focus our efforts on the massive task of recovering these fish. I look forward to hearing the witness testimony, as well as any additional testimony for the record.

Mr. Chairman, I am proud to be with you here today.

Senator GORTON. Thank you. Senator Murray.

#### OPENING REMARKS OF SENATOR PATTY MURRAY

Senator MURRAY. Thank you, Mr. Chairman. First of all, let me thank you and Congressman Dicks for putting together this hearing in our region on a very critical topic that all of us are working very hard on. And I particularly want to thank Senator Stevens for being here with us today to hear the input from the State of Washington and this region on an issue that has really brought a lot of people together. And I want to thank all of our congressional delegation as well, who have joined us today.

And I of course want to applaud this tremendous audience for coming today. I think it shows all of us how important it is to many people in the State of Washington, and we appreciate all of you coming today to be here to be part of this.

I really want to applaud our region's overall reaction to the ESA listing of salmon. We have been faced with a tremendous challenge in our State, in our counties, our cities, our tribes, and local interest groups who have all come together to face the challenge of salmon recovery. We have known for over a year that these listing are going to be coming, and for a year, many people in our State have been working together in collaboration to develop the best plans possible to recover the salmon.

It isn't surprising that in the face of such a challenge, that we've had some disagreements, and that some may be concerned about the pace of planning and recovery activities. I, for one, share the concern of many that the State legislature has not yet appropriated the money necessary so they can get the matching dollars that we hope to obtain, and I would encourage them to move forward quickly on that.

But I think we all have to remind ourselves that the best opportunity to protect our economy and our quality of life in the Pacific Northwest is to work together, and that's why I am really pleased to see all of you here, and the excellent panels that have been put forward that we'll be hearing from today.

The hardest work lies ahead of us, and there is a lot we must do. I am committed to working with Senator Gorton, Congressman

Dicks, Senator Stevens and others from this region to put in place and meet the President's budget initiative of \$100 million for salmon recovery. But I think we also have to remember, as Congressman Dicks pointed out, that we need to get our United States-Canada treaty signed, and I'm hopeful that we can set aside our differences and move forward on that quickly.

And I of course have to mention designating Hanford Reach as a wild and scenic river. Preserving the last 51 mile stretch of the river for salmon spawning would be a very important step forward, and I hope that as a delegation and as a region we can move forward on that in this session of Congress.

It's clear that the ESA listing of salmon can potentially affect every aspect of everyone's life here, and we're all going to have to revisit how we conduct our business, the way we grow as a population, the way we play and recreate, and examine the detrimental effects that those activities may have on salmon recovery and the long-term protection of other species. But I believe that, in the end, what is best for the salmon will likely be best for us and for our children's future. If we continue to make progress as we have over the past year, I believe that our listed salmon can recover, and that our overall State interests will be protected.

Mr. Chairman, I will have to leave early because of previous engagements, but I really appreciate your bringing this hearing together, along with Congressman Dicks and others, and look forward to reading all of the testimony at the end of the day. So thank you very much.

Senator GORTON. Thank you. Senator Stevens.

#### OPENING REMARKS OF SENATOR TED STEVENS

Senator STEVENS. Thank you very much, Mr. Chairman. I am delighted to be here not only as a representative of Alaska, but as the chairman of the Appropriations Committee.

I believe that Alaskans, and I hope that everyone in the region agrees that we consider the fishery resources, particularly our salmon of the North Pacific and the Pacific, to be a national treasure, and that those of who live in the area are really stewards of that treasure. And I'm here to pledge to you my support, and I believe Alaska's support, in your efforts to help restore the salmon runs here in your part of the area.

There is no question with what both of you, or I think all of you, have said, that it's necessary for us to make sure this is an international and totally regional approach to restoring the salmon runs. I do believe that Congress will be very receptive of the request for the money for this purpose, and I hope we can add some money to assure that we can really bring the Canadian groups, not only the sports fishing and commercial fishermen, but all of the participants in the Canadian area to the table, along with our Indian and Native friends, and try to make this a total regional protection concept and restoration concept for our salmon resources.

But I congratulate you, too, Slade. I think it's a very timely thing to do, and I'm certain that the testimony we're going to hear today will help us all obtain the funds that will be necessary to proceed. Thank you very much.

Senator GORTON. Thank you. Congressman McDermott.

## OPENING REMARKS OF REPRESENTATIVE JIM MC DERMOTT

Mr. McDERMOTT. Thank you, Mr. Chairman.

I first want to thank Senator Stevens. It's an exemplary position for somebody to come from another State, and sit and listen to our problems, and we're very grateful to you for taking the time to do that. I think both Senator Gorton and Congressman Dicks are to be commended for putting this hearing together.

The need to save an endangered species and an endangered ecosystem is not a new phenomenon for any of us here in the Northwest. The tradeoff between protecting our forests and the forestry resource industry has occupied Washington and Oregon and its politicians and policymakers for a long time.

This listing doesn't come as a surprise. For years we have seen the populations of salmon decline. Someone who's been around Lake Washington, as I have, for thirty years, has seen what has happened in that area alone. And we've known for months that federal protection would be afforded the salmon species in Puget Sound.

Local officials, tribal governments and others have been working hard on solutions to the listing of the nine species of salmon and steelhead under the Endangered Species Act, which is really the first listing under the ESA in an urban area. And I want to commend the local officials who have taken on this complicated challenge of all the overlapping jurisdictions, and all who have risen to this challenge.

In the federal government, I believe it's our duty to make sure you have the resources to put your plans into action and to ensure that the National Marine Fisheries Service and the Fish and Wildlife Service have the budgets to carry out their work.

This is true also of State officials. I called Sid Snyder yesterday trying to get the number that was in the Senate budget, and there is no Senate budget yet, so there's still time to work on the State legislature about getting their money in. It's time the State government really stepped up to its role as a co-manager of the fishery and provided the needed funds to manage the other programs.

Now, you just have to look at all the factors causing this danger to the salmon supply to see how difficult a situation we face. The National Marine Fisheries Service cited deteriorating watershed and stream conditions, habitat degeneration, dam construction and operation, harmful hatchery practices, and overharvesting all as contributing toward the plight of fish in this area. This didn't happen overnight. This is not something that started two weeks ago or a month ago. It is a reflection of decades of inadequate stewardship, and a situation in which various government agencies and governments responsible for the fishery have lacked either the necessary tools or the coordination to work together.

This has occurred, in part, because so many of us have an interest in fish. We can't have it all. We can't have a full harvest, unlimited use of hydroelectric power, development, forestry, sport fishing, and irrigation, and still preserve the fishery. For us to reach a solution, all of those interests are going to have to give a little, and we'll have to put together a combination of components,

education, financial incentives, restoration, and new rules and regulations in our final outcome.

Now, some of you might say that it's easy for a congressman who represents the City of Seattle to talk about this, that the sacrifices that we make in an urban area may not be as difficult as they will be for salmon recovery plans in other parts of the State. I don't agree with that. We could face higher energy costs, restrictions on water use, and limits on development and real impacts in the urban area. And this is the first time that a State, and a major metropolitan area, have had to face that. I think it's very important for people to understand that. We are all in this together, and that's why I'm pleased to have these five panels here today representing State and federal officials, the tribes, the environmentalists, and all the industries that are involved, and I look forward to hearing from the panels as we set about this next stage of the work.

And again, I want to thank Senator Gorton and Congressman Dicks for having this hearing.

Senator GORTON. Congressman Smith.

#### OPENING REMARKS OF REPRESENTATIVE ADAM SMITH

Mr. SMITH. Thank you, Senator Gorton. And I want to thank Senator Gorton and Congressman Dicks for bringing this hearing together, and also for their leadership on this very important issue; and also thank Senator Stevens for coming down to this hearing as well. Since he's going to have a major impact on this issue for all of us, I appreciate his interest and involvement.

Obviously this is an issue of dramatic importance for the entire region. I'm not going to just, you know, say everything that has already been said, because I think the people who have gone before me have outlined the issue very, very well, and I'll associate myself with those remarks. I think it's a pretty good summary of the issue.

What's most important, as I see it, is broad cooperation throughout the region, State, local, and federal, and all interested parties. I do think that the efforts of the Tri-County area to do that set a pretty good model for the rest of the region trying to follow in their footsteps and bring that same level of cooperation to this problem, which will be critical. And obviously, as well, adequate funds are important at both the State and Federal level, just as a starting point.

I think those are the most important issues. It is a very significant challenge we face to try to save the salmon, but it's one that I think we can meet. The leadership that we've received, not just from the panelists here but from all those of you in the room over the last couple of years, actually, as we've built up and approached this issue, has been outstanding. We're just going to need a lot more of it, and obviously it's going to be a very significant challenge that we must step up to.

And with that, I'm anxious to hear the testimony. Thank you, Senator Gorton.

Senator GORTON. Thank you.

## SUMMARY STATEMENT OF HON. GARY LOCKE

We are now going to begin the hearing and hear from Governor Locke.

I will say, while the governor is approaching, because of the length of this hearing and the number of witnesses and the fact that we have written statements from almost all of them, we're going to ask witnesses to limit their comments here orally to five minutes each so that we'll have plenty of time to ask questions.

That limitation, however, does not apply to you, governor. We will hear from you, because of your vitally important role in this, for whatever time you wish to speak to us.

Governor LOCKE. Well, thank you very much Senator Gorton and Congressman Dicks for convening this summit. And it's a pleasure to see Senator Patty Murray and Senator Stevens from Alaska, and to have on the dais and also participating, Congressman McDermott and Congressman Adam Smith. I will assure you that my comments will be shorter than five minutes, and seeing the red and green lights reminds me of the time when I was in courts, the court of appeals and supreme court, arguing appellate cases, and I know very much what those lights mean.

I'm very, very grateful for the bipartisan recognition that wild salmon are an irreplaceable treasure of the Pacific Northwest and for our Nation as a whole. The salmon, wild salmon, are in fact part of our—a very important part of our economy, as well as icons of the quality of life that we so much cherish here in the Pacific Northwest, and we want you to know that we are working hard to achieve bipartisan solutions in the recovery of wild salmon in our State capital in Olympia.

Our administration is committed to restoring Washington's wild salmon to healthy, abundant, harvestable levels, both commercially and for recreation. And to do this, we've been working with the tribes, stakeholders in every corner of our State to develop a long-term strategy. And we're refining it now, and based on what the legislature does to our proposal, we anticipate sending it to the National Marine Fisheries Service this coming summer.

But I have to tell you that we've also passed legislation in 1998 that has already established a State-wide watershed planning process. It's already provided grants to local groups who are restoring habitat. We've created a multi-agency Salmon Recovery Team that reports directly to me, and we've also created a Joint Cabinet on Natural Resources and a Government Council on Natural Resources that brings together people from local governments, State agencies, and the tribes.

The 1998 legislation was a good start on watershed planning and voluntary actions, but we know that won't be enough. NMFS has made it very clear that they will require us to do much more, and to provide a much higher level of both substance and certainty. And that's why we're working with the State legislature this year to win passage of legislation to deal with other land and water management issues as well as enforcement of our existing laws, laws already on the books.

One bill will assure more salmon-friendly timber harvesting practices, and I'm very optimistic that that will get through the legislature and be approved by our State Forest Practices Board.

A second piece of legislation will ensure that we get more water in the streams when and where fish need it, while at the same time ensuring that communities and people have the water they need to grow. We are also working with the legislature to pass a salmon recovery budget. This is essential to implementing our State strategy, but also to meeting the federal matching requirement.

And we're doing all this because for us, extinction of wild salmon is not an option. We're committed to the recovery of wild salmon, but we cannot do this alone. We need the federal help—or, we need federal help in two ways.

First, we need federal funding, and we have devoted significant State and local resources to this effort, and we will continue to do so. And our budget proposal calls for \$100 million in State funds over the next two years, both new money, operational money, as well as money for projects on the ground.

But we cannot succeed without federal help. We appreciate the President's initial commitment to this effort, but frankly, we need more, and so we very much applaud the advocacy of even more dollars by members of the Northwest delegation, Senator Gorton and Congressman Dicks.

Second, we need a long-term United States-Canada agreement that will protect our most vulnerable wild salmon runs from harvest. Canadian Minister Anderson and I came to short-term agreements that have proven the benefits of conservation and putting fish first. Our agreements have resulted in many more wild salmon returning to rivers both in Canada and the State of Washington, and now we need help from you and the White House to ensure that a long-term treaty will make this the norm, rather than the exception.

We respect and support the Endangered Species Act. At the same time, we want to control our own destiny, and frankly, we believe that we here in the State of Washington and in the States, all the States of the Pacific Northwest, can do a better job of salmon recovery than a federal judge or the federal agencies. We hope that you'll agree, and we very much thank you for your help in trying to help us succeed. Thank you every much.

Senator GORTON. Governor Locke, if I can ask the first question. Though I think it is implied in all of the statements so far, including your own, what do you see this, say, four-way relationship being? What kind of division of responsibilities among the federal government, your office and your appointees at the State level, all of the local government efforts, and the participation of citizen volunteer groups? How much of the money, for example, that we appropriate and that you match will get down to local governments and to these citizen volunteer organizations? Would you sort of describe what you see the responsibilities of each of these levels being?

Governor LOCKE. We have proposed roughly \$100 million. Fifty of that is operational money.

Senator GORTON. What do you mean by operational money?

Governor LOCKE. Well, that'll be enforcement, that'll be studies and grants to local governments. We're not proposing to use \$50 million in State dollars to create a huge bureaucracy or to have a lot of employees. And the \$50 million that we propose in terms of construction, both the transportation dollars and dollars, are all projects on the ground. But we know that local governments and some communities that are much smaller and don't have their own staffs are going to need scientific support. They're going to need help in conducting studies and evaluating the projects. We also know that the members of Congress are going to want to know that their dollars are going into projects as well.

Whatever we do has to demonstrate to the public and to the member of Congress and people all across the country that this money is not wasted, that the money is actually going to go into projects that have demonstrable measurable improvement for habitat and the recovery of salmon. That must be our ultimate measure. And we know that in Olympia we don't have all the expertise, nor are we trying to decide salmon recovery efforts out of Olympia. So for instance, when you all in the Congress were able to obtain some \$20 million just last year, most of that money went out to the various regions of the State, and we depended on the local governments to identify which projects would be most successful and have the most impact in restoring salmon runs. That's basically what we're envisioning with the combination of State and federal dollars.

No. 1, it all must be scientifically credible.

No. 2, we need to determine the priorities all across the State, and as various salmon advocates, Republicans and Democrats, have indicated in the past, we ought to really focus on those areas that are already abundant salmon-bearing rivers and streams and make sure that we protect those. Before we go after those streams that perhaps have not seen salmon in fifty or a hundred, let's—you know, let's put our dollars where we have the biggest bang and get the most return and have the highest probability of success.

So we're going to need local communities and the scientists at the federal and State level, involving tribes and others, to identify those areas that have the most promise. And so this is very much a collaborative effort.

Senator GORTON. Is this a west-side problem only, or is the money that we appropriate and that you appropriate going to have some focus on the east side of the State as well?

Governor LOCKE. Well, very much so, it'll have to be State-wide, because we have very critical stocks in eastern Washington as well. And we've already some great examples of communities coming together, for instance, in Icicle Creek near the Wenatchee area, in which people have come together in voluntary efforts. And they could use some assistance, whether technical assistance, or dollars for actual projects and putting things on the ground, in which they've seen some return of salmon. And the list goes on and on and on. That's why we need to somehow promote community involvement, recognize that Olympia or the federal government doesn't have a one-size-fits-all solution or the magic answers.

And we've got to really focus on a State-wide recovery effort, and that's why we have already signaled to members of the legislature that if we have to go more slowly in some of the agricultural areas,

so be it; but where there are communities that are raring to go, that have the political will, then let's move forward and help them and give them the tools that they need to put together salmon recovery efforts.

Senator GORTON. Congressman Dicks.

Mr. DICKS. Well Governor, I want to first of all thank you for your statement and applaud your effort last year, particularly the side agreement that was reached between Washington State and Canada. To me, that showed the importance of a United States-Canada agreement. We saw this year, in some of our key rivers, that we had more Chinook wild salmon return because of that.

I also want to compliment you on your quick response to setting up a Conservation Reserve Enhancement Program in the State of Washington. I think over the next fifteen years that can be a significant tool in the salmon recovery effort.

And you mentioned United States-Canada. I would like to get your perspective. How do you feel things are going this year? We're trying to support you and the governors in these negotiations. Do you think there is a chance to get an agreement with Canada?

Governor LOCKE. My feedback so far has been that things are much more positive than they've ever been before; that the stakeholders are discussing issues in a very frank and candid way, much better than ever before; and that the governors are fully engaged in this. We've already had some meetings just among ourselves, governors of Alaska, Washington, and Oregon. I just met with Fisheries Minister Anderson last week, and he's very optimistic. He really believes that the atmosphere in the discussions that he's had with the various States is very, very positive. We have some meetings actually set up for later this month, so we're moving forward, and we're just going to keep going. We're just going to keep going. I mean, I can't predict whether or not we'll ultimately be successful, but I really believe there's a stronger political will among both Canadians and the stakeholders on the United States side than ever before.

Mr. DICKS. Well, I compliment you for your involvement, and I think the United States-Canada agreement is the most important thing we can do in the short term.

Senator GORTON. Senator Murray.

Senator MURRAY. Thank you very much, Mr. Chairman.

Governor Locke, thank you very much for your statement and for your leadership in our State on this really important issue. I know you've been working very hard to get a legislative agenda through on this.

[Auditorium lights flickered.]

Senator MURRAY. See, that's what's going to happen if we don't save the salmon. [Laughter.]

Governor, you—

Governor LOCKE. It really does affect all of us, doesn't it? Whether we fish or not.

Senator MURRAY. That's right. Governor, your office released a report called Extinction Is Not An Option earlier this year, and I was curious whether you had submitted any part of that as legislation this year, and if you had, what chance we would see of some of that coming out.

Governor LOCKE. Actually, we have used that as the basis for the legislation that we have introduced to the House and Senate in our State. It deals with water—that, of course, is very, very contentious—and it also deals with funding for projects at the local level. And I think that there's good progress, bipartisan support for that. We're trying to work out the differences between the Democrats and the Republicans in the House on that. They've come up with different versions. Both versions differ from our proposals, and we need to work that out. I'm optimistic we'll reach a good agreement, bipartisan agreement, on that.

Then there's the changes in terms of harvesting of timber, and there was a multiyear effort involved there with many tribes, environmentalists, timber companies, federal and State agencies. While there was some disagreement near the end and some participants did not stay involved in the negotiations, nonetheless we did put out a proposal that initially was criticized by members of legislature as perhaps being too complex, too late. But nonetheless it's been simplified, and various State regulatory boards have now adopted or indicated that that agreement is the preferred alternative in terms of forest practices. And some of the due process issues that others have raised about the agreement have been addressed so that there can be some minor changes, substantive changes, to the proposal if necessary over time.

So I think we're moving forward on that, but I have to tell you, the toughest issue before the legislature right now is the issue of water. And those of you who are lawyers know just how tough water policy is, not just in the State of Washington, but all along the West Coast. And we may have to phase that in. And some communities are ready to make some changes or take advantage of the tools that we're proposing to give them; others are not quite ready.

So you know, our whole approach is giving local communities—State agencies, but primarily local agencies, cities, and counties—more tools that they can use in putting together a salmon recovery plan. And we're counting on local governments putting together plans, because each watershed, each community, differs from one part of the State to another. And so we need to give them more tools, and then it's up to them to decide which tools best fit their circumstances.

Senator MURRAY. Mr. Chairman, just a quick followup.

Do you think the legislature will put the fund in the budget for the State matching funds?

Governor LOCKE. So far we proposed \$100 million in both—over the next two years, in capital and operating dollars. And the capital dollars and transportation dollars are pretty much at our level that we proposed. In the operating budget we proposed \$50 million of new money. The legislature so far, in the House, Democrats and Republicans have focussed on around \$36 million over two years. And so we're optimistic that it'll be close to the original requested level of \$50 million on the operating side. And there's, I believe, over \$50 million on both the transportation and construction dollars to remove the culverts in roads, and to put money on the ground for locals for restoration projects and so forth.

Senator GORTON. Senator Stevens has passed, so Congressman McDermott.

Mr. MCDERMOTT. Thank you, Mr. Chairman.

Senator Murray asked my question, really, which was, how is the State legislature doing? I know you're down in the last few days, and if there are names that we need to know, give us the names to call. [Laughter.]

Senator Murray is much more polite than I am. Having been a Ways and Means chairman, like you, I know what happens at the end of a session. So if there's some help you need, please let us know.

Governor LOCKE. Thank you very much.

Mr. MCDERMOTT. Thank you.

Senator GORTON. Congressman Smith.

Mr. SMITH. Actually I had the same question, and would simply make the same offer. If we can help in any way, please let us know.

Governor LOCKE. We'll be more than happy to give you all the names of people who have been really working hard on this issue, if you could compliment them on their diligent efforts.

Senator GORTON. Governor, we appreciate your appearance here. And your speaking first was, at best, a symbol of your leadership in this regard. We wish you every success, because your success is our success.

Governor LOCKE. Well, I really want to again thank you, Senator Gorton and Congressman Dicks, and others, for your counsel and advice that you've given me over the last couple of years in responding to this impending listing. When I first ran for office for governor, I never thought that salmon would be one of the top issues facing us. And it's come, and we've had to deal with it. We've been preparing for it for the last year and a half, and I really appreciate the counsel that all of you have given us, and me personally, in terms of how to approach this issue. And we very much support what you're doing back in D.C. on our behalf. Thank you.

Mr. DICKS. Just one final comment. I want you to also know we appreciate very much the work that Curt Smith is doing. He worked for the delegation very effectively, and we're in almost daily contact with him on the details of your effort.

Governor LOCKE. Great. Thank you.

**STATEMENTS OF:**

**ROBERT ANDERSON, PRESIDENT, MID-SOUND FISHERIES ENHANCEMENT GROUP**

**AL ADAMS, PRESIDENT, HOOD CANAL FISHERIES ENHANCEMENT GROUP**

**ROGER BRADEN, CHELAN PUBLIC UTILITY DISTRICT**

**HANK SITKO, EXECUTIVE DIRECTOR, NORTHWEST MARINE TRADE ASSOCIATION**

**WILLIAM RUCKELSHAUS, MADRONA INVESTMENT GROUP**

**ED OWENS, COASTAL FISHERIES COALITION**

**SUMMARY STATEMENT OF ROBERT ANDERSON**

Senator GORTON. OK, the next full panel: Robert Anderson, Al Adams, Roger Braden, Hank Sitko, Bill Ruckelshaus, and Ed Owens. If they will come forward, please?

Senator STEVENS. Mr. Chairman, as I look at the clock, and look at these gentlemen and the time they're going to use, I'm sad to

say I'll have to leave about a quarter of 12:00 to make my plane to Juneau. But I do appreciate the opportunity to be with you.

Senator GORTON. OK. Thank you.

And we will start with Robert Anderson, president of Mid-Sound Fisheries Enhancement Group.

Mr. ANDERSON. Senators Gorton, Murray, and Stevens, and Congressmen Dicks, McDermott, and Smith, good morning. It's an honor to provide testimony to you today on behalf of the community-based partners who are working diligently to restore salmon in Puget Sound and all of Washington State. My name is Robert Anderson. I am chair of the Regional Fisheries Citizens Advisory Board and also president of the Mid-Puget Sound Regional Fisheries Enhancement Group and vice-chair of People for Salmon Volunteer Initiative. I'm here this morning for three reasons:

To update you on the activities and accomplishments of the community-based salmon restoration groups in Washington State;

To describe the important role of the People for Salmon Volunteer Initiative in this effort;

And to request your support for the federal and State resources that are needed to optimize this program.

I want to start my testimony by personally thanking Congressman Dicks and Senator Gorton, who have provided outstanding support and funding for regional fisheries enhancement groups, as well as other community-based partners like conservation districts. Your ongoing support for community salmon restoration is deeply appreciated by all of us. Thank you.

Today I want to emphasize three key points.

Community-based organizations like regional fisheries enhancement groups and conservation districts are the most cost-effective salmon restoration project implementers in the State.

Community-based salmon restoration groups are the key to accessing private landowners to implement cooperative, incentive-based salmon recovery programs.

Broad support from local communities will be essential to successfully restoring our once-abundant salmon and steelhead runs.

Over the last 10 years community organizations like regional fisheries enhancement groups, conservation districts, YMCAs, tribes, commercial and recreational fishers, timber, agricultural, and business interests have worked with limited resources at the local level to implement cooperative salmon restoration projects on private land. During 1997 the Regional Fisheries Enhancement Group program provided over 37,000 hours of volunteer service and \$3.2 million to implement 160 community-based salmon enhancement and restoration projects. This is the first key point I want to make to you today. Community-based salmon restoration programs are exceptionally cost-effective. Administrative overhead costs for the RFEAG's during 1997 was \$200,000 over the \$3.2 million in projects, or about 6.5 percent. For every dollar that the State has dedicated to the Regional Fisheries Enhancement Group Program, we raise six additional dollars from other State and federal sources, private donations, and donated labor and materials. All of our local partners are similarly cost-effective and efficient.

Typically, fully-loaded staff costs for community based, private non-profit organizations are 50 to 60 percent of the costs for full-

time State or local governments. This means that providing support for project identification, design, permitting, and management costs less, so more money can go to salmon restoration.

A second key point I want to emphasize in this regard is that private non-profit groups are the key to working with private landowners to restore and enhance salmon habitat in a non-regulatory, voluntary manner. In many cases, private landowners are reluctant to work with government agencies that also enforce land use and other regulations. Community-based organizations work cooperatively with landowners to identify projects, secure matching funds, and implement and maintain the projects. The support of landowners for salmon recovery is critical to the eventual success of our efforts. As Senator Gorton was able to see firsthand on Monday, the outstanding landowners like Dale and Al Reiner on the Skykomish River, who not only help implement projects on their land, but then help their neighbors to take advantage of restoration opportunities. We call this process the “thousand cups of coffee” since community-based groups have the local connections, trust, and the incentive-based approach that provides the toolbox to implement projects cooperatively with local landowners.

In 1998, the regional fisheries enhancement groups were successful in leading a cooperative effort that secured \$1 million for a volunteer initiative from the State Conservation Commission. This leads to the creation of People for Salmon, a broad partnership dedicated to enhancing and expanding community-based salmon restoration State-wide. People for Salmon is the big tent for all of the communities who support salmon restoration. Many of our partners are here today, and I'd like to recognize them and ask them to please quickly stand, and—especially for their role and passion for People for Salmon.

From the Associated General Contractors, AGC's ESA Task Force Chair Steve Davis and Gary Jones. AGC members in Pierce and Kitsap counties contributed over \$15,000 in time and materials to salmon restoration projects in Roy and the Key Peninsula last year. In addition, the AGC Education Foundation provides on-the-ground training and technical services on project management, critical path management, job-site safety, and other pertinent topics. And besides that, they have heavy machinery. Nice touch.

From the Northwest Indian Fisheries Commission, Billy Frank, Jim Anderson, and Steve Robinson, co-managers of the resource, have been involved in the program from day one. The Commission provides full-time liaison between tribes and local salmon enhancement groups. This helps ensure that local tribes' resources are actively involved with project ID, design, and implementation. They are also responsible for organizing Seattle Salmon Homecoming as well as other cultural events that build local support for salmon restoration.

From the regional fisheries enhancement groups, representatives from Nooksack, Skagit, Stilli-Snohomish, Pacific Coast, Mid-Sound, South Sound, and Chehalis enhancement groups, and my friend Al Adams from the Hood Canal group who will be chatting with you in a moment about their excellent programs. All of these groups, as well as seven other non-profit organizations receive funding for

full-time volunteer coordinators from People for Salmon. These local coordinators are the backbone of our program.

From the Pierce County Conservation District, Ted Bottiger and Brian Abbott who have been leaders in promoting agricultural community involvement in salmon recovery. Three of our local volunteer coordinators are funded through conservation districts or resource conservation and development councils.

The YMCA. Katy Kennedy is here from Snohomish County YMCA Teen Services. She provides mini-grants to local schools to pay for substitute teachers and transportation so students can participate in these programs in the field.

Other People for Salmon partners include Northwest Chinook Recovery, technical assistance and training services; Tri-State Steelheaders, who have hired a full-time volunteer coordinator to assist salmon and steelhead recovery efforts in the Walla Walla area; U.S. Natural Resources Conservation Service, who provide essential technical assistance and other services for salmon habitat protection and restoration; and a World Institute for a Sustainable Humanity, who manages our grant and fiduciary responsibilities.

As you can see, we have a very big tent, which leads to my final point. This is the essence of community-based salmon restoration, all of us working together to restore salmon in a cooperative manner.

In order to continue and expand this outstanding program to its full potential, we need assistance. For the 1999–2001 biennium we have asked that the State provide \$5 million in capital funds to match \$5 million in federal funds for projects currently proposed by regional fisheries enhancement groups and our community-based partners. If you only consider Hood Canal, Mid-Sound, Nooksack, and South Sound regional groups, you already have over \$10 million in projects ready to go. In addition, we have requested \$4.5 million for the next biennium to continue and expand the People for Salmon Volunteer Initiative. And finally, we have proposed \$5.2 million in base funding for regional fisheries groups, tribes, conservation districts, and other community organizations to provide the local resources for project ID, design, permitting, and implementation. Any assistance you can provide us with securing this request would be deeply appreciated.

I want to re-emphasize these three points. They're really critical.

Community-based organizations are efficient. They're the best project implementers and the best bang for the buck in the State.

Community-based salmon restoration groups are the key to working with private landowners.

Broad support from local communities will be essential to restoring our salmon and steelhead.

#### PREPARED STATEMENT

We are the right tool at the right time at the right location, a stiletto in a world of blunt instruments. Finely-honed and purposeful, we are the essence of the community and the sharp expression of the passion for salmon recovery in Washington State. We deeply appreciate your support and stand ready to work tirelessly with you to bring back salmon runs.

Senator GORTON. Thank you. Thank you, Mr. Anderson.

[The statement follows:]

PREPARED STATEMENT OF ROBERT ANDERSON

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2. Community-based salmon restoration groups are the key to accessing private landowners to implement cooperative, incentive based salmon recovery programs.
3. Broad support from local communities will be essential to successfully restoring our once abundant salmon and steelhead runs.

Over the last 10 years community organizations like Regional Fisheries Enhancement Groups; Conservation Districts; YMCA's; tribes; commercial and recreational fishers; and timber, agricultural, and business interests have worked with limited resources at the local level to implement cooperative salmon restoration projects on private land. During 1997 the Regional Fisheries Enhancement Group program provided over 37,000 hours of volunteer service and over \$3.2 million dollars to implement 160 community based salmon enhancement and restoration projects. This is the first key point I want to make to you today. Community based salmon restoration programs are exceptionally cost-effective. Administrative overhead costs for the RFEG's during 1997 was \$209,000 for the over \$3.2 million in projects, or less than 6.5 percent. For every dollar that the state has dedicated to the RFEG program—we raise six additional dollars from other state and federal sources, private donations, and donated labor and materials. All of our local partners are similarly cost-effective and efficient.

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A second key point I want to emphasize in this regard, is that private non-profit groups are the key to working with private landowners to restore and enhance salmon habitat in a non-regulatory, voluntary manner. In many cases, private landowners are reluctant to work with government agencies which also enforce land use and other regulations. Community based organizations work cooperatively with landowners to identify projects, secure matching funds, and implement and maintain the projects. The support of landowners for salmon recovery is critical to the eventual success of our efforts. As Senator Gorton was able to see first hand on Monday, there are outstanding landowners like Dale and Al Reiner on the Skykomish River who not only help implement projects on their land, but then help their neighbors to take advantage of restoration opportunities. We call this process the “thousand cups of coffee” since community based groups have the local connections, trust, and the incentive based approach that provides the toolbox to implement projects cooperatively with local landowners.

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From the Northwest Indian Fisheries Commission—Billy Frank, Jim Anderson, and Steve Robinson as co-managers of the resource have been involved in the program from day one. The Commission provides full-time liaison between tribes and local salmon enhancement groups. This helps ensure that local tribal resources are actively involved with project identification, design, and implementation. They are also responsible for organizing the Seattle Salmon Homecoming as well as other cultural events that build local support for salmon restoration.

From the Regional Fisheries Enhancement Groups—representatives from Nooksack, Skagit, Stilli-Snohomish, Pacific Coast, Mid-Sound, and South Sound Enhancement Groups and my friend Al Adams from the Hood Canal Group who will be chatting with you in a moment about their excellent program. All of these groups, as well as 7 other private non-profit organizations receive funding for full-time local volunteer coordinators from People for Salmon. These local coordinators are the backbone of our program to build local capacity and support for salmon restoration.

From the Pierce County Conservation District—Ted Bottiger and Brian Abbott who have been leaders in promoting agricultural community involvement in salmon recovery. Three of our local volunteer coordinators are funded through Conservation Districts or Resource Conservation and Development Councils (RC&D's) YMCA's—Lucia Ramirez is here from Snohomish County YMCA Teen Services. The YMCA Earth Service Corps program provides mini-grants to local schools to pay for substitute teachers and transportation so students can participate in projects and train high school students as volunteer coordinators for middle and grade schools students.

Other People for Salmon partners include Northwest Chinook Recovery, who provides technical assistance and training services; River CPR, which is developing training modules for use in local communities, the Tri-State Steelheaders, who have hired a full time volunteer coordinator to assist salmon and steelhead recovery efforts in the Walla Walla area; the U.S. Natural Resources Conservation Service, who provide essential technical assistance and other services related to salmon habitat protection and restoration for the agricultural community, and A World Institute for a Sustainable Humanity (A.W.I.S.H.), who provides all of the administrative support services for the Volunteer Initiative grant.

As you can see we have a very big tent, which leads to my final point. The only way we will recover salmon is if for every stream, creek, river, wetland, oxbow or estuary we find a willing landowner, citizen, family, neighborhood, tribe, or community that will dedicate the time and energy to make sure that salmon can live and thrive there. This is the essence of community-based salmon restoration, all of us working together to restore salmon in a cooperative manner.

In order to continue and expand this outstanding program to its full potential, we need assistance from both the federal and state level. To that end, I want to discuss our request now being considered by the State Legislature as part of the 1999–2001 budget. I should note that this request anticipates some federal match for state funds dedicated to community-based projects and People for Salmon.

For the 1999–2001 biennium we have asked that the State provide \$5 million in capital funds to match \$5 million in federal funds for projects currently being proposed by Regional Fisheries Enhancement Groups and our community based partners. If you just consider the Hood Canal, Mid-Sound, Nooksack, and South Sound Regional Groups—you already have over \$10 million in projects ready to go! In addition, we have requested \$4.5 million for the next biennium to continue and expand the People for Salmon Volunteer Initiative. And finally we have proposed \$5.2 million in base funding for Regional Fisheries Groups, Tribes, Conservation Districts and other community organizations to provide the local resources for project identification, design, permitting, and implementation. Any assistance you can provide us with securing this request would be deeply appreciated.

I want to re-emphasize the three key points:

1. Community based organizations like Regional Fisheries Enhancement Groups and Conservation Districts are the most cost-effective salmon restoration project implementers in the state.

2. Community-based salmon restoration groups are the key to working with private landowners.

3. Broad support from local communities will be essential to restoring our salmon and steelhead runs.

We are the right tool at the right time at the right location—a stiletto in a world of blunt instruments. Finely honed and purposeful, we are the essence of the community and the sharp expression of the passion for salmon recovery in Washington State. We deeply appreciate your support and stand ready to work tirelessly with you to bring back our once abundant salmon runs.

#### SUMMARY STATEMENT OF WILLIAM RUCKELSHAUS

Senator GORTON. We're going to go a little out of order. Bill Ruckelshaus, I want Senator Stevens to hear you before he has to leave, because you have had such a role in this and the work on the treaty. So we'll take you out of order and hear from you now.

Mr. RUCKELSHAUS. Thank you, Mr. Chairman. I better re-insert my words of praise for Senator Stevens in my statement, since he's going to be here.

Senator Stevens obviously is crucial to the element of success here, as many of the members of the panel have mentioned. Achieving success in the treaty negotiations with Canada is essential, and the cooperation between Alaska and the States here, and as well as the tribes, is necessary if that's going to happen.

I want to tell you about something we're doing here in Puget Sound for just a minute or two. We have provided a statement that is a result of a collaborative group that we've established here made up of environmental leaders and business leaders, jointly sponsored by the Bullitt Foundation and the Business Roundtable, to make joint recommendations to the governor and all of the various planning entities that are addressing the issue of salmon recovery. Puget Sound is our focus, and obviously the Chinook, being an ESU that encompasses all of Puget Sound, that is getting a great deal of our attention.

Why have we come together? Well, we believe that the Chinook, and maybe other salmon in Puget Sound, are threatened, and that it is in our economic interest as well as the interest of—the obvious interest of the fish, that we cause these fish to recover. We believe that we know what to do to help the salmon recover, and that we need to work on all aspects of the salmon's life cycle, from habitat to harvest, obviously including the appropriate use of hatcheries, and address, too, the problems of hydropower. We also believe, if this is going to work, if our help is going to work, the region needs to stay in control of its own destiny.

And last, recovery will only happen if there is a strong recovery plan prepared by, endorsed by, and implemented by all levels of government as if there were no barriers between government. And I would include, obviously, the tribes in that equation, as well as citizen groups that need to participate in the development of these plans.

Now, this is something that our group has already recommended. We have submitted a set of recommendations for the record to this committee. We have also submitted—two of us; the coordinator of our group, Dr. Walter Reid, and myself—something that goes a little beyond what the group has currently recommended in terms of coordination. We believe that our paper spells out why we think coordination is so essential between all levels of government if we're

to really effect recovery of the salmon in Puget Sound, or for that matter, in the rest of the region where those fish are either endangered or threatened.

We strongly believe that the governor and the president need to designate someone to play a coordinating function so that all the levels of government can direct their efforts at the end goal that we all endorse. We don't need a czar, we need a coordinator. He or she should also have the role of seeing that there is one table, and that everyone is at it, so that the plan is understood and implemented by all. I am personally of the belief that if this doesn't happen, this whole process will end up in court, with years of delay and great expenditure of money, while the salmon just fade away.

#### PREPARED STATEMENT

We have submitted for the record, again, Mr. Chairman, reasons why we think this coordination is necessary. In my role as an envoy from the president to look at processes that could improve the negotiation between us and Canada, and in my current role as chairman of this collaboration, I have talked to virtually everyone involved in this process, and I'm convinced that a lot of people are doing an awful lot of very good things, but it is essential that they be better coordinated in what they're doing so that we can direct whatever resources we have at the recovery of these fish; and that if we don't have this coordinating mechanism, the risk of this whole process falling apart is just unacceptably high.

Senator GORTON. Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF WALTER REID<sup>1</sup> AND WILLIAM RUCKELSHAUS<sup>2</sup>

##### SALMON CONSERVATION IN THE PACIFIC NORTHWEST: THE NEED FOR MORE EFFECTIVE COORDINATION IN THE DEVELOPMENT OF RECOVERY PLANS

In its consensus statement of March 15, 1999,<sup>3</sup> the Washington Salmon Collaboration identified the need to "expand and intensify . . . efforts to ensure effective coordination and collaboration within and among all levels of government" as one of its overarching recommendations for actions needed to recover the threatened Puget Sound Chinook salmon. In this paper we expand upon the rationale for greater coordination, provide specific examples where it would be helpful, and suggest one mechanism for achieving this goal. This paper represents the views of the authors only, and is not a consensus document of the collaboration. We plan to discuss these issues at upcoming meetings and may develop consensus recommendations at that time.

The citizens of the Pacific Northwest face an unparalleled challenge in their efforts to design an effective strategy to restore the health of salmon populations throughout the region. Within Washington state alone, 16 species of salmon are listed as threatened or endangered, and the bulk of the state, including the heavily populated Puget Sound region, is now affected by listed species. A number of additional populations are listed as threatened and endangered in Oregon and California with still more proposed for listing in all three states.

The number, scope, and nature of these endangered species listings have created a situation never before experienced in the implementation of the Endangered Species Act. Other endangered species such as the grizzly bear or the bald eagle have spanned large geographic ranges and still others, like the California gnatcatcher, have been listed near heavily urbanized centers. But no other listing or series of

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listings share the set of attributes of the threatened and endangered salmon. Some of the features of the salmon listings that have direct implications for the design of recovery efforts are the following:

*Regional scale.*—The set of salmon listings will significantly affect four states (California, Oregon, Washington, and Idaho) and will have some effect on Alaska and Canada. Federal, state, local, and tribal governments and agencies, as well as relationships with Canada, must be effectively integrated across this region.

*Multiple listings.*—Because multiple species and Evolutionary Significant Units (ESUs) are being listed, the application of science to the design of recovery strategies and the nature of recovery activities themselves must be different for salmon than has been the case with other wide-ranging species. Since the ecology and demography of each salmon ESU is distinct, extensive data and analysis is needed to develop recovery strategies for each ESU and recovery actions must be taken across all ESUs. Setting aside a few large protected areas can sometimes be pivotal in maintaining populations of wide-ranging species. That strategy cannot work in the case of the multiple ESUs of salmon.

*Freshwater life stages.*—Freshwater ecosystems are the ultimate “integrator” of land use practices. Changes in land or water use or release of pollutants anywhere within a watershed can, and often does, affect the downstream freshwater ecosystem. Consequently, in principle human actions anywhere across the landscape could potentially harm salmon habitat and be considered a “take,” which makes it difficult to establish practical but scientifically based take prohibitions. Conversely, recovery strategies need to take into account the entire set of human actions within a region in order to protect and restore salmon habitat.

*Multiple driving forces.*—Salmon have declined as a result of habitat loss and degradation, water pollution, overharvesting, and negative impacts of hatchery programs. Effective recovery efforts require actions that address all of these driving forces, yet each has its own institutional and political dynamics and its own stakeholders. Whereas the spotted owl listing required that a solution was acceptable to one important industry (forest products) and its stakeholders (including forest dependent communities), the salmon listing multiplies this challenge many-fold.

*Low “Signal to Noise” ratio.*—Salmon populations are notoriously variable. Year to year stochastic variations in recruitment and survival, compounded by decadal variation in such variables as ocean productivity, make the detection of population trends and the analysis of the effectiveness of management interventions extremely difficult. Long-term studies are typically needed to isolate the “signal” from the environmental noise in any demographic study of salmon.

These attributes of the salmon listing pose obstacles to the design of effective recovery efforts in the Pacific Northwest and it is unlikely that experiences with previous endangered species listings can provide suitable models for this situation. Successful recovery efforts will require a level of coordination “horizontally” across states (and nations), and “vertically” from local governments to federal agencies, unprecedented in the history of resource management in the western United States. For this reason, the Washington Salmon Collaboration has identified the need for more effective coordination among and within all levels of government as one of the primary overarching needs for scientifically based, cost efficient, and effective recovery strategies. In particular, we believe that there is an opportunity within the Puget Sound region to attempt a “pilot” effort at this type of coordination, with a focus on the recovery of the Puget Sound Chinook and other listed species within this ESU.

The current efforts to establish the scientific basis for recovery strategies and the processes underway to develop recovery plans themselves illustrate both the need for more effective coordination and the costs associated with the lack of that coordination, and we discuss these two situations below.

#### ENSURING SCIENCE-BASED ACTION

Numerous initiatives are now being launched across the Northwest to help provide the scientific basis for salmon recovery planning. In the case of Puget Sound, the various science bodies that exist or are being proposed that would have input into the design of a recovery strategy include:

- The Independent Science Panel established by State legislation (HB2496) to provide peer review of recovery efforts;
- The Interagency Review Team established by State legislation to ensure (among other tasks) that project funding is based on the best science;
- Technical Advisory Groups (TAGs) established for each Water Resource Inventory Area (WRIA) to identify limiting factors for salmon in each watershed;

- A proposal by the Northwest Chapter of the Society for Ecological Restoration to establish an independent science panel for the Puget Sound Chinook ESU;
- A study being launched by the Trust for Public Lands to undertake a GIS-based assessment of highest priority habitats for salmon recovery in the Puget Sound region;
- A study funded by various local companies (Port Blakely Tree Farms, Simpson Timber, and others) of limiting factors for salmon in the Puget Sound ESU; and
- The NMFS recovery planning effort.

This proliferation of assessment activities reflects the importance of “getting the science right” but also presents significant costs and risks. Multiple scientific assessments will result in duplication of effort. Moreover, rather than resolving areas of scientific uncertainty, the many different initiatives will inevitably reach somewhat different conclusions and identify somewhat different priorities, posing the risk that recovery efforts will be slowed while the reasons for differences are explored, debated, and resolved.

There would be significant cost and efficiency benefits to be gained by a coordinated effort to: (a) identify limiting factors within each ESU, and (b) prioritize potential recovery actions in terms of their biological effectiveness in recovery, and (c) ultimately determine the population size and characteristics necessary for de-listing and the recovery actions that will be required to achieve those goals. Either NMFS or the State could take the lead in coordinating such ESU-focused assessments, building on the WRIA activities underway and the other scientific efforts listed above.

#### DESIGNING AN EFFECTIVE RECOVERY STRATEGY

Both the State and many local governments in the Northwest are developing salmon recovery plans in anticipation of, or response to, the Endangered Species Act listings. Within Washington state, legislation passed in 1998 established a Salmon Recovery Office and launched a series of watershed-based recovery planning activities. In January 1999, the Governor released a draft recovery strategy “Extinction is not an Option” laying out a series of actions to be taken to ensure salmon recovery. The three most urbanized counties, King, Snohomish, and Pierce Counties have coordinated their activities through the “Tri-County Process” and have submitted a recovery strategy to the National Marine Fisheries Service. And individual cities, such as Bellevue and the City of Seattle are also developing and negotiating recovery plans and HCPs with the National Marine Fisheries Service.

Here too, the lack of effective coordination of these planning activities poses significant risks for the design of effective recovery efforts. Neither NMFS nor the Fish and Wildlife Service, the two federal agencies responsible for determining whether the recovery plans meet the requirements of the ESA, are centrally engaged in the planning effort. Instead, influenced by their regulatory role and their interpretation of their legal obligations, the federal agencies have provided advice in the development of plans but, with the exception of a process to negotiate new forest regulations, have not directly shared responsibility for the development of those plans. A more effective approach would be for all levels of government to “sit at the same table” and jointly craft a recovery plan meeting the legal requirements of the ESA. (In many cases, such plans may well exceed the legal requirements due to the general public and political support for salmon recovery in the Northwest.)

Two examples from the Pacific Northwest of this type of coordination and engagement of various government agencies with shared responsibility for the resource are the Timber Fish and Wildlife (TFW) agreement in Washington state and the Forest Ecosystem Management Assessment Team (FEMAT) established in response to the listing of the Spotted Owl.

In the case of the TFW, federal agencies are one of six “stakeholders” in the negotiating process for setting timber management regulations in Washington State. Other stakeholders include the tribes, local governments, state agencies, private business, and environmental organizations. Although the most recent TFW negotiations failed in August 1998, when environmental groups decided not to continue with the negotiations, aspects of this model provide a much more promising arrangement for ensuring that all levels of government successfully develop a “joint” plan.

FEMAT is another institutional arrangement established to meet the unique needs of responding to the listing of an endangered species that crossed multiple institutional boundaries. Following President Clinton’s April 2, 1993 Forest Conference, the President established the Forest Ecosystem Management Assessment Team to develop options for the management of Federal forest ecosystems. Each option was to provide habitat that would support stable populations of species associ-

ated with late-successional forests, including the northern spotted owl. On July 1, 1993, the President identified the FEMAT report's Option 9 as the preferred alternative for amending the Federal agencies' land management plans with respect to late-successional and old-growth forest habitat. This option was ultimately challenged in court but on December 21, 1994, Federal District Court Judge William L. Dwyer rejected a number of plaintiffs' challenges and issued an order to uphold the Forest Plan. According to Judge Dwyer, the Forest Plan "... marked the first time in several years that the owl-habitat forests will be managed by the responsible agencies under a plan found lawful by the courts. It will also mark the first time that the Forest Service and BLM have worked together to preserve ecosystems common to their jurisdictions."

The salmon listings differ somewhat from both the TFW and FEMAT experiences. Unlike FEMAT, the need for coordination in the case of the salmon listings extends well beyond federal lands and must involve states, tribes, local governments, and private landowners. Unlike TFW, the salmon issues extend to non-forest ecosystems. But what these models share, and what can likely be applied to the salmon recovery challenge, is the need to empower one collaborative body with the requirement of crafting a joint solution. This does not yet exist in the case of salmon recovery efforts. Instead, the coordination that does exist tends to be restricted largely to information exchange. For example, the Tri-County Executive Committee developed a set of early action proposals in the hopes that they would be considered sufficient by NMFS, but not in direct collaboration with NMFS. Similarly, NMFS, state legislators, and local government officials participate in a coordinating council chaired by the Governor's Special Advisor for Natural Resources. However, in neither of these venues are the various parties collectively responsible for crafting solutions.

As the Tri-County process has moved forward, by some accounts the interaction with NMFS has increasingly become one of joint negotiation and collaborative planning. However, even if the various levels of government become better coordinated in the case of these three counties, the problem still remains that the process of "rolling up" the various recovery proposals and actions in other counties around Puget Sound into an overall strategy for the recovery of the Puget Sound Chinook ESU is not one of partnership among all levels of government.

The costs of proceeding without a more effective means of coordinating the development of a response strategy are likely to be high. Without a collectively "owned" plan, the likelihood for legal challenges is heightened, and the likelihood of success of such challenges is also increased since different institutions will take different positions on recovery needs. A proliferation of separate planning activities and separate negotiations with NMFS will diminish the ability to use science as the basis for recovery planning, since individual negotiations will be driven by the unique political aspects of each local or regional government. Multiple planning activities will tend to overwhelm the already stretched federal agencies charged with implementation of the ESA and may overtax the limited number of scientists who have expertise on these systems. And, there is a significant risk that a more fragmented approach to developing recovery plans will become bogged down in inter-institutional rivalries and proceed at a glacial pace. Such delay in the development of an effective plan will inevitably increase the ultimate cost of recovery and the likelihood of judicial intervention and decrease the potential for successful recovery.

#### A NEW INSTITUTIONAL ARRANGEMENT FOR SALMON RECOVERY

In light of the unique features of the listing of salmon in the Northwest and the challenges that it currently poses for the institutions responsible for recovery, more effective means of coordination within and among the responsible governments seem essential. We believe that this situation may demand a novel institutional arrangement.

A priority should be the establishment of a single negotiating process that involves state, tribal, local, and federal agencies in the joint development of both statewide and ESU-specific recovery plans. More specifically, we believe that as a pilot activity, a new mechanism for coordination among all levels of government should be established for the development and implementation of recovery planning efforts within the Puget Sound ESU. Such a process could be created by the joint appointment by Governor Locke and President Clinton of a special representative with authority to oversee the coordination of the scientific assessments of: (a) limiting factors, (b) recovery priorities, and (c) recovery targets and with the authority and responsibility for overseeing the negotiation of the ESU-specific recovery plans for the Puget Sound basin. Following the example of other state/federal collaborative models, such as the CALFED Bay-Delta program and the South Florida Ecosystem Restoration Program, the coordination would also likely involve the establishment

of a Memorandum of Understanding among the various agencies. The special representative or "coordinating council" of agencies would not take on project responsibilities and would not undertake their own assessments or planning activities but would instead ensure that the activities being undertaken by the member agencies are effectively and strategically coordinated. And, this council would provide the venue for negotiation of recovery plans or the development of alternative plans for the final review and approval by policy-makers.

A number of alternative arrangements could be considered with various strengths and weaknesses. For example, the special representative could be appointed by the President and the Governors of Oregon, Washington, and California (and possibly a Tribal representative) to ensure effective coordination at a regional level (e.g., Pacific Northwest) or for the State of Washington rather than just the Puget Sound Chinook ESU. Whatever mechanism is established, a key to its success is likely to be the presence of a clear mandate from the State and Federal level so that the individual and institution are seen to be acting under the direct authority of the governor and President.

#### CONCLUSIONS

The challenge of recovering endangered salmonids in the Puget Sound Region is significant, but the willingness of individuals and institutions to take on this challenge is perhaps unique in the history of the application of the ESA. Given the number of different agencies and levels of government that must be involved in successful recovery of the fish, however, there is a very high likelihood that recovery efforts could be slowed dramatically without the creation of an effective means of coordination across all levels of government. Already, we see a risk that the lack of effective coordination is leading to inefficiencies and redundancies. We suggest that a pilot effort be undertaken to appoint a special representative for the Puget Sound region and formalize an agreement among the relevant governments, agencies, and tribes to ensure that the responsible institutions develop and implement a single cohesive recovery plan.

#### SUMMARY STATEMENT OF AL ADAMS

Senator GORTON. Now Mr. Adams.

Mr. ADAMS. Thank you, Senator Gorton and Congressman Dicks, for inviting us and allowing us to share about Hood Canal.

Twenty-two days ago the ESA landed. Now everyone is aware that our Hood Canal wild Chinook and summer chum are in peril.

From the beginning of Hood Canal Salmon Enhancement Group in 1990, we were aware of the alarming decline of wild salmon in Hood Canal. In 1992 in partnership with Long Live The Kings, we initiated our first wild summer chum recovery effort in Lilliwaup Creek. At the same time, we also started spawning wild Chinook in Big Beef Creek, incubating, rearing and releasing smolts into Hood Canal. These efforts were conducted by volunteers on a very limited budget.

Fortunately in 1994, Congressman Dicks directed federal funds to help restore wild salmon in Hood Canal. Hood Canal Salmon Enhancement Group and Long Live The Kings created the Wild Salmon Conservancy. The concept is to incubate and rear Chinook salmon in natural conditions in six rivers in Hood Canal and volitional release as smolts into the streams. In the past two years, we have added wild steelhead and wild summer chum to the conservancy concept on the Hama Hama River. This year was the fourth year of Chinook conservancy efforts on three rivers.

Ten times the average number of Chinook returned to spawn in those three rivers as compared to the last eight years. All projects and goals of the Hood Canal Salmon Enhancement Group are guided by the salmon managers and helpers of Salmon Resource including Hood Canal Coordinating Council, Long Live The Kings, Washington Department of Fish and Wildlife, DNR, Hood Canal tribes,

counties, U.S. Fish and Wildlife Service, and National Marine Fisheries.

In 1996, Hood Canal Salmon Enhancement Group expanded their activity to include restoration of habitat. Senator Gorton secured funding for the regional fisheries enhancement groups in 1997 and we took advantage of it to do culvert engineer design. Recognizing the blocked access on many of the superb spawning streams, we began a methodical process to identify and properly design culverts to eliminate barriers. We are leading the removal of all the man-made obstacles with federal, State, county, and private funding. Most of the blockages on the Dewatto River were eliminated last summer and wild salmon traversed through the new spawning areas last fall. This year we plan to remove fourteen barriers in the Tahuya River and our goal is to remove all blockages on all Hood Canal rivers and streams by the year 2003.

In addition, we are making a detailed scientific habitat survey and gridding of each river. This is done by our six high school and college scholarship winners who also work as summer interns under the direction of DNR scientists. All of this data becomes a part of our Global Information System, the GIS, which we have started with the help of Naval Undersea Warfare Center and DNR. In four years—I repeat; in four years—we will be able to demonstrate visually the trip that a pair of wild salmon take returning to spawn up any Hood Canal river, including all the physical features like ripples, large woody debris, fish passage, salmon gravel, and much more.

We are twenty-two days and counting.

From our viewpoint there are five essential elements to restoring wild Chinook, summer chum, and all other salmon to our Hood Canal rivers and streams:

One is sufficient escapement;

Two is supplementation and/or restarting the extinct runs through wild salmon conservancies;

Three is restoration and protection of habitat;

Four, community-based watershed stewardship;

And number five, a comprehensive plan for all species of wild salmon in Hood Canal.

#### PREPARED STATEMENT

We are confident that wild salmon will be restored in some manner when the impacts of the four H's are equally considered, but we are less certain of the lasting effect once the ESA pressure is reduced. The wisdom of the 535 Hood Canal Salmon Enhancement Group members tells us the only chance of permanent success is through community-based watershed stewardship. There is not enough money or personnel for the government to ever completely restore and continuously regulate the wild salmon in all the rivers and streams. Only through watershed stewardship by the local small and large landowners, government agencies, and tribal governments will long term, self-sustaining wild salmon recovery be achieved. And all—I repeat; all—must have an equal voice at the table in making lasting decisions about our wild salmon.

Twenty-two days and counting. The Hood Canal Salmon Enhancement Group has been counting for nine years.

Senator GORTON. Thank you very much, Mr. Adams. We greatly appreciate that.

[The statement follows:]

PREPARED STATEMENT AL ADAMS

Thank you Congressman Dicks and Senator Gorton for the opportunity for HCSEG to be here and to make this presentation to the Salmon Recovery Hearing.

22 Days ago the ESA landed. Now everyone is aware that our Hood Canal Wild Chinook and Summer Chum are in peril.

From the beginning of HCSEG in 1990, we were aware of the alarming decline of Wild Salmon in Hood Canal. In 1992 in partnership with LLTK, we initiated our first Wild Summer Chum recovery effort in Lilliwaup Creek. At the same time, we also started spawning Wild Chinook in Big Beef Creek, incubating, rearing and releasing smolts into Hood Canal. These efforts were conducted by volunteers on a very limited budget.

Fortunately in 1994, Congressman Dicks directed federal funds to help restore Wild Salmon in Hood Canal. HCSEG and LLTK created the Wild Salmon Conservancy concept: incubate and rear Chinook Salmon in natural conditions in 6 rivers in Hood Canal and volitional release as smolts into the streams. In the past two years, we have added Wild Steelhead and Wild Summer Chum to the Conservancy concept on the Hama Hama River. This year was the 4th year of Chinook Conservancy efforts on three rivers. Ten times the average number of Chinook returned to spawn in those three rivers as compared to the last 8 years. All projects and goals of the HCSEG are guided by the managers and helpers of the Salmon Resource including HCCC, LLTK, WDFW, DNR, Hood Canal Tribes, Counties, USFWS and NMFS.

In 1996, the HCSEG expanded their activity to include restoration of the habitat. Senator Gorton secured funding for the RFEG's in 1997 and we took advantage of it to do culvert engineering design. Recognizing the blocked access on many of the superb spawning streams, we began a methodical process to identify and properly design culverts to eliminate barriers. We are leading the removal of all the man-made obstacles with federal, state, county, and private funding. Most of the blockages on the Dewatto River were eliminated last summer and Wild Salmon traversed through to new spawning areas last fall. This year we plan to remove the barriers on the Tahuya River and our goal is to remove blockages on all Hood Canal rivers and streams by 2003.

In addition, we are making a detailed scientific survey and gridding of each river. This is being done by our 6 high school and college scholarship winners who also work as summer interns under the direction of DNR scientists. All of this data becomes a part of the new Global Information System (GIS) which we have started with the help of the Navy Undersea Warfare Center and DNR. In 4 years, we will be able to demonstrate visually the trip that a pair of Wild Salmon take returning to spawn up any Hood Canal river including all the physical features; ripples, large woody debris, fish passageways and spawning gravel.

We are 22 days and counting. From our viewpoint there are four essential elements to restoring Wild Chinook and Summer Chum Salmon to our Hood Canal rivers and streams: (1) Sufficient escapement of spawning Salmon to sustain the run, (2) Supplementation and/or restarting the extinct runs through Wild Salmon Conservancies, (3) Restoration and protection of habitats, and (4) Community Based Watershed Stewardship.

We are confident that Wild Salmon will be restored in some manner when the impacts of the 4 "H's"—Hatchery, Harvest, Habitat and Hydro are equally considered. But we are less certain of the lasting effect once the ESA pressure is reduced. The wisdom of the 535 HCSEG members tells us the only chance of permanent success is through Community Based Watershed Stewardship. There is not enough money or personnel for the government to ever completely restore and continuously regulate the Wild Salmon in all the rivers and streams. Only through Watershed Stewardship by the local small and large landowners, government agencies and tribal governments will long term, self-sustaining Wild Salmon recovery be achieved. And all, I repeat ALL, must have an equal voice at the table in making lasting decisions about the 4 "H's".

22 days and counting!

SUMMARY STATEMENT OF ROGER BRADEN

Senator GORTON. Mr. Braden, Chelan Public Utility District.

Mr. BRADEN. Yes, thank you, and good morning. Roger Braden. I'm the general manager of Chelan County Public Utility District. We are the owners and operators of two hydroelectric projects on the main stem of the Columbia River, Rock Island and Rocky Reach. As a result, we've actually been involved in the salmon debate and the salmon protection issues for over twenty years. We were initially brought into the debate under the terms of the Federal Power Act, and now also have the issues related to the Endangered Species Act to deal with.

I'm here not to talk what's going on over there particularly—I know this is focusing primarily on the Puget Sound area—but there are some things that we have managed to achieve over there that I think could be of interest and potentially of value to Puget Sound. What we have done is, we have had a treaty established in the fish wars in the Mid-Columbia region by the negotiation of a habitat conservation plan that covers five stocks of anadromous fish, salmon and steelhead, in our section of the river system. This is the first of its kind anywhere in the United States.

What we were able to achieve there I think was based on three key principles that it took us twenty years to learn. I don't think the people in the Puget Sound area have twenty years to spare, so let me share them with you, and hopefully they can be of value.

Principle No. 1, the fish have to recover. No matter who you are, what your activities are, or how they affect the habitat and condition of the fishery, the fish have to recover before you, or any of your neighbors, or your businesses, or our community are going to be able to go back to the lifestyle that we all seek here in the Pacific Northwest. There's simply no way to fight it in the courts. There's no way to hide from it. Until the fish are healthy, the Northwest will not be healthy. You have to start with and understand that basic assumption and premise, because denial will not get you there.

No. 2, you've got to work together. There's no single agency, no particular interest group, no government entity that's going to have all of the answers. Those of us in the Mid-Columbia who operate hydroelectric projects have a certain pool of knowledge. The fishery agencies, federal and State, bring in their experience and knowledge. The tribal groups, the environmental groups, all of whom were involved in our process, bring in an increment of knowledge that is necessary because, as was stated earlier, this is an extremely complex situation. The salmon life cycle is one of the most common forms—or, most complex forms of life on this planet. You cannot look at one aspect of their life cycle, look at one measure or activity, and expect to find a solution. You have to work together. If you have old animosities, if you have biases, put them aside, get an open mind, and come to the table.

The third step is that you've got to base your agreements and your actions on results. They've got to be performance measures, survival standards, that you're targeting.

In the past—now I'll go back for a moment to our experience under the Federal Power Act. We had many situations where regulatory agencies would prescribe a particular measure. A good example might be spilling water through our spillways at one of our projects, 20 percent of the river flow, for example, through the

month of July. Well, we could certainly meet that obligation quite easily and quite definitively, but there was no measure of whether that did a darn bit of good for the fish.

What we found is it's necessary, instead, to say, "What are you going to do that will help the fish in terms of their survival level?" For example, turn that around and say, "For the month of July, you're required to pass safely 95 percent of the out-migrating smolts." Then we, as operators of the project, can decide, does spill over the spillway do that? Does improved turbine efficiencies, do other operational changes get us to the 95 percent? Do we do more predator control? Is it a little bit of all of these things? Whatever it takes, as long as we've got a target that we know results in a benefit to the species, then we can act effectively and responsibly, and—going back to my first key part—we know that the fish benefit, and therefore we, all of us in the region, will benefit.

These three components I think are going to be essential to dealing with the problems that we have and the problems that are in the Puget Sound.

#### PREPARED STATEMENT

Now, globally throughout the Puget Sound it's going to be a very, very difficult task to deal with this, but taking a sub-basin by sub-basin approach, or a local area approach such as we've heard from already, many of the good measures that are being undertaken, I think we can locally apply good science and commonsense measures that relate directly to how well the fish do, and come up with actions that are going to lead us to the recovery of the fish and therefore to the lifestyle that we all seek in the Northwest. Thank you very much.

Senator GORTON. Thank you very much, Mr. Braden.  
[The statement follows:]

#### PREPARED STATEMENT OF ROGER BRADEN

Good Morning. I would first like to thank Senator Gorton and Congressman Dicks for their tireless attention to an issue of great importance to our state. The issue is, of course, the protection of our region's salmon resources.

Although the Columbia River salmon and other fish resources are not the focus of today's hearing, to a certain extent, they should be. We all can learn from the history of Columbia River salmon policy. To be certain, there are a multitude of challenges facing the Columbia River salmon protection efforts. Despite a significant dedication of effort and the expenditure of significant levels of funds to protect our salmon resources, we all have expected better results. Our chances for better results in the future depend upon how well we have learned from our past experiences and apply those lessons to new solutions. We hold to the view that we can do better and do so without a win for fish resulting in a loss for the NW economy and vice versa.

Today, I want to talk with you about the innovative approach to salmon protection that Chelan and Douglas PUDs have developed with the federal and state agencies, tribes and other interested parties. Although this approach was designed to address our responsibilities to Columbia River salmon, we suspect it has the potential for much broader application. Chelan PUD is nothing more than an interested bystander with respect to Puget Sound salmon issues; however, the Chelan/Douglas model could perhaps have some useful applications as the western side of our state struggles with its own salmon listings.

For years, the federal and state governments followed the traditional regulatory model, telling hydroelectric project owners and operators along the mainstem of the Columbia precisely what measures had to be implemented. We were told to spill so much water, build so many fish screens, and the like. In the management training classes many of us attend, this approach is called "command and control" and is universally criticized as the least effective technique for achieving organizational objec-

tives. Of course, all the parties involved in the traditional regulatory model continually argued whether a particular measure was cost effective or even whether the measure was actually effective in protecting or enhancing salmon populations. We remained in a constant state of frustration. If Chelan objected to cost or questioned whether a measure would really work, we were viewed as lacking commitment to fish. If the agencies and tribes insisted we implement a controversial measure, we viewed them as oblivious to cost.

We believed there was a better way to get the job done and getting the job done meant wins for both sides of the issue. Although we didn't realize it at the time, subconscious messages from management training classes must have led us to a concept that was participative in nature with clearly defined and measurable objectives.

With this in mind, Chelan PUD began to work with the federal and state agencies, the tribes and other interested parties to develop a habitat conservation plan that embodies the principles of participation, collaboration and measurable objectives. Briefly, the collaborative approach between the parties sets a standard for the survival of salmon as they move through our hydroelectric projects. The measurable standard is a minimum percentage for fish survival—when the day is done, this is the number of fish which must survive passage through our projects. Taking into account natural non-hydro mortality, the remaining unavoidable hydro-related mortality is addressed through off-sight mitigation to total a no-net-impact standard. We signed a legally binding contract in the form of a Habitat Conservation Plan (HCP), recognized as part of an Incidental Take Permit to be issued under section 10 of the Endangered Species Act, in which we agreed to meet this standard for fish survival. In exchange for agreeing to accept this precise survival standard, Chelan is given considerable freedom within a collaborative structure to be creative and innovative in the development of the means to achieve the standard. Finally, the methods for measurement of our results are specified in the agreement to avoid later arguments over the results and whether or not we have met our responsibilities.

Although we don't know enough about the Puget Sound issues to be specific, Chelan PUD believes that the principles that underlie our HCP can be used and useful to Puget Sound salmon recovery efforts. Even General George Patton, who I would have viewed as a symbol of command and control management, said: "Never tell people how to do things. Tell them what to do and they will surprise you with their ingenuity." Just as in management training classes where we are taught that defining expectations makes the front end more difficult but the results far better, take the time to set a clear and identifiable standard for the public to meet and they will surprise you with their ingenuity. Use a command and control approach and salmon recovery remains the government's problem and yours alone. You will have to come up with all of the answers. Offer a participative alternative, telling the public what needs to be done and they will share the problem and astonish you with the creative and innovative solutions that result.

Thank you for the opportunity to testify today. I would be pleased to answer any questions you may have.

#### SUMMARY STATEMENT OF HANK SITKO

Senator GORTON. Mr. Sitko.

Mr. SITKO. Thank you, sir. Our association represents the recreational boating industry and has over 900 members. We produce the third largest boat show in the United States, the Seattle International Boat Show, and a smaller show called the Shilshole Boats Afloat Show.

Currently, we have close working relationships with federal, state, and county legislative bodies and departments that make policy decisions concerning the salmon. We also have a close working relationship with the commercial fishing industry, tribes and sport fishing groups. We are a \$2 billion industry employing 16,000 individuals, and 8 out of 10 boats sold in our state are, in one way or another, used for fishing.

Today I would like to talk to you about our involvement in harvest and hatchery issues.

Harvest levels for chinook and coho have plummeted dramatically in the last 25 years. The number of coho caught in Washington ocean fisheries has dropped 98 percent in 25 years for treaty, non-treaty, sport and troll fisheries. That drop is a drop from 2.3 million coho caught when runs were healthy, to 31,000 coho caught last year.

In the same 25-year period, Chinook catch in the Puget Sound for marine sport fisheries dropped 70 percent with a high of 334,000 to the current average level of 58,000.

With reduction in the catch came curtailments in fishing opportunities in the form of much shorter fishing seasons.

Westport Washington, once referred to as the salmon capital of the world, had 200 days of salmon sport fishing in 1974. In 1998 it had only 11.

In 1974, Sekiu had 245 days of marine sport fishing. Now it only has 37.

With the reduction in catch and shortening of the seasons, the sport fishing infrastructure began to collapse. Once home to a major charter fleet, Washington state has only a handful of that fleet left to provide that service.

The majority of Mom and Pop tackle shops have closed and the remaining few that are remaining are hanging on by a thread.

As I mentioned to you earlier, the economic impacts on the sport fishing industry as well as the boating industry have been devastating. The Northwest Marine Trade Association is doing our fair share to help turn this situation around.

We and the tribes share a common goal that harvest decisions must be made on a biological and scientific basis. If there is any question of adequate escapement of wild Chinook, then fisheries must be curtailed. However, if in some terminal areas, such as Elliott Bay, the returning salmon are well above escapement goals, then limited harvest should be allowed for both tribal and non-tribal fishers, as long as the fisheries permit escapement goals are met.

As far as hatcheries, in the past, salmon hatcheries were mainly used to compensate for the loss of natural production due to over-fishing and destruction of habitat critical to the reproduction and survival of wild salmon. Today the emphasis on hatcheries is to support the wild salmon recovery effort. Some hatcheries are used to rear wild fish from depressed populations in an environment that increases their survival. Currently, more than a third of the salmon hatcheries are being used in this way to restore wild salmon runs, including the re-seeding of water sheds where runs no longer exist.

We are seeing success in some of these projects. The White River wild spring Chinook is an example of a rebuilding and reseeded program that was relieved, in part, on hatchery supplementation. These fish were saved from extinction.

NMTA believes that the need for hatchery reform is being recognized, but more needs to be done. The scientific community is still debating the specifics. However, agreement still have to be reached concerning the need to conserve the genetic integrity of the remaining wild stocks and to assist in the recovery of naturally spawning fish.

We also believe, and most reasonable observers would also agree, that hatcheries will be needed for the foreseeable future to produce salmon that can be harvested by tribal and nontribal fishers. Currently, nearly 70 percent of all harvested coho and Chinook originated in hatcheries.

Discussion of hatcheries and harvest issues would not be complete without a mention of mass marking and selective fishing.

In 1995, our organization, along with other sport fishing groups, initiated and succeeded in the passage of a bill that would require the Washington State Department of Fish and Wildlife to clip the adipose fins of all coho produced in state hatcheries. A similar bill was passed in 1998 for Chinook. The purpose of this clipping is to help differentiate between a hatchery fish and a wild stock fish. Therefore, if an angler catches a fish with a clipped adipose fin, he or she would keep it, realizing that it is a hatchery-produced product. However, if the fish caught has an adipose fin intact, he or she would realize that it is a wild stock fish and release it accordingly. In essence, mass marking of our state's Chinook and coho is a win-win for both sport fishers and the conservationists.

Perhaps the best argument for marking of all hatchery Chinook in an ESA-listed area is the need to address the issue of wild versus hatchery fish interaction on the spawning gravels. We need to know, accurately, what the true population of wild Chinook is for a given river system as a part baseline of information so that we can measure progress toward recovery and hopefully, eventually, delisting of Chinook. When marked coho returned to Willapa Bay last year biologists were very surprised to find out that the population of wild coho, unmarked coho, was greater than estimated for some systems.

Hatchery operations need to be improved and made compatible with recovering wild Chinook. However, throwing away the baby with the bath water, as some anti-hatchery groups seem to advocate, will neither save our wild salmon nor retain any meaningful fishing opportunities. The Boldt decision presumed that we would continue to produce salmon for the tribal and non-tribal fishers. We believe that the federal government should assist in hatchery reform, and in financing of hatchery programs and other aspects of wild stock management associated with ESA and tribal treaty rights.

Salmon are part of our history, culture and heritage. They are a symbol of the Pacific Northwest. They are a symbol that connects us to our environment.

Our organization has been involved in the salmon issue for over 7 years now. Like many of you here, we have put in countless hours and attended thousands of meetings to help define the problems and seek solutions. Many of us here have done this without pay and in a volunteer spirit because of our commitment to the salmon issue. We salute these people.

This issue is complex and crosses cultural, economic, social and political creeks, but together we have come far upstream, and still have a way to go.

NMTA is committed to this issue for the long haul, and has enjoyed working with many of you here and being part of the process. We look forward to working with you in the future and helping to

preserve one of the most precious resources, the salmon. Thank you.

Senator GORTON. Thank you.  
[The statement follows:]

#### PREPARED STATEMENT OF HANK SITKO

My name is Hank Sitko and I am the Executive Director of the Northwest Marine Trade Association. Our Association represents the recreational boating industry and has over 900 members. We produce the third largest boat show in the United States, the Seattle International Boat Show, and a small in the water boat show called the Seattle Boats Afloat Show.

Our interest and commitment to the salmon can be demonstrated by our involvement in the entire spectrum of the salmon management process. Currently, we have close working relationships with the federal, state and county legislative bodies and departments that make policy decisions concerning the salmon. We also have a close working relationship with the commercial fishing industry, tribes and sport fishing groups.

We are a two billion dollar industry employing 16,000 individuals, and 8 out of 10 boats sold in our state are, in one way or another, used for fishing.

Today I would like to talk to you about our involvement in harvest, hatchery and habitat issues concerning salmon.

#### HARVEST

Harvest levels for Chinook and Coho have plummeted dramatically in the last 25 years.

—The number of Coho caught in Washington ocean fisheries has dropped 98 percent in 25 years for treaty, non-treaty, sport and troll fisheries. That is a drop from 2.3 million coho caught when runs were healthy to 31,000 coho caught last year.

—Chinook caught in Washington ocean fisheries dropped 96 percent for treaty, non-treaty, sport and troll fisheries from a high of 560,000 to a low of 23,000.

—In the same 25 year period the Chinook catch in the Puget Sound for marine sport fisheries dropped 70 percent with a high of 334,000 to the current average level of 58,000.

With the reduction in catch came curtailments in fishing opportunity in the form of much shorter fishing seasons.

—Westport Washington, once referred to as the salmon capital of the world, had over 200 days of sport salmon fishing in 1974. In 1998 it had only 11 days.

—In 1974, Sekiu had 245 days of marine sport fishing. It now has only 37 days.

With the reduction in catch and shortening of the seasons, the sport fishing infrastructure began to collapse.

—Once home to a major charter boat fleet, Washington state has only a handful of that fleet left to provide that service.

—Boat houses that were used to rent skiffs are virtually non-existent.

—The majority of Mom and Pop tackle shops have closed and the remaining few are hanging on by a thread in order to survive.

The Northwest Marine Trade Association has two very knowledgeable persons engaged in the ongoing salmon season setting North of Falcon process, along with other recreational fishing representatives. This process is very complex and arduous and includes commercial fishers, the tribes and state and federal agencies.

As I mentioned earlier, the economic impacts on the sport fishing industry as well as the boating industry have been devastating. The Northwest Marine Trade Association is doing our fair share to help turn this situation around.

We and the tribes are in agreement that harvest decisions must be made on a biological and scientific basis. If there is any question of adequate escapement of wild Chinook, then fisheries must be curtailed. However, if in some terminal areas, such as Elliott Bay, the returning salmon are well above escapement goals, then limited harvest should be allowed for both tribal and non-tribal fishers, as long as the fisheries permit escapement goals to be met.

#### HATCHERIES

The first hatchery in Washington State, Fallert Creek, was built on the Kalama River in 1895 for \$5,000. Currently, the state of Washington operates the largest network of hatcheries in the world, producing salmon, steelhead, trout and warm water fish.

In the past, salmon hatcheries were mainly used to compensate for the loss of natural production due to over fishing and destruction of habitat critical to the reproduction and survival of wild salmon. Today the emphasis on hatcheries is to support the wild salmon recovery effort. Some hatcheries are even used to rear "wild" fish from depressed populations in an environment that increases their survival.

Currently, more than a third of the salmon hatcheries are being used in this way to restore wild salmon runs, including the re-seeding of water sheds where runs no longer exist. We are seeing success with some of these projects. The White River wild spring chinook is an example of a rebuilding and reseeded program that relied in part on hatchery supplementation. These fish were saved from extinction.

NMTA believes that the need for hatchery reform is being recognized, but more needs to be done. The scientific community is still debating the specifics. However, agreement seems to have been reached concerning the need to conserve the genetic integrity of the remaining wild stocks and to assist in the recovery of naturally spawning fish. We also believe most reasonable observers would agree that hatcheries will be needed for the foreseeable future to produce salmon that can be harvested by tribal and non-tribal fishers. Currently, nearly 70 percent of all harvested coho and chinook originated in hatcheries.

Discussion of Harvest and Hatchery Issues would not be complete without a mention of mass marking and selective fisheries.

In 1995 the Northwest Marine Trade Association along with other sport fishing groups initiated and succeeded in the passage of a bill that would require the Washington State Department of Fish and Wildlife to clip the adipose fin of all coho produced in state hatcheries. The purpose of this clipping is to help differentiate between a hatchery fish and a wild stock fish. Therefore, if an angler catches a fish with a clipped adipose fin he or she would keep it, realizing that it is a hatchery-produced product. However, if the fish caught has an adipose fin intact, he or she would realize that it is a wild stock fish and release it accordingly. In essence, mass marking of our state's chinook and coho is a win-win for both sport fisherman and the conservationists.

In 1998 the Northwest Marine Trade Association along with other sport fishing groups helped pass a bill to mass mark (clip the adipose fin) of all hatchery produced chinook in the state for the same reasons.

Perhaps the best argument for marking all hatchery chinook in an ESA-listed area is the need to address the issue of wild versus hatchery fish interaction on the spawning gravels. We need to know, accurately, what the true population of wild chinook is for a given river system as part base-line of information so that we can measure progress toward recovery and hopefully, eventually, de-listing of chinook. When marked coho returned to the Willapa Bay last year biologists were surprised to find that the population of wild coho (unmarked coho) was greater than estimated for some systems.

Hatchery operations need to be improved and made compatible with recovering wild chinook. However "throwing the baby out with the bath water," as some anti-hatchery groups seem to advocate will neither save our wild salmon nor retain any meaningful fishing opportunities. The Boldt decision presumed that we would continue to produce salmon for the tribal and non-tribal fishers. We believe the federal government should assist in hatchery reform and in the financing of hatchery programs and other aspects of wild stock management associated with ESA and tribal treaty rights.

#### HABITAT

NMTA is engaged in habitat restoration through our support for non-profit organizations such as Northwest Chinook Recovery and Trout Unlimited. The Haskell Slough project in the Skykomish River Basin was constructed last year under the leadership of these two organizations with three and a half miles of side channel habitat reclaimed for natural salmon spawning.

Our sport fishing advisor serves on the Lake Washington Watershed Executive Steering Committee, which is focused on habitat preservation/restoration as part of the tri-county salmon recovery efforts being done in response to the ESA listing of chinook. He also serves on the Cedar River Council where habitat is a major focus as part of a King County basin plan.

#### CONCLUSION

Salmon are part of our history, culture and heritage. They are a symbol of the Pacific Northwest. They are a symbol that connects us to our environment.

Our organization has been involved in the salmon issue for over 7 years now. Like many of you here, we have put in countless hours and attended thousands of meet-

ings to help define the problems and seek solutions. Many of us here have done this without pay and in a volunteer spirit because of our commitment to the salmon issue. We salute these people.

This issue is complex and crosses cultural, economic, social and political creeks, but together we have come far up stream and still have a ways to go.

NMTA is committed to this issue for the long haul and has enjoyed working with many of you here and being part of the process. We look forward to working with you in the future and helping to preserve one of our most precious resources—the salmon.

Thank you.

#### SUMMARY STATEMENT OF ED OWENS

Senator GORTON. And Mr. Owens.

Mr. OWENS. Thank you, Senator, Congressman Dicks, members of the Committee. I'm here today to speak on behalf of the commercial fishing industry of the State of Washington. The Coastal Coalition represents—

Senator GORTON. Ed, why don't you pull that mike a little bit closer. I don't think you're—

Mr. OWENS. Is this a little better?

Senator GORTON. Yeah.

Mr. OWENS. How about that?

Senator GORTON. All right. Perfect.

Mr. OWENS. Ordinarily I don't have a problem. My voice has a tendency to be a bit penetrating, but maybe we can fix that.

The Coastal Coalition represents approximately 2,000 vessels, 40 percent of which fish historically for salmon, and 475 associated businesses attached to the Coalition. I'm also speaking today on behalf of the Puget Sound gill net and purse seine vessel fleets.

The implications of the recent salmonid listings in Washington State are dramatic, and I think we all know that. I've been involved in this particular issue since 1974, with the Charter Boat Association on the coast, who are one of the members of our coalition. There were 450 vessels in that charter boat fleet in 1974. Today there are twenty-four. That's a sign of what is going on.

In the commercial side of the equation, we had over 10,000 licenses active in the State of Washington 25 years ago. Today there are less than 1,700 commercial salmon licenses.

Most of the jobs associated with my industry are rural jobs. They're not in downtown Seattle. They're in places like Ilwaco, and Pacific County, and Westport, and Aberdeen and elsewhere, and we don't see that impact. It's a very human and very personal impact, however, and one that we must deal with and recognize as we move forward on this issue.

The issues also include habitat, water and property rights, Canadian and Alaskan harvest of endangered species, high seas harvest by foreign flag vessels—I'm very pleased, Senator, to see that you made that mention in your prefatory remarks—land management, the Pacific Salmon Treaty, agricultural practices, the breaching of dams issue on the Snake and Columbia Rivers and elsewhere, fish farming, marine predation, El Nino, La Nina, road and building construction, barriers to fish passage. In other words, the list is endless, the list is universal.

Each of these issues are important to salmonid recovery in one form or another and do deserve the attention of Congress. My purpose, however, is to focus in a somewhat narrower manner on the

two components of the mix most directly affecting my industry, and that happens to be fleet reduction and harvest practices in the State of Washington.

The rural-dependent areas have already been adversely impacted through a number of ESA-related issues, most notably the spotted owl issue, the timber harvest practices, and those issues. The unemployment rate, while the economy in the State of Washington is very good overall, in some of these rural communities is very bad. We have businesses failing or barely managing to survive, and we hope that Congress keeps that thought in mind as we move forward on this issue.

What has commercial fishing done to contribute to the solution of the problem thus far? Well, for the last decade we've been under very strict limited entry management regimes. The commercial harvest seasons that typically ran four to six months in the 1970s are now measured in weeks, days, or in some cases, hours. Our non-tribal Chinook troll fishery, as mentioned by Mr. Sitko, has seen a 98 percent reduction since 1974. And I do concur, by the way, that the sports folks have shared in that reduction.

The bottom line of raising that issue is to point out that despite such serious reductions, there are some that would have you believe, as members of Congress, that harvest is the problem. We see that rhetoric repeated quite frequently throughout the media. In other words, the claim is, if we just stop sport and commercial fishing, the fish will return. The record proves these claims to be false, inaccurate, and misleading.

We need to have sport and commercial fishermen sitting at the table together. They're the strongest advocates for the resource. In my case, I have over 400 of my 1,700 commercial fishers who are active volunteers in programs, some of which you've already heard about, the Hood Canal, and others across the state. That's not to say that further reductions in harvest capability are not required, however. They are—and that's on both sport and commercial sides of the equation—if we are to succeed in meaningful salmonid recovery in the State of Washington.

For nearly 5 years now, the Canadian and United States commercial fishers, through vehicles such as the Southern Panel Stakeholders Agreement, have called upon their respective federal governments to finance significant reductions in harvest capability. They've also called for proper salmonid research funding to determine what the optimum harvest levels and strategies truly are.

Last year our industry, along with the sport fishing industry, supported House Bill 2496, a measured approach to try to reach some of these conclusions. And we would strongly encourage, Senator, and Congressman Dicks, and members of the Committee, that that process be continued.

We see the fleet reduction component, and agreed with our Canadian counterparts that we had to do something about it. Canada has stepped forward and put \$100 million in their fleet reduction program. We've had to fight tooth and nail to get 1.2 million last year out of the state, and barely three and a half million out of the federal government. Well, so far in the state budget there's an \$8 million line item. That \$8 million line item requires some federal

match if we're going to continue to pursue meaningful fleet reduction in the State of Washington.

We'd also like to call for Congress to take a good hard look at funding the research necessary to make some reasonable-man determinations about what meaningful harvest management has to be if we're going to succeed.

#### PREPARED STATEMENT

And then finally, we'd like to point out that the Columbia River Mitchell Act hatcheries are mitigation hatcheries for the dams, and we need to deal with that issue as well. And I stand available to answer any questions the Committee might have.

[The statement follows:]

#### PREPARED STATEMENT OF ED OWENS

Senator Gorton, Congressman Dicks, members of the committee: Thank you for the opportunity to speak today on behalf of commercial salmon harvesters as we enter a new era of ESA management of salmonids in Washington State.

For the record, I am Ed Owens, Executive Director of the Coalition of Coastal Fisheries. Our member seafood harvest industry trade groups and associations represent approximately 2,000 commercial and charter boat vessels, 52 oyster plants and charter boat offices and 423 other businesses who are associate members. Our member vessels, plants and offices have over \$349 million invested in the economic future of coastal communities and as recently as 1995 provided about 5,500 family-wage jobs in Washington State.

A significant portion of the capital and jobs represented by the Coalition are headquartered in, or operate from, rural Washington State ports from the San Juan Islands to the Columbia River. Our fleets and shore-based facilities are active throughout the western Pacific in the harvest and processing of pink shrimp, albacore tuna, salmon, groundfish and oysters. About 40 percent of the Coalition member vessels have historically been active in salmon harvest. I am also speaking today on behalf of the Gillnet and Purse Seine fleets that operate in Puget Sound.

The implications of the recent salmonid listings in Washington State are dramatic. The issues are many including: habitat, water and property rights, Canadian and Alaskan harvest of endangered species, high seas harvest by foreign flag vessels, land management, the Pacific Salmon Treaty, agricultural practices, the breaching of dams, fish farming, marine predation, El Nino and La Nina impacts, road and building construction, barriers to fish passage, hatchery reform, Tribal treaty rights, domestic harvest, and forest practices.

Each of these issues, and others, are important to salmonid recovery in one form or another and deserve the attention of Congress. My purpose, however, is to focus on a small portion of the larger picture and to address only a few narrow elements of the overall discussion. Specifically, I wish to focus attention on commercial salmon seafood harvesters and on the role of hatcheries in maintaining viable sport and commercial fisheries in Washington State.

In the 1970's there were over 10,000 active commercial salmon licenses in Washington State. Today, there are about 1,700 active non-tribal troll, gillnet and purse seine licenses. Most of these commercial fishers reside in rural, resource-dependent coastal communities already devastated by significant reductions in timber harvest restrictions related to the Spotted Owl and similar ESA-related actions.

Commercial salmon harvesters in our state have been under strict limited entry management regimes for at least the last decade. Commercial harvest seasons that typically ran for four to six months in the 1970's are now measured in weeks, days or, in some cases, hours. Our non-tribal ocean chinook troll fishery, for example, has experienced a 96 percent reduction since 1974. Other elements of the industry have experienced comparable harvest reductions over the last ten to fifteen years, and we are not alone. Sport fishers have experienced similar reductions in harvest, as well, as they have seen their chinook seasons reduced to about 70 percent of what they were in 1975.

Despite such serious reductions, there are some that would have you believe that harvest is the problem, and that if we would just stop sport and commercial fishing the fish will return. The record proves such claims to be false, inaccurate and misleading. That's not to say that further reductions in harvest capability are not re-

quired. Additional reductions in commercial, and sport, harvest capability are required if meaningful salmonid recovery is to occur.

For nearly five years now Canadian and United States commercial fishers, through vehicles such as the Southern Panel Stakeholders Agreement, have called upon their respective federal governments to finance significant reductions in harvest capability. They have also called for proper salmonid research funding to determine optimum harvest levels and strategies and to provide meaningful funding for the Columbia River Mitchell Act hatcheries and for hatchery management reform generally.

The Canadian government has spent well in excess of \$100 million just in fleet reduction alone in the spirit of the Southern Panel Stakeholders Agreement. Fleet reduction was seen five years ago as a critical path component for resolving a portion of the salmonid harvest-related problem and continues to be a major, even if misunderstood, issue today.

If for no other reason than good faith, the United States needs to accelerate its fleet reduction efforts. Towards that objective, the industry has worked with the state legislature and managed to secure an \$8 million line item in our current budget. However, this line item calls for federal support that is currently not in the federal budget. The industry estimate, to reach the level of reduction called for in the Southern Panel Stakeholder Agreement, would require comparable funding for a period of between four and five years. The industry agreed to pursue this objective and continues to honor the agreement we made with our Canadian counterparts.

In addition, the research needed to determine future optimum harvest levels remains largely unfunded, and funding for modernization of the state hatchery system and Columbia River Mitchell Mitigation Act hatcheries is required if we are to maintain viable sport and commercial fisheries for the state in the future.

In closing, I would ask that Congress address the hatchery- and harvest-related issues of fleet reduction and hatchery management based on balanced, sound and reasoned research with an eye to the future and a return of viable commercial and sport fisheries in the State of Washington.

#### ENDANGERED SPECIES ACT

Senator GORTON. I thank you all for very constructive testimony. I think I'd like to start by asking every member of the panel except for Mr. Ruckelshaus to comment on Mr. Ruckelshaus' paper and recommendation about the way in which we coordinate or put together the solution to the problems with which we're faced. We'll just start, and move across the table.

Mr. ADAMS. I would love to. It's one of the thing that—the perception often is that we are left out until it's all done, then we're handed something, and say, “How do you like it,” without any input. Getting everybody at the table to cooperate, including the people out in the grassroots area, I think is critical. Without them, you lose a very, very big participant that can help a lot.

Mr. BRADEN. I believe the idea of a coordinator is an excellent idea, but there is a big problem with it in the sense that until the Endangered Species Act is changed, NMFS will always have the trump card. So whatever is done locally, whatever is done by way of coordination, will always be subject to that final review and discretion of NMFS. And if we're going to really consolidate the efforts locally and really have a group that'll be able to make changes and stick with the proposals and protections that may come out of those changes, we're going to have to have some modification in that authority structure federally.

Senator GORTON. Mr. Anderson.

Mr. ANDERSON. Senator Gorton, I haven't read that paper yet. And the idea of a single coordinator probably makes some pretty good sense. There's a huge issue about inclusiveness and trust that is pervasive within the fish wars. There's a old adage that basically

the people in the salmon business will eat their own young. And that's a pretty standard kind of problem that has to be addressed.

One of the issues for volunteers is that we're volunteers, and when the meetings are held during the weekday, most of us have day jobs, and so even being able to attend the plethora of meetings and the thousands of hours invested in this is very difficult for us.

Also, funding within the state and federal budgets are necessary for us to be able to have the infrastructure to be able to attend those. And so if we really want to use the volunteers and the community, there has to be a level of support and a realization that as volunteers, we have to have some consideration to be able to attend and contribute.

Senator GORTON. If you have—I wish you'd take the chance to read Mr. Ruckelshaus' paper—

Mr. ANDERSON. I will. Certainly.

Senator GORTON [continuing]. And maybe follow up with a letter to us—

Mr. ANDERSON. Thank you.

Senator GORTON [continuing]. On your more precise reactions.

Mr. Sitko.

Mr. SITKO. Yes. I think, if I look at it, the solution has to come from the bottom up. It can't come from the top down. And if we are going to have a consolidated coordinated effort, I think we have to build into that methods of communication dissemination so that we're all praying from the same hymnal, and we're all coordinated in our effort. And then built into that is your suggestion of, how do you measure success? And built into that, overlaid on top of that, is accountability into the system. So I think there are some of the ingredients that we have to look at.

And then the other thing is, how do we keep volunteer burnout from occurring? Because like the gentleman just says, it's—a lot of hours and a lot of time is put into this, plus, the other folks have day jobs.

Senator GORTON. Mr. Owens.

Mr. OWENS. Thank you, Senator. The—our industry is a strong proponent of the local-up participation. We have a lot of independent folks in the State of Washington. If we don't have local participation and local involvement, we're not going to have a solution. And we believe that coordination should be very much a centralized function, and balanced by some kind of reasonable scientific process.

Now, there are two pieces of legislation currently in the legislature, one sponsored by Senator Jacobs and one by Representative Jim Buck, that are dealing with trying to wrestle with this issue as we speak. There are so many players involved. If we don't get everybody on the same page, we're going to have a long-term problem, and I believe Mr. Ruckelshaus' focus is very accurate in that regard.

Senator GORTON. Bill, would you react to Roger Braden's statement that it doesn't matter, 'cause someone can overrule the coordinator?

Mr. RUCKELSHAUS. Well, I will. I'd also like to react to the bottoms-up recommendation.

Senator GORTON. Fine.

Mr. RUCKELSHAUS. Because I personally believe that bottoms-up is the only way that you're ultimately going to get success. If you get the people who are most dramatically affected by the recovery efforts up and down these river basins to endorse the—number one, what is the need in that particular river basin, and endorse the process for resolving that need, you've got a much better chance of success than you do if you try to set up some kind of centralized enforcement process to force people to do things. It just doesn't work in this area.

We've been wrestling with non-point-source pollution in water for thirty years. I was at EPA when the current Clean Water Act first passed. We haven't figured out how to deal with non-point-source pollution without getting the right kind of incentives and support of farmers, and others who are affected by runoff, to get behind whatever solution there is.

And I think it's necessary, in the case of the current Endangered Species Act that I don't think is going to be changed—maybe in our lifetime it will, but certainly not in the next couple of years—to think outside the box. There's nothing in that Endangered Species Act that says the President and the governor could not designate somebody as a coordinator and say, "I want all of you, all the agencies under my responsibility"—and the governor says the same thing, the same with the local governments—"to work with this person to develop plans, implement plans, endorse plans that are all of our plans." For the federal government to sit at the same table and say, "You tell us what you want to do, and we'll tell you whether you can do it" is a prescription for disaster. But for them to sit at the table and say, "We've got a problem here in this region. What do we need to do to solve it? What is our role, the federal role? What is the state role? What's the local role? What is the role of all these citizen groups that are working so hard to try to restore salmon," and then get on with resolving, or with implementing whatever plans have been developed.

I think if we do that, and if both the governor and the President say, "This is the person I want to help coordinate that, and I want all of you to cooperate with them in doing it," in the first place, I can't think of any judge in this land who would overrule a group of agencies at every level of government that said: "This is the way we're going about trying to solve this problem, and we think it's got—it's the right solution here. We've involved all of the people." Where is the room for the judge to come in and say, "Here's the solution"? Not that a judge is going to act unreasonably, but simply because I think that's the way our legal system will work, and if we're not careful, we'll get a thousand different solutions by judges that will simply stall the whole thing.

Senator GORTON. Go ahead.

Mr. DICKS. I think this idea has merit. And we've witnessed, for example, the timber, fish, and wildlife group that met over a significant number of years. It included the tribes, had all the federal, state agencies involved, and they stayed together. What if we took your idea and, let's say, we put Mr. Stelle and Mr. Smitch as the cochairs of this group, one representing the governor, one representing the federal agencies—and NMFS ultimately is going to

make a lot of these decisions, or give a lot of direction or help—and work on a recovery strategy and include all the parties?

And in fact, the governor has a group called the Governor's Council on Natural Resources, which I understand includes the cities, counties, tribes, federal agencies, the legislature, ports, maybe PUDs, environmental groups. It seems to me, I think we might need to do this. I was skeptical at first, but the more I think about this, some kind of coordination—but I don't think you have to bring a new outside player. Why couldn't you take the two key people, the governor's assistant and Mr. Stelle, have them co-chair this and work like we did under timber, fish and wildlife with everybody participating? Could that work as a model?

Mr. RUCKELSHAUS. Yes, it's both—I have great respect for both Mr. Smitch and Mr. Stelle. They are working very hard at their current jobs, and I think doing a very good job at it. And it could work. The most important element is not—it is important who the person or persons that could be co-chairmen are. The most important thing in my view is that the governor and the President say, "We want this to be a coordinated effort." We don't want this to be one level of government second-guessing what another level of government is doing and then we all get in a big fight and end up in court. If that's the way it proceeds, that's where I think were in trouble. And if both the president and the governor said, "We don't want that to happen. We want this to be a coordinated effort, and these two people are the ones that we're charging with the responsibility of bringing everybody to the table," it could work. I'm only suggesting someone else just because it further dramatizes—

Mr. DICKS When we get to somebody else, then does that person become the so-called czar?

Mr. RUCKELSHAUS. No. Certainly not.

Mr. DICKS. That's the concern that I've heard. I think this is a very constructive idea, and your leadership is very important in this, and we want to try to work with you. But I do believe that something modeled on the timber, fish and wildlife process might be a useful example. It's worked in this state. These people were all involved. And I would like to continue to have some dialog with you about this—

Mr. RUCKELSHAUS. All right.

Mr. DICKS [continuing]. And try to see if we can't work out something that's acceptable to the people in this room.

And let me make just one final comment. To Mr. Adams and to Mr. Anderson, people who've worked on the local salmon enhancement groups, I applaud what you've done. Al, I read your recent letter on all the work that's been done in the Hood Canal area. I think it's incredible. I think the habitat that's been restored, the local involvement, the incubators—you've taken me out there and shown me what you're doing. The Senator and I both have helped fund funding not only for your effort, but for the enhancement groups in general, and we think this is essential in keeping the local involvement. And you're right; over the long term, you've got to have this grassroots effort in order to get this done.

I also believe, of course, that essential to your success is a United States-Canada agreement that will put more fish back in those riv-

ers fast to help us. And if we can blend those two things together, I think it makes a real success story.

And Ed, you know, I used to go down to Westport with Glenn Jarstad from Bremerton, and the fleet has diminished rather significantly. And we want to see this resource recover so that some day again we can have, maybe, Westport as the salmon capital of the world, but it's going to take a while, and effort.

I want to thank all the members of the panel for their testimony.  
Senator GORTON. Jim.

Mr. MCDERMOTT. Thank you, Mr. Chairman.

I listened to you, and I understand the importance of coordination and that whole aspect of this problem. What I'd like to ask the members of the panel—each of you come from somewhat different positions in this whole operation. I'd like to hear what you think is the toughest issue that we're going to have to face in solving this. What, of all the things that are out there, when we get this table and get everybody sitting around the table, what is the issue that you think will be the toughest issue to solve?

Mr. ADAMS. Long-term?

Mr. MCDERMOTT. Yup.

Mr. ADAMS. Long-term. Well, it's been repeated many times, but it doesn't get acted on. It is still a long ways away from having me or somebody else of the ground people at these tables. Never have we been invited by Bill Ruckelshaus or others to come to a table like this. It must—if you're going to have long-term success, the only way it's going to happen is in the watershed, by the watershed people. You can get all the money you want, the hundreds of millions of dollars spent on wild salmon recovery, but you just wait for five, or ten, or fifteen years when people are sick and tired of hearing about it, and things will slowly go back to where they were unless you have a strong watershed group of people who are saying "No more. We will enforce things. We won't allow it to happen." Until that happens. But we can't be left out of it in the discussions, and we have been left out.

Mr. MCDERMOTT. So it's the issue of enforcement within the watersheds? You think that's the toughest thing to keep in place?

Mr. ADAMS. Well, it's part of a big picture. Enforcement is a big thing. In Hood Canal we see a lot of things go on in the watershed that are very unhealthy.

Mr. MCDERMOTT. On the non-point-source issue?

Mr. ADAMS. Well, all of habitat as well as harvest. So—but if you get—we intend to spend the next five years of Hood Canal Salmon Enhancement Group energy on developing watershed stewardship throughout Hood Canal, hopefully in almost every watershed area. And we truly believe it. And all the wisdom that we can come up with, all the things that we've read and listened to, that's the only way that you're going to get success in thirty years from now, twenty-five years, or fifty years from now. It's got to be that way. But in order for it to happen, you have to recognize it at that top and bring people in from the ground. Somebody has to represent these groups, and nobody has been offered that, to represent them.

Mr. MCDERMOTT. Mr. Braden.

Mr. BRADEN. In a nutshell, I think the salmon crisis is due to civilization, the fact that we have many, many people living in the

Northwest, and they have many, many diverse impacts on the salmon life cycle. I think that what we've got to do is get away from the idea that you can pinpoint a source or a problem. The non-point-source of pollution was a good example because it's very diverse. We need to get people prepared to talk and to compromise, not to point the finger, not to have the harvesters point to the hydro, or the hydro to the harvesters, or someone else to hatcheries. It's a problem that we all share in, and until we all are prepared to make movement and change some of the adverse impacts of Northwest development and civilization, I think we won't get there.

Mr. McDERMOTT. Mr. Anderson.

Mr. ANDERSON. Speaking for the volunteer community, we're players. We're extraordinarily passionate and excited about the opportunity to make a difference. We would like to be involved, and at present we are begging, pleading, beseeching you for some—or, to be able to live up to what our beliefs are and what are passions allow us to accomplish within the community. Short-term, issues of turf will get in the way. No kidding. And maybe they'll go away, but trust is earned.

Mr. McDERMOTT. Mr. Ruckelshaus.

Mr. RUCKELSHAUS. It's a—listening to what these gentlemen on both my right and left have been saying, it's indicative of what people throughout this region feel about the fish. They feel very strongly about it. I think there's a tremendous amount of momentum right now that's been generated in the Northwest to try to save these fish. That's why I think it's so important to coordinate it. I think ultimately we're going to come to the decision we've got to coordinate the science, we've got to coordinate the governmental address to this. Now is the time to take advantage of all of this enthusiasm and momentum that's been created, instead of waiting until it's so obvious to everybody that we need to coordinate it, that we have to do it. So that's why I think it's important to do it now.

Mr. McDERMOTT. Mr. Sitko.

Mr. SITKO. Sure. I think for too long we've been defining and re-defining the problem. We knew what the issues were for a long time, if you go back and look at this issue. The critical problem that I see with it is that the constituents involved in the players, the developers, the agricultural community, the commercial fishermen, sport fishermen, there's no consensus of agreement on how to solve the problem, and no one willing to make the sacrifice for it. And then overlaid on top of that is, there is the issue of who's in charge, who could really call the shot to make us all come together, with the leadership. And I think that lack of political will is also a problem.

Mr. McDERMOTT. Ed.

Mr. OWENS. Congressman, I don't believe there's any one single magic bullet out there. I'd also like to note for the record, Puget Sound is not the center of the known universe. We have a state-wide problem here, and we need to balance those kinds of competing interests. I think the toughest problem is the water issue, the dams, the water-in-the-streams issue for the fish. I don't believe we've been creative enough in trying to find some solutions for that, and I think we need to put some energy into it.

And I'd also like to note that the competing interests issue—I'd like to reinforce what Mr. Sitko has said. We need to have some forceful leadership, and I'm not sure it should be governmental agencies. One of the problems that I've seen is, is that when you go to these meetings, the people dominating it are all government, and they're all competing to keep their people in employment. Seldom do we see citizens, the volunteers, my 400 people, his thousand, whoever we've got going here, adequately represented so that voice is at the table. I'd like to see an emphasis in that direction.

Mr. MCDERMOTT. Thank you.

Thank you, Mr. Chairman.

Senator GORTON. Bill, for maybe a couple minutes, would you put on a different hat and speak to what Norm Dicks was talking about? Tell us how important you think United States-Canada is in this, and how close we may be to a constructive solution.

Mr. RUCKELSHAUS. I think it's essential to solving the problem, and I think we've come a long way. As the governor mentioned in his remarks, we apparently are—as best I can gather from the people currently involved in the negotiations, we are getting close to a Chinook agreement, particularly in the south, but maybe up and down the coast. The coho agreement that was entered into last year is—again, a similar agreement is on the table, and that is also possible, so that the allocation part of the equation looks like it is progressing pretty well. We're not home free yet, but it looks like we may be able to get a multi-year allocation agreement under the current negotiating process.

What I think we risk is not thinking broadly enough about this, and making sure we fix the whole thing and not just the allocation process. And by “the whole thing,” I mean we need, up and down the Northwest coast of North America, a scientific process which is coordinated with the policy-making process that sets the allowable catch as to how many fish should be caught each year based on escapements that are actually observed during the year, and then we enforce against those escapements; that there is a fish management process up and down the coast that ensures that those—that TAC, or total allowable catch, is met each year, and that TAC is set on the basis of continually expanding the pie, the size of the pie itself.

And then the allocation process, how you allocate that, is inherently a political—small “p” political process. You're not going to avoid the problems associated with it, but that's what we're spending all the time on. And we risk missing ensuring that the Pacific Salmon Commission works—right now it's dysfunctional—and that we've got the science properly plugged into the policy-making process, and that the science really doesn't recognize any international boundaries. If we do that, we can fix it.

The only risk I think we have right now is, we don't think big enough about solving the problem up and down the coast, and we just focus our attention on the allocation part of it.

Senator GORTON. Thank you. And I want to thank all of the members of the panel for their most constructive suggestions. Thank you very much.

Mr. MCDERMOTT. Mr. Chairman.

Senator GORTON. Yes.

Mr. McDERMOTT. May I say I want to thank you again publicly for allowing us to participate in this. I've got to go and try and explain to some high school students about Kosovo, and I don't know which is tougher, this or Kosovo, but I appreciate you calling this hearing. I have to leave, but I look forward to being able to read the testimony from the rest of the hearing.

Senator GORTON. Thank you. Thank you very much.

**STATEMENTS OF:**

**BILL WILKERSON, WASHINGTON FOREST PROTECTION  
LINDA JOHNSON, WASHINGTON STATE FARM BUREAU, WASH-  
INGTON CATTLEMEN'S ASSOCIATION  
MIKE MILLER, PRESIDENT, PACIFIC PROPERTIES  
ROBERT KELLY, NOOKSACK TRIBE  
TIM STEARNS, SAVE OUR WILD SALMON  
CONRAD MAHNKEN, NATIONAL MARINE FISHERIES SERVICE**

**SUMMARY STATEMENT OF BILL WILKERSON**

Senator GORTON. OK. Bill, Mr. Wilkerson, we will start with you.

Mr. WILKERSON. Thank you very much, Mr.—co-chairs. First of all I want to thank you for creating this opportunity. Obviously the interest is substantial, and I think you're hearing why.

I'm Bill Wilkerson. I'm the executive director of the Washington Forest Protection Association. And I think we bring—

Senator GORTON. Can we reduce the noise level in the rest of the room so that we can hear the witness? OK. Go ahead.

Mr. WILKERSON. Thank you, Senator. I think we bring to you some very good news today. As Governor Locke suggested, over the last 18 months, and as both of you well know, the timber industry has been working with all federal, state, counties, tribes, originally the environmental groups, and ourselves to try to be on the proactive side of this issue long before the listings did occur.

In fact, I recall about 18 months ago Senator Gorton, Congressman Dicks, and Governor Locke met with us and encouraged our industry to get on the proactive side to try to avoid another train wreck that had occurred with respect to our respective experiences on the spotted owl, and to try to develop a state-based plan that would meet the needs of the fish on the one hand, and try to keep an economically viable industry together.

Over those eighteen months we've had the opportunity to work with federal and state agencies, tribes—counties and the tribes, and we have come to what I would call a historic agreement. We have basically developed for the 8 million acres of private timberlands in our state the equivalent of an HCP for all of those lands. And let me put that in perspective. Eight million acres is more than 20 percent of the land in the state. Coupled with the federal lands that are covered by the Clinton plan, wilderness acreage, and with lands covered by the Department of Natural Resources HCP, what we are bringing to the table is the last increment of means—what will mean 20 million acres of our state are covered by some form of a conservation plan. And I think that that is, if you think about that, that's more than half the land of the state.

So are we off to a good start in terms of being proactive, "we" being the entire state? I think Governor Locke and you all are to

be congratulated for creating an atmosphere where already half the state is determined to be ESA-compliant. And I think in our case, one of the most significant things is, we have been told by the Environmental Protection Agency and the Department of Ecology that we are—we also have a plan that we're moving forward that is Clean Water Act compliant, which was a goal of ours when we started about eighteen months ago.

This is the first time in the United States where the federal agencies, EPA, the Fish and Wildlife Service, and NMFS—the first time that we're aware of—where they have gotten their acts together and put together a Clean Water Act strategy and an ESA strategy at the same time. So to say the least, I think that there's a lot on the table to be proud of.

Congressman McDermott asked the question whether the state legislature is being supportive, and I can tell you right now that we could not ask more from our state legislature in terms of the Forest and Fish report. In the House, Representative Regala and Representative Jim Buck have taken extraordinary leadership and put together a much-improved bill from the one that we gave them, which had been developed at the tail end of exhaustive negotiation, and I think we will see movement on that bill in the House here very soon.

On the Senate side, Senator Ken Jacobsen and Senator Sid Snyder and other Senate leaders have made sure that we put together a bill that will be responsive to the needs of the fish and to the needs of supporting the Forest and Fish plan.

A couple of things that have been discovered by our legislature that are important in our plan, that I think are important to you as well. One is—one of the most important elements is, is that we are dealing with the economic impact differential between large and small landowners. DNR has done a study that says if our regulatory base were to be adopted, that the impact on smaller landowners, because they have more water and less acreage, would be almost double that of large landowners. And we've established a compensation plan which will require, I believe, state and federal funding, to help compensate through a conservation easement program for the leaving of these trees on the ground for buffers and for landslide-prone areas, and so forth, that are all in the plan. And I think that's a huge package. It looks a little bit like the CREP Program which you are aware of, and I do think that's very important.

Finally, I would just say that we've worked with the Tri-County executives. I think they're to be congratulated. I think that some of the coordination that Bill Ruckelshaus has called for is starting to occur, and I do think that we cannot be successful in rebuilding fish runs if we don't do our part, and frankly, if they don't do their part. And I also think that we have to look at this issue on a total watershed basis.

#### PREPARED STATEMENT

What's your role? I think your role is to keep encouraging us, as you have, to work on these issues and solve them; and secondly, to help us with funding, because these programs that we are bringing you do cost money to fully implement.

Thank you again for the opportunity to be here, and we look forward to your questions.

Senator GORTON. Thank you.

[The statement follows:]

PREPARED STATEMENT OF BILL WILKERSON

My name is Bill Wilkerson and I am Executive Director of the Washington Forest Protection Association in Olympia, Washington. Our board is composed of large and small forest landowners who own or represent about 8 million acres of private forestland in Washington State.

I appreciate the opportunity to report to you today about a positive solution that has been developed to meet salmon recovery needs on private forestlands in our state. After nearly two years of work, five diverse groups with a stake in salmon recovery successfully negotiated a science-based agreement that will protect fish habitat and water quality on more than 60,000 miles of streams on private land. Now called the Forests and Fish plan, the agreement is part of Governor Gary Locke's statewide salmon recovery strategy. Legislation to implement the plan now is being considered by the Washington State Legislature, and the state Forest Practices Board has made the Forests and Fish plan its preferred alternative as it develops new permanent rules for fish and water protection. The plan is endorsed by state and federal regulatory agencies, a number of Native American tribes, county government, and the private forest landowners.

Though there are other fish and water proposals for private forest land, the Forests & Fish plan has the best chance for success in actual practice because there is commitment to it from the five key stakeholder groups. The agreement was worked out in 15 months of tough negotiations among the parties. The environmental community was part of the discussions for the first 10 months. Their participation helped shape the final agreement, though they voluntarily left the table before the plan was completed.

As importantly, the scientists from the three federal agencies involved—National Marine Fisheries Service, U.S. Fish & Wildlife Service and Environmental Protection Agency—and the scientists from the Washington Department of Ecology, Department of Fish & Wildlife, and Department of Natural Resources, and many tribal scientists, all have been involved every step of the way. They say this plan will work.

The Forests and Fish plan meets the requirements of both the federal Endangered Species Act and Clean Water Act, an historic first. The scientists from the six agencies and the tribes agreed that the Forests and Fish plan is a biologically sound way to protect fish and water on 8 million acres of private forests. The plan will greatly expand forested buffer zones along streams to provide shade, including almost 40,000 miles of non-fish-bearing streams. There are stronger standards for road construction and maintenance, and new protections for steep and potentially unstable slope areas. The agreement also has a rigorous adaptive management section, which will use science to judge future fish and water needs. These and other protections will ensure that forest streams continue to flow with the cool, clear water that fish need.

Because the agreement would cost landowners more than \$2 billion in land and timber value in western Washington alone, the Forests and Fish agreement includes an economic incentive package, including a reduction in the state timber tax rate by one percentage point. There also is a compensation plan for small landowners similar to the Conservation Reserve Enhancement Program. With the incentives, the Forests and Fish plan is the only fish protection proposal that allows forestry to continue as a viable part of our state's economy. If private forest land can no longer be managed for economic success, then it will be converted to other uses, and the state would lose valuable open space in addition to habitat for fish and wildlife.

KEY POINTS OF THE AGREEMENT

The most far-reaching changes in the Forests and Fish agreement will take place in riparian zones—the streambank areas right next to water—where new forest buffers will provide shade and contribute large wood pieces into streams. A complex set of standards prohibits forest management activity near streams and limits activity in areas up to 200 feet on each side of a stream. All fish, resident and anadromous, game fish and non-game fish will receive protection. Current rules limit protection to game fish or salmon. All streams that provide fish habitat will receive the same protection as streams where fish are currently present.

West of the Cascade crest, fish habitat streams will be protected with three-zone buffers, based on the potential height of a tree on a specific site. The core zone, next to the stream, is a 50 foot-wide "no-touch" area, where no harvest activity will take place. Next, an inner zone, from 80 up to 150 feet wide, will have restricted management. Beyond that will be an outer zone, managed to leave up to 20 trees per acre for the protection of special features. Again, almost 40,000 miles of non-fish habitat streams or streams that are not expected to be occupied by fish will be protected, as well.

The agreement also protects streams east of the Cascade crest with three-zone buffers, again based on tree height, while recognizing the Eastside's different climatic and forest health conditions. There is a no-touch core zone of 30 feet, which is equivalent to the Westside buffers when the Eastside's smaller tree size is taken into account. Next is an inner zone with restricted management, either 45 feet or 70 feet wide, depending on stream size and location. An outer zone, determined by potential tree heights, will be managed to leave between 10 and 20 trees per acre depending on forest habitat types. Non-fish habitat stream protection is equal to the western Washington strategy.

I can't emphasize enough the importance of this regional approach. All parties rejected a "one-size-fits-all" approach. This is important as you look to other sectors for ESA and CWA strategies.

The Forests and Fish agreement also has significant changes in the forest practices permit process to prevent landslides. Improved topographic and geologic mapping will provide landowners and the state Department of Natural Resources with more accurate prediction of where slides may occur. Detailed standards will be established to field identify the most hazardous areas and operation on these areas will be severely restricted.

Another area of major change affects forest roads. All existing forest roads must be improved and maintained to a higher standard for fish passage, preventing landslides, limiting delivery of sediment and surface runoff water to streams and avoiding capture or redirection of surface or ground water. To accomplish this, landowners will be required to bring all of their forest roads into an approved maintenance plan within five years and complete improvements within fifteen years. Standards, priorities and implementations guidelines are established. This will involve a private landowner investment of at least \$250 million.

In addition, there are these other provisions in the Forests and Fish agreement:

#### PESTICIDE APPLICATION

Recommended changes in buffering rules and best management practices for the application of forest pesticides to prevent significant entry of pesticides into water. There are also recommendations which will prevent damage to riparian vegetation by limiting entry of pesticides into riparian management zones.

#### WETLAND PROTECTION

Improved mapping of wetlands and clarification of existing rules will provide additional wetland protection.

#### WATERSHED ANALYSIS

The watershed analysis process will be modified to recognize rule changes in riparian protection, road construction and maintenance, and restrictions on unstable slopes. Assessment modules for monitoring, restoration opportunities and cultural resources would be added for new analyses. The water quality, hydrology and fish habitat modules be upgraded to reflect current knowledge. Watershed analysis would remain voluntary with these recommendations.

#### ALTERNATIVE PLANS

A process would be created for landowner initiated alternatives to standard forest practices rules, where a different solution would provide protection equal to standard rules. The recommended process includes guidance for submitting alternative plans, standards for state resource agency and tribal review and an approval process for DNR.

#### SMALL LANDOWNERS

Small landowners will meet the same habitat protection standards and rules as large landowners. However, because small landowners are disproportionately impacted by wider buffer and more complex rules, half of the value of trees left for

riparian protection would be returned to the landowner through purchased conservation easements. This program is absolutely critical to keeping small landowners from converting their lands for other uses less friendly to fish, and will require a long-term investment by both federal and state governments.

#### REVISIONS TO THE PERMIT PROCESS

The agreement proposes longer-term forest practices and hydraulics permits, and progress toward eliminating the dual authority over forest practices in the administration of the Hydraulics Code and the Forest Practices Act. This also puts the state Department of Fish and Wildlife on the Forest Practices Board, ending an almost 25-year-old battle as to whether this was appropriate.

#### ENFORCEMENT

The state Department of Natural Resources would gain greater authority to identify and punish repeat forest practices violators through requirements for financial assurances and denial of forest practice permits.

#### ADAPTIVE MANAGEMENT

To ensure that science continues to guide forest management, specific technical research will be conducted to test the cause-and-effect relationship of management changes. New changes will be directed by research results. The adaptive management process includes planning, budgeting and project management along with technical and policy review, and dispute resolution. The recommendations place final authority in the hands of the Forest Practices Board, with federal agency oversight to determine whether the Board is responding to new scientific findings. The commitment to go where cooperative science leads us is a cornerstone of the agreement.

#### ASSURANCES

All regulatory bodies anticipate that the agreement will meet the requirements of applicable laws.

#### FUNDING

Funding for the provisions of the agreement is contained in the Governor's proposed biennial budget and in proposal currently before Congress.

Private forest landowners voluntarily joined the other stakeholder groups in the negotiations that led to the successful Forests and Fish agreement. We are willing to do our fair share for salmon recovery, and we applaud the efforts now underway among other groups and governments to develop lasting solutions for their impact on the salmon cycle. We are a strong supporter of the Tri-County effort, and the three county executives and the Washington Association of Counties unanimously support the five caucus plan. The five parties to the Forests and Fish agreement believe that our process can be a model of government and private sector cooperation to produce a workable solution. Thank you for inviting me to this field hearing today to report how the Forests and Fish agreement will protect fish habitat and water quality on private forests in Washington. I am submitting for the record these comments and some additional materials describing the Forests and Fish strategy for our state.

#### SUMMARY STATEMENT OF LINDA JOHNSON

Senator GORTON. Linda Johnson.

Ms. JOHNSON. Thank you, Senator Gorton, Congressman Dicks, for—

Senator GORTON. A little closer.

Ms. JOHNSON. A little closer—for allowing us to come. We were asked by staff to provide the private landowners' view on how the federal dollars that would be coming into the state could be spent on salmon recovery, so that's what I'm going to focus our comments on.

We believe that Congress needs to allocate federal dollars in several areas: directly to the state for funding on-the-ground projects

for habitat restoration; we believe funding needs to go to federal in-state agencies for addressing the predation problems; and we'd also like to see money coming in for license buy-back for both commercial and tribal fishing. We believe that without a comprehensive funding approach for all three of these areas, that our state will be setting itself up for failure.

We believe it is critical that Congress appropriate funding directly to one source, as you've heard mentioned this morning, and that would be to the state legislature, not to a government agency or to individual organizations. We want to ensure accountability to the public for the taxpayer dollars which will be spent.

At the state legislature there is a strong concern on both sides of the aisle that without all funding going through one source, we will find ourselves, six years down the road, with hundreds of millions of dollars spent and nothing to be shown for it. The legislature is seriously looking at setting up a board that would be appointed by the governor, but would have legislative oversight. We support an approach of this kind because it ensures that dollars are being spent on the big picture approach.

Now I want to address funding for restoration. We believe Congress should specify that federal funding must be used only for on-the-ground projects. This funding should not be allocated for administration. We believe paying for employees within agencies or private organizations should be the responsibility of the state's taxpayers, not the federal taxpayers.

Last year Governor Locke signed into law two bills that we believe provide solid groundwork for salmon recovery efforts in our state. HB 2496 is the critical pathway piece which places funding on the ground for stream projects such as removal of fish passage barriers and creating resting pools. HB 2514 authorized watershed planning which takes place at the local watershed area. You will hear more about these, I'm sure, from Representatives Buck and Regala, who have been very active in this process. Farm Bureau and Cattlemen both supported these bills because we take a strong local approach to salmon recovery. We ask that federal dollars be provided for these locally-driven programs.

We believe that federal and state funding should be made available for off-stream storage projects, because it's an excellent way to mitigate in-stream flow. We believe we don't have a water shortage problem in this state, we have a water management problem. Every winter we receive an abundance of rain, especially here on the west side. We think it makes more sense to capture those flood waters before they destroy property, salmon habitat, and nests of salmon eggs every winter. Every year, and this year was no exception, Governor Locke has to declare a state of emergency and provide disaster assistance to the counties. If we captured water in off-stream storage, it would be available later in the year when fish, cities, and agriculture all are competing for water. This approach would be a win-win for fish and for people.

However, if we do not address predation and only focus on habitat, we will not succeed in restoring salmon to our rivers and streams. Farmers are prepared and are doing things on the ground to ensure good habitat, but if salmon can't get past the predators, that habitat will go unused, and the money will have been spent

in vain. Therefore we'd like the federal government to address the predation issue because our state isn't authorized to do so. We would like Congress to authorize funding to the Washington State branch of the Wildlife Service under USDA so they can take care of the terns at Rice Island at the mouth of the Columbia River, and we'd also like to make sure there's funding provided to whichever federal agency can address the sea lion problem.

If we address habitat and eliminate the natural predators, we would still not be successful if we chose not to address the harvest issue. It is critical that we stop all fishing of salmon by-catch for a period of at least fifteen years in order to allow the maximum number of salmon to reach their ultimate destination, the habitat our farmers are going to make sure is there.

Commercial fishermen are facing the same dilemma our loggers faced during the spotted owl debacle, and both of you know what we went through on that. And our farmers and ranchers are very sympathetic to them. We firmly believe that the government should not eliminate the livelihoods of fishermen, as was done to the loggers. We believe it would be a wise use of taxpayer dollars to buy back the commercial fishing licenses.

If you address commercial, you must also address tribal fishing, and we ask the federal government to negotiate with the tribes and appropriate funding and help to pay back for their tribal fishing rights over the next fifteen years as well. We're all going to have to be in this together.

Farmers and ranchers are facing tough economic times at the same time that they're being asked to pay for improving salmon habitat. If we are going to preserve salmon habitat, we need to focus on keeping out landowners in business. Farmers are seriously looking at getting out of business because of burdensome regulations and bad markets, and even our government agencies agree that productive farmland provides better habitat for salmon than subdivisions.

#### PREPARED STATEMENT

Congressman Dicks, you mentioned the CREP program. We think that's an excellent program, but we want to make sure that not all the funding would go to that, because it does not meet the needs of all of our farmers out there. So we want to make sure that there is—'cause it does not—it does not fit all the commodity groups.

We were pleased that you asked for ways to empower private and volunteer efforts, and we urge you to seriously consider it, and we look forward to working with you. Thank you.

Senator GORTON. Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF LINDA JOHNSON

We appreciate the opportunity to provide the private landowners view on how federal dollars should be spent for functionally important salmon recovery projects. We believe that Congress needs to allocate federal dollars in several areas: directly to the State for funding on-the-ground projects for habitat restoration. To Federal In-State Agencies for addressing predation problems, which can not be addressed by the State. And for license buy-back for both commercial & tribal fishing. Without

a comprehensive approach to all three of these areas, we believe our state will be setting itself up for failure. I will address each of these areas briefly.

We firmly believe that any federal funds made available must not infringe on the autonomy of individual states, nor hamper the states, local governments, private landowners and concerned individuals from developing creative and flexible solutions.

Both Farm Bureau and the Cattlemen's Association believe it is critical that Congress allocates federal funding to the State Legislature, not a government agency or individual organizations. The Legislature, as well as agriculture and the business community want to ensure accountability to the public for the taxpayer dollars which will be spent. As a result, there is currently legislation moving which has strong bi-partisan support in both the Senate & House that will require that all salmon recovery funding, state and federal, go to one central group. All private landowners, volunteer organizations and agencies will have to apply to this central group for project funding. Those receiving funding must report back to the Legislature the next year with results. The Legislature believes those who receive funding need to show their projects were successfully completed before applying for additional project funding.

#### FEDERAL FUNDING TO THE STATE FOR HABITAT RESTORATION

We believe Congress should specify that federal funding must be used only for on-the-ground projects. This funding should not be allocated for studies, or full-time employees within agencies or organizations, as we firmly believe these should be the responsibility of state, not federal, taxpayers. Last year the Governor signed into law two pieces of legislation which we believe provide the groundwork for salmon recovery efforts in our state. HB 2496 is the critical pathway piece, which places the funding on the ground for stream projects, such as, removal of fish passage-barriers, and creating resting pools. HB 2514 authorized watershed planning, which takes place at the local Water Resource Inventory Area (WRIA). Both of these take a strong local level approach to salmon recovery and FB and Cattlemen supported these bills for that reason. The state legislature has indicated strongly that it plans to continue in this direction and will ensure that federal funding is directed through these locally driven programs.

Currently our State Legislature is considering providing funding for the U.W. School of Fisheries, Columbia Basin Research office for the purpose of a Geographical Information Survey or other appropriate scientific reconnaissance survey of Washington State for potential off stream water storage projects. The purpose and focus of the study is to identify those basins which would benefit from stream flow augmentation, temperature and other limiting factors for salmon/steelhead restoration. The result of such study shall be reported to the legislature by the end of this year and then be provided to all watershed planning groups authorized under HB 2514. Watershed planning groups would use the results of this study for critical pathway projects authorized under HB 2496.

Federal and state funding should be made available for off-stream storage projects, which is an excellent way to mitigate instream flow. This approach ensures instream flow when it's needed by capturing floodwaters that destroy property, salmon habitat and redds, the nests containing salmon eggs, every winter. In December of 1998, Governor Locke had to declare a state of emergency and provide disaster assistance to 11 counties. Off stream storage would then be available later in the year when fish, cities and agriculture are competing for water, which helps the economy and the fish.

We believe that federal funding could also be directed (via the central state program) to the Conservation Districts, which already work closely with private landowners. The Conservation Districts are currently very focused on farm plans and implementation of the Conservation Reserve Enhancement Program. However, since not all commodity groups are eligible for CREP we would ask that Congress not place all their funding into this specific program. We would instead ask that additional funding be directed towards farmers and ranchers that have specific projects that if implemented on their private property would be beneficial for salmon recovery. This would accommodate the much needed innovation farmers are so good at.

#### FEDERAL FUNDING TO IN-STATE FEDERAL AGENCIES FOR PREDATION

We firmly believe that if we do not address predation and only focus on habitat that we will not be successful in restoring salmon to our rivers and streams. Agriculture is prepared to do what needs to be done on the ground to ensure good spawning habitat, but if salmon can't get past the predators at the mouth of the rivers we will have spent money in vain. Therefore it is critical that the Federal

Government address the predation problems that our State is not authorized to handle. We would like to see Congress authorize funding to the Washington State branch of the Wildlife Service under USDA. Provide them the resources to take care of the terns at Rice Island at the mouth of the Columbia River. Perhaps it is as simple as Senator Marilyn Rasmussen suggested. We place pigs on the island to root out and eat the eggs. Terns won't stay where they can't nest and that eliminates them feeding the young smelts to their young. We also want to ensure that Congress provides funding to the federal agency that can address the sea lion predation.

#### FEDERAL FUNDING FOR BUY-BACK OF COMMERCIAL AND TRIBAL LICENSES

Federal management has led commercial fishermen to the same dilemma our farmers' face and we are very sympathetic to them. However, we believe that if we are to provide good habitat, and eliminate the natural predators we would be remiss in not addressing the harvest issue. It is critical that we stop all fishing of salmon by-catch for a period of 15 years in order to take the pressure off and ensure that the largest number of salmon reach their ultimate destination and are able to lay eggs and fertilize the next generation. We also firmly believe that the government should not be eliminating the livelihoods of fishermen, as was done to the loggers during the spotted owl debacle. Therefore, we believe it is a prudent use of taxpayer dollars to buy-back both commercial fishing licenses and tribal fishing rights.

Farmers and ranchers are facing very tough economic times at the same time that they are being asked to pay for improving salmon habitat. If we are going to restore and preserve salmon habitat we need to focus on keeping landowners in business. Farmers are seriously looking at getting out of business because of over burdensome regulations and bad markets. Even government agencies agree that productive farmland provides better habitat for salmon than subdividing farms into five-acre home-sites. We firmly believe the government should be looking at tax incentives for those individuals who want to stay in agricultural production, perhaps things like the open space tax breaks, which we believe has helped to keep land in open space.

We are pleased that you are asking for ways to empower private and volunteer efforts and urge you to seriously consider the suggestions we have provided.

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#### KEY POINTS OF THE FORESTS & FISH AGREEMENT

After two years of preparation and negotiations, five stakeholder groups produced a science-based protection plan for water quality and fish habitat covering 8 million acres of private forest land in Washington. This Forests & Fish agreement will make significant changes in forest management practices and ensure that forest streams continue to flow with the clear, cool water that fish need.

The Forests & Fish agreement is part of Governor Gary Locke's state Salmon Recovery Strategy, and the legislation to implement the agreement is being considered by the Washington State Legislature. In addition to the governor's office, the parties to the agreement include federal and state agencies, a number of the treaty tribes, county government and private forest landowners. The agreement is historic in that it is anticipated to meet the requirements of both the federal Endangered Species Act and federal Clean Water Act. Here are key points of the agreement:

#### RIPARIAN PROTECTION

The most far-reaching changes are in riparian (streamside) zones, where new buffer zones will provide shade and contribute large wood pieces into streams. A complex set of standards prohibits forest management activity near streams and limits activity in areas up to 200 feet on each side of a stream. The agreement covers 60,000 miles of streams.

- All fish, resident and anadromous, game fish and non-game fish will receive protection. Current rules limit protection to game fish or salmon.
- All streams that provide fish habitat will receive the same protection as streams where fish are currently present.

#### WESTSIDE RIPARIAN STRATEGIES

West of the Cascade crest, fish habitat streams will be protected with three-zone buffers, based on the potential height of a tree on a specific site.

- The core zone, next to the stream, is a 50 foot-wide "no-touch" area.

- Next, an inner zone, from 80 up to 150 feet wide, will have restricted management.
  - Beyond that will be an outer zone, managed to leave up to 20 trees per acre for the protection of special features.
- Non-fish habitat streams or streams that are not expected to be occupied by fish will also be protected.

#### EASTSIDE RIPARIAN STRATEGIES

The agreement also protects Eastside streams with three-zone buffers, again based on tree height while recognizing different climatic and forest health conditions east of the Cascade crest.

- A no-touch core zone of 30 feet, equivalent to the west based on Eastside's smaller tree size.
  - Fixed inner zones with restricted management of either 45 feet or 70 feet, depending on stream size.
  - An outer zone, determined by potential tree heights, managed to leave between 10 and 20 trees per acre depending on forest habitat types.
- Non-fish habitat stream protection is equal to the western Washington strategy.

#### UNSTABLE SLOPES

Significant improvements in the forest practices permit process to prevent landslides. The most hazardous areas will be identified and operations there severely restricted.

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#### NORTHWEST INDIAN FISHERIES COMMISSION

##### TRIBES ENCOURAGED BY FORESTRY PACT DISCUSSIONS

Olympia (3/12/99).—Treaty Indian tribes in Washington are encouraged by results of recent discussions regarding implementation of a new statewide forestry compact that responds to the demands of the Endangered Species Act by protecting salmon and their habitat while still allowing timber harvests on private lands.

The compact, called the Forestry Module, was negotiated in a collaborative process over the past year. In addition to the tribes, participants included the timber industry and state and federal agencies. Legislation to enact the proposal is now before the State Legislature. Tribal, industry and federal participants met earlier this week in Portland to fine-tune the proposal. The pact will be refined over the next two years, when it is expected that the agreement will be given federal approval.

"We were encouraged by efforts to address tribal concerns," said Pearl Capoeman-Baller, chairwoman of the Quinault Indian Nation. "We have developed draft language for the agreement that generally addresses tribal concerns," she said. Those concerns included:

- A need for stated resource objectives to provide standards against which protection measures can be measured. The participants expect to complete the objectives within the next few months.
- A need for further refinement of targets for "desired future conditions" along streams. This is a requirement that an adequate volume and number of trees per acre be left along streams after timber harvesting has occurred to ensure appropriate habitat conditions for fish.
- Development of so-called "off-ramp" options must be developed to address what happens to the pact if part or all of the agreement's requirements are not met.
- Development of a dispute resolution process must be developed if the parties are unable to meet the stated objectives.

"Each tribal government will eventually have to decide whether this package is acceptable," said Billy Frank Jr., chairman of the Northwest Indian Fisheries Commission. "Some tribes have concerns about riparian zone widths, the complexity of the agreement, and assurances that it will be implemented. The tribes have suffered disproportionately from non-Indian land-use practices, particularly timber harvests. This is not an easy decision for the tribes."

"While not perfect, this agreement should provide meaningful protection to salmon and their habitat," said Lorraine Loomis, Swinomish tribal fisheries manager. "Oversight by other participants in the process, such as the National Marine Fisheries Service, will help ensure that protection is meaningful," she said. The NMFS is responsible for implementing the Endangered Species Act.

"Cooperation has been the key in developing this agreement and cooperation will be the key to its implementation. We can only get to where we need to be if we

work together. We must manage our natural resources as a whole in a way that addresses their needs," she said.

"The adaptive management provisions are solid and will close the loop to scientific uncertainty and risk," said Bob Kelly, Nooksack tribal natural resources director. "When new information comes available through the prescribed process, we are assured that it will be fully evaluated and appropriately acted upon," he said.

"This is just the first plank in of a statewide salmon recovery effort," said Dave Sones, Makah tribal natural resources director. "We must now turn our sights upon poor agricultural practices, excessive water withdrawals and excessive, growth-induced urban and suburban sprawl."

For more information contact: Jim Anderson, Executive Director, NWIFC, (360) 438-1180; Tony Meyer, NWIFC, (360) 438-1181 ext. 325.

#### QUESTIONS AND ANSWERS ON FORESTS AND FISH

What is the Forests and Fish agreement?

It's an agreement developed over 18 months by scientists, resource management specialists and leaders in federal and state agencies, counties, large and small forest landowners and Native American Tribes. It creates rigorous new forest practice requirements designed to meet the federal Endangered Species Act and Clean Water Act. It's a critical component of an overall plan this state must develop to respond to the listing of salmon and other fish species under the Endangered Species Act.

How is it different than the legislation in Olympia?

The legislation, introduced as House Bill 2091 and Senate Bill 5896, provides the mechanisms to implement the agreement.

What are the major provisions of the legislation?

It directs the Forest Practices Board to adopt the Forests and Fish agreement, which makes major changes in state regulations affecting more than 60,000 miles of streams on 8 million acres of private forestland. To meet Clean Water Act goals, the regulations are based on thorough scientific review and debate and are designed to provide cool, clear, clean water in streams on private lands. To meet Endangered Species Act goals of protecting fish and their habitat, the bill establishes wider areas of no-cut buffers to be left along streams, restrictions on logging on steep slopes, and calls for new, strict standards for road construction to reduce sediment. It also ensures that if these goals aren't met, changes to the regulations will be based on science.

What will the legislation do?

It more than triples the amount of private land that must be set aside to protect fish-bearing and non-fish-bearing streams. It will improve roadbuilding and other forest practices. The state of Washington has already negotiated a Habitat Conservation Plan for 70 years on 1.6 million acres of land. Together with the Habitat Conservation Plans already in place in this state for federal and state forestlands, this legislation will provide the State of Washington with the greatest level of protection for forests and streams of any state in the country. The legislation protects salmon, protects water, grows old growth streamside habitat, and preserves a viable forest products industry.

Critics characterize the legislation as a windfall for the timber industry. Is it?

The bill will restrict activities on private forestland that has an estimated current value of \$2 billion in western Washington alone. In other words, private landowners in western Washington would forego an estimated \$2 billion inland and timber value. The bill provides some compensation, in the form of a cut in taxes that private landowners pay on timber that is harvested. It also provides compensation to small woodlot owners as an incentive to keep lands as forests, rather than to turn them into more profitable development. That compensation would be 50 percent of the value of the timber they couldn't harvest. For large landowners it will be less than 10 percent of the value of the timber dedicated to the fish.

What impact will this legislation have on the timber industry?

To comply with the legislation, many companies would have to reduce their harvest levels over time. Keep in mind that many harvest plans already reflect stream set-asides that go beyond the current rules. Despite reductions in harvest, the result of the legislation will help the industry viable and allow landowners to stay in the business of growing forests on private lands.

Is this an industry agreement?

No. This is an agreement negotiated among five key groups with a stake in fish and water protection. The industry gave up a great deal and in exchange will be able to remain a viable industry into the next century. State, federal and tribal scientists and responsible leaders drove this agreement and dictated its terms.

Who is supporting the agreement?

The signatories to the agreement include the National Marine Fisheries Service and U.S. Fish & Wildlife Service, which are responsible for the Endangered Species Act as relates to fish species, and the Environmental Protection Agency, which is responsible for the Clean Water Act. Others include the state departments of Ecology and Fish & Wildlife, the governor's office, Treaty Tribes, the timber industry, both small and large woodland owners, and the counties.

Is this just an attempt by industry to avoid a federal endangered species listing?

There is no avoiding a listing—we've known it was coming for some time. But the federal government allows a landowner to continue operations if they negotiate a Habitat Conservation Plan. This HCP-like agreement does more than spell out protections for the fish; it also meets the standard set by the Clean Water Act. The negotiations leading to this agreement were entered into by state and federal agencies, the tribes, environmental groups, the timber industry, small landowners and the counties to fashion a solution that meets the requirements of both the federal Endangered Species Act and the Clean Water Act on nonfederal forestland. That's what's been done, and that's why the federal agencies responsible for the Endangered Species Act and the Clean Water Act are supporters of this agreement. As far as we know, it's the first time that a state-based plan has been proposed to meet both of these federal laws, an historic and important national precedent.

Why are forest landowners part of this process? What do they want?

Forest landowners, both large and small, want a balance between habitat and business needs. Since 1987, the forest products industry has worked collaboratively through the Timber, Fish & Wildlife process to resolve concerns over forest practices. The belief is that collaboratively developed, scientifically based solutions are the most lasting and minimize the risk of litigation and controversy. Landowners must be successful as a business, and if people want them to keep growing trees, the only way to seek a balance is to be part of developing a solution.

Weren't environmentalists part of this process? What do they think?

The Forests & Fish legislation is based on a package negotiated among large and small landowners, tribes, state and federal agencies, and county governments. It began as part of Timber-Fish-Wildlife, a unique forum created in 1987 in Washington as a way to resolve forestry issues without court or regulatory battles. Negotiation on this agreement began in November 1997. Members of the environmental caucus withdrew from the discussions at a meeting in September 1998 saying they had run out of time and resources. They since have come up with their own salmon protection package, but it would exact a much higher toll—so high that few private landowners could afford to operate and would have to consider converting their land to other uses. The hope is that the environmental groups will be part of the process again, joining in implementation, monitoring and adaptive management processes.

Why are forest landowners asking for compensation?

Implementing these rules will result in management restrictions on more than 15 percent of private forestlands in Washington, resulting in a loss of value estimated at more than \$2 billion in western Washington alone. These are public resources being protected. It's imperative that the public share in these enormous costs so that forestlands can continue to be managed as forests into the future. Absent compensation, some landowners would choose to convert these lands from forests to housing, parking and other uses. How will the salmon survive such choices?

What about risk? Isn't there too much risk to salmon and other fish in this bill?

Scientists from all sectors believe the Forests & Fish legislation will lead to significant improvement along 60,000 miles of stream habitat. Scientists from state and federal regulatory agencies have been part of the process since the beginning. The plan is dynamic—with built-in systems for adaptation and change to protect precious public resources. On the other hand, there will be tremendous risk if action is not taken. In the time it takes to have this issue resolved in a federal courtroom, significant amounts of land could be converted to other uses and depressed fish stocks could dwindle even further. The salmon can't wait.

What is "adaptive management"?

It is management that adapts to new information or changing conditions. The agreement is the most flexible of any plan agencies have negotiated under ESA in that it includes strong adaptive management measures, ensuring that if monitoring or research data demonstrates problems, changes will be made. Most important, these changes will be based on science, not politics.

Wasn't this agreement worked out in a vacuum without public participation?

The Forests & Fish agreement was developed by public agencies and private landowners working through tough issues together over more than 15 months. The public and the Forest Practices Board were updated almost monthly during that time. Now that it's been crafted, it is the subject of very public debate in the Legislature.

There have been and will be numerous public hearings and additional opportunities for public input. Every citizen in the state will have representatives and senators voting on this issue. Finally, both NEPA and SEPA processes will be fully invoked during the next two years, assuring further public involvement before final approval.

Why is a negotiated agreement going to the Legislature? Why doesn't the agreement go to the state Forest Practices Board?

The Forests & Fish plan will go to both bodies. The federal agencies that negotiated this agreement want "certainty of implementation." They didn't spend 15 months developing an agreement just to have it overturned or debated another 15 months or more. It is uncertain whether the Forest Practices Board would approve the negotiated agreement, change it entirely, or just keep debating it. Given that uncertainty, the only alternative was to turn to the state's elected body, give the agreement a fair hearing and ask legislators to ratify an agreement that has the blessing of the governor, government scientists, landowners and tribes. By passing this legislation, the Legislature can speed up what would be an otherwise time-consuming rules-adoption process that might otherwise take two to three years, to the benefit of fish, who can't wait. It would allow the state Forest Practices Board to adopt the negotiated package as interim rules exempt from the time-consuming administrative procedures process. The Forest Practices Board would then follow a normal rule-making process to adopt the permanent rules. Adoption would also allow federal agencies to get a jump start on their approval process, which can take 18 to 24 months. And, federal agencies require the certainty of funding, which must come from the Legislature.

Why does the legislation require a two-thirds majority vote of the Forest Practices Board to change the negotiated agreement?

The legislation provides a mechanism for the board to change the agreement, provided that such changes are necessary after environmental and economic review. Given the broad support for this agreement, it is reasonable for our elected representatives to provide guidance to the Forest Practices Board. In addition, when the state and federal agencies, tribes, landowners and others have negotiated such an important agreement, it should be hard to change. The supermajority voting requirement applies only to initial adoption of the rule package, not to adaptive management. The board returns to its normal processes when amending the plan based on adaptive management. Partners to the agreement have discussed alternative approaches to the supermajority with a number of key legislators.

#### SUMMARY STATEMENT OF MIKE MILLER

Senator GORTON. Mr. Miller.

Mr. MILLER. Thank you. Good afternoon.

I'm President of Pacific Properties, one of the Murray Franklyn family of companies. We are one of the largest home builders in the Northwest, so the listing of the salmon obviously has a direct impact on—

Senator GORTON. Would you get the microphone a little bit closer?

Mr. MILLER. Oh, I'm sorry.

Senator GORTON. And lift it up a little.

Mr. MILLER. Lift it up?

Senator GORTON. Yeah. Tilt it upwards. Yeah.

Mr. MILLER. I am here on behalf of the Master Builders, the 2350 members of the—company members of the Master Builders Association of King and Snohomish Counties and their more than 50,000 employees in the Puget Sound region home building industry, and I am pleased to comment on the recent listing of the Chinook salmon as threatened under the Endangered Species Act.

I want to thank both of you for inviting us to participate in this meeting today, and without your commitment and hard work on our behalf, complying with the ESA requirements regarding Chinook habitat protection would be prohibitively expensive and difficult for this region to accomplish. Also, the Master Builders Asso-

ciation thanks each of you for taking time from your very busy schedules to be here and to listen to us all.

The Master Builders have been active participants in the Tri-County salmon process for the past year. Our Executive Officer, Sam Anderson, is an appointee to the thirty-four-person Tri-County Executive Committee and association members participate in or monitor meetings of various Tri-County subcommittees and watershed planning groups. Also, we are part of the Tri-County 4(d) rule negotiation process with the National Marine Fisheries Service.

The Association embraces the Tri-County process because builders felt it was important that the economic and environmental destiny of this region must be determined locally, not by a federal agency. Originally, the Tri-County effort was to emulate the Oregon coastal coho threatened listing model by attempting to avert listing of the Chinook through creating preservation and restoration plans which NMFS could endorse as not requiring listing of the species. That goal was abandoned after the court struck down the Oregon plan. However, the philosophy of the original goal should not be lost.

Like most businesses in this region, home builders are committed to preserving and restoring the Chinook salmon, while continuing to build the homes demanded by our booming economy. We are willing to do our fair share to preserve and protect salmon habitat through environmentally responsible development regulations, environmentally sensitive building practices and growth management strategies.

King, Snohomish and Pierce Counties already have many of the toughest storm water drainage requirements, critical area protection ordinances, shoreline development restrictions, and mandatory environmental analysis of any local government in America. For years, Tri-County builders have protected salmon and their habitat by complying with the existing development regulations. To the credit of the regional governments, it doesn't take the listing of Chinook to establish protection for the species; it is already here in the current regulatory scheme. What is needed is better enforcement of the current processes and requirements.

It is important to note that the listing of the Chinook does not occur in a vacuum. In 1990, Washington adopted the Growth Management Act, which required comprehensive land planning aimed at protecting rural lands, preventing sprawl, conserving environmentally sensitive areas, and maximizing infrastructure cost/benefit and other objectives. In the Puget Sound region, comprehensive plans were approved, after public debate, and Urban Growth Areas were established. Within the Urban Growth Areas is where the density of housing development is to be concentrated. It is in this context of maximizing land-carrying capacity within designated growth areas that salmon habitat preservation and restoration must be addressed.

I am here today to urge two points. First, the three Puget Sound counties have each submitted an early action plan to NMFS asking that the Service create a flexible 4(d) rule concerning land use activities. We believe that NMFS must write a rule that adopts the current counties' development regulations and commitments made in the early action plans. Without such a flexible rule, local devel-

opment permitting authorities may be afraid to issue the various permits needed for lot development and home building because to do so could be defined as a “take” under the ESA. Moreover, failure of NMFS to write a flexible rule acknowledging that land development or home building activities are not prohibited actions, will assuredly unleash numerous third-party lawsuits against both public and private land-impacting projects by individuals who desire only to stop growth, and not protect fish.

All through the Tri-County process, NMFS representatives have maintained that the solution to saving the Chinook should be locally based. Now is the time for them to adhere to their rhetoric. Comprehensive long-term watershed plans are being written which will protect and restore salmon habitat forever. NMFS must be reasonable and allow those planning efforts to unfold without imposing a 4(d) rule that causes short-term hardship on the region’s citizens and businesses. All Puget Sound residents and businesses are being told we must spend billions of dollars and modify our personal and business behavior to protect and restore salmon. NMFS needs to write a 4(d) rule that facilitates such actions, not create fear, chaos and unnecessary expense.

My second point is that local governments, regional businesses, and citizens can do nothing to protect salmon from harvest practices. This region is being asked to invest billions of dollars, much of it federal funds, in protecting salmon habitat, while the species is still being harvested. The federal government must address the harvest issue and address the salmon treaty with Canada. That is not something the local region can do.

Builders in the Puget Sound region will accept responsibility to protect salmon habitat and supply the housing this region will need for decades to come. We have already demonstrated our commitment through participation in the Tri-County process and support of enhanced enforcement of current development regulations, but we cannot do it without consideration from NMFS in drafting the 4(d) rule and some change in policy regarding habitat—salmon harvest practices.

#### PREPARED STATEMENT

As newspaper story after story has indicated, the citizens of this region want to recover the salmon. However, the importance of that is tied to the economy, and without a strong economy, or if the economy starts to falter because of this, I think you’re going to start seeing people falling off. So it has to be done in the context with maintaining a strong, vibrant economy in this region. To prevent that type of situation from happening, we need to have NMFS writing responsible 4(d) rules that allow us to maintain that strong, vibrant economy.

I want to thank you for allowing me to testify today. And thank you again for holding this field hearing.

Senator GORTON. Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF MIKE MILLER

Good afternoon, I am Mike Miller, President of Pacific Properties, one of the Murray Franklyn family of companies. Murray Franklyn is one of the largest home-

builders in the Puget Sound region, constructing both single family and multifamily projects. On behalf of the 2,350 member companies of the Master Builders Assn. of King and Snohomish Counties (MBA) and their more than 50,000 employees in the Puget Sound region homebuilding industry, I am pleased to comment on the recent listing of the Chinook salmon as threatened under the Endangered Species Act (ESA).

Initially, I want to thank you Senator Gorton and Congressman Dicks for your efforts in securing federal funding to address the regional financial burden that listing of the Chinook will impose on local governments, businesses and citizens. Without your commitment and hard work on all our behalf, complying with the ESA requirements regarding Chinook habitat protection would be prohibitively expensive and difficult. Also, Master Builders Assn. thanks each of you for taking time from your very busy schedules to hold this field hearing and listen to the various groups and citizens on this important issue.

The Master Builders has been an active participant in the Tri-County salmon process for the past year. Our Executive Officer, Sam Anderson, is an appointee to the 34 person Tri-County Executive Committee and association members participate in or monitor meetings of various Tri-County subcommittees and watershed planning groups. Also, we are part of the Tri-County 4(d) rule negotiation process with the National Marine Fisheries Service (NMFS.)

The Association embraced the Tri-County process because builders felt it was important that the economic and environmental destiny of this region must be determined locally, not by a federal agency. Originally, the Tri-County effort was to emulate the Oregon coastal Coho threatened listing model, by attempting to avert listing of the Chinook through creating preservation and restoration plans, which NMFS could endorse as not requiring listing of the species. That goal was abandoned after the Court struck down the Oregon plan. However, the philosophy of the original goal should not be lost.

In our opinion, there is little that comes from listing the Chinook that could not be accomplished under the threat of listing. Listing only adds section 7 consultation requirements for federal agencies, puts public and private landowners and users at risk for "take" and opens the door for indiscriminate third party lawsuits. Planning and committing to restore the Chinook can be accomplished without listing it as threatened. But, it is listed and we will work to make sure that a long-term plan for its recovery is adopted.

Like most businesses in this region, homebuilders are committed to preserving and restoring Chinook salmon, while continuing to build the homes demanded by our booming economy. We are willing to do our fair share to preserve and protect salmon habitat through environmentally responsible development regulations, environmentally sensitive building practices and growth management strategies. In fact, homebuilders in the Tri-County region already build some of the most "salmon friendly" and environmentally compatible homes in the country.

King, Snohomish and Pierce Counties already have many of the toughest storm water drainage requirements, critical area protection ordinances, shoreline development restrictions and mandatory environmental analysis of any local governments in America. For years, Tri-County builders have protected salmon and their habitat by complying with existing development regulations. To the credit of the regional governments, it doesn't take the listing of the Chinook to establish protection for the species; it is already here in the current regulatory scheme. What is needed is better enforcement of the current processes and requirements.

It is important to note that listing of the Chinook does not occur in a vacuum. In 1990, Washington adopted the Growth Management Act, which required comprehensive land planning aimed at protecting rural lands, preventing sprawl, conserving environmentally sensitive areas, maximizing infrastructure cost/benefit and other objectives. In the Puget Sound, comprehensive plans were approved, after public debate, and Urban Growth Areas (UGA) were established. Within the UGAs is where the density of housing development is to be concentrated. It is in this context of maximizing land carrying capacity within designated growth areas that salmon habitat preservation and restoration must be addressed.

I am here today to urge two points. First, the three Puget Sound Counties have each submitted an Early Action Plan to the NMFS, asking that the Service create a "flexible" 4(d) rule concerning land use activities. We believe that NMFS must write a rule that adopts the current Counties' development regulations and commitments made in the Early Action Plans. Without such a "flexible" rule, local development permitting authorities may be afraid to issue the various permits needed for lot development and homebuilding because to do so could be defined as "take" under the ESA. Moreover, failure of NMFS to write a "flexible" rule, acknowledging that land development or homebuilding activities are not prohibited actions, will as-

surely unleash numerous third party lawsuits against both public and private land impacting projects by individuals who desire only to stop growth, and not protect fish.

All through the Tri-County process, NMFS representatives have maintained that the solution to saving the Chinook should be locally based. Now is the time for them to adhere to their rhetoric. Comprehensive long-term watershed plans are being written which will protect and restore salmon habitat forever. NMFS must be reasonable and allow those planning efforts to unfold without imposing a 4(d) rule that causes short-term hardship on the region's citizens and businesses. All Puget Sound residents and businesses are being told we must spend billions of dollars and modify our personal and business behavior to protect and restore salmon. NMFS needs to write a 4(d) rule that facilitates such actions, not creates fear, chaos and unnecessary expense.

My second point is that local governments, regional businesses and citizens can do nothing to protect salmon from harvest practices. This region is being asked to invest billions of dollars, much of it federal funds, in protecting salmon habitat, while the species is still being harvested. Just recently, a Canadian government report by natural resources economist, Marvin Shaffer, reported that over \$1 billion will be spent on in-river salmon recovery programs to improve salmon habitat. Shaffer's report concluded that reduced ocean fishing was critical to the success of salmon recovery efforts.

Even Trout Unlimited President, Charles Gauvin, argued in a New York Times letter that the benefits of the sacrifices the Puget Sound region is being asked to make is for naught, unless over-harvesting of salmon on the high seas is addressed. He points out the obstacle to better harvest management is the deadlocked negotiations over the United States and Canada salmon treaty.

Builders in the Puget Sound will accept responsibility to protect salmon habitat and supply the housing this region will need for decades to come. We have already demonstrated our commitment through participation in the Tri-County process and support of enhanced enforcement of current development regulations. But, we cannot and will not do it without consideration from NMFS in drafting the 4(d) rule and some change in policy regarding salmon harvest practices. As newspaper story after story has indicated, the citizens of this region want to recover the salmon. That level of enthusiasm and support will remain as long as the economy is growing, unemployment is low and people have a place to live. We wonder if the public's zeal for salmon recovery would be the same, if there were no jobs, recession and unaffordable housing. We submit it would not. To prevent that situation, we need NMFS writing a responsible and "flexible" 4(d) rule, tougher harvest management and continued federal financial resources.

Thank you for allowing me to testify today. And thank you again for holding this field hearing.

#### SUMMARY STATEMENT OF ROBERT KELLY

Senator GORTON. Mr. Kelly.

Mr. KELLY. Thank you, Senator. First of all, I'd like to thank both yourself and Congressman Dicks for your leadership in the past few months as far as funding is concerned—

Mr. MCDERMOTT. Pull it a little closer.

Senator GORTON. Yeah. A little closer. Yeah.

Mr. MCDERMOTT. Speak into it.

Mr. KELLY [continuing]. As far as funding is concerned for the region. I'm assuming that you have a copy of my written testimony, so—

Senator GORTON. We do, and it's in the record.

Mr. KELLY [continuing]. I am going to limit my comments to just a few bullets.

First of all I'd like to say that the tribes are committed to doing their part to recover salmon in the State of Washington. We always have been committed to recovering salmon and sustaining harvestable numbers of fish.

In regards to United States-Canada, tribes are at the table. We have a tribal representative in Ron Allen from the Jamestown

S'Klallam tribe that's a very active participant on the tribes' behalf. We feel that the discussions are going well, and that within the next—hopefully within the next coming months, due to some concessions on large part by the tribes and others in the fishing community, that we can get an agreement that we will be able to—

Senator GORTON. Keep yourself close to that microphone. I don't think people in the back are hearing you.

Mr. KELLY [continuing]. That we will be able to integrate into some watershed planning efforts that are currently under way.

Tribes—we basically have a tribe in every river basin at least on the west side, if not the whole State of Washington. And those folks—and we feel that that expertise will be an integral part of recovery efforts, and are willing to lend that expertise as needed. Many of the tribes have already formed partnerships with local governments in an effort to form recovery plans that are based on science. We do not want to see money spent on projects that are not tied to solid implementation plans because of what we have heard from NMFS.

Our goal is obviously harvestable number of fish, not only for ourselves, but for all the citizens of the state. Having said that, we do not feel that we need to apologize for the harvest. Conservation has always been a cornerstone of tribal fisheries management, and will continue to be so in the future.

#### PREPARED STATEMENT

Tribes, many years ago, seeing that Chinook were declining, in some cases have not conducted fisheries for over twenty years on those wild stocks. Those—some tribal Chinook fisheries should not be confused with fisheries that are targeted towards hatcheries. It's for this reason that we, the tribes, feel the federal government has a trust responsibility to protect treaty fishing rights as a property right of tribes, and that there is a need for some sort of mitigating the loss of this property until the resource is recovered to harvestable numbers.

With that, I'll end my testimony.

Senator GORTON. Fine. Thank you very much.

[The statement follows:]

#### PREPARED STATEMENT OF ROBERT KELLY

Honorable members of the committee, I am Robert Kelly, Natural Resource Manager for the Nooksack Indian Tribe and Commissioner to the Northwest Indian Fisheries Commission. I am pleased to testify before you today on behalf of the Treaty Indian Tribes of western Washington as well as my own tribe.

As Chairman Billy Frank has told you, the Treaty Indian Tribes are the co-managers of the fisheries resource in this state. I am pleased to inform you that we have always taken our role as fisheries managers very seriously. We live on the rivers. We are connected with them 24 hours a day, and we know what they need to be happy. We know what it will take to restore the salmon resource, and we are actively engaged in the effort to do so. Salmon restoration is not a matter of even more cutbacks in fishing as much as it is a matter of restoring the habitat needed to sustain fish. Fishing should be a desirable objective for us all. It is particularly significant to the tribes. It has been our legacy for thousands of years. Our objective is to increase, not decrease, our ability to harvest—with nets, in rivers. As good managers, we have always developed fisheries plans designed to conserve the resource, and we will continue to do so. Although it is popular among some people to think this form of fishing is the cause of salmon decline, the fact is that it is not. The fact is that salmon have continued to decline despite major cutbacks in our fisheries,

and even in areas where there has been no fishing at all. Habitat restoration and protection are the keys to salmon recovery. That is the fact.

The tribes do not apologize for fishing. To us, that would be like apologizing for breathing. We will fish whenever there are sustainable harvestable numbers of fish available. It is our treaty-protected right. It is who we are, and you, and anyone who understands and cares about the resource should be supportive of this position.

To help preserve this lifestyle, we have always been involved in salmon management, and we will continue to do so. As the co-managers of the fisheries resource, we seek every opportunity to work with the state of Washington, as well as the federal government, in cooperative fisheries management. As inhabitants of our watersheds, we seek every opportunity to work with local governments, as well as other people, businesses and organizations that also call our watersheds their home.

It is critical for this cooperation to take place, if the salmon resource is to be restored. The time for confrontation and polarization is long gone. If there is to be a salmon resource to sustain our children and our children's children we must be a team, and we must work together to protect our watershed home and the quality of life we enjoy.

So, whether or not you view it as a legal mandate, the tribes must be integrally involved in salmon management at all levels, from resource assessment to land and water use planning, and from recovery efforts to monitoring. The tribes must be included with the state and federal government as co-managers of the resource, and in every aspect of local watershed planning.

It is critical for you to join in assuring that government at all levels, as well as industry and the people at large understand these facts so that we all have the greatest possible opportunity to base salmon restoration on a solid foundation of comprehension and team effort. Such understanding is integral to meaningful progress. We are the fishing people. We are actively working on every watershed, and we need your support to continue doing so. We know what restoration looks like. It means ample, clean water in the rivers, free passage for adequate escapements to healthy spawning grounds. It means good riparian habitat, from the headwaters to the mouths of the rivers. It means ample natural feed in the form of insects, etc. It means healthy estuaries, meandering rivers and large organic debris. Habitat restoration projects must be designed with entire watersheds in mind, rather than just "feel good" or public relations opportunities. They must be planned with entire river systems in mind, and be based on good science, which the tribes help define. Healthy habitat must come hand-in-hand with proper enhancement to provide broodstock for naturally spawning fish, as well as vital fisheries.

Fisheries are, indeed, a vital component to the restoration and protection of the fish resource, and the objective of salmon recovery must be to achieve "harvest-levels" in our fish runs. The opportunity to fish is an opportunity to be in-tune with nature. To the tribes, it is essential to the fulfillment of our legacy. It is who we are. It is also fundamental to the fulfillment of treaty-protected rights and the federal trust responsibility.

#### SUMMARY STATEMENT OF TIM STEARNS

Senator GORTON. Mr. Stearns.

Mr. STEARNS. Good morning.

Senator GORTON. Get that microphone close.

Mr. STEARNS. OK. Hello. My name is Tim Stearns, and I'm one of the tri-chairs of Campaign for the Northwest, and the policy director for Save Our Wild Salmon. And I hope I'm up to the daunting task of trying to represent all of the conservation community today that works on forest planning, growth management, toxics issues, water quality, and water quantity, Puget Sound issues, dam issues, local, state, and regional groups.

Campaign for the Northwest was put together because I think the environmental and conservation and fishing community found that our previous approaches were obsolete and needed to change. And we've worked to focus on the needs of the health of the salmon, and try to develop a coordinated campaign that is working around the needs of salmon.

I went to a hearing yesterday in Hood River, Oregon where, frankly, the senators there dwelled on what we can't do and what

we shouldn't do, and really we couldn't talk about what we should do. And this has been a nice departure, that we actually are talking about how we can work together and how we can move forward. We have a challenge ahead, and it was particularly valuable to have Senator Stevens here, whose cooperation and impatience we're going to rely on. Our failure to deal with our problems is affecting his fishery, and is affecting the United States-Canada agreement, and he's going to be crucial to developing that agreement.

I look at this challenge as one of, we're trying to develop a new ethic; and that is, trying to redefine civilization so that it works with biologic health, so that the two things work together.

It's clear that we have both urban and rural support to move through this challenge, but it is going to be a challenge. It's also clear that people have come to realize that what is good for salmon is also good for people, that protecting clean water and our high quality of life and restoring ailing watersheds is going to be good for all of us. Now, there's a lot of folks out there who just—all they can see when we talk about salmon and the Endangered Species Act are cost, cost, cost, and they ignore the benefits of the quality of life in this gorgeous area that we live in.

This is a discussion of choices and decisions, of science and economics, but really it's a fundamental discussion about transition. Are we going to change by embracing it, or are we going to fight it? Now, my father is eighty-six, and he has an old philosophy I'd like to remind people of. In his eighty-six years he tells me that he's seen a lot of changes, and he's been against every single one of them. [Laughter.]

And I would suggest that most of us come reluctantly to change, and big changes are harder.

We've also had an interesting discussion of this issue in that the Snake and Columbia side of the state looks very tough. Puget Sound has clearly a booming economy that people are reluctant to jeopardize, so they're trying to take steps forward and embrace recovery. We need to take that whole ethic state-wide and embrace this issue.

Salmon recovery is not rocket science. There is a famous science paper that suggests that rocket science has it easy—rocket scientists have it easy. We know what salmon need. It's just the challenge is, how do we control our own activities and rely on our friends and neighbors to control their activities as well?

What we need from you, and what we need now, is political leadership at every stage of government. I've been part of the Ruckelshaus process where we call for better coordination, and I don't think we have a magic bullet of how to coordinate. It's just, local watershed groups need to feel like they're part of it. They need to feel like the state and federal government are hearing them and including them.

But there is going to be three basics to moving forward on this issue.

One is, we need to follow the science. And the science is going to take us down some painful paths, but it's going to define what tracks we must react under. We cannot use science as a weapon

for delay, or a weapon to divide. We need to use science to pull us together.

The second major thing is, while restoration is vitally important, we cannot lose the good habitat and good stocks that we have now. We first must need to focus on protection. We also need to stop the harm that we continue to do. And we're doing that gradually, but we need to step that up. And we also can't roll the dice and take chances. For instance, we still don't have tugboats bringing oil tankers into Puget Sound. You know, we have the temporary program; we need a long-term program, because cleaning up all of Puget Sound after that kind of a disaster would be a disaster for all of us.

Third major element: We need to enforce the law. We have lots of good laws on the books, but it's been difficult for us to do them.

I just want to offer a few things that you two can help us deliver in the next year, and that are vitally needed. One is, it's time that we finally move forward on the Elwah dams. It's time that we finally protected Hanford Reach once and for all. It's also time that we expanded the CREP program so that it includes all crops, so that all of our agricultural folks can be included and take advantage of it.

Follow the law, follow the science, stop the harm. Let us not go down the painful path we gone down on the Columbia, where we have been incapable of putting together one plan. Just saying no to dam removal is not a plan. We cannot suffer, in this basin and the rest of the state, from the inability to make decisions. We simply cannot throw \$100 million a year at projects and hope they're going to work. We have to be much more disciplined. And we cannot depend on techno-fixes. We need healthy rivers.

#### PREPARED STATEMENT

In closing, this is about relationships across geographies, across economies, across priorities. And frankly, we're all playing catch-up. We don't know how to coordinate across all these bodies. The feds haven't really given us a framework that can tell us what they want to need, but what—we need to leave this hearing today newly committed toward moving through these tough issues together. We're going to need to educate ourselves, advocate to each other, cooperate, negotiate, and probably even litigate. But the test that we all need to apply is, are we protecting and restoring salmon?

Let's follow the science, stop the harm, enforce the law. Thank you.

Senator GORTON. Thank you very much.

[The statement follows:]

#### PREPARED STATEMENT OF TIM STEARNS

Hello, I am glad to have been selected as the lone conservationist today, and the only one to represent the anglers of the state, and the non-tribal commercial fishing representative.

I am here representing many thousands of residents and businesses, both in Washington State and across the Pacific Northwest who view the most recent set of ESA listings as an opportunity for the region. We recognize wild salmon and steelhead as the canary in our coalmine or more accurately a keystone species. If salmon are allowed to decline towards extinction, it is because we are not doing our job well enough. In order to move into the 21st century as a healthy region where

our grandkids will want to live and work, we need to use salmon recovery as the measure of that health.

In response to the salmon declines, many members of the state's conservation community have come together as Campaign for the NW, 11 organizations working together in an unprecedented fashion. We want to see the state, federal, and local governments, the business community, NW tribes, and all the salmon advocates work together to recover our Puget Sound and our Columbia and Snake River runs to sustainable, fishable levels.

What is good for salmon is good for people. We are convinced that by doing what it takes to save salmon, we will also be doing right for people too: protecting clean water and our high quality of life, restoring ailing watersheds and rivers, and restoring jobs and businesses in tackle shops, on fishing boats, and in tourism and recreation-based economies.

A lot of people have been focusing on the costs of recovery, and are ignoring the benefits. In addition to a healthy environment and salmon, recovery means a revitalized fishing industry in the Northwest. For example, the 8-year old listings on the Columbia and Snake Rivers and the subsequent listings that have piled up across the Pacific Coast are constraining fisheries from California to Alaska. Until we see runs increase, that will worsen, and fishing businesses will continue to decline.

We are encouraged to see an increasing interest on the part of members of the NW delegation to accomplish statewide salmon recovery. We want to make sure that the recovery efforts are coordinated, aren't just a westside story and include the Columbia and Snake River runs, that money is spent wisely, and that it is effective.

How can we work together to ensure that recovery is effective?

Salmon recovery is not rocket science. We know what salmon need. Wild salmon need clear, cold water in free-flowing rivers, passage to and from the sea and adequate escapement. What we need now is the political leadership, at the local, state, and federal levels, to make the decisions that will lead us to recovery.

1. Follow the Science Today: We need healthy rivers and healthy watersheds. The science tells us what to do. We need to make sure, for example, that our forests support salmon. Salmon need new forest rules in Washington State that provide them with high degree of certainty. We need to ensure that whatever new forestry rules emerge in Washington State, that they have a solid foundation that has been peer-reviewed, provide a high likelihood of success, and emerge after an open public process.

2. Stop the Harm Now: Restoration is an important tool of recovery, but it alone will not take us there. We have got to protect and prevent first, and restore and recover second. We need, for example, tugs on the Strait of Juan de Fuca to safely bring oil tankers to port. We can't afford, in dollars or salmon, a Puget Sound-wide restoration project after a catastrophic oil spill occurs.

3. Enforce the Law Now: We have federal and state laws, already on the books, that are gathering dust, and that need to be enforced and implemented to protect our salmon stocks. Among the many prompt actions the federal government can take to restore Puget Sound salmon runs, one issue clearly rises to the top of the list: Implement the 1992 law authorizing removal of the two antiquated Elwha River dams. Elwha River chinook are part of the group of Puget Sound salmon recently listed under the Endangered Species Act. A 1996 scientific report, Status of Pacific Salmon and Their Habitats on the Olympic Peninsula states "Removal of the dams on the Elwha River remains the best and most cost effective opportunity for salmon restoration on the Olympic Peninsula, and possibly the western United States." The report predicts that habitat to support nearly 400,000 fish is locked up behind those two dams.

Follow the Science. Stop the Harm. Enforce the Law.

Our experience on the Columbia and Snake Rivers is a case study in what won't work:

Let's not continue the mistakes on the Columbia and Snake. And let's not repeat them on the westside.

—We cannot move ahead without a plan. Just saying no to dam removal does not constitute a plan.

—We cannot suffer from an inability to make decisions.

—We cannot simply throw money at the projects and expect to see more fish.

—We cannot depend on technofixes like hatcheries and barges and expect to see more fish. Fish need healthy rivers and functioning watersheds.

Follow the Science. Stop the Harm. Enforce the Law.

Let's all work to reach recovery together.

Thank you.

## SUMMARY STATEMENT OF CONRAD MAHNKEN

Senator GORTON. Mr. Mahnken.

Mr. MAHNKEN. Senator Gorton and Congressman Dicks, my name is Conrad Mahnken, and it's a pleasure for me to be here today.

I'm a research scientist with the National Marine Fisheries Service. I'm director of one of Will Stelle's laboratories located in Kitsap County. The research in my laboratory is aimed at salmon recovery and hatchery reform. I've been asked to address certain issues related to the appropriate science-based role that regional laboratories might play in the recovery of our salmon resources.

Hatcheries have served the purpose for which they were originally intended, and that is, mitigation for lost habitat and fishery augmentation. The goal of these production hatcheries has been to maintain commercial and recreational harvests, and more recently to provide tribal harvests. Hatcheries have had considerable success at producing harvestable fish, and in most instances, hatchery stocks provide the larger proportions of catches in sport, commercial, and tribal fisheries.

Some of the facts about hatcheries are as follows:

Hatchery facilities in Puget Sound and Coastal Washington produce more than 100 million juvenile salmon and steelhead annually. On the Columbia River alone, nearly 100 hatcheries produce about 200 million fish which provide up to 80 percent of the resource in several key fisheries. Over 5 billion hatchery-reared juveniles are released annually into the Pacific Ocean from North American and Asian hatcheries.

However, in recent years, the industrialization of Pacific Northwest hatcheries has been identified as one the causes for decline of wild stocks, and current hatchery practices may be contributing to their demise. This criticism is based on the knowledge that the artificial rearing environments of hatcheries can yield fish that differ biologically from their wild counterparts. Certain life history traits are lost in hatchery fish through years of culture in unnatural hatchery environments, which may affect survival if they were to be used in recovery of wild stocks. Within a hatchery population this may be desirable, but in the long term it is detrimental if fish are expected to rear and spawn in the wild.

Concerns within the scientific community focus on the interaction of wild and hatchery fish once fish are released to the environment. Negative ecological interactions are known to occur. For example, social interactions between hatchery and wild fish can occur in the ecosystem and can be detrimental to wild fish. For example, if large numbers of hatchery fish are released into small populations of wild fish, larger hatchery fish prey on smaller wild fish, and dominate competition for food and territory.

In the area of genetic interactions, domesticated genetic properties of hatchery fish can be transferred through interbreeding with wild fish. Interbreeding of hatchery with wild stocks is believed to result in loss of local adaptability, best described as a loss of fitness to survive challenges of living under natural environmental conditions.

With the emphasis on wild fish required under ESA, there is an opportunity to transfer the role of certain hatcheries from mitigation to wild stock enhancement. You have heard some discussion of that today, where some of these hatcheries are in fact already being transferred over to that need.

The wide natural variability in development and timing characteristic of wild fish may be an inherent factor which enables them to adapt to changing freshwater and marine conditions. Therefore, the protocols which emerge for the effective operation of hatcheries dedicated to recovery of wild fish populations will be directed towards the production of smolts with similar behavior, that exhibit similar physiology and genetic diversity as their wild counterparts. These conservation hatcheries will operate on the concept that high-quality fish, behaviorally and physiologically similar to their wild counterparts, can be produced in conditions which simulate the natural life histories of each particular species under culture.

Scientific information now available makes it feasible and practical for hatcheries to propagate juveniles similar in growth, development, and behavior to their wild cohorts. For example, animal behaviorists have shown that behavioral repertoires can often be recovered, even after many generations, simply by providing appropriate environmental stimuli during rearing. To do this, hatcheries would adopt rearing practices that might include the following:

- Prohibit nonindigenous fish stock transfers;

- Use more complex rearing environments that more closely simulate natural habitat;

- Reduce selection for domestication by introducing more natural rearing protocols;

- Condition hatchery fish to behave more like their wild counterparts;

- Introduce hatchery techniques which reduce harmful post-release interactions between wild and hatchery fish;

- And impose, if necessary, production caps to match release numbers with the finite carrying capacity of both fresh and saltwater habitats.

Most of these strategies are based on a combination of modern conservation principles and basic salmonid biology. Some are backed by scientific research; others are currently being researched. To incorporate such changes will require adoption of more flexible policies to integrate public and private hatcheries into comprehensive restoration plans, both practically and economically.

As a scientist, I must say that I believe that hatcheries, if they assume a reformed role of producing fish with more natural life history traits, can play an important role in the recovery of wild fish. In the Snake River Basin, hatcheries are already being employed to save the last remaining gene pools of listed sockeye and Chinook from extinction through the use of captive breeding.

#### PREPARED STATEMENT

I also believe that we can, during recovery of Chinook and summer chum salmon in the Puget Sound Basin, maintain some semblance of a fishery sustained primarily by hatchery fish. However, it will require that we do business differently than in the past, and

that these hatcheries function in ways which reflect the latest scientific information and conservation practices.

[The statement follows:]

PREPARED STATEMENT OF CONRAD MAHNKEN

THE PRESENT HATCHERY SYSTEM

Hatcheries have served the purpose for which they were originally intended; mitigation for lost habitat and fishery augmentation. The goal of these production hatcheries has been to maintain (or increase) commercial and recreational harvests, and more recently to provide tribal harvests. Hatcheries have had considerable success at producing harvestable fish, and in most instances, hatchery stocks provide the larger proportions of catches in sport, commercial, and tribal fisheries (at times producing more than 90 percent of the fish available for harvest).

*Facts*

- Hatchery facilities in Puget Sound and Coastal Washington produce more than one hundred million juvenile salmon and steelhead annually.
- On the Columbia River alone, nearly 100 hatcheries produce about 200 million fish which provide up to 80 percent of the resource in several key fisheries.
- Over 5 billion hatchery-reared juveniles are released annually into the Pacific Ocean from North American and Asian hatcheries.

HATCHERY AND WILD FISH INTERACTIONS

However, in recent years, the industrialization of Pacific Northwest hatcheries has been implicated as one the causes for decline of wild stocks and current hatchery practices may be contributing to their demise (Schmitt et al., 1995, NRC 1996).

This criticism is based on the knowledge that the artificial rearing environments of hatcheries can yield fish that differ biologically from their wild counterparts. Certain life history traits are lost in hatchery fish through years of culture in unnatural hatchery environments, which may affect survival if they were to be used in recovery of wild stocks. Within a hatchery population this may be desirable but in the long term it is detrimental if fish are expected to rear and spawn in the wild. Concerns within the scientific community focus on the interaction of wild and hatchery fish once fish are released to the environment:

(I) Ecological interactions. Social interactions between hatchery and wild fish can occur in the ecosystem and can be detrimental to wild fish. For example; if large numbers of hatchery fish are released into small populations of wild fish, larger hatchery fish prey on smaller wild fish, and dominate competition for food and territory.

(II) Genetic interactions. Domesticated genetic properties of hatchery fish can be transferred through interbreeding with wild fish. Interbreeding of hatchery with wild stocks is believed to result in loss of local adaptability, best described as a loss in fitness to survive challenges of living under natural environmental conditions.

THE CHANGING ROLE OF HATCHERIES

With the emphasis on wild fish required under ESA, there is opportunity to transfer the role of certain hatcheries from mitigation to wild stock enhancement. The wide natural variability in development and timing, characteristic of wild fish, may be an inherent factor which enables them to adapt to changing freshwater and marine conditions. Therefore, the protocols which emerge for the effective operation of conservation hatcheries (hatcheries dedicated to recovery of wild fish populations) will be directed towards the production of smolts with similar behavior, physiology, and genetic diversity as their wild counterparts. These conservation hatcheries will operate on the concept that high quality fish, behaviorally and physiologically similar to their wild counterparts, can be produced in conditions which simulate the natural life histories of each particular species under culture. Scientific information now available (and growing daily) makes it feasible and practical for hatcheries to propagate juveniles similar in growth, development, and behavior to their wild cohorts. For example; animal behaviorists have shown that behavioral repertoires can often be recovered even after many generations simply by providing appropriate environmental stimuli. To do this, hatcheries would adopt rearing practices that might include the following:

- Prohibit non-indigenous fish stock transfers (intentional transplantation);

- Use more complex rearing environments that more closely simulate natural habitat;
- Reduce selection for domestication by introducing more natural rearing protocols;
- Condition hatchery fish to behave more like their wild counterparts;
- Introduce hatchery techniques which reduce harmful post-release interactions between wild and hatchery fish; and
- Impose, if necessary, production caps to match release numbers with the finite carrying capacity of fresh and saltwater habitats.

Most of these strategies are based on a combination of modern conservation principles and basic salmonid biology. Some are backed by scientific research; others are currently being researched. To incorporate such changes will require adoption of more flexible policies to integrate public and private hatcheries into comprehensive restoration plans, both practically and economically.

As a scientist, I must say that I believe that hatcheries, if they assume a reformed role of producing fish with more natural life history traits (characteristics), can play an important role in the recovery of wild fish. In the Snake River Basin, hatcheries are already being employed to save the last remaining gene pools of listed sockeye and chinook from extinction through the use of captive breeding. I also believe that we can, during recovery of chinook and summer chum salmon in the Puget Sound Basin, maintain some semblance of a fishery sustained primarily by hatchery fish. However, it will require that we do business differently than in the past and that these hatcheries function in ways which reflect the latest scientific information and conservation practices.

#### HATCHERY REFORM

Senator GORTON. Doctor, are these prescriptions for hatchery reform that you've described here widely accepted among fisheries scientists at the present time? Are they still experimental? Are there disputes over them?

Mr. MAHNKEN. Well, there's always dispute over new ideas and new techniques, especially when it comes to hatcheries, but I think in general the hatchery community and the scientists within the hatchery community agree that certain reform principals need to take place, and that they're based on solid science.

Senator GORTON. Now, in the very last comment you made, is it your view that all hatcheries should be reformed in this manner, or was your comment with respect to harvest, to keep a certain degree of harvest, there should be some hatcheries that operated simply for production, for relatively large production for harvest purposes?

Mr. MAHNKEN. Yes, I think that eventually we will see just exactly that. Especially, some of the tidewater hatcheries that exist in Puget Sound that have particularly high survivals and high contributions to fisheries will remain in that role, providing we can separate both adults and juveniles in their habitat from the wild fish. I think that you will also see hatcheries that are at the other end of the spectrum, that serve primarily a conservation role in rebuilding wild populations, and I think you'll see mixes in between of all possible combinations.

Senator GORTON. In Puget Sound has the decline in runs equally affected both wild and hatchery stocks?

Mr. MAHNKEN. Yes. I think that's been shown. In the mid—up to the mid-1970s you could have survivals in Puget Sound stocks of, say, coho, that exceeded 20 percent. Starting about 1976 there was a major oceanic regime shift that caused the survival of hatchery fish and wild fish, pretty much coastwide, to decline.

Senator GORTON. What was that regime shift?

Mr. MAHNKEN. Well, that regime shift is still under debate, but in general, it was a warming trend in the coastal currents that affect primarily Coastal Washington, Oregon, and Southern British Columbia, Northern California. At the time that the survival on stocks in those areas began to decline, it began to rise in the North Pacific, in Alaska, Russia, and Northern Japan, and they enjoyed some of the best survivals and best runs during the period of time when we are suffering in the southern areas. So this is believed to be a general climatic shift. Many scientists believe it's cyclic; some believe it may be associated with a general global warming trend. In any event, we are now experiencing much lower survivals in both our hatchery and wild fish.

Senator GORTON. Given at least relatively limited amounts of money in Puget Sound—indeed, the combination of federal and State appropriations at one level are generous; at another level are rather modest—how do we set priorities on the use of that money?

Mr. MAHNKEN. You mean with regards to hatcheries, or with regards to the whole mix of four H's?

Senator GORTON. The whole mix.

Mr. MAHNKEN. Boy, Senator, you're asking me a question that really ought to be asked by Will—or, answered by Will Stelle.

Senator GORTON. Well, he'll get it, too. [Laughter.]

Mr. STEARNS. It's just a policy issue.

Mr. MAHNKEN. Yeah. It's just a policy issue, sir.

Senator GORTON. OK. We'll let you waive that one.

Go ahead.

Mr. DICKS. One of the other ideas about coordination was coordination on the science in terms of the recovery effort here in the State. Do you think there needs to be some kind of a scientific panel put together that advises policy makers on the science of this whole matter beyond just the people at NMFS and the Fish and Wildlife Service?

Mr. MAHNKEN. Yes, I think with regards to hatcheries in the Puget Sound Basin it might be considered that you develop a kind of an independent—a group of independent scientists that—especially if there was increased funding, federal funding, for example, into the Puget Sound Basin for these hatcheries—a group of independent scientists, much the way the panel has been established in the Columbia Basin, that would perhaps be a mix of scientists respected in the field not necessarily involved with hatcheries, as well as a group of agency scientists involved with hatcheries that would continue to see that the system was operated in the best scientific manner.

Mr. DICKS. Are the Mitchell Act hatcheries being reformed as you suggested here in terms of trying to produce fish that replicate wild fish?

Mr. MAHNKEN. I think there's a lot of discussion. There's not much activity yet in the Mitchell Act hatcheries. And again, I would refer that question to my boss, Will Stelle.

Mr. DICKS. All right. But you think something needs to be done there, as a scientist?

Mr. MAHNKEN. Yes. Yes, I—as a scientist, I think something needs to be done there.

Mr. DICKS. And if, Mr. Stearns, you want to comment, or any of the other members of the panel want to comment on this, please do so.

You mentioned science in terms of the evaluation, which I strongly agree with. I think we need to have good scientific input into the projects that are funded, that we have a credible scientific basis for the funding decisions that are made.

Mr. STEARNS. Congressman Dicks, I think you're absolutely right. On the specific question of the Mitchell Act hatcheries, I think you need to think of analogy of, you're driving down the highway at 100 miles an hour, and you're trying to change drivers and rebuild the engine at the same time, that we have expectations and needs for these facilities to continue producing. Plus, we have substantial inequities in that hatchery production. You know, we've made commitments to shift production to the upper part of the basin, so you've got a whole transition.

I serve on the artificial production review of the Northwest Power Planning Council, which Senator Gorton asked us to do, and I think we're working through those issues. The challenge is connecting the people who actually operate hatcheries with the bureaucrats who deal with the management of the hatcheries, dealing with the research biologists who focus on literature and testing, and trying to bring those various communities together and then develop substantial transition in what are very large facilities that have tight budgets.

And just as a criticism of Congress—since we've got a couple Congress people here, I might as well criticize—our budget process is—it's overly-explicit, line item by line item. You don't really give the managers flexibility to move money from one program to another, so implementing these kind of changes is somewhat challenging. I'm not saying you should give them a blank check, because we don't want to give any bureaucrats blank checks. It's just the transition process is fairly challenging.

Mr. DICKS. Mr. Wilkerson.

Mr. WILKERSON. Yeah, just a quick comment on that, and kind of the management issue that Bill Ruckelshaus raised on the last panel. I don't think we can repeat the Columbia River situation. And we have twenty-five to fifty years of history there, and I've worked there, and you've all been down there, and there was no leadership for years. And the easiest game in town is to point to the other person. So I think the idea of having someone that's in charge both on the policy side and the science side that has real leadership responsibility is going to be required here in Puget Sound. I mean, just look at the room behind us. There are myriad interests, all with different opinions about what works and what doesn't work. And the fact of the matter is, is that without leadership we will all continue to disagree forever, and I don't think that'll work, to rebuild the salmon. So if we don't get in there early with real defined, clear leadership and responsibility for making something work better here in the Puget Sound region or out on the coast, I just don't see how we won't repeat the mistakes of the past.

Mr. DICKS. You think it has to be somebody other than Mr. Stelle and Mr. Smitch? I mean, could they co-chair this?

Mr. WILKERSON. No, I—

Mr. DICKS. Or do you have to bring in another person?

Mr. WILKERSON. Well, you raised the TFW experience.

Mr. DICKS. Right.

Mr. WILKERSON. And Will, and Bob Turner from NMFS, and Chuck Clark from EPA, and Curt Smitch from the governor's office were the leaders of those negotiations, and they were there every step of the way. And I don't think we would have gotten where we had gotten if they hadn't been there every step of the way. Now, if that was on just one segment of our economy, and whether we can spread those people out so far as to deal with all the other issues here that are just represented on this panel, I don't know. But if somebody isn't empowered to form the team that's in charge, which is what you did on the timber module—you empowered us, basically, and I think if you do that with respect to some of these other issues on the table, then people can solve the problems.

Mr. DICKS. But do you think this would have to be done on a State-by-State basis? In other words—is this going to be regional?

Mr. WILKERSON. Well, I can't speak to the Columbia River example, again, because that's multi-state. But to the extent that most of these watersheds that people are worrying about in Washington are Washington-oriented, I think there ought to be a Washington strategy to deal with them. And I think that's what Governor Locke is trying to take on. NMFS has coordinating responsibility in terms of the Columbia River stocks, the Snake River stocks, that obviously require multi-state strategies. But in terms of the many watersheds in our State that are Washington-oriented, I don't know why we'd complicate it with regional strategies.

Mr. DICKS. I wanted to say to Linda Johnson that I too have been concerned about the terns. And I feel that there can be a successful way of putting new habitat on that island that will make it less hospitable to the terns. The idea that we would let 8 to 25 million smolts be taken each year by those birds, while we're spending \$3 billion on the Columbia/Snake River thing is very hard for me to understand, so I'm very sympathetic to your comments.

And Connie, I just want you to know that we're still working on lingcod as well, and we know of your abiding interest in that, and the viewpoint of the tribes as well.

I don't have any further questions.

Senator GORTON. Fine. Thank you. This has been a very constructive and enlightening panel, and we appreciate the contribution that each of you has made.

**STATEMENTS OF:**

**BOB DREWELL, SNOHOMISH COUNTY EXECUTIVE**

**ED HANSEN, MAYOR OF EVERETT**

**JIM BUCK, WASHINGTON STATE REPRESENTATIVE**

**DEBBIE REGALA, WASHINGTON STATE REPRESENTATIVE**

**ED THIELE, OKANOGAN COUNTY COMMISSIONER**

**LOUISE MILLER, KING COUNTY COUNCIL**

**SUMMARY STATEMENT OF BOB DREWELL**

Senator GORTON. The next panel: Bob Drewell, Ed Hansen, Jim Buck, Debbie Regala, Ed Thiele, and Louise Miller.

We don't seem to have Louise Miller here at this point, but I think perhaps we'll start and hope that she comes in.

Bob Drewell, you were first on our list, and we'll hear from you first.

Mr. DREWELL. Good afternoon, Senator. Thank you very much for the opportunity—

Senator GORTON. And you also need to get that microphone a little closer in.

Mr. DREWELL. Okay. All right.

Senator GORTON. That's advice to all of you.

Mr. DREWELL. Thank you again, Senator. And thank you very much for the opportunity to testify before you today. And on behalf of the entire Tri-County salmon group, I want to thank you for all of your efforts in securing federal funding for our Tri-County plans to date. Yourself, Senator Gorton, and Congressman Dicks, have been very instrumental in our successes to this point.

And in particular, I understand that Senator Stevens has left, but we certainly want to acknowledge his presence here earlier today, and the help that he has given.

It's my pleasure to speak with you about the approach and efforts under way within the three counties of King, Pierce, and Snohomish. We voluntarily came together over a year ago. We asked our cities, the tribes, the business community, the environmental community, frankly anyone that wanted to come to the table, to help recover salmon in the beautiful Puget Sound area.

We made a conscious decision to spend our time, energy, and resources on salmon recovery rather than trying to fight the proposed listing. It was the right decision. We are focussed, we are committed, and we are already making progress. We are pleased to report that our efforts to partner with National Marine Fisheries Service are progressing.

The three counties, and many of our cities, prepared a series of proposed early actions to be taken during 1999 and the year 2000 that provide substantive, science-based strategies to make incremental process to stop the rate of decline of salmon while at the same time working in our watersheds to develop long-term salmon recovery plans. It's a phased approach that we believe in the long—that we believe is in the long-term interest of the species and of all the jurisdictions involved in this challenging effort.

The Tri-County group is to develop an agreement with NMFS on a complex 4(d) rule which covers the day-to-day activities and responsibilities that local governments have in serving our citizens while we work together for a long-term recovery strategy. We are currently negotiating with NMFS, and have included the tribes, the State of Washington, representatives of the business coalition and the environmental coalition in our negotiations. We cannot underscore enough the need for creativity and flexibility in developing the initial 4(d) rule.

The long-range strategy is founded on science-based plans for the conservation and restoration of habitat systems in the six Water Resource Inventory Areas, the WRIAs, that are located within the three counties. The WRIA-based planning efforts will assist in the preparation of regulations, best management practices, capital improvement programs, and monitoring programs that will ensure

the implementation and adaptive management necessary to sustain salmon recovery. The last speaker on our panel today, Councilwoman Louise Miller from King County, will talk more specifically about the WRIA efforts. And I know you've expressed an interest on that on a number of occasions.

In addition, I've brought with me twenty-five copies of the Tri-County Executive Summary that outlines our work plan and strategy to recover the Puget Sound Chinook. I would invite you and your staff to review the document because it will certainly give you a better understanding of the complexities of this recovery effort.

I want to take a few moments to discuss the Tri-County perspective on federal funding, and our thoughts on how the dollars would be allocated. We have five basic recommendations that we would hope that you would consider.

First, we support a cooperative State-wide approach to salmon funding. While we recognize the Tri-County effort is unique, we also recognize all areas of the State are impacted by the salmon listings, and therefore must be eligible for available federal funding.

We would suggest that you explore the possibility of having Eastern Washington efforts funded through earmarked Bonneville Power Administration funds. BPA is an existing source of revenue to Eastern Washington tribes and other entities. Making some of those existing funds available to Eastern Washington counties and cities to meet their important needs would be very beneficial to all concerned.

Western Washington needs could be met through the coastal salmon initiative currently being discussed by the Washington delegation and the Clinton Administration. No one knows what the total cost of salmon recovery will ultimately be, but we do know it will be millions of dollars. Our Tri-County members are only asking for a fair share of that allocation.

Second, we believe that available federal funds should only go—only go—to activities that have gone through an ESA approval process or are consistent with an approved 4(d) rule, which will likely be operational at the time these funds are expended. It is our intent to have our scientific experts involved in reviewing these projects for their value to fish.

Third, federal funds should only go to entities that are prepared to match the funds.

Fourth, we, like yourselves, want a process developed that makes thoughtful and timely decisions on funding. It is in no one's interest to fritter away valuable funding on activities that simply do not make a difference to fish. There is a Tri-County subcommittee specifically working on the processes and criteria for allocation. We are working closely with the governor's office and other appropriate State agencies.

Fifth, the National Marine Fisheries Service needs staff. It will not help this region if NMFS does not have adequate staff to do the necessary biological assessments and section 7 consultations.

Therefore, we believe a system which represents local control, emphasizes sound science and biology, and encourages on-the-ground benefits, and is approved by NMFS makes the most sense.

## PREPARED STATEMENT

In closing, the Tri-County Executive Committee is very focussed on working collaboratively among the stakeholders, which includes all of you. Let us know what we can do to help you. And again, I want to thank you for your time today, and for your leadership on behalf of the citizens in our State in meeting this challenge.

Senator GORTON. Thank you.

[The statement follows:]

## PREPARED STATEMENT OF BOB DREWELL

Thank you very much for the opportunity to testify before you today. On behalf of the entire Tri-County salmon group, I want to thank you for all of your efforts in securing federal funding for our Tri-County plans to date. Senator Gorton and Congressman Dicks, you have both been instrumental to our success thus far. In particular, we want to recognize and welcome a good friend to this region on salmon and economic issues—the Honorable Senator Ted Stevens of Alaska. We appreciate the leadership all of you are providing on this critical issue.

It is my pleasure to speak with you about the approach and efforts under way within the three counties of King, Pierce, and Snohomish. We voluntarily came together over a year ago, asked our cities, the Tribes, the business community, the environmental community, frankly, anyone that wanted to come to the table, to help recover salmon in the beautiful Puget Sound.

We made a conscious decision to spend our time, energy, and resources on salmon recovery rather than trying to fight the proposed listing. It was the right decision. We are focused, we are committed, and we are already making progress. We are pleased to report that our efforts to partner with National Marine Fisheries Service are progressing.

The three counties, and many of our cities, prepared a series of proposed early actions during 1999 and 2000, that provide substantive, science-based strategies to make incremental progress to stop the rate of decline of salmon, while at the same time, working in our watersheds to develop long-term salmon recovery plans. It is a phased-approach that we believe is in the long term interests of the species and of all of the jurisdictions involved in this challenging effort.

The Tri-County goal is to develop an agreement with NMFS on a complex 4(d) rule, which covers the day-to-day activities and responsibilities local governments have in serving our citizens, while we work on our long-term recovery strategy. We are currently negotiating with NMFS and have included the Tribes, the state of Washington, and representatives of the business coalition and the environmental coalition in our negotiations. We cannot underscore enough the need for creativity and flexibility in developing the initial 4(d) rule.

The long-range strategy is founded on science-based plans for the conservation and restoration of habitat systems in the six Water Resource Inventory Areas (WRIA) within the three counties. The WRIA-based planning efforts will assist in the preparation of regulations, best management practices, capital improvement programs, and monitoring programs that will assure the implementation and adaptive management necessary to sustain salmon recovery. Our last speaker on the panel today, King County Councilwoman Louise Miller, will talk more about our WRIA efforts.

In addition, I have brought 25 copies of the Tri-County Executive Summary that outlines our work plan and strategy to recover the Puget Sound Chinook. I would invite you and your staff to review the document because it will certainly give you an understanding of the complexities of this recovery effort.

I want to take a few moments to discuss the Tri-County perspective on federal funding and our thoughts on how the dollars would be allocated. We have five basic recommendations for you to consider.

First, we support a cooperative statewide approach to salmon funding. While we recognize the Tri-County effort is unique, we also recognize all areas of the state are impacted by the salmon listings and, therefore, must be eligible for available federal funding.

We would suggest you explore the possibility of having eastern Washington efforts funded through earmarked Bonneville Power Administration funds. BPA is an existing source of revenue to eastern Washington tribes and other entities. Making some of those existing funds available to eastern Washington counties and cities to meet their important needs would be beneficial to all concerned.

Western Washington needs could be met through the coastal salmon initiative currently being discussed by the Washington delegation and the Clinton Administration. No one knows what the total cost of salmon recovery will ultimately be, but we do know it will be millions of dollars. Our Tri-County members are only asking for a fair share of the allocation.

Second, we believe the available federal funds should only go to activities that have gone through an ESA approval process or are consistent with an approved 4(d) rule, which will likely be operational at the time these funds are expended. It is our intent to have our scientific experts involved in reviewing these projects for their value to fish.

Third, federal funds should only go to entities that are prepared to match the funds.

Fourth, we like yourselves, want a process developed that makes thoughtful and timely decisions on funding. It is in no one's interest to fritter away valuable funding on activities that simply do not make a difference for fish. There is a Tri-County subcommittee specifically working on the process and criteria for allocation. We are working closely with the Governor's office and appropriate state agencies.

Fifth, NMFS needs staff. It will not help this region if NMFS does not have adequate staff to do the necessary biological assessments, section 7 consultations and other activities with us in a timely manner.

Therefore, we believe a system which respects local control, emphasizes sound science and biology, encourages on-the-ground benefits, and is approved by the National Marine Fisheries Service makes the most sense. We at Tri-County need NMFS approval for our funding efforts so that we in turn can receive credit for those activities as part of our long-term salmon recovery plans.

In closing, the Tri-County Executive Committee is very focused on working collaboratively among the stakeholders, which includes all of you. Let us know what we can do to help you, and again, I want to thank you for your time today, and for your leadership on behalf of the citizens in our state in meeting this challenge.

[CLERK'S NOTE.—Due to its volume, the above mentioned material is being retained in subcommittee files.]

#### SUMMARY STATEMENT OF ED HANSEN

Senator GORTON. Mayor Hansen.

Mr. HANSEN. Thank you, Senator Gorton and Congressman Dicks, in particular for hosting this hearing and also providing this opportunity for me to provide a perspective as one city elected official on the effort to increase the numbers of Chinook salmon in Puget Sound.

I'd like to make three points today.

First, the City of Everett has been actively engaged for at least the past 25 years in protecting and restoring habitat in environmentally sensitive areas of our city. We will continue this important work both at the local level and through our participation in the region's unprecedented efforts to increase the number of Chinook salmon in Puget Sound. And that includes the efforts that Executive Drewell just described.

Second, as Mayor of the City of Everett and President of the Association of Washington Cities, I must bring to your attention my concern that the Endangered Species Act listings by the National Marine Fisheries Service will have significant financial impacts on local governments. Washington's cities have limited financial resources and increasing demands from our citizens for public safety, parks, libraries, transportation improvements, and a wide array of other services and facilities. More specifically, I fear this will be the largest unfunded mandate I have faced in my 5-plus years as a mayor.

Third, as we at the local level are asked to address habitat issues, we must be assured there will be adequate numbers of Chi-

nook salmon returning to the rivers and streams of Puget Sound. Specifically, there must be significant progress in addressing harvest issues at the State and Federal levels. In this testimony I suggest several federal legislative and regulatory changes. In making these comments under the third section of my testimony, I am not speaking for the Association of Washington Cities, so I want to make that clear.

And I wish, in the very limited time I have available, that I could spend more time discussing the first point, the active work that we are doing and we intend to continue to do, but I feel that in my duties, again, as a mayor and a spokesman for the Association of Washington Cities, I must emphasize the financial concerns during the limited time I have available.

And as a local elected official, we are all governed by a State law that requires each of our local government jurisdictions to have balanced budgets each year. And I had a very painful experience my first year as Mayor of Everett. I inherited a budget that was balanced by selling a million dollars' worth of real estate. In my first week in office, I had the very painful experience of eliminating sixty-five positions from the budget. And those were people who were providing valuable services in our community and doing a good job. We just did not have the resources to continue to employ those people. During the first three months of my term I spent a lot of additional time in finding other ways to cut costs to live within our budget and the resources available.

I've also learned during the 5 years that we do have economic uncertainties and cycles. We're looking at another downturn, at least in Everett, and perhaps in Snohomish County, as a large manufacturer is facing production reductions and employment reductions which we think will have some impacts both on our city revenues and also on our economy. We've also seen some restrictions on city revenues through State limitations on property taxes, and some exemptions from the sales tax.

You're also aware of another issue of concern at the federal level that also substantially could affect our tax base, and that's the Internet taxation moratorium that could reduce our sales tax revenue.

So in summary, local governments are facing some revenue challenges, and I have a council member who continually reminds me, there's only so many beans in the jar. And that's one of the issues that I need to convey from the perspective of cities, that we want to help, we're prepared to roll up our sleeves and do as much as we can, but we do have limited resources.

As part of my testimony I have a list of exhibits. I've included a copy of the Unfunded Mandates Reform Act of 1995, and that was certainly legislation that was very much welcomed by local government. I have quoted several provisions from that legislation in my testimony. I've also attached to my testimony Exhibit 2, which is a list of unfunded mandates, both State and Federal, just to give you an idea of what we're talking about at the local level. And then also attached as an exhibit is a matrix that shows a number of costs and mandates that we're anticipating at the local level from the ESA listing.

So I guess the bottom line is to express the concern of the financial implications of what we are asked to do. I know some earlier spokespersons mentioned comments about financial accountability and spending our limited dollars as wisely as we can. And I think that needs to be one of the issues to explore, is how we can best spend the limited taxpayer dollars we have available, both dollars from the federal level—and we appreciate very much your efforts, Senator Gorton and Congressman Dicks, in trying to get some federal funding to help, but it's very likely, candidly, that whatever federal dollars you do provide are not going to come very close to covering the costs we're going to see at the State and local level.

I noticed in Governor Locke's testimony, we still don't know what kind of State dollars are going to be provided through this legislative session, but again, it's very unlikely there'll be very much additional money available to local governments. So this is one of the real challenges that I think we all face and need to keep in mind.

I see the red light's on. I've run out of time. There's a number of other comments that I would like to make, perhaps just a couple of quick suggestions from the third part of my comments.

One issue that I haven't seen much discussion of, and that's the Magnuson-Stevens Act and the Sustainable Fisheries Act. At least in our staff's preliminary analysis, there appear to be some potential conflicts between the Endangered Species Act. And I do understand the Magnuson-Stevens Act is up for reconsideration later this year, and I would hope that you would take this opportunity to review it in the context of the listings and what changes might be made, including some changes that might give NMFS some additional authority that may well be needed to help us in our salmon recovery efforts.

#### PREPARED STATEMENT

But the third point that I really wish to emphasize is that, as we do all the work in the region on restoring and enhancing habitat, it's going to be extremely important that at both the State and Federal level all efforts are made to assure that there are adequate levels of Chinook salmon returning to the habitat that we intend to preserve and enhance.

And I could get into a lot more detail, but thanks again for the opportunity to make these limited comments.

[The statement follows:]

#### PREPARED STATEMENT OF EDWARD HANSEN

Senator Gorton and Congressman Dicks, thank you for co-hosting this hearing and providing me with an opportunity to provide a perspective from one city official on the effort to increase the numbers of Chinook salmon in the Puget Sound.

I would like to make three points today.

First: The City of Everett has been actively engaged for at least the past 25 years in protecting and restoring habitat and environmentally sensitive areas of the city. We will continue this important work, both at the local level and through our participation in the region's unprecedented efforts to increase the number of Chinook salmon in Puget Sound.

Second: As Mayor of the City of Everett and President of the Association of Washington Cities (AWC), I must bring to your attention my concern that the Endangered Species Act ("ESA") listings by the National Marine Fisheries Service ("NMFS") will have significant financial impacts on local governments. Washington's cities have limited financial resources and increasing demands from our citizens for public safety, parks, libraries, transportation improvements, and a wide array of

other services and facilities. More specifically, I fear this will be the largest unfunded mandate I have faced in my five-plus years as a Mayor.

Third: As we at the local level are asked to address habitat issues, we must be assured there will be Chinook salmon returning to the rivers and streams of Puget Sound. Specifically, there must be significant progress in addressing “harvest” issues at the State and Federal levels. In this testimony I suggest several federal legislative and regulatory changes. In making these comments under this third section, I am not speaking as president of the Association of Washington Cities.

#### HABITAT

We agree that increasing Chinook salmon populations is important. This goal is achievable if we use common sense and there is a coordinated federal and State effort to assure that salmon make it to the mouths of Puget Sound rivers to utilize the enhanced habitat we at the local level will be providing.

I am proud to say that in the City of Everett, we have taken seriously our responsibility for environmental stewardship. We have worked hard to provide habitat friendly to salmon. We have been in the forefront of repairing and protecting habitat and we will continue our efforts:

Our City utilities department has joined with the Snohomish Public Utility District and spent millions of dollars on successful fisheries and wildlife enhancement efforts in the Sultan River Basin;

Everett has an effective water conservation program, and a water filtration system that is state-of-the-art;

Our City Council has adopted Environmentally Sensitive Areas ordinances under the Growth Management Act and the City uses these ordinances to conserve and protect natural resources;

Our planning department, with the assistance of a broad-based citizens advisory committee, is currently developing recommended amendments to the City’s Shoreline Master Plan;

Our City led an effort, in concert with federal, state, and local officials, to develop a plan to identify and protect critical habitat within the Snohomish River estuary. As the result of the ESA listing, we will be updating that plan to respond to specific species such as Chinook salmon. We intend to use this estuary plan to update our regulatory process and will be encouraging other nearby jurisdictions to do the same.

Everett has a surface water management, or “stormwater” program, which has been called a model by state agency officials;

Our city has spent significant dollars to treat wastewater and meet standards under the Clean Water Act—with plans underway to do even more.

In summary, we have worked hard to protect and enhance our natural environment, and we will continue our efforts subject to our available resources.

For all of the actions we have taken to date and intend to take in the future, there is little in the way of credit, or comfort, or recognition, by NMFS. Instead, we are told by NMFS representatives there must be “properly functioning conditions, everywhere, all the time.” Never before have local governments been burdened with doing so much, in such an urbanized area, to sustain a species over which they have such limited control. Which brings me to my second point—the application of the federal Unfunded Mandates Reform Act of 1995 to the listings. (See Exhibit 1)

#### UNFUNDED MANDATE

I along with many of my colleagues at the local government level were very pleased with Congress’ passage of the Unfunded Mandates Act, which recognized and addressed the often-unintentional consequences of federal legislation and regulations on local, tribal, and state governments. To illustrate the range of unfunded mandates, a comprehensive “Unfunded Mandates List” is attached as Exhibit 2.

We believe the following sections of the unfunded mandates legislation apply:

1501 Purpose (2): “to end the imposition, in the absence of full consideration by Congress, of Federal mandates on state, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal government priorities;”

1513 Findings (a)(1)(2) and (3): “The Senate finds that (1) the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned about the growing tendency of States to shift costs to local governments; (2) cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and (3) increases in local property taxes and cuts in essential serv-

ices threaten the ability of many citizens to attain and maintain the American dream of owning a home in a safe, secure community.”

1532 Statements (a)(2)(A) and (B) and (3)(A) and (B): “The agency shall prepare a written statement containing . . . (2)(a) an analysis of the extent to which such costs to State, local, and tribal governments may be paid with Federal financial assistance (or otherwise paid for by the Federal Government); and (B) the extent to which there are available Federal resources to carry out the intergovernmental mandate; (3) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—(A) the future compliance costs of the Federal mandate; and (B) any disproportionate budgetary effects of the Federal mandate upon any particular regions of the nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector;”

1535 Least Burdensome Option (a): “Except as provided in subsection (b), before promulgating any rule for which a written statement is required under section 202 (2 USC §1532), the agency shall identify and consider a reasonable number of regulatory alternatives and from those alternatives *select the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule . . .*” (Emphasis added)

One of the potentially most expensive provisions of the ESA authorizes “citizen” suits to enforce the ESA. This is a particularly significant concern for local governments which may be sued under ESA in challenge to city actions and city permitting or approval of projects. Also attached as Exhibit 3 to this testimony is a copy of an article which appeared in the Environmental Newsletter of the Washington State Bar Association. Adding further insult to injury, the ESA also exposes local governments to paying the opposing parties’ attorneys fees, costs and expert witness fees.

Local governments’ decision making may be paralyzed by the threat of citizen lawsuits. On the other hand, local governments who deny project approvals or permits may be sued by property owners claiming an “unconstitutional taking” of their property resulting from the denial of their application. We will be damned if we do and damned if we don’t.

We appreciate your effort to provide some federal funding for salmon recovery. We understand the proposed funding is intended to pay primarily for salmon recovery projects. But, how much of the federal project dollars will be available for local government projects remains to be seen. And, unfortunately, little funding is proposed to cover local governments’ non-project costs including process, enforcement, staffing or litigation.

Ironically, our local dollars may be required to fund litigation, staffing, and other actions which provide little or no benefit in our effort to improve salmon runs. Can’t we bring some common sense to the table and develop a cost-effective salmon recovery plan that puts our limited taxpayer dollars to work saving salmon?

Let’s be clear that the financial impacts on local government under the ESA could be unprecedented. Dollars spent by cities for salmon restoration and other actions resulting from the ESA listings will not be available for other critical municipal functions. This will be particularly true if we are faced with a series of new requirements and insufficient funding to carry them out. Compounding these ESA-related financial obligations is the reality that the City of Everett, due to production and employment declines being experienced by the Boeing Co., will be facing several years of flat or declining revenues.

In any case, whether the regulator is NMFS, another federal agency, a court, or a state agency, local government is on the receiving end of the “mandate” line. Examples of mandates include: updating shoreline regulations; updating critical areas ordinances; meeting new conservation requirements; adding enforcement staff; changing wastewater practices; changing the way streets are cleaned, maintained, and constructed; implementing millions of dollars in new stormwater detention and retention. And on and on. To illustrate the point, I have included a matrix, which I have shown as Exhibit 4, showing the range of requirements placed upon local government under ESA.

#### “HARVEST” RECOMMENDATION

As I stated initially, salmon recovery requires a comprehensive and well-coordinated effort at all levels of government—local, state, federal and tribal. From my perspective, it appears that most of the habitat restoration efforts are required of local government. There does not appear to be a coordinated federal plan to assure there are adequate levels of Chinook salmon returning to our Puget Sound rivers and streams.

If our local efforts are to have any meaningful effects on salmon recovery, there must be significant state and federal actions to address what some call “harvest” issues. I question federal policies that allow harvest or killing of any species that has been determined to be “threatened” or “endangered” under ESA.

Similarly, as elected officials, we must be mindful of the limited taxpayer dollars available to us at all levels of government, be it local, state or federal. We can’t just throw unlimited taxpayer dollars at the problem without a thoughtful, comprehensive, coordinated and cost-effective plan. How can such a plan be developed? Where are our limited dollars best spent?

Consider the \$3 billion or more that has been spent in the Columbia River. Do the results achieved appear to be in proportion to the expenditures? Are we destined to spend additional billions before we address adequately the obvious problem of excessive mortality caused by fishing and the reductions in fish stock caused by lack of adequate escapement?

High levels of salmon mortality caused by fishing have significantly reduced spawning to dangerous levels. We must see that salmon are allowed to return to the rivers. We cannot succeed through habitat improvements alone.

Salmon mortality from fishing is between 68 to 83 percent, according to the National Marine Fisheries Service (NMFS) Status Review of Chinook Salmon, the report upon which NMFS has based its proposed listing of Puget Sound Chinook salmon.

I also want to call your attention to a December 31, 1998 study entitled, “Pacific Northwest Salmon Recovery Efforts and the Pacific Salmon Treaty.”<sup>1</sup> While I am not a fish biologist and cannot pass scientific judgment on the study, its conclusions are quite dramatic.

In this study sponsored by the Canadian Government, a comparison was made between:

1. habitat and freshwater survival rate improvement; and
2. changes in the levels of fishing mortality.

The study’s purpose was to gauge the effectiveness of each in affecting the probability of extinction. Or, said another way, what is their relative importance in restoring salmon stocks?

The study concluded that, “sustained reductions in ocean harvest of endangered Pacific salmon stocks are proportionately as important, in some cases more important, for salmon recovery than costly in-river programs to improve habitat, productivity and survival.”

The study also concludes that, “salmon recovery efforts to date have concentrated almost exclusively on in-river programs. . . . A clear implication of this study is that harvesting control, which is *orders of magnitude less costly*, is as important and potentially effective for salmon recovery.” (*emphasis added*)

The study further points out that Pacific Northwest salmon are vulnerable to fishing carried on in Canadian and Alaskan fisheries. The study notes that fish exploitation in Canadian and Alaskan fisheries generally exceeds the fishing along the U.S. coast from Washington to California and concludes:

“Measures to control, on a sustained long-term basis, interception of endangered Pacific Northwest salmon in [Canadian and Alaskan fisheries] are *critically important* to the success of recovery efforts.”

I have included as Exhibit 5 several charts from the Canadian study. These charts suggest that a reduction of as little as 10 percent in harvest mortality in Canadian, Alaskan and U. S. West Coast fisheries will provide significant increases in the survival rate of Columbia River salmon.<sup>2</sup> This may well explain the failure of the massive habitat efforts in the Columbia. The same reduction in harvest will have even more dramatic results in the Puget Sound fisheries, providing significantly higher survival rates than a corresponding 10 percent in habitat productivity.<sup>3</sup>

The Canadian study—as well as the dramatic result that occurred this year from the ad hoc agreement between the State of Washington and the Canadian government to reduce fishing—clearly shows that the federal government must reach agreement with Canada under the terms of the Pacific Salmon Treaty. We have gone five years without an agreement, which is simply not acceptable.

Other fisheries experts have reached a conclusion similar to the aforementioned Canadian study. In August of 1998, fisheries biologists Peter Bergman and Frank Haw in a report to President Clinton estimated that reaching a settlement under the Pacific Salmon Treaty would only cost the United States about \$10 million an-

<sup>1</sup>This study can be accessed at [www.deo-mpo.gc.ca](http://www.deo-mpo.gc.ca)

<sup>2</sup>Pacific Northwest Salmon Recovery Efforts and the Pacific Salmon Treaty, Department of Fisheries & Oceans & Foreign Affairs December 31, 1998.

<sup>3</sup>Id.

nually. Reducing fishing mortality appears to be a very cost-effective way of increasing salmon populations. By paying for increased escapement, we could help prevent undue burdens on fishermen. By purchasing some or all harvest rights from fishermen, we could help to ensure adequate levels of escapement.

Closer to home, we were successful in meeting and exceeding escapement goals in 1998 for Snohomish River Chinook, thanks largely to the ad hoc accord between the State and the Canadian government. See article attached as Exhibit 6. However, in the nine years prior to 1998, inadequate fisheries management resulted in the failure to meet established escapement standards for Snohomish River Chinook. The failure to meet escapement goals over time has had a very serious negative impact on the size of the Chinook population in the Snohomish River system. See chart attached as Exhibit 7.

Canada's Fisheries Minister Dave Anderson recently stated:

"Regardless of how much you spend on in-river work, it all will be of little value unless the fish can get to the mouth of the river."

The compelling evidence we now have of impacts caused by fisheries from Alaska to California suggests the salmon decline must be addressed by fundamental changes in fisheries management. These can be achieved at a relatively low cost.

Suggestions for timely amendments to federal statutes to bolster salmon recovery:

In Puget Sound, we have a large, extensively developed urban area. We also have the inherent conflict that goes with "listing" a species on the one hand and simultaneously "harvesting" it on the other. These two factors pose significant problems for local governments. To address this, I propose that Congress amend the Magnuson-Stevens and Sustainable Fisheries Acts to achieve the following goals:

1. Improve Harvest Control. There is a conflict between the goals of ESA, the Magnuson-Stevens Act and the Sustainable Fisheries Act. In order to adequately address the conflict, NMFS must be empowered to act quickly and directly on harvest issues. It should be freed of cumbersome procedures imposed under the Magnuson-Stevens Act and the Sustainable Fisheries Act. It should be granted authority to establish and raise escapement goals, limit commercial and recreational harvests, require fishing in terminal areas only (when appropriate, only after escapement), and even to halt all fishing until escapement and population goals can be met. There must be adequate provisions in federal law to give NMFS the authority to act quickly and decisively when a species that is being harvested is also listed.

2. Prioritize Habitat Expenditures. One of our goals is to maximize Puget Sound Chinook habitat. The NMFS approach of evenly layering limited monetary resources throughout the Puget Sound will not achieve the goal. An attempt to get properly functioning conditions for salmon at all times in all places, as NMFS proposes, as a practical matter is not likely to maximize habitat. We need to amend current law so that fiscal resources from all levels of government can be prioritized. Prioritize preservation of pristine habitat, then restore habitat easily restorable, and third, restore degraded habitat in order of importance. Reexamine requirements which cost money but have little or no benefit in terms of restoring habitat or otherwise improving Chinook salmon levels.

3. Phasing. Allow local governments time to phase in changes in regulations, acquisition of habitat, restoration of habitat, and other protective and restorative changes before they are subject to the "take" prohibition of ESA. Presently NMFS is being requested by local governments to provide interim "take" exemptions under section 4(d) of ESA. The need for such requests can be eliminated by a few well-crafted amendments. This change would liberate NMFS personnel from reviewing these requests and allow them time for other important salmon protection and restoration activities.

4. Reexamine ESA "Citizen" Suit Provisions. Rescue local governments from the threat and expense of "citizen" lawsuits. The "citizen" suit provision should be re-crafted to ensure that local governments can spend their resources on protection and restoration, not on litigation. Exposing local governments to these litigation expenses diverts limited local revenues from salmon recovery, or other public purposes.

In conclusion, recognize the importance of fair and equitable treatment of all parties impacted by the listing of Chinook salmon. Local taxpayers' willingness to allow their precious tax dollars to be spent on habitat protection, rather than police protection for example, may well depend upon whether they perceive that others are paying their fair shares of the costs, and otherwise sharing equitably the burdens of an ESA listing.

[CLERK'S NOTE.—Due to its volume, the above mentioned material and exhibits are being retained in subcommittee files.]

## COORDINATING EFFORT

Senator GORTON. I'm going to take the prerogative of the chairman before we go on to our next witnesses to ask the two of you, who are sitting together and who work very closely together, how well the efforts of the City of Everett and Snohomish County have been coordinated in the beginning elements of this effort.

Mr. DREWELL. Mr. Mayor?

Mr. HANSEN. Yeah. I think we would both agree that Snohomish County and the City of Everett have worked extremely closely together on a number of issues, and I think we intend to continue to work closely together. We also hope to work closely with a number of others in our region, and again, at the State and Federal levels.

Mr. DREWELL. Thank you for the opportunity, Senator. It's—as the mayor said, we work closely on all issues where we have to share our resources, both fiscal and human. But I think there's been an exemplary display between Everett and Snohomish County, and other cities in Snohomish County on this particular effort, because we all understand the magnitude, and the size, and the scope, and the responsibilities that we're faced with.

But if I might take advantage of your inquiry for just a moment, the remarkable thing that's evidenced in the Tri-County area is that that ethic is throughout the three-county area, and it's been a—I think a marvelous process to watch come together with the environmental community, the business community, and all folks that will be impacted by this. So it's—I think we're doing some—plowing some new ground here, if you will, in coming together in a partnership that will make a significant difference.

Senator GORTON. Thank you.  
Representative Buck.

## SUMMARY STATEMENT OF REPRESENTATIVE JIM BUCK

Mr. BUCK. Thank you, Senator, Congressman Dicks. Thank you for the opportunity to meet here with you today in our home, the other Washington. For the record, I'm State Representative Jim Buck from the 24th Legislative District on the Olympic Peninsula.

The people of my district know the Endangered Species Act well as a result of the spotted owl. Indeed the district is still dealing with the turmoil caused by the loss of the timber industry, and I carry that experience with me every day as I try to help my constituents deal with rural economic development, worker retraining, and erosion of the tax base.

It became apparent 2 years ago that Washington State was about to face its second Endangered Species Act experience. This time, however, it would not affect just timber communities. Listing salmon, we knew, would affect everyone in the State.

Discussions with other legislators led to the formation of a joint committee in 1997. The committee structure provided an opportunity for many members of the House and Senate to learn about the issue. The committee traveled around the State, held hearings and took public testimony. We visited hatcheries, dams, and restoration projects, and we began to get a first-hand preview of what a salmon listing would mean.

What we found was that we had a choice to make. It was obvious the Endangered Species Act was not going to be changed, so we could either deny we had a problem, as happened during the spotted owl listing, and let a federal judge determine the recovery plan, or we could develop our own plan to restore our salmon runs, hopefully with as little federal intervention as possible, and continue to be the masters of our own destiny. We chose the latter.

Only one issue counts for the State, and that's local control. We must persuade federal authorities that we can handle this problem ourselves. The federal government wants certainty, a clear commitment to salmon restoration, something more than promises. It's not good enough to say that we are—we have agreement with all parties that salmon restoration is important. We recognize the need for action, and this year we're proposing a plan of smart recovery to address the major areas of concern. Last year we passed the Salmon Recovery Act of 1998 which established a framework for recovery efforts based on the principal of putting our resources where they will do the most good, and we're building on those efforts this year.

Our proposal emphasizes science and restoration projects. We don't want to create a fish bureaucracy. Fish aren't dying due to a shortage of State employees. How much we spend matters less than how well we spend, and our budget reflects this priority. Out of roughly 200 million in projected funding, we expect to dedicate almost 145 million to projects in the water and on the ground such as stream restoration, acquisition of riparian easements from timber companies and small timber landowners, and improved fish passageways.

We've created a dedicated fund called the Salmon Recovery Account to receive State and Federal funds. We've also created a Salmon Funding Board which will review all projects to ensure they are sound before we appropriate the money. Although the federal dollars from last year did not go through the scientific screening process, we believe future dollars should. This gives us a central clearing house with a single checkbook to ensure that the projects are based on science, built properly, and that the money spent is accounted for properly.

Rolling out the welcome mat for salmon is a good idea, and we've already started twenty-two projects in sixteen counties this year. We've opened up 180 miles of stream habitat that was inaccessible to salmon before this, and there is more to come.

We're going to need Congress' help to address other factors that contribute to salmon decline. Salmon spend most of their lives in the sea, and our authority ends at the three-mile limit. Given the economic impact the listing will have on our economy, our communities expect the federal government to show greater interest and urgency in resolving the problems with the Pacific Salmon Treaty between the U.S. and Canada.

We also need Congress' help to continue studying the impacts of marine mammals on the salmon runs. Does it sound kooky to say seals and sea lions are eating too many fish? Don't dismiss this factor. Just last month National Marine Fisheries Service released the results of a federally-funded study on the issue and concluded that seals and sea lions, quote, "Can harm salmon stocks and other fish

that are at low levels, including those listed or proposed to be listed under the federal Endangered Species Act.”

We’ve got to address as many factors as we can, and we have to curb our desire to lay blame. In this debate it’s all too easy to find scapegoats. Scapegoats feed our desire for easy answers, so blame dams, and we blame commercial fishermen, or Native Americans, or timber companies, or big cities. That’s a mistake. The fact is, no single factor is responsible for the decline of our wild salmon. We’re all responsible, and we’re all going to have to share the burden of the recovery. That’s why our legislative efforts in the last two years have made sure that we dealt with the fish from the time they emerged from the gravel, to the farthest reaches of the Pacific, until they come back to spawn again. And that’s why it’s important that we have a comprehensive plan, which we’re working on in the legislature, that deals with the four H’s and is based on science, and goes ahead and includes as many citizens as we can get our hands on in this State, because they want salmon recovery.

Thank you for an opportunity to testify today.

Senator GORTON. Thank you.

Representative Regala.

#### SUMMARY STATEMENT OF REPRESENTATIVE DEBBIE REGALA

Ms. REGALA. Thank you very much. I also want to thank you, Senator Gorton and Congressman Dicks, for the opportunity to testify before you today. I am Representative Debbie Regala from the 27th District. That’s the Tacoma area. And with Representative Buck, I am co-chair of the Natural Resources Committee in the House.

Recovery of Washington State salmonid stocks is indeed a challenge, but a challenge that I believe the State and our citizens are committed to undertaking. Healthy salmon runs are a significant part of our State’s heritage. I recognize that our challenge is about much more than simply saving fish; it’s about maintaining the very important link between past generations and generations to come. It’s about living out the stewardship ethic that my grandparents gave to me, and that I am passing on to my granddaughter and to her children.

As I know you are very well aware, the challenge for Washington State is multi-dimensional. We have listings in almost every part of our State, and the geography of our State varies greatly from forested slopes, to agricultural prairies, to rural communities and thriving urban areas. The listed species vary from the Chinook to the sockeye, chum, coho, to steelhead and bull trout, so our challenge is great.

Our challenge is to develop the recovery plan for each of those species, while at the same time ensuring the viability of our economy, which includes timber and agriculture, and preserving the rural, suburban, and urban diversity that we have in our State. It’s a sizable task, but like any task, it is easier with assistance. As a State, we’re committed to submitting a credible recovery plan to the National Marine Fisheries Service, which recognizes what the responsibilities are that we have that we must address in the areas where we have control.

We also believe that our success is dependent on collaboration, cooperation, and partnerships, and so we are asking Congress and the federal government to work with us as partners to address some of those issues that others have mentioned where you have control: international fishing treaties, high-seas fishing, issues surrounding predator control, funding for Mitchell Act hatcheries, which were mitigation for the Columbia River dams. We need your help also with clarity from federal agencies to ensure that we're not receiving conflicting directions as we work with the National Marine Fisheries on salmon recovery, with the U.S. Fish and Wildlife on recovery for bull trout, and with the Environmental Protection Agency on Clean Water Act compliance. We need your assistance with funding. We truly appreciate the \$20 million that was provided last year, and we anticipate at least 50 million to match dollars that we will be providing in our budgets this year.

We recognize a credible recovery plan must contain three important elements. First, we must demonstrate that we understand the problem and that we have substantive strategies for corrective action. We know we must provide funding and personnel to implement those strategies. And third, we must continue to monitor for results to make sure that we have made effective adjustments where needed.

We began development of our strategies last year, as you heard from Representative Buck, recognizing again that each of those listed species and the areas of our State are very different, we chose to develop recovery strategies unique to the Evolutionary Significant Units in our State, rather than a one-size-fits-all-type plan.

We know that our recovery effort must be based on sound science, and so one facet of the legislation that we passed jointly together was to develop the establishment of an independent science panel. And as you heard, last year's legislation began the process of reaching out to local communities, because as legislators we know we won't be successful without broad-based involvement and commitment by all of our citizens.

We've been fortunate that tribal members have, for many years, been working with many groups, and their collaboration on the efforts to recover our salmon in our State has been absolutely invaluable. The process that we have started to restore degraded habitat, to preserve the best habitat, and to provide access to quality habitat has included tribal groups, cities, counties, environmental groups, salmon fishermen, and citizens of all ages. This year our capital budget contains over \$33 million in State funds for grants to local entities which will continue those efforts, and our operating budget includes 38 million in State funds for salmon recovery, 50 percent of which is focussed on those local recovery efforts.

Our citizens and legislators have been grappling with some very hard choices in these last few years. For the past ten years, our State has been at a stalemate with regards to revisions to the water code. Last year, for the first time, we took a significant step forward with watershed planning programs. Water and its use is still a very contentious issue, but progress is being made. Numerous pieces of legislation dealing with sufficient clean water for fish and people are under consideration. The House Democratic budget proposal includes funding for water conservation and re-use meas-

ures. There's also funding for stream gauges and metering, as well as pollution reduction through the Total Maximum Daily Load Allocation Program. Of course, our budgets are still under negotiation, and we will be working to make sure that all of these things are funded in the end. The capital budget does contain 8 million to purchase water rights to augment in-stream flows, so we are trying to make progress on that all-important component of salmon recovery that is known as water.

Our budget also contains funding for implementation of some new forest practice rules and to increase compliance with any existing statutes that deal with water or fisheries that will aid in salmon recovery. We've included funding to implement selective harvest strategies and revise hatchery practices so our hatchery production is not in conflict with wild stock recovery goals. Additionally, we've provided funds to buy out commercial fishing licenses that will be matched by federal funds that we appreciate from you. Monitoring our efforts to determine our level of progress is a key strategy, and we have also begun funding that process.

#### PREPARED STATEMENT

We know we still have much to do. We've come a long way in one year. Throughout Washington, State agencies, tribal governments, counties, cities, and citizen groups are working together in partnership to meet the challenge before us. We know it's a long-term effort.

We again thank you for your past support, and we request that you also commit yourselves to being our long-term partners. Thank you very much.

[The statement follows:]

#### PREPARED STATEMENT OF REPRESENTATIVE DEBBIE REGALA

Thank you for the opportunity to testify before you today on this very important issue.

Recovery of Washington State's salmonid stocks is indeed a challenge, but a challenge we are committed to undertaking. Healthy salmon runs are a significant part of our State's heritage.

I recognize our challenge is about much more than saving a fish, it is about maintaining an important link between past generations and generations to come. It's about living out the stewardship ethic my grandparents gave to me and passing that heritage on to my granddaughter and her children.

As I am sure you are aware, the challenge for Washington State is multi-dimensional. We have listings in almost every part of our state. The geography of Washington varies from forested slopes to wide agricultural prairies, from rural communities to crowded urban cities. The listed species vary also from chinook to sockeye, chum and coho; to steelhead; and to bull trout.

Our challenge is to develop a recovery plan for each of these species while at the same time ensuring the viability of our economy including timber and agriculture and preserving our rural, suburban, and urban diversity.

This is a sizable task but like any task, it is easier with assistance. As a state, we are committed to submitting a credible recovery plan to the National Marine Fisheries Service which recognizes our responsibility to address the areas where we have control. We also believe our success is dependent on collaboration, cooperation and partnerships. So we ask Congress and the Federal government to work with us as partners to address issues like international fishing treaties and high-seas fishing, issues surrounding predator control, funding for the Mitchell Act hatcheries which were mitigation for the Columbia river dams. We need your help with clarity from Federal agencies to ensure we are not receiving conflicting directions as we work with NMFS on salmon recovery, US Fish and Wildlife on recovery for bull trout, and EPA on Clean Water Act compliance.

We need your assistance with funding. We truly appreciate the \$20 million in funding that was provided last year and we anticipate at least \$50 million to match the dollars we will be providing in our budgets.

We recognize that a credible recovery plan must contain three important elements. First, we must demonstrate that we understand the problem and have substantive strategies for corrective action. Second, we know we must provide funding and personnel to implement those strategies and third we must continue to monitor for results and make effective adjustments where needed.

We began development of our strategies last year. Recognizing again that each listed species and area of our state are different, we chose to develop recovery strategies unique to the seven Evolutionary Significant Units rather than a one-size-fits-all strategy.

We know that our recovery plan must be based on sound science and so one facet of the legislation that I helped to develop included establishment of an Independent Science Panel. Last year's legislation also began the process of reaching out to local communities. We know we won't be successful without broad based involvement and commitment by all of our citizens. The process for restoring degraded habitat, preserving and providing access to quality habitat has included Tribal governments, cities, counties, environmental groups, salmon fisherman, and citizens of all ages. This year's Capital budget contains over \$33 million in state funds for grants to local entities to continue these efforts. Our proposal for the Operating budget includes \$38 million in state funds for salmon recovery, 50 percent of which is focused on local recovery efforts.

Our citizens and legislators have begun grappling with some very hard choices. For the past ten years our state has been at a stalemate with regards to revisions to our water codes. Last year we took a significant step forward with a Watershed Planning program. Water and its use is still a contentious issue but progress is being made; numerous pieces of legislation dealing with sufficient clean water for fish and people are under consideration. The House Democratic budget proposal includes funding for water conservation and re-use measures. There is also funding for stream gauges and metering, as well as pollution reduction through a Total Maximum Daily Load Allocation program. The Capital budget contains \$8 million for the purchase of water rights to augment in-stream flows.

Our budget also contains funding for implementation of new forest practice rules and to increase compliance with existing statutes on water and fisheries that will aid in salmon recovery. We have included funding to implement selective harvest strategies and to revise our hatchery practices so hatchery production is not in conflict with wild stock recovery goals. Additionally, we have provided funds to buy out commercial fishing licenses that will be matched by federal funds. Monitoring our efforts to determine our level of progress is a key strategy and funding is provided to begin that process.

We still have much to do but we have come a long way in one year. Throughout Washington, state agencies, Tribal governments, counties, cities, and citizen groups are working together in partnership to meet the challenge before us. We know this is a long-term effort. We again thank you for your past support and we request that you also commit yourselves to being our long-term partners.

#### SUMMARY STATEMENT OF ED THIELE

Senator GORTON. Commissioner Thiele.

Mr. THIELE. Senator Gorton and Congressman Dicks, I thank you very much for allowing me to be here today. I feel quite humble, being just a little county commissioner over here, talking with all these very astute people, but I will tell it to you as I see it as a plain old shepherd from Okanogan County.

Eastern Washington and the Upper Columbia River have two endangered species, the steelhead and the spring Chinook. The bull trout is scheduled to be relisted threatened in June. The Upper Columbia ESU has more sensitive habitat than any other ESU in the State. The counties in Eastern Washington have protected our streams either through the GMA, or voluntarily by enacting shorelines legislation, set-backs, developmental control of sensitive areas, wildlife movement areas, and establishing strict comprehensive plans. We've done this through cooperation with tribes, the

State, whenever we can with federal agencies, and I think we've done a good job.

That habitat is now awaiting the return of the endangered species to spawn. We don't know how many fish we can adequately handle, but we are working at every level that we possibly can to get this done. The local governments do know that we can make many, many improvements to various habitats to allow for more protection and higher smolt return to the ocean, but this is going to cost money. And it's been said here today that we should receive our money from the BPA, which I will give a readout, and later on in my presentation, as to how that money is split up.

The National Marine Fisheries Service, which Congress has put in charge of the salmon recovery, has not provided any plans or policies as to how the recovery should be accomplished. In order for me as a county commissioner, we should know how our small portion of the Recovery Act should fit into the larger picture. They are afraid of third-party lawsuits which challenge their plans as being inadequate, so they have chosen not to pursue a plan as larger umbrella, but to put that responsibility on other agencies.

Mr. Ruckelshaus brought it up real strongly that somewhere we have to have somebody, or a plan, or—what do you call it—a czar, or a dictator, or whoever, that will work progressively with the people who are out there trying to do this recovery, that we're not taking a shotgun approach, that we can, as you would with a large rifle, bring it into the target and work very explicitly on the problems in our areas. We can handle those, but we've got to know how it's going to fit into the big picture, and how that problem also is going to be funded.

Of the federal funds projected for the year 2000 available in 1999, the governor's salmon recovery team has told Eastern Washington ESUs that all of the \$25 million that you are providing are scheduled for Western Washington. As per this agreement with the administration, they tell us to seek funds from the BPA for our needs, and enclosed is a breakdown of how the monies of the BPA are funded. There's \$461 million of total funds. 112 million of this goes for work on the mainstream dam projects, and \$180,000 [sic] they pay themselves back for water spilled in order to cover the fish. \$42 million of this is to cover encumbered agreements which they've already made. That leaves 127 million for direct costs for fish and wildlife.

Of this direct cost for fish and wildlife, \$8 million—goes to the administration only of the fish and wildlife, \$6 million goes to the Northwest Power Planning Council to oversee them, \$1 million goes to your amendment, Senator Gorton, which is the IR—or ISRP, which is a good idea; you've got people of science overlooking these projects, and I applaud you for it. There's \$25 million dedicated to ESA. That leaves \$87 million. That's divided up, 70 percent to anadromous, 15 percent to residential, and 15 percent to wildlife.

Last year there was \$13 million dedicated in the State of Washington: \$9 million of that was pre-designated for the Yakima Basin and the Southwest ESU, leaving \$4 million for the remainder of the State of Washington. Of these funds, the Upper Columbia reaches received \$200,000 for work on the Salmon Creek by the

Colville Confederated Tribes, a very good project that will open up 26 miles of excellent habitat. The tribe and several other entities have made application for funds, and the science panel has strongly approved them, only to be turned down by the political panel later.

The needs of eastern Washington are:

A dedicated funding source of adequate dollars to do the protection and restoration projects needed to restore the runs; this should be in the neighborhood of \$4 to \$5 million;

Request that NMFS or somebody publish a plan of goals, needs, priorities, actions, and areas of concern for other governors to follow; the government has spent \$3 billion on the Columbia now to fix the problem, with no appreciable gain;

Extend the federal NEXUS on Forest Service and BLM lands to allow the irrigation ditches to operate this year. Fourteen irrigation districts in the Methow Valley may not be able to get water this year because of biological assessments not being done. The Forest Service has not been told by the National Marine Fisheries Service of the need until January 1999. I have provided a letter in my packet to you for that.

#### PREPARED STATEMENT

It's taken 100 years to get in this mess; another year will not affect anything. We need to address the other three Hs of harvest, hydro, and hatcheries, not just the spawning areas of habitat.

Thank you.

Senator GORTON. Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF ED THIELE

##### *Fact*

1. Eastern Washington and the Upper Columbia River have two endangered species, the Steelhead and Spring Chinook. The Bull Trout are scheduled to be relisted from threatened to endangered in June 1999.

2. The Upper Columbia ESU "Evolutionarily Sensitive Unit" has more sensitive habitat than any other ESU in the state.

3. The Counties in Eastern Washington have protected our streams either through GMA "Growth Management Amendment", or voluntarily by enacting shorelines legislation, set backs, development control of sensitive areas, wildlife movement areas, and establishing strict comprehensive plans.

4. The habitat in Eastern Washington is anxiously awaiting the return of the endangered species to spawn. We don't know how many fish we can adequately handle. The local governments do know that we can make many improvements to various habitats to allow for more protection and higher smolt to return to the ocean, but this will cost money.

5. The National Marine Fisheries Service (NMFS), which congress has put in charge of salmonid recovery, has not provided any plans or policies as to how the recovery should be accomplished. All they talk about is "you come up with a plan and if it looks good we will approve it". They are afraid of third party lawsuits that would challenge their plans as being inadequate so they have chosen not to pursue a plan, but to put that responsibility on other agencies. All NMFS is working on now is enforcement strategies.

6. Of the federal funds projected for the year 2000 available in 1999, the Governor's Salmon Recovery Team has told the Eastern Washington ESU's that all 25 million dollars of these funds are scheduled for Western Washington. As per the agreement with the administration, they tell us to seek funds from the BPA for our needs, enclosed is the breakdown of BRA funding for 1999.

## NEEDS OF EASTERN WASHINGTON

1. A dedicated funding source of adequate dollars to do the protection and restoration project needed to restore the runs. (4 to 5 million dollars annually).

2. Require NMFS to publish a plan with goals, needs, priorities, actions, and areas of concern for other governments to follow. The Government has spent 3 billion dollars to fix the problem with no appreciable gain so far.

3. Extend the Federal NEXUS on Forest Service and BLM lands to allow the many small irrigation ditches to operate this year. 14 ditches in the Methow Valley may not be able to get water this year because of Biological Assessments not being completed by the Forest Service. The Forest Service had not been told by NMFS of this need until January 1999. It has taken 100 years to get into this mess another year will not affect it in any way.

4. We need to address the other 3 H's, of harvest, hydra, and hatcheries, not just the spawning areas of habitat.

Thank you.

*BPA Budget*

Total Funds .....	\$461,000,000
For work on the Main Stem Dam Projects .....	- 112,000,000
To pay themselves back for water spilled .....	- 180,000,000
To cover encumbered agreements .....	- 42,000,000
For direct costs, Fish and Wildlife .....	127,000,000
Direct Fish and Wildlife Budget \$127,000,000	
	\$127,000,000
To Fish and Wildlife Administration .....	- 8,000,000
	119,000,000
Northwest Power Planning Council Administration .....	- 6,000,000
	113,000,000
Sen. Gorton Amendment ISRP .....	- 1,000,000
	112,000,000
Dedicated to ESA .....	- 25,000,000
To be divided up as follows: .....	87,000,000
70 percent to anadromous fish	
15 percent to residential fish	
15 percent wildlife	
Of these percentages the State of Washington last year received a total of .....	\$13,000,000
Pre-designated for the Yakima Basin and SW ESU .....	- 9,000,000
Remains for the rest of Washington State .....	4,000,000

Of these funds the Upper Columbia received \$200,000 for work on Salmon Creek by the Colville Confederated Tribes, a very good project that will put fish back up 26 miles of excellent habitat.

The Tribe and several other entities have made application for funding that the science panel has strongly approved, only for the political panel to turn it down.

*Preliminary estimate of salmon recovery costs for the Methow River basin—  
November 1998*

Instream flow measurement devices .....	\$100,000
Off-channel wetland restoration/enhancement for rearing/food chain .....	2,000,000
Conversion of irrigation canals to wells .....	3,000,000
Easements, shoreline protection .....	6,000,000
Culverts, other blockages .....	1,200,000
Road improvement, sediment control .....	1,400,000
Instream storage .....	4,000,000
Fluvial Geomorphological studies .....	100,000
Groundwater/surface water interaction studies .....	100,000
Stream channel modifications to enhance fish passage/migration ....	800,000

*Preliminary estimate of salmon recovery costs for the Methow River basin—  
November 1998—Continued*

Trust water right program designed to put water back instream for minimum flows .....	500,000
Technical assistance from consultants, universities .....	800,000
Funding of Okanogan County staff for coordination, project implementation per year .....	250,000
Total .....	20,250,000

*Preliminary estimate of salmon recovery costs for the Okanogan River basin—  
November 1998*

Instream flow measurement devices .....	\$100,000
Off-channel wetland restoration/enhancement for rearing/food chain .....	2,000,000
Conversion of irrigation canals to wells .....	1,000,000
Easements, shoreline protection .....	3,000,000
Culverts, other blockages .....	1,200,000
Road improvement, sediment control .....	1,400,000
Okanogan instream flow studies .....	300,000
Fluvial Geomorphological studies .....	100,000
Groundwater/surface water interaction studies .....	100,000
Stream channel modifications to enhance fish passage/migration ...	800,000
Trust water right program designed to put water back instream for minimum flows .....	500,000
Technical assistance from consultants, universities .....	800,000
Funding of Okanogan County staff for coordination, project implementation per year .....	250,000
Total .....	11,550,000

SUMMARY STATEMENT OF LOUISE MILLER

Senator GORTON. Ms. Miller.

Ms. MILLER. Thank you. First I want to compliment both Senator Slade Gorton and Congressman Norm Dicks on the leadership they've already provided.

And as spoken before, the \$20 million is going to come to on-the-ground projects.

To save the salmon, we really need three things: good science, involved citizens, and committed leaders. One piece of that leadership is the partnership between federal, State, tribal, and local officials. The importance of federal dollars dedicated to projects on the ground that save salmon cannot be overemphasized.

I want to briefly explain the two maps that we've provided for you. The first—the term WRIA on the first map refers to the six water resource inventory areas in the Puget Sound Tri-County region.

Each WRIA has its own steering committee and a science/technical group. Membership on the steering committees includes tribes, citizens, environmental and business representatives, as well as local elected officials. These WRIA committees developed the early action plan for fish recovery, and will spend the next twelve to eighteen months on long-range conservation plans that we hope NMFS definitely will consider as a big step toward addressing this issue.

As you've noticed from the map, we are addressing these issues from the viewpoint of nature and the fish, not by using rigid political boundaries.

The second map, and we have a large version of that map, will help illustrate the approach that King County has been using. I believe it demonstrates a model for how to keep an urban waterway healthy for fish.

You will notice that there is a boundary all around this map, and that is basically what we call the Bear Creek Basin. Then we also show on this map where the urban/rural lines are, which indicates cities and urban areas under the States' Growth Management Act. And then you will begin to see greens and yellows and blues and all of those colors that begin to fill in what I call the corridors of the important waterways in Bear Creek.

Over five years ago, the King County Council established a pilot program that we called Waterways 2000. The map is of the Bear Creek Basin, one of the stream systems in the Cedar/Sammamish WRIA number 8. You'll notice that's a multi-jurisdictional WRIA, and it includes both Snohomish and King Counties. It's located in the heart of my council district, District 3.

Bear Creek is considered to be the most productive stream for its size in the lower forty-eight. It still has wild populations of six salmon species, including Chinook, and also has fresh-water mussels, which are an indicator of a stream's health.

Waterways 2000 set aside \$15 million. It then—first established a science panel that evaluated all seventy stream reaches in King County. They identified seventeen as top priorities. A citizens panel then picked seven of the highest priorities for salmon habitat, still properly functioning but most at risk. We have now spent \$21 million in those seven stream reaches.

Bear Creek was a model for using scientists, citizens, and targeted dollars, along with volunteer stewardship such as water-tenders, adopt-a-park, and revegetation citizen work groups. The Bear Creek system has thirty-one miles of streams, with one quarter of it in urban areas. We eventually spent \$4.3 million for targeted investments on Bear Creek, but added another \$7 to each \$1 invested through incentive programs, stewardship, and support from the people in our community.

We purchased 400 acres of streamside buffers, 80 acres of conservation easements, and used tax incentive programs such as Forest and Agriculture Current Use Taxation and the Public Benefit Rating System to preserve another 865 acres in this Bear Creek Basin alone.

#### PREPARED STATEMENT

The people of King County are committed to saving fish. In the past thirty years, by voting for both Forward Thrust, farmland and open space bond issues, the people of King County have invested \$274 million in watersheds, acquiring over 29,000 of open space—that's 29,000 acres of open space and farmlands, and have conserved and restored miles of stream reaches. We know what works: good science, courageous leadership, and committed citizens who provide their own resources, whether it be money or long-term stewardship. The fish need properly functioning systems with enough clean, cool water. With the help from Congress of additional resources, I know we can continue to experience the return of the salmon to their birth streams.

Senator GORTON. Thank you very much.  
[The statement follows:]

PREPARED STATEMENT OF LOUISE MILLER

To save the salmon, we need three things—good science, involved citizens and committed leaders. One piece of that leadership is the partnership between federal, state, tribal and local officials. The importance of federal dollars dedicated to projects on the ground that save salmon can't be over-emphasized.

I want to briefly explain the two maps provided. The term WRIA on the first map refers to the 6 Water Resource Inventory Areas in the Central Puget Sound Tri-County Region.

Each WRIA has its own steering committee and science/technical group. Membership on the steering committees includes tribes, citizens, environmental and business representatives, as well as local elected officials. These WRIA committees developed the early action plan for fish recovery and will spend the next 12 to 18 months on the long-range conservation plans. As you notice from the map, we are addressing these issues from the viewpoint of nature and the fish—not by using rigid political boundaries.

The second map will help illustrate the approach King County has been using—I believe it demonstrates a model for how you keep an urban waterway healthy for fish.

Over 5 years ago, the King County council established a pilot program we called WaterWays 2000. The map is of the Bear Creek Basin, on of the stream systems in the Cedar-Sammamish WRIA No. 8 which is located in the heart of my council district, district 3. Bear Creek is considered to be the most productive stream for its size in the lower 48. It still has wild populations of 6 salmon species, including Chinook, and also has fresh water mussels, which are an indicator of stream health.

WaterWays 2000 set aside \$15 million, established a science panel that evaluated all 70 stream reaches in King County, and identified 17 as top priorities. A citizen's panel then picked 7 as the highest priority for salmon habitat still properly functioning, but most at risk. We've now spent \$21 million in those 7.

Bear Creek was a model for using scientists, citizens and targeted dollars along with volunteer stewardship, such as Water Tenders, adopt a park and revegetation citizens work groups. The Bear Creek system has 31 miles of streams with one-fourth in urban area. We eventually spent \$4.3 million for targeted investments, but added another \$7 to each \$1 invested through incentive programs, stewardship and support from the people in our community.

We purchased 400 acres of streamside buffers, 80 acres of conservation easements and used tax incentive programs, such as, Forest and Agriculture Current Use Taxation and the Public Benefit Rate System to preserve another 865 acres.

The people of King County are committed to saving fish—in the last 30 years by voting for Forward Thrust, farmland and open space bond issues the people have invested \$274 million in watersheds, acquired over 29,000 acres of open space and farmlands and have conserved and restored miles of stream reaches.

We know what works—good science, courageous leadership and committed citizens who provide their own resources, whether it be money or long term stewardship. The fish need “properly functioning systems” with enough clean, cool water. With the help from Congress of additional resources, I know we can continue to experience the return of the salmon to their birth streams.

WATERSHED LEVEL RESOURCE PROTECTION KING COUNTY WATERWAYS 2000

*Outcome*

On the ground resource protection that works because of: (1) A rigorous scientific process; (2) Interjurisdictional cooperation; (3) Citizens invested in their role as stewards of a valuable salmon resource; (4) Effective and flexible funding options through public/private partnerships.

1. Rigorous scientific process: Scientists identify high-quality habitat for salmon; and scientists identify opportunities for interpretive sites and passive recreation which are compatible with resource protection.

2. Partnerships between cities and the county.

3. Community partnerships:

—Educate the community about resources and resource protection.

—Work with individual property owners along waterways on resource stewardship.

—Employ basin stewards to provide basin-wide community outreach.

—Support community stewardship groups: Adopt a Park; and Water Tenders.

- Create broad-based citizen-involvement opportunities such as stream corridor clean-ups and native plant revegetation.
- Schools groups and scout troops; and
- Volunteer programs.
- 4. Resource protection through public/private partnerships.
  - Identify critical habitat for protection and restoration.
  - Structure Public/Private Partnerships to leverage public dollars.
  - Conservation Easements.
  - Tax incentive programs (PBRs and Forest Use Taxation).
  - Open space acquisition.

#### NATURAL LANDS ACQUISITION IN KING COUNTY SINCE 1970

[March 1, 1999]

Programs	Amount	
	Acres acquired	Funds expended
<b>Countywide:</b>		
Riparian .....	9,414	\$123,002,445
Watershed .....	19,849	150,996,657
<b>Total</b> .....	<b>29,263</b>	<b>273,999,102</b>
<b>King County:</b>		
Riparian .....	7,660	71,665,774
Watershed .....	18,882	91,104,002
<b>Total</b> .....	<b>26,452</b>	<b>162,769,776</b>
<b>Cities:</b>		
Riparian .....	1,753	51,336,671
Watershed .....	967	59,892,655
<b>Total</b> .....	<b>2,271</b>	<b>111,229,326</b>

#### ACQUISITIONS IN KING COUNTY BY WATERSHED

Watershed	Amount	
	Acres acquired	Funds expended
<b>Cedar/Lk Washington:</b>		
Riparian .....	4,548	\$60,849,016
Watershed .....	2,618	77,259,587
<b>Total</b> .....	<b>7,166</b>	<b>138,108,603</b>
<b>Green River:</b>		
Riparian .....	2,117	20,768,136
Watershed .....	5,506	33,388,601
<b>Total</b> .....	<b>7,623</b>	<b>54,156,737</b>
<b>Puget Sound:</b>		
Riparian .....	913	27,055,848
Watershed .....	880	10,647,990
<b>Total</b> .....	<b>1,793</b>	<b>37,703,838</b>
<b>Snoqualmie:</b>		
Riparian .....	1,836	14,329,445
Watershed .....	8,943	22,468,450
<b>Total</b> .....	<b>10,779</b>	<b>36,797,895</b>

## ACQUISITIONS IN KING COUNTY BY WATERSHED—Continued

Watershed	Amount	
	Acres acquired	Funds expended
White:		
Riparian .....		
Watershed .....	1,902	7,232,029
Total .....	1,902	7,232,029

Source: Return of the Kings Executive Summary, submitted to National Marine Fisheries Service by the King County Endangered Species Act Policy Office, March 16, 1999.

## HOW MONEY SHOULD BE SPENT

Senator GORTON. I think I'll work down the line from Ed Hansen. If we, Congressman Dicks and I and our colleagues, could come up with \$20 million or \$200 million for salmon, for salmon recovery, how should the determination be made on where and how that money is spent? Should we say that a certain portion of it should go past the State to local communities, and perhaps local communities to the private organizations that have testified here previously? Or should we leave that determination to the State legislature and whatever coordinating body it has set up for these programs? Or alternatively, should we earmark anything for particular kinds of programs, whatever unit of government or people are in charge of them, or should we leave that entirely to decision that are made here, either at the State or the local level? Would each of you comment on your recommendations on that, if you'd like?

Mr. HANSEN. Your question, I think, raises several issues. And I might also comment a bit on a couple of the points made earlier this morning.

For example, Mr. Ruckelshaus mentioned the need for coordination and also a table. It seems to me before we start spending money, limited—what I think is limited money, even though \$20 million sounds like a lot of money, we really need to come up with a plan. And I didn't get a chance to discuss that in my oral testimony, but in my written testimony I did mention in a couple of different times the need for better coordination and also the need to come up with a plan. It seems to me that until we come up with a plan, we may not be spending, again what I think are limited dollars, most wisely. So not to discourage Congress from providing additional funding, but it seems like concurrently we ought to really be coming up with a plan to decide where are the best places to spend this money. And how we get there, I'm not sure. Maybe it's through the type of process that Mr. Ruckelshaus suggested, where we do, in fact, you know, get a very large table. And whether we go into Congressman Dicks' comments, whether it's two people or who exactly are coordinating and convening this, but if we had—have a large enough table and folks can talk through what are the kinds of projects and where are the best ways to spend the money, I think we'll make better decisions. I guess I've rambled a bit.

I'm not sure your question is easy to answer with a Yes or No answer. But it just seems to me, as a local elected official, I'd first like to have a plan: how am I going to spend the money? If I'm ask-

ing the taxpayers to spend their precious taxpayer dollars, I'd better have a plan in mind. I'd better be able to tell them "Here's how we're going to spend the money; here are the good things we're going to do with that money." And so it seems like part of this process, we almost need to say, "Time out."

Mr. DICKS. Aren't you developing in your tri-county effort just that plan with NMFS?

Mr. HANSEN. But that plan only deals with one piece of the things which need to be done. And I don't know what all needs to be done at the federal level. There's been some discussion. I think we need to be looking at a comprehensive plan. Certainly at the local level there are many projects in each jurisdiction that will—I think you'll quickly find that \$20 million for local projects will not begin to cover the very, I think, commendable and worthwhile local project that are going to be presented.

We also need to figure out a way to prioritize which of these various projects may provide the most bang for the buck. We need to look at—

Senator GORTON. It seems to me that's what we—it seems to me that's what Louise Miller was just talking about.

Mr. HANSEN. Yeah. So we need—there's a number of different things here, and I think we need to be talking about prioritization as well, and what's the best way to prioritize, where are the best ways to spend whatever limited Federal, State, and local dollars.

Mr. DREWELL. Senator, thank you. Thank you for that inquiry.

And congressman, there might be a tad bit of confusion as to how we best can respond to this. For the \$20 million that we've chatted about earlier, and I'm sure has been spent a number of times already today—

Senator GORTON. You got that right.

Mr. DREWELL. Yeah. The tri-county effort, and you should have in the packet that I shared with you—we have established a committee from representation across the tri-county area that has a matrix, has a decision matrix and a criteria matrix for projects that will be funded. And in fact, we are in the process of doing that right now.

As to future dollars, I would agree totally with Mayor Hansen and others that there probably has to be a coming together at the table to see how those allocations will be made.

The caution, though, that I would provide is that any encounter that I have had with citizens groups is that there is a very strong expectation that we move and we move expeditiously—not foolishly, but that we take these funds and get them into the ground while they can still make a difference. I'm sure that Louise Miller will want to comment about—we're getting close to the season now when we can get in the streams, but shortly thereafter we're not going to be able to. So I think we need to be responsive with this first allocation of resources. We do have a decision matrix; those priorities are being established.

As to who ought to make those decisions, I guess I would again say that this a ground-up or water-up effort. The work that is being done in the WRIAs where everyone comes together to make those types of decisions—this is a problem that is close to the peo-

ple, and those folks who are closest to those geographical areas, I believe, are the most prepared to respond to it.

Mr. BUCK. Thank you, senator. I'd prefer that—and I think that at least my colleagues on the Republican side of the House would prefer that we have the appropriation as a lump sum to the State or as a block grant to the State.

The law that we passed last year specifically requires that each WRIA in the State that has a salmon listing prepare a prioritized list. It's a—requires that a grassroots organization be created. The prioritized list is a result of a scientific survey of the limiting factors within each of—within that particular WRIA. The citizens group then gets together and prioritizes how they think those particular projects should happen. And they're required to place them into a scheduling—construction scheduling technique called critical-path scheduling.

We are also in the process right now of making sure that we have the accountability that I think you and Congressman Dicks have asked for, by having the single checkbook approach that I spoke of earlier. The projects from each WRIA are forwarded to what's called an interagency review team or a board. At present, Representative Regala and I have sponsored a bill, or she sponsored the bill, and we came to an agreement that that board consist of six agencies that goes ahead and takes a look at what the priorities are across the entire State, so that we can have a State-wide response.

This is a Statewide issue, and we're concerned that if we end up fragmenting the funding or fragmenting the effort, we not only lose the ability to keep the information on a schedule—and once that happens we begin to lose the ability to relate the projects so they logically fit together for accomplishing the goal for the entire streamshed or watershed, as we saw with what Louise was talking about.

Mr. DICKS. Jim, is this where the scientific input is supposed to occur?

Mr. BUCK. No; the scientific input occurs at the WRIA level as the technical assistance group goes out and does the limiting factors analysis. They then sit in as the projects are put together. And of course, you can't do a project without going through the conservation commissioner or the Department of Fish and Wildlife. And you have to have a hydraulics permit, so the science is fairly built into that. Now, if we're going to influence different science, then we're going to have to influence those two agencies. And technically, what we'd like to see is—from my engineering background, is a standard specification, similar to what we have for highways, that would tell these outfits, you know, given the particular stream condition or whatever you have, this is what we think ought to be done. And of course, then it's reviewed by the people from the Conservation Commission or the Department of Fish and Wildlife. And if Ecology or one of the other agencies needs to get involved, they do, too.

Now, Representative Regala last year wisely placed a scientific review panel, independent science review panel that looks over the science from basically the ESU level. We wanted to create this as a stream-by-stream input that went to each WRIA. After you got

the WRIA plan together, then you could combine the different WRIAs that were in an evolutionarily significant unit, into a recovery plan for the whole unit. And I'm really concerned that if we begin to fragment this out, you will not have a credible recovery plan that will be capable of being rolled up to a unit.

Ms. REGALA. Let me address your question. I do believe that it would be beneficial for us to have more in the line of a block grant. It's our responsibility to coordinate our efforts.

I think we have to go back to what I was talking about earlier, that each species in each area is very, very different. And so if we base this on—ensuring recovery means we have to look at what the limiting factors are in each area. Then in each area of the State exactly how we start or what the priorities are may be a little different.

In some areas, for example in Representative Buck's area—Buck's area, we probably have a number of streams who have good-quality habitat; one of the problems is, they need to be able to access that, that habitat. In other areas of our State the issue is water and how much water is there in a stream, or do we have flooding conditions at one point of the year and too-dry a stream at the other point part of the year. Then I believe that what we need to do is focus on solving those problems with regards to the hydrograph of our streams. That's where we need to start, rather than restore—repairing an area, restoration. And in other areas, certainly, preservation of good-quality habitat is another thing.

So it's going to be our responsibility to look at those limiting factors, make determinations as to what's the first priority in each ESU, and then fund those efforts. And if you send us money with lots of strings tied to it, it makes it much more difficult to do that.

On the other hand, your dollars that you send down to help us buy out fishing licenses, that's fine. And I heard an earlier panel talking about the Mitchell Act hatcheries. I do believe they need to be funded, but we also want to make sure that they are funded in a way that makes them usable under ESA, so that we're not impacting wild stock. So that's another area where there could be some dedicated kind of funding.

Mr. THIELE. Thank you. I feel that any funds that come down should go to the State, and continue some sort of an equitable, honest appraisal of those funds by the ESUs—not to say that each one of those ESUs should have equal funding, but there should be a small amount of money for each ESU to continue work in their area. As the plan that we have here, we have gone through tech committees and everything else. We, the three counties in the Upper Columbia ESU, sat down and prioritized our funds. We tried to keep it in a third-third basis, but one of the counties does not have as many fish projects as the others have. So we worked within our own region to disburse these funds. Everybody's happy there with it. But we feel that there should be some equitable distribution of those funds to all the ESUs.

Ms. MILLER. I believe that we have a little bit of a disconnect in terms of the bureaucratic ability to actually get the money on the ground in a timely manner. We have the money at the State now for this year's projects. The problem is, if you're—if you're somebody that's going to work in the streams to do those projects that

were identified in the Federal Register, you have to be getting your permits and starting your work now. Your window is maybe four months, maximum.

Nobody's seen the dollars yet, so everybody is out investing their own dollars, hoping that when the Office of Financial Management figures out how to actually get their checklist in place, that the money will backfill. And of course, as you probably understand, it's some of the areas that have more resources within their budgets that are able to front for the projects that are happening. So that's one problem. It's not necessarily a problem of getting to the State, it's how do we expeditiously get it out there on the ground to do the projects.

I definitely agree with a Statewide science panel, which is what I think the two legislators were talking about. But it's not there yet. We've been talking about this for months and suggesting that it shouldn't just be State scientists, but we should have academic people, tribal—and we have some excellent local biologists and scientists that have been working in their watersheds for years and years.

Mr. DICKS. Who appoints this science panel?

Ms. MILLER. You'll have to ask the legislature whether they have a process for doing that. We've been recommending it to the Governor's Salmon Team. I've been recommending it for seven months now, that I feel we do need to have a Statewide screening that takes a look at everybody's—each WRIA or each ESU, if they want to put it together, all their projects, and makes that scientific judgment first.

Then I believe you need to have interaction with some sort of a larger group. And I think the government council that's been appointed that includes cities, counties, tribes, State legislators, and both federal and State governmental people, is the second place it could go to. That way you'll get input from all the interested stakeholders. They could be the final deciders, sort of prioritize the funds that are available, and then it could be distributed.

I think that in some areas we already have done the early action plan. We're negotiating it with NMFS right now; in tri-counties that is true. I think each one of the counties and many of the cities within the tri-counties have their own individual plans as sort of a fallback, if they have to, to negotiate individually. But what we heard from NMFS was "We don't want to look at all these plans individually; we need to get to larger units that we can look at—and by the way, would you loan us some people to help us?" So we are loaning them people. We are now being asked to loan them two biological experts to do section 7 consultations, and we are going to do that.

So I think that what we're talking about and what Representative Buck is talking about with the WRIAs is, some of us have already done the early action work, and now the next job is what I said: the twelve to eighteen months that it takes those WRIAs from the ground up to develop the long-range plans. Then that's what can feed into the Statewide science panel, and that can feed into a broadbased stakeholders group, maybe appointed by the governor—the one we have now is appointed by the governor—and then the distribution that happens after that.

Senator GORTON. Go ahead.

Mr. DICKS. I want to compliment this panel particularly, because I know everybody has been deeply committed to this issue, and Representative Buck and Representative Regala in the legislature, and all of you at the local level have done a tremendous job. And I think the tri-county effort has provided real leadership and momentum in recognizing the difficulty of this problem.

There's been some concern however. I've noted in the press, about whether the State legislature will come up with the funding that's necessary to match the federal funds, assuming we can get them appropriated. We have some of the same problems you have. We have budgetary caps and you've got 601—neither make our lives easy in terms of actually fulfilling our commitments. But what do you think about the State funds? I know you two have been leaders; you've done a great job. How does it look down there?

Ms. REGALA. Well, Congressman Dicks, you touched on one of the challenges, the other challenges that we have this year with our budgeting process, and that is 601. You know, we have, besides salmon recovery to deal with, we have teachers who feel they need an adequate salary. We have counties that would like us to help them with a number of the mandates they feel we've given them. We have education to deal with. There are many, many issues.

Salmon is very high on the list with regard to the things that we are continually talking to our colleagues about that need—needs adequate funding. We are still in the budget negotiating process. You know, we have this very unique situation going on in the House this year.

Mr. DICKS. Right.

Ms. MILLER. And we have two House budgets at the moment, and so we are working on that and trying to come to some agreement. And then that means that we also have to work with the Senate. We're continuing to push forward in emphasizing how important it is that there is funding in our budget to do the kinds of things that we need to do as a first step, and especially in order to show our partnership with you as you continue to send funding to us.

Mr. BUCK. I have to agree with Representative Regala, and I have to compliment her today because we have complemented each other's testimony very well, as far as giving you, you know, an overall view of what things have been going on in Olympia.

But I do think that we need to keep your question in context, congressman. If this is the last legislative session—or this is not the last legislative session that will ever be, and if it is, it won't matter. [Laughter.]

But you know—you know, I think that when you realize the immense job that we have ahead of us, the little bit of dollars that we're talking about, whether we're going to get or not get this year, will never be noticed in what's going on; it's basically budget dust.

I think that if you take a look at the animal that we're dealing with right now, if we do—if we go out to Bear Creek with Louise and we do every single thing that we can do right this summer, that Bear Creek needs, we won't know if we've been successful for four years. And the way that—until the fish come back.

Mr. DICKS. Right.

Mr. BUCK. The way that our laws are written right now, for us to have a run that's out of trouble as far as salmon and steelhead trout inventory is concerned, we have to have three consecutive improving returns. So that means we're looking at a minimum of seven years here. My guess is that the overall work that we're going to have to do is in the twelve-to forty-year range, just because of the nature of the animal we're dealing with.

So when we're talking about this, it becomes an issue of cash flow, and an issue of how good we do with opening the habitat that has to be opened right away, that will give breeding stock a good place to go, or preserving the places that—you know, that are still good. So I think that we can assure you that, yeah, we're going to do a good job down there in the legislature, and the money will be there for a match. But I think I'd be really remiss if I didn't remind everybody in the room that this is a long-term commitment, and it won't be the last time we'll be asking you for money on this.

Mr. DICKS. Well, we recognize that this is going to be a multi-year effort. We clearly understand that at our level, and we know you do too. And there's always concern, "Can we deliver?" We recognize the difficulties you're operating under, we have the same problems in Washington.

Mr. DREWELL. I don't disagree at all with what the two representatives have said, for the most part. But dust settles, and—  
[Laughter.]

Mr. DICKS. How about smoke, too?

Mr. DREWELL. But at the local government level—and NMFS has every—I think has every legitimate reason to ask us to display some degree of certainty as we go forward in these 4(d) negotiations, for us to be able to go forward with a sense of confidence and predictability. As we partnered up locally, we're still waiting for a managing partner, and that's the State. We need you folks to move those dollars along. And I'm not saying anything you haven't said yourself. But for us to be as forthright as possible and to be as responsive, we need to have those dollars brought forward in a predictable fashion.

Senator GORTON. None of you even commented on one element of my question, and that is where these private non-profit volunteer groups fit into the structure of what you're talking about.

All right, Louise; you put your arm up first.

Ms. MILLER. I did, because it's been a very important part of how you got to the Waterways 2000 program and how you got to some acres along Bear Creek that are already preserved, that are keeping it healthy for the fish that come back. Two years ago, maybe it's two and a half years ago now, when the sockeye came back, we had 65,000 sockeye come back in the stream system.

Senator GORTON. Fantastic.

Ms. MILLER. I mean, this is unbelievable. I've got pictures this year of the biggest, hugest Chinook pairs I've ever seen, who came up Bear Creek and then made a huge left-hand turn at Cottage Creek, which is a creek so small in the system that even me, with my short legs, can jump over it. And they spawned in that creek. Why did they spawn in that creek? Because the water was cooler in that creek. It was clean, it was healthy—there were mussels

there. But the water was cooler. It was a hot fall and a hot summer.

I think that if we didn't have all of those citizens out there that got all involved in looking at what was going on on their land, having education programs, going out and pulling out nasty stuff and putting in good stuff, actually working to restore stream banks, that you don't have your long-term stewardship. And if you don't have that long-term stewardship with somebody looking right at their piece of land and saying, "I'm willing to go into a conservation easement here to keep the stream corridor healthy," then you don't have somebody that sees "Oh, we need to spend some money on this, and I'm willing to invest in a Waterways 2000." I think the State is saying the same thing. That's why Jim Buck and Debbie, they developed this WRIA process, because that's where you start from the bottom up and you bring the citizens in. And believe me, they can tell you a lot more about that stream than your own biologists would know till they go out there. So if you don't have those groups working every day, going out and measuring the water, taking the—I mean, you know, people are doing this every day as volunteers. And that's where you get that multiplication factor of the real investment in the present health and the future health of the system, and really getting back harvestable levels.

Mr. DICKS. Senator Gorton and I have helped fund at the federal level—\$750,000 for salmon enhancement groups. That doesn't sound like a lot of money, but it really makes a difference. Hood Canal had serious problems, and because of where they're located and—

[Laughter.]

Well, we had to have a demonstration project, and they did not let us down. We don't have all the money like King County does, either. You are very fortunate. All those great taxpayers.

Ms. REGALA. They are.

Mr. DICKS. And they really are committed.

Ms. REGALA. They are committed, and they've demonstrated it by agreeing to tax themselves and agreeing to—by the way, some of the people that have given conservation easements and got in the public benefit rating, you need to know it's really not a big gain for them, because if they don't write off the taxes, then, you know, their income level, what do you have? They don't really benefit from it. But they're committed. And furthermore, they're watching that stream every day. That's what's really critical. And they're teaching their children, and the children are teaching their teachers. And that's how you multiply it. I mean, you really—I said \$7 to \$1 is what we really got out of it. Lord knows, we could probably multiply it greater than that, by all of the volunteer hours and volunteer groups that have gone out there and really made this happen. And it's happened, as far as I can tell, all over this State.

Mr. DICKS. Well, I know, for example, the Hood Canal group got money from the State, from the legislation enacted last year. They repositioned culverts to restore and open up all the habitat that's been closed. So, it is certainly a partnership, and we appreciate your efforts. And we're not going to forget eastern Washington either.

Mr. THIELE. Oh, I apologize, but her working over there in King County has been a tremendous asset to Okanogan County. Because those people come over there with a mindset that they're going to protect the waters over there, and with their mindset and their ability to pony up these bucks, that's what we've been able to do. We haven't had the dollars. When you got \$2.5 million is all your ad valorem tax base for a whole damn county is, you don't have much money to spend on salmon. So when these people have come over here, they've given us their conservancy easements, and that's what we have done to protect the WRIA 48 or the Methow Valley for years to come. And that's why our fish are coming back. It's the people that she's taught over there that's come over the hill, bought places over there and said, "OK, county commissioners, we want our area over here to have three times the amount of regulation on it as you have in the rest of the county. You go ahead and be the cowboys and the shepherders over there, but we're over here with our summer homes and whatnot; let's protect the fish here." And those people are the ones that have ponied up the time, the conservancy easements for our trails and paths over there, and have helped us immeasurably through their different organizations that have come over and put bucks into Okanogan County to protect the salmon.

Mr. DICKS. The senator has provided real leadership on the Bonneville issue, on the oversight and the scientific panel.

Mr. THIELE. Yes.

Mr. DICKS. I think that was long, long overdue.

Mr. THIELE. I think we're going to need a little more oversight to make sure that some of that—what was it, \$460 million—gets back to these people who are trying to do these projects in the eastern part of the State, too. I think that definitely has to be something we work on together.

Senator GORTON. Thank you all very much. This has been a most enlightening panel. We appreciate your efforts.

**STATEMENTS OF:**

**WILL STELLE, NATIONAL MARINE FISHERIES SERVICE**

**CURT SMITCH, SPECIAL ASSISTANT TO GOVERNOR GARY LOCKE  
ON NATURAL RESOURCES**

**BILLY FRANK, NORTHWEST INDIAN FISHERIES COMMISSION**

**BOB LOHN, BONNEVILLE POWER ADMINISTRATION**

**TOM DWYER, U.S. FISH AND WILDLIFE SERVICE**

**SUMMARY STATEMENT OF WILL STELLE**

Senator GORTON. OK, the panel V, the next panel: Will Stelle, Curt Smitch, Billy Frank, Bob Lohn, and Tom Dwyer.

Thank you. This group has waited a long time and with great patience. And I consider a great deal of the expectations now are being laid on all of you, and we appreciate your work as well. Will, we'll start with you.

Mr. STELLE. Thank you, Mr. Chairman and Congressman Dicks. I've got a written statement which I'd like to submit for the record.

Senator GORTON. It's in the record.

Mr. STELLE. And let me move through this quickly.

First of all, this has been a wonderful day and this is a wonderful hearing, and I want to thank you, Congressman Dicks, and your staff, for putting together just a hell of a set of sessions.

Mr. DICKS. Thank you.

Mr. STELLE. It's an extraordinary degree of unanimity that all the panelists here had voiced today on what the nature of the problem is and how to approach it. I'm impressed; I'm mightily impressed.

Mr. Chairman, my name is William Stelle, and I'm the regional administrator of the National Marine Fisheries Service for the Northwest Region. I'd like to make several basic points in my testimony to you today.

First and foremost, the federal government, like all of you and us, is committed to saving the salmon. It is a matter of law and good sense.

Second, we are committed to good science. Science should guide decisions. Science and knowledge is a vital resource, and we must make that knowledge available to all people, to enable them to choose the right course. This is a crucial point to which I will return.

Third, we are committed to forge new partnerships with States, counties, the tribes, and the economic sector here in the Pacific Northwest, promoting regional efforts to develop home-grown solutions. We are enormously pleased with the leadership and sense of responsibility that many people in government and the private sector have exhibited on the salmon issue here in the Puget Sound region and elsewhere across the State. We are greatly encouraged by the response of the States, county, and tribal leadership to the prospects of these listings, to step up and take responsibility. How to shape the Endangered Species Act to work with local initiatives is the best challenge we could imagine. We are committed to success.

Fourth, we are committed to inventiveness and creativity as we tackle these tough issues. In many respects, we must be prepared to open ourselves up to new solutions. I am confident that they are there. We should invite and encourage creativity and inventiveness in forging solutions.

Fifth, we are committed to fulfilling federal treaty responsibilities to the tribes of the Pacific Northwest. This is a matter of federal law and obligation, and we must recognize it and adhere to it. For the tribes, salmon is culture, history, and tradition, not just a question of fish or cow or chicken for dinner. This is a central point, not a side point.

Further, we are committed to protecting the environment and the growing economy of the Pacific Northwest. The economy of this region is booming, and we are convinced that salmon recovery and economic growth are not only compatible, but mutually reinforcing. Protecting salmon means protecting our stream systems, the bloodstream of our landscape. Twenty years from now, people here will treasure healthy landscapes and vibrant salmon populations, and it will be value added to our region.

Finally, we are renewing our commitment to successful resolution of the Pacific salmon treaty issues with the Canadians. I'd like also to touch on that further.

Mr. Chairman, first on the funding initiative, let me skip my written testimony and simply observe, in answer to your question, the federal proposal of this administration was—had two components to it: first, a fund for State/tribal/local initiatives to help defray the costs of these salmon responses. Our view is that, as a general matter, the decisions on how that money should be disbursed should be left to State, local, and tribal authorities. And we will seek only minimal restrictions on it.

Second, we do believe that transparency is very, very important. We should defer to the State and local and tribal authorities on how best to spend the money, what we should collectively insist on knowing, how it was spent and whether it was well spent.

Third, there is an issue of funding for NMFS capacity. We have a very serious capacity problem here in the Northwest, and we expect our workload to triple, at least, with these new listings. We need to be able to be prepared to meet that new workload. And it's simply a matter of fact: we've got to build capacity to make sure that the permit processes don't stall out, they move through promptly.

Now a note on science. Again, Mr. Chairman, let me just summarize by observing, one, that the federal agencies have invested enormous time and effort over the last fifteen years in developing hugely valuable expertise, scientific expertise on how aquatic systems work and how salmon populations thrive. We should pool that expertise, one, and two, make it available to empower State agencies, local county agencies, tribal capacity, watershed groups, give them the knowledge that we have invested and generated in what works and what doesn't work, and how to set the right kind of priorities. The National Science Council has issued a directive to the federal departments to do that work. Making that happen is enormously important to increase the efficiency and effectiveness of this effort. And I ask both of your helps in helping us make this happen. It's enormously important.

How can we ask individual county governments to know everything that they want to know on what works? We, the federal science agencies, have an enormous reservoir of information. We do a mediocre job, at best, of making that information available. We should be forced to do better.

#### PREPARED STATEMENT

Finally, to the issue of the Canadian—negotiations with the Canadians. You've heard a lot about that today; you are very educated in it. We are making good progress. At the end of the day, though, Mr. Chairman, whether or not we are able to bring that agreement home will rest largely with you and your colleagues in Congress, including the Alaskan delegation, and with the governors and the tribes. And we ask for your support and commitment to bring it home; it is vitally important for the larger effort.

Thank you for the opportunity to be here today. I admire your endurance. And I look forward to your questions.

[The statement follows:]

## PREPARED STATEMENT OF WILLIAM STELLE, JR.

Mr. Chairman and Members of the Subcommittee, my name is William Stelle, Jr., and I am the Regional Administrator of the Northwest region of the National Marine Fisheries Service. Thank you for inviting me to this hearing, and thank you as well for taking the time to focus on the important topic of today's hearing, the restoration of salmon runs in the Pacific Northwest.

I would like to make several basic points in my testimony this morning. First and foremost, the Federal Government, like all of us, is committed to saving the salmon. It is a matter of law and of good sense. As Mayor Schell of Seattle aptly phrases it, in saving salmon we may well be saving ourselves.

Second, we are committed to good science. Science should guide decisions. Science and knowledge is a vital resource, and we must make that knowledge available to all to enable people to choose the right course. This is a crucial point to which I will return.

Third, we are committed to forge new partnerships with states, counties and the private sector here in the Pacific Northwest, promoting regional efforts to develop homegrown solutions. We are enormously pleased with the leadership and sense of responsibility that many people in government and the private sector exhibited on the salmon issue here in the Puget Sound region. We are greatly encouraged by the response of the states, counties and tribes to the prospects of listings to step up and take responsibility. How to shape the Endangered Species Act (ESA) to work with local initiatives is the best challenge we could imagine. We are committed to success.

Fourth, we are committed to inventiveness and creativity as we tackle the tough issues. In many respects, we must be prepared to open ourselves to new solutions. I am confident that they are there. We should invite and encourage creativity and inventiveness in forging solutions.

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Further, we are committed to protecting the environment and the growing economy of the Pacific Northwest. The economy of the northwest is booming, and we are convinced that salmon recovery and economic growth are compatible and mutually reinforcing. Protecting salmon means protecting our stream systems, the bloodstream of our landscape. Twenty years from now, people will treasure healthy landscapes and vibrant salmon populations, and it will be value added to the region.

Finally, we are renewing our commitment to successful resolution of Pacific salmon treaty issues. I would also like to touch on this further into my testimony.

## THE COASTAL SALMON INITIATIVE

The President has proposed a major initiative to bolster and deploy existing and new Federal capabilities to assist in the conservation of at-risk Pacific salmon runs in California, Oregon, Washington and Alaska. This Presidential initiative is intended to respond to the listings of these runs under the ESA by forming lasting partnerships with state, local and tribal efforts for saving Pacific salmon and their important habitats. It will promote the development of Federal-state-tribal-local coordinating capabilities to ensure close partnerships in recovery efforts and to promote efficiencies and effectiveness in the recovery effort through enhanced sharing and pooling of capabilities and information.

We are working with the four states, local officials and the tribes to detail the specifics of the proposal, and are making excellent progress in those efforts. Leaders in Washington State at every level are hard at work on this effort, and we believe Congressional approval for the new initiative is vital. We need your help in making this proposal a reality.

The President has also proposed a substantial increase in funding for the National Marine Fisheries Service of \$25 million to build the capacity to handle the workload associated with these new listings and our science work. That workload is growing exponentially as Federal agencies, developers and state and local authorities seek ESA approvals for their activities. NMFS has an enormously talented professional staff, and they are working overtime to respond, but we need additional capacity. It is crucial. We strongly recommend to you the recommendation of the Administration to increase that capacity, and we believe that a broad cross-sector of the community also understands the need and supports the increases.

## THE SCIENCE INITIATIVE

Saving salmon and doing so efficiently will require the best science possible. While the salmon effort will require work at all levels of government and the private sector, the Federal sector has unique assets and capabilities in the science arena that it can, and should, deploy. These capabilities extend from basic research programs into the causes and effects of the decline of salmon populations and the ecology upon which they depend to data gathering and management capabilities to mapping salmon populations and their habitats at multiple scales to effectiveness monitoring and evaluation. All targeted to answer the basic question on many minds: What should we do to help? What works? Where should we spend our efforts best?

Mastering the existing science capabilities in the Federal sector and making those capabilities and the learning that they generate available to the many communities involved with salmon restoration will be a vital part of the empowerment of those communities to meet the salmon challenge with inventiveness and confidence. Federal investments in aquatic sciences relating to the ecology of the west coast are substantial, stemming from the Northwest Forest Plan, the Bay-Delta effort in California and the east side land management science assessments. These investments have produced enormous improvements in the science of healthy stream systems, which are what salmon need. We should muster that knowledge and analytical capacities and make them available to our state, local and tribal partners and the economic sector. To do so will increase the ability to do the right things and in the right priority.

The Federal agencies are now inventorying their science capabilities and the ability to make those science assets available to our partners. While science issues tend to be relegated to second ticket, we believe this effort is enormously important for the long term effort, and we ask your active support for it.

Finally, I would like to address the salmon negotiations with the Canadians. We are currently engaged in constructive and promising discussions with the Canadians to put into place long term science based regimes for managing fisheries along our coasts. We need an agreement that establishes a scientific foundation for establishing what the fish need first and foremost, and which then makes the allocation decisions on a fair basis. This subject has significance for coastal stocks in Alaska, Washington and Oregon and in the Columbia Basin. We are optimistic of the discussions thus far, but their fate may well rest in your hands. We need the strong bipartisan support of the Northwest and Alaskan delegation in this effort to make this possibility a reality.

Mr. Chairman and Members of the Committee, I thank you once again for taking the time to conduct this hearing. I would be happy to respond to any questions you may have.

PREPARED STATEMENT OF HON. DAVID ANDERSON, P.C., M.P.,  
CANADIAN MINISTER OF FISHERIES AND OCEANS

Senator GORTON. This is an appropriate point at which to say we have a submission from the Canadian Government to this hearing, that will be made a part of the record, and I think will help us reach a solution.

[The statement follows:]

PREPARED STATEMENT OF HON. DAVID ANDERSON, P.C., M.P., CANADIAN MINISTER  
OF FISHERIES AND OCEANS

I would like to say how I am pleased to be here in Seattle with the World Affairs Council. Let me also say what an honor it is to share the stage with Governor Gary Locke, a man whose leadership on salmon issues will be valued for many years to come.

Ladies and gentlemen, you don't need a minister of fisheries to tell you that fish swim. And you don't need a Canadian to tell you that your American fish sometimes swim in our waters. But the fact that they do, and the fact that our salmon swim through your waters too, gives us a lot to talk about.

We have always taken great pride that the Canada-U.S. boundary is the longest undefended border in the world. But beneath the surface of the Pacific, where the wondrous salmon swim, the border is merely a figment of the human imagination. It's irrelevant to the survival of the salmon.

What is relevant is that Pacific salmon stocks have been dwindling all up and down the West Coast of North America—from California to Alaska. Some of the causes are beyond human control, but others are not.

When our two nations signed the Pacific Salmon Treaty in 1985, we wanted a framework for fair and responsible management of the resource. But through most of this decade, the Treaty has been a forum for confrontation, finger pointing and deadlock.

But those days are coming to an end because the fish are running out of time. Our children will not forgive us if we let our international boundary, our short-term economic interests or our domestic politics imperil this species for a moment longer.

Ladies and gentlemen, my message today is about an opportunity that must be seized. We have the opportunity to step back from the brink of extinction for Pacific salmon. By putting conservation first, we can move beyond entrenched interests and mutually destructive positions. Conservation means more fish for everyone in the future.

This means breaking away from conventional thinking and adopting a new approach. That's what we're working hard to do in Canada. Last year Canadians took unprecedented conservation actions. Our measures, together with steps taken in U.S. fisheries, led to a very simple and obvious conclusion—more fish returned to Canadian and American rivers.

This year, we can do more. This year, we can advance this powerful formula and pursue the same conservation-based approach to Pacific Salmon Treaty negotiations. This year can be a turning point for our salmon. I'd like to take a few moments now to discuss, from Canada's point of view, how we got to this crossroads.

In the spring of 1998, I was presented with evidence from Canadian scientists that some of our coho stocks were at risk of extinction even with no fishing whatsoever and that urgent action was required if stocks were to be protected. Of greatest concern were coho from the Skeena River in the north and coho from the upper Thompson River in the south.

While a near-total shutdown of fishing was a real option, our biologists and managers were able to design a better approach. In Canada, we are reducing the size of our fleet and we are placing a new emphasis on selective fishing (the targeting of abundant stocks while avoiding weaker ones). Starting last year, Canadians only harvest stocks that can sustain a harvest, and we spare those stocks that cannot.

In Canada, we are taking to heart a principle so simply described by writer Michael Wigan in his book "The Last of the Hunter Gatherers—Fisheries Crisis at Sea:" "The merits of a fisherman can no longer be measured solely by how much he catches, but also on what he does not."

This permanent shift to a more sustainable way of fishing has not been without pain. Those earning their living from the salmon resource in British Columbia are facing up to fundamental change and that is never easy. I pay tribute to their resilience. The Government of Canada has invested \$400 million to rebuild the resource, change the way we fish and assist individuals and communities adjust to these changes.

Canada's domestic conservation measures allowed us, in effect, to say to our U.S. counterparts: "Now that we in Canada are getting our own house in order, let's get on with the job of cooperating to conserve Pacific Northwest salmon stocks."

Last year, we achieved a breakthrough because Americans south of our border were willing to meet us half way. In our discussions, Governor Locke and I agreed that conservation is a crucial matter for both domestic policy and international cooperation. The outcome last year was two interim agreements covering southern fisheries.

In the first agreement, reached in June 1998, Washington State agreed to reduce by 22 percent its catch of fragile coho stocks bound for the upper Thompson River. In fact, my scientists advised me last month that the reduction achieved was actually 75 percent lower than the previous year.

In July, a second agreement was struck that protected coho and the sensitive Early Stuart run of Fraser River sockeye by restricting when the Washington fleet could fish. Still, the agreement allowed Washington to catch 23.3 percent of the total allowable catch on prized Fraser River sockeye, a figure squarely in the middle of the range seen in recent years.

Canada also put in place size restrictions in late February for chinook salmon to mirror actions in the U.S., resulting in a 25 percent reduction in harvest of the threatened Nooksack chinook.

These international agreements, combined with our own domestic measures, resulted in an exploitation rate of less than two percent on our Thompson River coho, and approximately three percent on our upper Skeena coho. By putting more than

97 percent of the stocks on the spawning beds, we have begun the long road of rebuilding.

Yet in Canada, when these agreements were first announced—long before the results were known—they were subject to fierce criticism from stakeholders. People believed we had given all our cards away. They said we let too many fish pass through our waters, without getting enough back.

This criticism summarizes the thinking of the past—thinking that said: “we don’t win unless you lose;” and “fish are simply commodities to be killed.” This thinking adds up to a zero-sum game—it’s a recipe for extinction and has been discredited.

Last year, I said this game is over. Standing at the crossroads of our bilateral relationship over salmon, I think we can say that the clearest lesson we have learned is that confrontation has made everyone poorer, but putting the fish first can turn everyone into winners in the long run.

Our constituents—both Canadians and Americans—are tired of arguments over who gets to catch the last fish. Average citizens all along our coast care deeply about the salmon. They want their grandchildren to experience them. They want responsible management, respect for science and they want us to work together.

As I have outlined, the new dynamic, based on conservation and cooperation, is working. Conservation measures, both domestic and bilateral, mean more fish in rivers all over the coast and on both sides of the border.

Yes, fishing has its place, but if we don’t put the fish first there will be nothing to catch. People understand this. They understand that quality of life is not a concept applicable to human beings in isolation. That’s why they support bold measures to protect Pacific salmon.

Here in the Pacific Northwest, the Endangered Species Act contributes to intensifying the legitimate and profound public concern for salmon. It also adds incentive and urgency to the extensive efforts your citizens are making to protect and restore salmon habitat.

These efforts cost hundreds of millions of dollars every year. I want to acknowledge the political and financial commitment of U.S. municipal, state and federal governments as well as private interests in taking responsibility for saving salmon.

But I also have to say this: spending dollars to improve freshwater habitat is only part of the equation. No matter how much you spend on the land, you will not get full value for the money unless a sustainable harvest is part of the equation. These two are the yin and the yang of salmon recovery.

Money can put more smolts into the ocean, protect habitat and improve water quality, but only human ingenuity and sacrifice will ensure that the salmon actually get back to their spawning beds.

And this brings me right to the point: We need to reach a long-term coast wide arrangement under the Pacific Salmon Treaty—now more than ever before.

Canada and the US share strong ties economically, politically and culturally. American residents made 15 million trips to Canada last year. The United States and Canada engage in more than \$1 billion in trade every day.

So, what kind of message does it send the world when two prosperous nations, with the biggest trading relationship on earth, cannot solve a shared conservation problem? What chance do we stand globally if we can’t get it right, right here?

Ladies and gentlemen, I am convinced we can get it right. We have the opportunity. We have the best convergence of events in many years. I can tell you that there have been very constructive discussions between scientists and fish managers from Canada, Washington State, Oregon, Alaska, the US federal government and the tribes for the last several months.

What we need now and over the next two months is the political will to close the deal. Last year Canada and the United States took some important first steps, but we did not get an agreement with Alaska because we had differences over science and we did not have a common framework for resolving these differences. We cannot allow another year to pass without fixing this problem.

And I understand that all jurisdictions have political realities. The special interests of the commercial fishery, particularly in Alaska, have always exerted great influence on Treaty discussions and have prevented any changes to their fisheries.

This is an important factor. But here’s another: neither the patience of Canadians nor the health of the resource will support the status quo.

The next step is for us to move now to government to government negotiations for long-term, coast-wide arrangements that will rebuild the Pacific salmon resource. And while we concentrate on growing the size of the available resource, it is necessary for both parties to share the burden of conservation.

The solution lies in both Canada and the US being very realistic in their positions and, as Dr. David Strangway and Mr. William Ruckelshaus recommended last year, more fish must move to Canada.

This year, we have the opportunity to take a broader view. I believe we can seize the opportunity. I believe we must.

Ladies and gentlemen, Canadians and Americans have each made mistakes separately in our own waters. And we have made mistakes together. Now we must make solutions together.

The opportunity is ours. As stewards of our environment, we don't have the right to pass up this opportunity. Let us reach across that border that is irrelevant to the fish, and secure a better future for ourselves and for the magnificent Pacific salmon.

#### SUMMARY STATEMENT OF CURT SMITCH

Senator GORTON. Mr. Smitch.

Mr. SMITCH. Thank you, Mr. Chairman, Congressman Dicks. On behalf of the State of Washington, I want to express our appreciation, as the governor did, for your holding this hearing here on an issue that's so important to this region.

I think you both are aware that this is a historic debate that's occurring in the region. Between how we're going to continue to accommodate, basically, in the State of Washington, an addition of 100,000 people a year, and maintain our natural resources, amenities like those of us who grew up here are familiar with, and maintain our economic vitality. This has never been done on a scale that we're trying to do this. And we don't have a cookbook. We don't have a—really, a map of how to do this. And so we're all struggling, and your appearance here is very comforting to all of us that we're going to have the delegation working with us on a very difficult problem.

Let me also say it's obvious that the status quo is not working for salmon. And that's one of the premises that we're operating on in the State as we attempt to come up with Statewide salmon recovery strategy, is that we all have to change some of the things we're doing, and what we're doing simply is not working. That is an issue that is before all of us.

We have divided those issues into the four Hs; you've heard a lot about that today, so I won't mention that.

But I'd like to describe for you, after us spending, the State, the last 2 years looking at this full-time, the key issues that I think are before us and that I would like to offer for your consideration. They key issues are, and I will revisit these: governance, you've heard a lot about that today; budget, both federal and State; water and forests; and the United States-Canada treaty. Those are really the sideboards of the discussion that's going on out here. Let me return to each of those.

On governance, we're struggling with, on the federal side in particular, how do we allocate the funds. This has raised questions about who's involved, who's going to be accountable for those funds, and who finally makes the decisions on the allocation of those funds. Who sets the priorities? This is an issue where we have struggled with—we did set up a process, Senator Gorton and Norm, based on the \$20 million you gave us. We have learned an awful lot about how to actually get a block grant from the federal government onto the ground. And we have used the government council structure that Louise talked about to do that on this first pass.

We also, though, in governance have an issue of who's accountable for development and implementation of the salmon strategy. While they're related, they're a little bit different, and we are, I

think, not as clear on that. Who is going to be held accountable by the National Marine Fisheries Service for meeting ESA requirements at local, State level, and making sure we can do this from the WRIA to the State level. This is a very difficult issue. What it has raised for us is the tension between having a ground-up local-driven process, and at the same time having some performance measures across the board that actually recover salmon. And this tension between how much top-down and how much bottoms-up do you have, is at the heart of this governance issue that we're struggling with. And we're working with the legislature on that. And frankly, right now I'd say they have a lot of bills that have—there's a lot of ideas, but we have not reached resolution between the executive branch and the legislature at this point in time on governance, and we're working that.

On budget, again, we do need some guidance, senator, and I've talked a little bit with Congressman Dicks about this. From the Congress, the next time around—we've learned some things, and we've learned in contracting. In the contracting process, which Louise sort of hinted at, and she was very generous, we got the money in December, and we're trying to get it out the door. And we're finding the contractual requirements on the State, from the federal process, legitimate as they are, are some things that we are hearing from our attorney general's office that, if we had some additional guidance from you, it would speed this up.

Senator GORTON. OK.

Mr. SMITCH. OK. We will bring those up to you.

Senator GORTON. Tell us specifically what you need.

Mr. SMITCH. Yeah, and that will help a lot.

On the State side, again we are dealing with the accountability issue on whether this continues to go through the State agency process or we have a single place where all State and Federal money go through. While that sounds attractive, we're finding out it's very complex, and we haven't resolved that.

And I would say, Congressman Dicks, on the question of where we are with the legislature on the budget, we're close, but there are some significant differences on how we're actually spending the money between our various budgets. The amount is between \$50 and \$38 million. That's a distance we can close. You both are professionals at closing things like that. But we also have some differences on how we allocated the money within our respective budgets, but we do have a process set up to narrow that, and I'm hopeful that the two—

Mr. DICKS. I'd like 50 better than 38.

Mr. SMITCH. Thank you, congressman. It's one of the reasons I've always admired you. [Laughter.]

I agree with you.

Finally, I'll close briefly, Mr. Chairman. Water is really the most difficult issue before the State. Our legislature is struggling mightily with this. The legislature has been unable for the last 20 years to deal with these issues because they're so very difficult. But the National Marine Fisheries Service has made it very clear to us that without dealing with water, you truly cannot deal with salmon. So we're still working to close the distance there on some of these water issues.

In the forest piece, I want to just mention that, frankly, is moving through the legislature. I am confident we will get something out of the process that will support the agreement that was negotiated. But if not, I want to say to you, Mr. Chairman and Congressman Dicks, the message we're going to send to everybody in the State is "Here is a group that came forward on their own initiative and negotiated in good faith for two years, and we ducked them and we did not follow through in supporting that agreement in the legislature." If we do that, I don't think we'll see another sector come to the table. So for us, this is a huge building block in the governor's salmon recovery strategy, and we encourage your continued support of that effort.

Finally, United States-Canada, Mr. Chairman, Congressman Dicks, you have heard we cannot recover Puget Sound Chinook without a United States-Canada salmon agreement. We cannot get people to do the kinds of things we're going to need to do on the habitat side without having that agreement. So for us, it's crucial. The governor is personally involved, as you know, Senator Gorton; you've met with him on this issue. Norm, you've met with him on this, along with Governor Kitzhaber and Governor Knowles. So we are going to need your help, as Will said, and assistance of the White House. The climate is very good this year. You had a very important gentleman sitting beside you here today, frankly probably holds the key to this. But the parts are all on the table now, and I think with your support and with the White House support, we can close this.

Thank you.

Senator GORTON. Good.

Mr. Frank.

#### SUMMARY STATEMENT OF BILLY FRANK

Mr. FRANK. Thank you, Senator and Congressman.

And this is a great day, as you heard all of your testimony, and it's a great day for me to sit here and see Senator Gorton and Congressman Norm Dicks and our senator from the north, Ted Stevens.

I particularly—maybe I better introduce myself for the record, but I'm Billy Frank, chairman of the Northwest Indian Fisheries Commission, and—but I'm not going to talk from this testimony; you already have it, and I never do anyhow, and—

[Laughter.]

But you know, to me, the stars are lining up, and I've talked to our Congressmen about these. And the stars, when they line up—the Magnuson Act and reauthorization was a star for us in the Northwest and along the Pacific coast, and the reauthorization of that act—and you two were very important to that, and our Senator from the north.

But today is another one. The initiative that the President came out with, that was a big star for the Pacific salmon, and getting the attention to that in this hearing today. And our Senator came out with another number; I like that number. And you came out with \$200 million today; I like that number and—but I like 10 percent of that going to the tribes, as far as the funding is concerned. And, but as you heard in here, everything that was happening on

our watersheds—and we're involved in them—you heard that testimony today.

That's why I like to sit in Louise's chair right here. I told her she's talking for all of us when she talks about putting these watersheds together and talking about the little things like temperature of the water, where the Chinook salmon will go to, and how we'll have to measure that in the future.

But the tribes are there. Tribes are there, not only every day, but 24 hours a day. They're there because you two, Senator and Congressman, in the appropriations have put us there, have appropriated that money from Congress and allowed us to participate on them watersheds in a very positive, proactive way. And that's exactly what we're doing. We're doing that at every level with the Federal Government as our partner and the State as our partner, and moving forward and moving the issues forward and kicking them down the road. The Tri-County is very important to what they're doing that relates to the other side of the mountain, of taking—we have to include all of the State of Washington, the Pacific coast, every one of our counties. They all have to participate. We have to go clean down the coast, take our story down there, our positive stories, our models that we're working on here. These are very important to everything that we're doing.

Coordination, that the senator had mentioned, is very important to coordinate everything that we're doing here. And we look to the State of Washington to line up that coordination and make it work. We want to take part in all of that. We want to be proud of everything that we do here, and we're proud of what we're doing here now. We're proud of our Whatcom County people that are coming forward, and our Skagit County people that are coming forward, and working on down in our Thurston County area and our tri-counties. We're proud of all of these things that are working on the watersheds.

We know that the salmon only stay in the watersheds a short distance of time, but we're out there working on them bays, too. We're out there working with the ports, we're out working with the cities, we're out working on the private beaches, we're out working with the neighbors. You know, these are very important things that we're doing in the Northwest.

And they came from the Congress. When we first went back there to talk about the eagles that were declining in the Northwest back in the 1970's, and how we brought them back by working together, all of us. And these are very important things that we're talking about.

The funding, yeah, we need funding. And we need to go back and tell our story to the Appropriations Committee back there and to both sides of the aisle. I think it's very important that we—we can tell our story the best right here. You've had them all here today; they've told you exactly what is happening on the watershed, what's happening in your own back yards, and they've had you out there to some of them projects. And they're very important, very important to all of us.

The science committee that has been talked about on this table, you know—don't forget the tribes when you talk about the science committee. The mayor of Gig Harbor the other day said, "You bet-

ter have the tribes at the—when it comes to science, to have them in the committee.” Now, this is the mayor of Gig Harbor; she should have been here today.

Mr. DICKS. Very enlightened. [Laughter.]

Mr. FRANK. Right; very enlightening. I mean, I love them people over there; they’re a fishing community, you know. But we have to be there; the tribes have to be there. When you come to science, we have science, we have the people, we have information. We need to share all of this with each other, and we got to make it happen. And it only takes us to make it happen, all of us together, everybody that’s in the room. Our United States Congress, our delegation that’s been here, that great senator from Alaska—you guys can work that and make that money kind of build. The cap’s going to be pulled off. Cap’s got to be pulled off in the State. Who in the hell is working on that? What the hell are we going—

Mr. DICKS. We have a secret plan.

Mr. FRANK. Oh, we got a secret plan; yeah. [Laughter.]

You know, they’re all talking back and tell me “Oh, we don’t have any money.” You know, Jesus—you know, we’re working on a little bit now, but you know somebody’s got to be thinking these and strategizing and taking us out into the next fifty years.

#### PREPARED STATEMENT

And I appreciate Senator Gorton, I appreciate Congressman Norm Dicks, and all of our other legislative and senators. Today is a good day for all of us to enjoy and laugh a little bit, and keep working and moving forward.

Thank you.

Senator GORTON. Thank you. Thank you very much.

[The statement follows:]

#### PREPARED STATEMENT OF BILLY FRANK, JR.

Honorable members of the Committee, I am Billy Frank, Jr., chairman of the Northwest Indian Fisheries Commission and member of the Nisqually Indian Tribe. I have lived on the Nisqually River my entire life, as have all of my ancestors for thousands of generations. My tribe, and the other tribes of the Pacific Northwest are known as the fishing tribes by people all across this continent because we have always depended on salmon, as well as other species of fish, from time immemorial. Our culture, our economy, our entire existence is now and has always been connected with the salmon. When non-Indians first came to this land, they marvelled over the salmon resource. The giant fish filled the rivers and the marine waters, where they found ample, cool, clean water, and all other components of life-sustaining habitat. We have always respected the salmon. The resource has always been sacred to us. It is what we eat, and thus it has always been part of us and we have always tried to protect it.

That is why the tribes felt compelled to reserve their fishing opportunities when they entered into treaties with the United States government. It is why we work so hard to protect and preserve these rights today. But the fact is that we have not truly had an opportunity to manage the resource since that right was reaffirmed by federal court in the 1970’s. By then, the writing was already on the wall. Millions of people had already moved here. The rivers had been dammed. The forests had been cut. The habitat was on a downward spiral. In this past two decades, the population of human inhabitants has skyrocketed, along with development, pollution and the demand for indiscriminate uses of water.

Tribal and non-tribal fisheries managers have realized that the increasing problems facing wild salmon require a focused cooperative approach in efforts to protect, restore and manage the resource. Several cooperative planning efforts have been used to address the problems confronting wild salmon populations. Although there has been a general failure on the part of the new Administration in Washington

State to adequately collaborate with the tribes in its salmon recovery efforts, we have worked hard to cooperate in fisheries planning, enhancement, disease control, and habitat restoration projects whenever we could over the past 20 years. Tribal fisheries managers have implemented historic cutbacks in fisheries, for example. The tribes are excellent resource managers and have always structured their fisheries based on a weak-stock management approach. They work to develop fishery regimes that will have the least impact on the weakest stocks while maximizing harvest opportunity on stronger wild and hatchery stocks.

But it has become abundantly clear that depleted stocks cannot be rebuilt by fisheries restrictions alone. The habitat on which the fish depend must be restored and protected if there is to be any meaningful recovery of the salmon resource.

The Endangered Species Act is a powerful tool to prevent species extinction. The ESA gives federal entities the ability to regulate and even halt activities detrimental to the continued survival or recovery of a weak stock, giving that species an opportunity to rebuild. The recent listing of nine species of salmon in the Northwest marks one of the first times the ESA has been implemented in a large metropolitan area.

From the tribal perspective, we must all do more than what the ESA requires—merely prevent extinction of fish, wildlife and plants by preserving remnant populations that are essentially little more than museum specimens. Instead, we must restore these populations to healthy levels that will again support harvest. The tribes have seen many streams lose their salmon runs, and have refused to wait for federal government intervention before taking action. Steps have already been taken to strengthen and restore salmon populations in western Washington. Restoring fish and fish habitat has been a major tribal goal for many years. In the early 1990's, for example, tribal fisheries managers joined with state fisheries managers to develop the Wild Stock Restoration Initiative in response to the poor condition of some salmon stocks in western Washington. The co-managers first developed a statewide inventory of all salmonid stocks and their health. The Salmon and Steelhead Stock Inventory and Analysis (SASSI) began in the spring of 1992. It took about one year to complete the inventory and 18 months to complete the detailed appendices which provide the data and information used in the evaluation of stock status. SASSI grouped 435 salmon and steelhead stocks into five status categories. Of the total, 187 stocks were categorized as healthy; 122 depressed; 12 critical; 113 unknown; and one extinct. SASSI must be periodically updated and revised to reflect changes in stock status gathered through monitoring and evaluation. This systematic, scientific approach to the issue of declining fish runs has given the co-managers a wealth of information on the condition of the health of nearly every salmon and steelhead stock in the state, and clearly identifies those fish stocks that need immediate help. While compiling the SASSI document, it became apparent to the co-managers that it would be impossible to adequately assess salmon and steelhead habitat within the scope of the stock inventory. Because freshwater habitat is a basic limiting factor for the production of some salmon species, it was clear that an inventory of salmon and steelhead habitat must also be compiled. Work on this second step in the Wild Stock Restoration Initiative the Salmon and Steelhead Habitat Inventory and Assessment Project (SSHIAP) began in 1995. SSHIAP will ultimately result in a blueprint for joint tribal/state cooperative action to document current habitat conditions, assess the role of habitat degradation and loss on the condition of salmon and steelhead stocks, develop stock- or watershed-specific strategies for habitat protection and restoration, define a cooperative process to implement habitat restoration and protection strategies and develop and implement a long-term monitoring system that will assist in adaptive management. Through the Wild Stock Restoration Initiative, the tribes are now defining management goals and objectives for fisheries and developing both regional and watershed specific plans.

The state and tribes have committed to further responding to wild salmon stock declines through improved planning processes like Comprehensive Coho and Comprehensive Puget Sound Chinook. The goal of Comprehensive Coho and Comprehensive Puget Sound Chinook management plans are to restore the productivity, production and diversity of salmon stocks originating in the streams tributary to Puget Sound and the Washington coast to levels that can sustain ceremonial, subsistence, and other fisheries. This can be accomplished through the protection, restoration and enhancement of salmon habitat; responsible management of fisheries to ensure that adequate spawning adults escape to use the available habitat; and hatchery programs that provide fishery benefits and enhance the productivity of natural stocks.

The processes are designed to modify the way salmon are managed by moving away from using a fixed number as a harvest target and toward a percentage of the overall run size, known as an exploitation rate, in concert with freshwater habi-

tat improvements and firm hatchery guidelines. This approach has been used for coho management for several Puget Sound stocks during the past three years and fisheries co-managers are working on applying the process throughout western Washington. A new Comprehensive Coho fisheries "model," designed to give fisheries managers an accurate reflection of how their management issues are affecting coho stocks, is expected to be completed soon. Comprehensive Coho has been in development since 1993, but new efforts to develop a Comprehensive Puget Sound Chinook Management Plan are now on the fast track due to the NMFS listing of Puget Sound chinook salmon as "threatened" under ESA.

The recognition by Comprehensive Coho and Comprehensive Puget Sound Chinook management plans that harvest, habitat and hatcheries cannot be addressed in isolation is a critical step toward ensuring the health, maintenance and restoration of the productivity, diversity and capacity of all stocks and providing for the optimal utilization of coho and chinook salmon resources. For example, when long-term problems are rooted primarily in habitat degradation, rather than overfishing, fishing restrictions alone cannot restore depressed stocks to their full productive potential. The key to healthy stocks and sustainable fisheries, therefore, lies in a comprehensive approach that also includes protecting productive habitat and restoring degraded habitat.

Despite efforts by the tribes to engage the State of Washington in a joint plan to address salmon recovery needs, the tribes have been excluded from the state's salmon recovery planning process. Consequently, the tribes have been working on their own plan. The plan, expected to be unveiled in 1999, will be used by tribes in their watersheds and will provide a framework for incorporating other regional plans. The tribal plan focuses on the management of habitat, harvest and hatcheries, and will serve as a tool for NMFS to create a high standard for habitat protection under ESA. It is hoped other agencies and organizations will endorse, integrate and/or adopt the plan for implementation. Regional or watershed initiatives are at the heart of the plan. Specific recovery plans will be developed for each watershed and will guide how fisheries, habitat and hatcheries will be managed.

The tribes believe the ESA can be administered in a manner that prevents species important to tribal communities from becoming extinct, and can be administered in a manner that reaffirms federal trust responsibilities, treaty-reserved rights, and tribal sovereignty. Tribes believe that fish and wildlife resources and the ecosystems on which they depend must be managed in a holistic manner that recognizes that all things are connected.

Results of the Wild Stock Restoration Initiative and tribal salmon recovery plan and the many ongoing efforts of the tribes and state to address the decline of wild salmon stocks should figure prominently in the ESA decision-making process. So, too, should the federal trust responsibility to the tribes and the terms of the treaties.

Clearly, there is need for funding, directed to the tribes, to support our ongoing efforts. Specific funding needs of the NWIFC member tribes will be provided in testimony to the Appropriations Committee at a later date.

#### SUMMARY STATEMENT OF BOB LOHN

Senator GORTON. Mr. Lohn.

Mr. LOHN. Senator Gorton, Congressman Dicks, for the record, my name is Bob Lohn. I'm fish and wildlife director for the Bonneville Power Administration. On behalf of our administrator, Judi Johansen, I appreciate Bonneville's—I want to express Bonneville's appreciation for your holding this hearing.

And personally, having worked so long in the contentious wars of the Columbia Basin salmon, it is good to be part of an attitude that sees help and sees the strength of cooperation. So for me personally, it's been an enlightening day.

And one other passing comment: Congressman Dicks, I particularly appreciate your interest in Caspian terns. I was down working on that project in both islands about a week ago, and if time permits later in the hearing, I'd be happy to give you an update. Because in that too, there's a nice small story of local cooperation and how something good is coming out of the circumstances.

Mr. DICKS. Good.

Mr. LOHN. Commissioner Thiele testified as to the size and scale of our funding. Actually, I was pleased and appreciative that out of the confusion of this accounting, he'd been able to make considerable sense, and by and large, the picture is roughly right. I'd like to focus in a little bit so we're clear about which categories we're talking about, and then simply open it to you for further questions, as you would please, about how that money is being allocated or how it might otherwise be allocated.

Bonneville's cash payments are in three categories. The first is what we call capital repayment. It's essentially our mortgage payment on the work done by the Corps of Engineers and other borrowing we've done for—on behalf of the region. Currently that mortgage payment is in the zone of—oh, roughly \$80 million per year. It's rising rapidly. As you would know, the mortgage payment doesn't go up when the appropriations are made, they go up when the plant-in-service date is declared—that is, when the work is completed. We're due shortly to see a substantial rise there.

Second category—and by the way, that's a reimbursement to the federal treasury. The rule of thumb, incidentally, is, when an appropriation goes to the Corps of Engineers for work on the Columbia River for fish and wildlife, roughly 75 percent will be repaid by the region—that is, funded through Bonneville.

Second category, what we call reimbursables: these initially were reimbursing the federal treasury for annual appropriations; now in some instances we repay the agencies involved directly. Much of this money goes for fish hatcheries in Oregon, Idaho, and Washington, including the Lower Snake River Compensation Plan hatcheries. Some of this money also goes to pay for the annual operation and maintenance costs of the Corps of Engineers for the fish structures at the various dams. And finally, we pay as a fish cost about half of the annual budget of the Northwest Power Planning Council, so in other words, about \$3 million a year in this category. Total in this category, roughly \$40 million a year.

Finally, there's the direct program. Technically speaking, that's \$100 million worth of expense and \$27 million of capital, but practically speaking, it's \$127 million available each year for spending on fish and wildlife projects.

Pursuant to the Northwest—

Mr. DICKS. Can the counties that we heard from, like Okanogan, apply for money under that fund?

Mr. LOHN. Yes, sir, they can. However, there is a—there is a fairly detailed prioritization process. First of all, we meet the immediate needs of ESA. Secondly, we respond to the program developed by the Power Planning Council, and there is a lengthy process there. The process begins each fall with a recommendation—with a call for proposals. This year, for example, we received somewhat over 450, I believe. Currently, we have ongoing about 350 projects. In fact, this year there was some very discouraging language saying we didn't think there would be much room for new projects while accommodating existing ones. Even so, there were over a hundred new proposals coming in.

Senator Gorton has helped enormously with that process by creating an independent science review panel. That group, the ISRP, reviews each of the proposals. The agencies and tribes also do that.

This wealth of recommendation comes together in the Northwest Power Planning Council, and they issue their recommendations to us. Generally speaking, we follow them to the letter.

Funds, incidentally, that are not actually paid out—I mention this because it's unusual in federal programs. Funds that are not actually paid out are carried over, with interest, from year to year. So this is not a circumstance where money is lost if it's not spent. And the region actually has paid some attention to facing decisions as to whether projects are ready to go or not.

So with that as what's available in the prioritization process, I guess a couple of numbers relative to Washington, and then one closing comment about how the money is spent.

In the State of Washington last year, just to give you an example, the four—five principal contractors—that is, the four tribes and the Washington Department of Fish and Wildlife—received under the direct program about \$21 million; another \$2 million or more came under the Lower Snake Comp Program. So we're looking at about \$23 million just to those five contractors.

I don't have a breakout by each of the watersheds, but if I look at it in another way, how much of—how many of the billing addresses we paid out money to were in the State of Washington, recipients in Washington got about \$52 million of the last year's \$127 million. Now, not all of those were Washington projects, but that'll give you the general feel.

Thank you.

#### SUMMARY STATEMENT OF TOM DWYER

Senator GORTON. Mr. Dwyer.

Mr. DWYER. Thank you.

Senator GORTON. We welcome you here as the last witness; you've waited patiently for a long time.

Mr. DWYER. Yeah. I meant to say also that Will Stelle doesn't ordinarily let me go last, you know.

Mr. Chairman and Congressman Dicks, my name is Thomas Dwyer. I'm the deputy regional director for the Pacific Region of the Fish and Wildlife Service.

Accompanying me here today is Gerry Jackson, who's sitting in the second row back there. He's our new supervisor of the Fish and Wildlife Service's office in Lacey, Washington.

I want to thank you very much—

Senator GORTON. You need to be a little closer to that microphone, too.

Mr. DWYER. I want to thank you very much today for inviting the Fish and Wildlife Service to this hearing.

As you know, the Fish and Wildlife Service and the National Marine Fisheries Service jointly share responsibility for administration of the Endangered Species Act, and both agencies are actively involved in the effort to recover listed fish, including bull trout and various runs of salmon. And I want to let you know that the Fish and Wildlife Service is very committed to this problem and to solving this problem.

Today I want to very quickly focus on three issues: one, some information about what the Northwest is really facing today because of some of the actions the Fish and Wildlife Service has taken in

listing bull trout; I want to talk a little bit about how we can make compliance with the Endangered Species Act easier for everyone; and finally, I want to talk a little bit about the \$20 million that were provided in the Fish and Wildlife Service's budget this year to the State of Washington.

First, what really does the Northwest face because we've listed bull trout this year? The Klamath and Columbia River Basin distinct population segments of the bull trout were listed by the Fish and Wildlife Service last June, and the Fish and Wildlife Service will determine by this June whether to list other population segments, including the coastal Puget Sound population. And that's the population that I think would be of most interest to this group here today.

When we do a listing of our species under the Endangered Species Act, we normally accompany it with a special 4(d) rule, that in this case allows for fishing to continue for bull trout. We would hope to do that also if we end up listing the coastal Puget Sound population in June.

We also try to deal with, in our—in our listing actions and in our proposed rules, information on what really would constitute problems with the Endangered Species Act when we do these listings. And I'll go into that in a little bit later here.

If we think of federal lands, Federal and State lands as being affected both by listings under the ESA, of course, everyone knows logging, mining, grazing, other activities on federal lands then become susceptible to requirements under section 7 of the Endangered Species Act, and we end up having to do consultations with the Bureau of Land Management and the Forest Service. And we've been lucky enough to be able to work through a streamlined process with both of these agencies, and this agreement on streamlining has been in place for a couple of years, and the National Marine Fisheries Service works with us also on this process.

When it gets to private land, it gets a little more difficult. As I said, when a listing occurs, we try to put in our rules what really would constitute a violation of the Endangered Species Act, and this normally would involve what would affect directly harming fish, and perhaps also what would affect harming fish habitat. What we're trying to do, then, to make things easier for people in the Northwest, is get the word out that incidental take permits through our section 10 of the Act, which really involves habitat conservation plans, are really the way to go to protect people and to help everyone work together to recover—recover these species.

Going to how our agencies can make the ESA compliance easier, again if I go to private lands, the Fish and Wildlife Service and NMFS have collectively developed new tools, using the flexibility of the Endangered Species Act to create incentives for private landowners to voluntarily conserve listed and unlisted species, by providing these landowners with regulatory certainty.

One of these new tools, which we hope to have in final form by this summer, is called the Safe Harbor Policy. It applies to listed species, and it involves a formal agreement that establishes a baseline for the enrolled property, and a determination by the services that a net conservation benefit would be provided for the covered species. Then under this agreement, the Service will authorize inci-

dental take of these covered species up to the agreed-upon baseline on the enrolled property, without any additional requirements by the landowner.

We've also, the Fish and Wildlife Service and NMFS, introduced streamlining procedures and other improvements in our Joint Habitat Conservation Planning Handbook. These measures include combining HCPs and National Environmental Policy Act documents, establishing a low-effect HCP category with expedited permit-approval procedures for low-impact projects, establishing specific time periods for processing incidental take statements under HCPs, allowing for unlisted species to be named on these incidental take permits if they are adequately addressed, so there's no need to amend a permit later if a species gets listed.

Finally, the Fish and Wildlife Service has done quite a bit of work developing some interim guidance on bull trout conservation. We've done this because we haven't yet been able to complete recovery planning for bull trout. This guidance was developed as a tool to be used really by everyone, biologists, administrators, you know, county and city governments, who want to participate in bull trout conservation and recovery efforts and who want to also know how their effect—how their activities may affect bull trout. It provides valuable information to all entities on bull trout needs, impacts of these activities, and broad-scale landscape recommendations for the conservation and recovery of bull trout. Again, as I said, we hope to have a complete bull trout recovery plan done sometime in the next 18 months.

Finally, let me close with a little bit—with a few comments on how the 19—fiscal year 1999 salmon money, you know, is being allocated and spent in the State of Washington.

As you know, the \$20 million was appropriated to the State of Washington through the Fish and Wildlife Service's budget for salmon recovery efforts. And it's supposed to be involved, you know, with on-the-ground projects to restore salmon in strategic planning efforts, including watershed assessments.

The Washington Governor's Salmon Recovery Office—and Curt, sitting next to me here, is the man responsible for this—really has the responsibility for administration, project allocation, and accountability of these funds. The Fish and Wildlife Service is providing technical assistance to the Governor's Salmon Office in an advisory capacity to facilitate project selection and implementation. I'm the project officer for the Fish and Wildlife Service for these funds.

State salmon recovery efforts will include both habitat protection and restoration. Habitat protection addresses the potential loss, of course, of the high-quality habitat, and would encompass diverse efforts necessary to restore these habitats.

#### PREPARED STATEMENT

We've provided technical review on over 150 project proposals so far, working in cooperation with the Governor's Salmon Office, and where appropriate, we've made recommendations on ways to improve or enhance these projects. From the very beginning, we've tried to be a value added to this whole process. There was a very short timeframe involved here from the time funding was appro-

priated until work can actually get done on the ground, as we've heard several panel members say today. We very quickly developed a grant agreement with Curt Smitch's office and made the funds available electronically, and now we're working with the State of Washington on really contract requirements to get the work done on the ground.

I'd be glad to answer any questions you might have.  
[The statement follows:]

PREPARED STATEMENT OF THOMAS DWYER

Mr. Chairman, Senators, Representatives and distinguished members of the panel, my name is Thomas Dwyer, Deputy Regional Director for Region 1 of the U.S. Fish and Wildlife Service. Accompanying me today on behalf of the Service is Gerry Jackson, the new Supervisor of our State Fish and Wildlife Office in Lacey, Washington. Gerry has just taken this position and formerly was the Service's Assistant Director for Ecological Services in Washington, D.C.

As you know, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service share responsibility for the administration of the Endangered Species Act. Both agencies are actively involved in the effort to bring back the listed fish, including bull trout and various runs of salmon. We appreciate the many efforts you have made to rebuild these fish stocks and intend to continue working closely with all of you in this historic and monumental undertaking.

Today, we appear before you to answer questions which your staffs have transmitted to us and which bear directly on the subject of saving fish species in the Puget Sound listed under the Endangered Species Act. Those questions and answers are as follows:

HOW THE FISCAL YEAR 1999 SALMON MONEY WAS SPENT

The \$20 million appropriated to the U.S. Fish and Wildlife Service and conveyed to the State of Washington for salmon recovery efforts is funding both on-the-ground projects to restore salmon and strategic planning efforts, including watershed assessments. The Washington Governor's Salmon Recovery Office is responsible for the administration, project allocation, and accountability of the funds. The Fish and Wildlife Service is providing technical assistance to the Governor's Salmon Recovery Office in an advisory capacity to facilitate project selection and implementation.

State salmon recovery efforts include both habitat protection and restoration. Habitat protection addresses the potential loss of high quality habitat and encompasses diverse efforts, from the acquisition of property and/or development rights to changes in zoning laws to provide adequate riparian buffers. Approximately \$5 million is being spent on habitat acquisition. Habitat restoration efforts focus on returning degraded habitat to functioning salmon habitat. It includes a variety of activities, such as the following: restoring riparian areas, wetlands and estuaries critical to the salmon life-cycle; providing adequate instream flows; removing and replacing of poorly designed culverts blocking fish migration; and, introducing no-till agricultural methods in areas of highly erodible soils.

Strategic planning efforts are occurring on several scales. At the watershed level, planning efforts are funded to assess watersheds and identify the most effective restoration options. Regional planning efforts are focused on developing coordinated regional recovery activities which involve the full suite of stakeholders (e.g., private landowners, tribes, County, State, industry, environmentalists, etc.), addressing needed changes to State and County regulations to accomplish recovery, and developing baseline information and recovery strategies on salmon and bull trout to facilitate Endangered Species Act coordination with the Federal agencies.

The Fish and Wildlife Service is providing technical reviews on the over 150 project proposals submitted to the Governor's Salmon Recovery Office. A limited number of site visits are conducted in reviewing the proposed projects. Where appropriate, recommendations on ways to improve or enhance specific project designs and improve their effectiveness are provided to the Governor's Salmon Recovery Office. Following approval and funding of the projects, we will assist private landowners and the State in project implementation and monitoring. As of March 30, the Fish and Wildlife Service had completed reviews on all of the 123 proposals provided to us.

HOW ALL THE FEDERAL AGENCIES ARE COORDINATING WITH REGARD TO THE IMPACTS  
OF SALMON AND BULL TROUT LISTINGS

With regard to Endangered Species Act (ESA) section 7 consultation for the threatened bull trout, the Fish and Wildlife Service (FWS) has worked with the Forest Service (FS) and the Bureau of Land Management (BLM) to develop an approach that incorporates a "matrix" to assist in assessing impacts of actions on Federal lands to bull trout. This approach also provides for watershed-scale consultations, which more efficiently assess the cumulative impacts of actions on bull trout.

The matrix was modeled after a similar matrix developed by the National Marine Fisheries Service (NMFS) for the same purpose relative to listed salmon and steelhead. In compiling and assessing information upon which the matrix is based, field units were encouraged to use watershed boundaries already agreed to under consultation for listed salmon and steelhead, wherever possible. In many cases, staff from the FWS, NMFS, FS and BLM meet jointly to evaluate impacts of proposed actions to salmon and bull trout, to streamline the consultation process.

The Fish and Wildlife Service and the National Marine Fisheries Service are jointly conducting programmatic consultations with the Army Corps of Engineers, the Federal Highways Administration and the Federal Emergency Management Agency. By conducting these consultations on a programmatic level, the workload should be reduced. The Fish and Wildlife Service and the National Marine Fisheries Service are also conducting training for Federal agencies and local jurisdictions that often serve as agencies and participate in consultation.

With regard to operation of Columbia and Snake River dams, the FWS, NMFS, Corps of Engineers, Bonneville Power Administration and Bureau of Reclamation met in the summer of 1998 to discuss approaches for efficiently and effectively completing ESA consultation on the operation of Federal facilities, and their effects to salmon, bull trout and other listed aquatic species such as the Kootenai River sturgeon and Snake River snails. In addition, a Federal caucus is working on a "green paper" to evaluate potential impacts of harvest, hatcheries, habitat and the hydro system on Columbia River salmon and steelhead.

The Fish and Wildlife Service and the National Marine Fisheries Service have coordinated in the development of Habitat Conservation Plans, in the negotiation of a Forestry Module for Washington State Forest Practices Rules, and in the development of a riparian standard for the Conservation Reserve Enhancement Program. Federal agencies also coordinate with other government agencies through participation on the Washington Government Council on Natural Resources.

In addition, FWS, Environmental Protection Agency (EPA), and NMFS regional executives have been meeting on a regular basis to integrate Clean Water Act and ESA programs. ESA section 7 consultation between the FWS, NMFS and EPA has been taking place in Oregon and Idaho on proposed changes to water quality standards which may affect bull trout, salmon, steelhead and other listed aquatic species.

WHAT THE PACIFIC NORTHWEST WILL FACE IN THE COMING YEAR AS A RESULT OF THE  
LISTINGS

The Klamath and Columbia River distinct population segments of the bull trout were listed as threatened in June 1998. The Fish and Wildlife Service will determine whether to list the other distinct population segments of this species in the Pacific Northwest in June 1999. The proposed rule for these other populations included a special 4(d) rule allowing sport fishing to continue in accordance with State, Tribal, and National Park fish and wildlife conservation laws and regulations. This should permit continuation of most recreational fisheries within the range of the bull trout. The Fish and Wildlife Service and the States will develop and distribute informational materials in areas affected by this listing to inform anglers and other interested parties about the biology and identification of bull trout and pertinent fishing regulations.

The joint NMFS/FWS proposal to list the southwestern Washington/Columbia River ESU of coastal cutthroat trout, and to delist the Umpqua River cutthroat trout was published in the Federal Register on Monday, April 5.

Logging, mining, grazing, and other activities on Federal land will be subject to the requirements of section 7 of the ESA. Consultations with the Bureau of Land Management and the Forest Service have been streamlined through an inter-agency agreement between those agencies and the Services. This agreement has been in place for several years and is successfully enhancing interagency coordination to adequately address the conservation of listed species under section 7. As a result, time lines for completing the process have been reduced.

Incidental take permits and accompanying Habitat Conservation Plans will be required for non-federal landowners to take federally listed wildlife or fish if such taking occurs incidentally during otherwise legal activities.

#### HOW THE AGENCIES WILL MAKE ESA COMPLIANCE EASIER

The Natural Resource Conservation Service (NRCS), FWS, NMFS, EPA and the State of Washington entered a Memorandum of Agreement in March 1998 that will contribute to salmon habitat recovery and benefit other species on non-Federal lands through a cooperative, watershed-based approach. While the NRCS has no regulatory function under ESA, their unique agricultural assistance programs and ties to private non-Federal land owners provide an opportunity to assist those land owners in complying with ESA regulatory requirements while providing benefits for wildlife. A similar agreement was signed by the same Federal parties and the State of Oregon in May 1998, and a third such agreement involving the State of California is currently in the signature process.

In the signed memoranda of agreements (MOAs), the Federal agencies listed above and the respective States will (1) implement a process to provide landowners with incentives that encourage the use of appropriate management practices; (2) facilitate better cooperation among the participating agencies; (3) encourage local watershed planning efforts; and (4) provide private landowners certainty that agricultural programs implemented under NRCS technical guidance will be in compliance with ESA regulatory requirements.

The FWS and NMFS (collectively, the Services) have developed new tools using the flexibility of the ESA to create incentives for private landowners to voluntarily conserve listed and unlisted species by providing landowners with regulatory certainty. These new tools are the Safe Harbor and Candidate Conservation Agreements with Assurances Policies (to be finalized soon).

The Safe Harbor policy applies only to listed species and involves a formal agreement that establishes a "baseline" for the enrolled property, and a determination by the Service(s) that a "net conservation benefit" will be provided for the covered species. Under this agreement, the Services will authorize future incidental take of covered species above the agreed-upon baseline conditions on the enrolled property without any additional requirements.

The Candidate Conservation Agreements with Assurances Policy also involves establishing a formal agreement with a landowner that will provide for removing threats to non-listed species with the ultimate goal of not having to list it under the ESA. However, if in the future the species is listed, the landowner will have regulatory assurances. Addressing the needs of species before they become listed, usually allows for greater management flexibility.

The Services have introduced streamlining measures and other improvements in the joint Habitat Conservation Planning (HCP) Handbook. These measures include: (1) combining HCPs and National Environmental Policy Act documents; (2) establishing a "low effect" HCP category with expedited permit approval procedures for low-impact projects; (3) establishing specific time periods for processing incidental take permit applications; (4) allowing for unlisted species to be named on the incidental take permit if they are adequately addressed in the HCP (eliminating the need to amend the permit if that species is subsequently listed); and (5) allowing for mitigation and monitoring activities resulting in take to be authorized under the section 10(a)(1)(B) permit rather than a separate 10(a)(1)(A) permit.

The Fish and Wildlife Service and the National Marine Fisheries Service will encourage programmatic consultations where there is a Federal nexus and large scale HCPs to accommodate as many landowners as practicable. For example, we are working together with the Washington Department of Fish and Wildlife on an HCP that will cover activities permitted through the Department of Fish and Wildlife's hydraulics permits.

The Fish and Wildlife Service has developed Bull Trout Interim Guidance. This guidance was developed as a tool to be used by Fish and Wildlife Service biologists in participating in bull trout conservation and recovery efforts. The focus of the guidance is on the effects of land management on bull trout and their habitat. It provides valuable information to all entities on bull trout needs, impacts of activities, and broad landscape-scale recommendations for the conservation and recovery of bull trout and will assist in developing projects that ensure that the needs of the bull trout can be met.

## WHAT FEDERAL AND LOCAL NEEDS ARE TO BE MET TO CONFORM TO THE DEMANDS OF THE LISTINGS

Federal agencies primarily affected by the bull trout listing are the FS and the BLM. Federal land management in the western half of Washington State is primarily governed by the Northwest Forest Plan, a Federal landscape plan specifying coordinated management direction. ESA section 7 bull trout and salmon consultations are conducted in a streamlined fashion in accordance with the NW Forest Plan. Although the bull trout and salmonid listings will increase the workload of the FS, BLM, FWS, and NMFS, the listings are not likely to affect the overall implementation of, or land management direction provided by, the NW Forest Plan. In the Eastern half of the State, the affected Federal agencies will also conduct ESA section 7 consultations, but without the overarching guidance provided by a landscape-level planning process until the Interior Columbia Basin Ecosystem Management Plan is adopted and implemented.

Due to the unprecedented nature and scope of recent ESA listing decisions, and to meet the needs of the affected public, it is anticipated that the workload will be significantly increased for the affected Federal agencies. The FWS will strive to make these workload demands a priority in the President's budget process.

The fiscal year 2000 President's Budget includes a \$3.1 million increase in Consultation funding for Region 1 (Idaho, Washington, Oregon, California, Nevada and the Pacific Islands). The FWS will effectively use those portions of the \$3.1 million that can be applied to the bull trout workload to make consultations with Federal land managers, in particular, a priority. The FWS will work with the FS, BLM and other Federal agencies to establish partnerships and develop strategies for streamlining procedures in an attempt to avoid delays directly associated with section 7 consultation processes.

Another important component of ESA efforts for bull trout is the development of a recovery plan for the species. A recovery plan will establish guidelines for actions necessary to recover the species, thus facilitating land use planning at the land unit level (e.g., a national forest) and providing a basis for coordination across land ownership boundaries. We urge your support for the fiscal year 2000 President's Budget increase request for Recovery which will help insure rapid completion of a bull trout recovery plan.

The FWS has been working with the FS and BLM since fall 1998 on the ESA section 7 approach for bull trout. We have been largely successful in implementing a consistent, streamlined approach for meeting section 7 requirements for this species. Similar efforts will be pursued with other Federal agencies to reduce the potential for project delays related to required consultations.

At the time of listing the bull trout in July 1998, the FS and BLM identified 7,000 on-going actions in the Columbia River Basin which would require section 7 consultation. Those two agencies have been working with the FWS to complete those consultations, and to address any new, proposed actions for 1999. The three agencies met in the summer and fall of 1998 and screened all those actions to sort them into categories for further section 7 consultation. Since then, the focus has been on compiling the necessary documentation by the FS and BLM (biological assessments), and in developing concurrence letters (informal section 7 consultation) and biological opinions (formal section 7 consultation) by the FWS. Schedules for completing the section 7 consultations have been discussed and agreed to by the three agencies at the local level (each National Forest and BLM District). All three agencies are committed to completing consultations in a timely manner.

Non-Federal land owners will need to either avoid "taking" the listed bull trout and salmon or pursue incidental take authorization by developing a HCP and obtaining an ESA section 10 incidental take permit. The Services are also considering the development of special rules, pursuant to section 4(d) of the ESA, to further define the take prohibitions for some of the threatened species and exempt some forms of take from these prohibitions. In any case, we believe that local governments must be involved at a watershed planning level to reflect and integrate local needs and issues. Likewise, the Fish and Wildlife Service can bring valuable fish and wildlife expertise to watershed planning efforts. We have been asked to participate in several efforts; however, lack of staffing has prevented us from meeting the demand.

The Fish and Wildlife Service is involved in the review of the State of Washington's Salmon Recovery Plan: Extinction is Not an Option. Through our review of the constituent elements of the plan, we will make recommendations to conserve and recover bull trout. We will also identify opportunities to participate in regional planning efforts and the development of state, county or local rules and regulations that can become components of special 4(d) rules and HCPs. One such effort has been

started by a Tri-County group consisting of jurisdictions from King, Snohomish, and Pierce counties. We intend to participate fully in this effort.

The FWS and NMFS share the goal of restoring healthy fish populations. There are a number of tools available to local governments for complying with the ESA and continuing economic development. The most promising tools for aquatic systems are HCPs and the MOA with NRCS. However, many of these tools require additional, knowledgeable staff at all levels from the Federal government to local communities. Regardless of staffing levels, agencies will have to prioritize activities and focus on efforts that result in the most conservation and recovery of salmon and bull trout. Funding should be focused on these priorities. We look to the state of Washington to take the lead in prioritization of actions based on the best available science.

#### HOW BULL TROUT AND SALMON HABITAT NEEDS DO OR DON'T OVERLAP

All salmonids require aquatic habitats that are cold, clean, complex, and connected; however, bull trout tend to have more restrictive biological requirements. In other words they need habitat that is colder, cleaner, more complex and more connected. Therefore, greater protection of these important habitat components is needed.

Most bull trout spend their entire lives in freshwater environments and are therefore more vulnerable to land management activities affecting streams, rivers and lakes. The salmon ocean cycle reduces the salmon's dependence on the freshwater habitat for fulfilling all life-history stages, although the freshwater environment is critical to the functions of spawning, incubation, and juvenile rearing.

Bull trout are either resident or migratory. Migratory fish may be adfluvial (lake-dwelling), fluvial (river dwelling), or anadromous (ocean dwelling). Historically, migratory life-history forms of bull trout were more prevalent. Open migratory corridors, both within and among tributary streams, large rivers, and lake systems are critical for maintaining bull trout populations. This allowed access to a larger prey base for both sub-adults and post-spawners. Habitat degradation and dams have now isolated many resident and migratory bull trout subpopulations that historically were inter-connected as complex metapopulations. This loss of connectivity has caused decreased genetic fitness between and within nearby subpopulations as well as extirpations of bull trout stocks.

The salmon life cycle has a saltwater or ocean component with a very large prey base available for sub-adult and adult fish. At all life history stages bull trout need access to an adequate prey base, which for adults necessitates habitats accessible through migratory corridors with suitable temperature, habitat complexity, and passage. Apex predators, such as bull trout, are more extinction prone than species lower in the food chain. In stable ecosystems, top level predators have small population sizes, thus environmental disturbances tend to affect species more at the top of the food web than at lower levels.

Bull trout are among the most cold water adapted fish and require very cold water for incubation, juvenile rearing and spawning. These temperatures may in some cases be so cold as to exclude other native salmonids from utilizing the same spawning and rearing habitat as bull trout. Cold water temperatures may reduce the likelihood of invasion by brook trout and other non-native fish into bull trout watersheds.

Since bull trout eggs reside in such cool water, they require a long period of time (220+ days) from egg deposition until emergence, making them especially vulnerable to effects of temperature, sediment deposition, and bedload movement during this period. After emerging from spawning gravels, juveniles are found in areas with overhead cover and low substrate embeddedness. Juveniles are largely nocturnal and very cryptic, since they utilize the interstitial spaces between substrates for refugia. This makes bull trout especially vulnerable to effects of sediment deposition, bedload movement, and changes in channel structure.

Spawning, incubation and juvenile rearing are the bull trout life history stages that require coldest water temperatures and lowest fine sediment levels. Juvenile rearing and spawning typically occur in the smaller tributaries and headwater streams that may be upstream of anadromous salmonids, and therefore they are more directly influenced by conditions in non-fish bearing streams. Greatest riparian protection should be provided around bull trout spawning and rearing streams (often headwater streams and often the smaller fish-bearing streams), and the non-fish bearing streams above them that provide high quality water to downstream areas used by the fish.

## HOW HCPs WILL ADDRESS THE NEEDS OF BULL TROUT AND SALMON

Congress intended that the HCP process would be used to reduce conflicts between listed species and economic development activities, and would be used to develop “creative partnerships” between the public and private sector in the interests of endangered and threatened species conservation. The Services have been successful in balancing biology with economics by developing these creative partnerships. One of the great strengths of the HCP process is its flexibility in being adaptive to a wide range of biological, geographical, and developmental scenarios. The ESA and its implementing regulations establish basic biological standards for HCPs, but otherwise allow HCP participants to be creative. As a result, the HCP program has produced some remarkably innovative land-use and conservation plans.

In order for the Services to approve an HCP, it must satisfy the section 10 issuance criteria. Specifically, section 10(a)(2)(A) of the ESA requires an applicant for an incidental take permit to submit an HCP that specifies, among other things, the impacts that are likely to result from the taking and the measures the permit applicant will undertake to minimize and mitigate such impacts. Issuance of a section 10 permit must not “appreciably reduce” the likelihood of the survival and recovery of the species in the wild.

It is envisioned that HCPs for bull trout and salmon will be structured so as to meet the needs of the applicants, as well as provide for the long-term conservation of the bull trout and salmon.

Examples of Aquatic HCPs:

1. *Mid-Columbia Public Utility District (PUD) HCP*

- Proposed HCP has been developed over the past 3+ years.
- NMFS is lead agency, as only steelhead and salmon are included as covered species.
- PUD’s (Chelan and Douglas counties) proposal is an attempt to provide 100 percent no net impact to covered species, 95 percent survival of juveniles at the projects (dams) and 91 percent juvenile survival overall (including through the downstream reservoir) for covered species in exchange for incidental take authorization under section 10(a)(1)(B) of the ESA.
- The balance between 91 percent survival through the reservoir, 95 percent survival at the project, and the 100 percent no net impact standards is to be made up through the PUDs funding of additional hatchery operations and habitat improvement projects in the region.
- Three projects addressed: Wells and Rocky Reach Dams, Douglas County, Washington; Rock Island Dam, Chelan County, Washington.
- This is the first HCP developed for hydroelectric projects.
- Although FWS does not have regulatory authority over covered species, the PUDs consider FWS involvement crucial, as FWS will be a key party in the upcoming Federal Energy Regulatory Commission (FERC) re-licensing process for both PUDs in the near future (3–10 years). The PUD’s goal is to have all key parties, including the affected Yakama, Colville, and Umatilla tribes, participate in the negotiations and agree to the final conservation plan so that operations authorized under the plan will not be challenged during the FERC re-licensing process.
- Permit issuance pending.

2. *Cedar River Watershed HCP (City of Seattle)*

- Objectives are to provide reliable high quality drinking water for city customers, manage the watershed’s resources, and generate hydroelectric power while complying with the ESA.
- Entities involved and which have signed an Agreement in Principle in 1997 include the Seattle City Council, Seattle Public Utilities, U.S. Army Corps of Engineers, Washington Dept. of Fish and Wildlife, Washington Dept. of Ecology, FWS and NMFS.
- Size of the watershed is 90,546 acres.
- Covered activities include: forest management such as regeneration cutting, commercial and precommercial thinning, and salvage logging; road maintenance and construction; activities associated with operation of the municipal water and hydroelectric supply including operation, maintenance and improvement of facilities at Landsburg, Cedar Falls and Masonry Dam; maintenance of trails and rights-of-way; and, new watershed educational center.
- The HCP is one facet of a larger program. The city is also negotiating an Instream Flow Agreement to protect, restore and improve fish habitat in the Cedar River to establish binding minimum instream flow requirements to re-

place the currently non-binding ones, and also the Landsburg Mitigation Agreement for fish passage and proposed fish hatchery.

- The City wants ESA coverage for approximately 90 listed and unlisted aquatic and terrestrial species.
- The City intends to apply for certification under the Smartwood program founded by the Rainforest Alliance in 1989. The program promotes an ecosystem-based approach to forest management. The applicant's watershed forest management plans and activities are reviewed by an independent, multi-disciplinary team of scientists that evaluate environmental, economic, and social impacts of the plans. A potential advantage of certification could be premium prices attached to green forest products produced from the watershed.

### 3. *Tacoma Public Utilities HCP*

- The City of Tacoma wants an HCP that will cover forest management activities in the Green River watershed, and activities related to two other planned projects. One project involves construction of a 33.5-mile long pipeline from the diversion dam to the City. The other is to increase the size of the dam and reservoir. Some of the activities include: water withdrawal at the dam; fish bypass during construction of the pipeline and dam and reservoir; realignment, enlargement, and addition of upgraded fish screens and bypass facilities; installation, monitoring and maintenance of instream structures; operation and maintenance of a wetland restoration project; restoration of anadromous fish by trapping and hauling adults returning to the area; and, possible planting of hatchery juveniles.
- The applicant is seeking coverage for about 25 listed and unlisted aquatic and terrestrial species.
- The plan area includes the Tacoma owned and operated water diversion dam and facilities (Headworks) on the Green River, and about 13,600 acres of land upstream from the dam. The Green River is a principal source of municipal and industrial water for the City and portions of King and Pierce counties.
- Entities involved include the City of Tacoma, Tacoma Public Utilities, Washington Dept. of Fish and Wildlife, U.S. Army Corps of Engineers, Washington Dept. of Ecology, Muckleshoot Indian Tribe, FWS, and NMFS.

In closing, I would like to reiterate on behalf of the Service our great appreciation for your support for the health of fish and wildlife in the Pacific Northwest.

This concludes my statement. Gerry Jackson and I are pleased to respond to any questions you may have.

### NEW STATE EMPLOYEES

Senator GORTON. Mr. Smitch, I think in one of the earlier panels, I don't remember the witness so I won't name the witness, someone took a shot at you, or at least at the State budget, to the effect that a considerable portion of the money in the capital budget is going, not to the ground, not to these volunteer agencies, but to new people working as State employees. Do you want to comment on that? And do you want to comment on what you feel the role of these volunteer citizen groups to be?

Mr. SMITCH. Yes, Senator, I'd be happy to. If they're commenting on the State's capital budget process, in the governor's budget the overwhelming majority of that is passed through to local government. There has been in the House version right now—and we have, as was said, a Senate Republican and a Democratic version. Some of that money has been allocated for some other activities, and that's one of the issues we're trying to reconcile. So we, as the governor said, are very mindful that we cannot be using federal money in particular, but even the State money, to be building a staff of FTEs. So we're scrubbing that very carefully. I think you will hear from all the agencies and all the governments involved some level of infrastructure is going to be necessary for doing the accountability, doing the data, doing the assessment, doing the

monitoring. But we're trying to minimize that at the State level for us.

We think, Senator, that volunteer groups, as was said here, are crucial. As Louise said, this has to be a ground-up approach. We've committed to that approach. How you fund volunteers, senator, is a very difficult issue, because there isn't accountability measures over volunteers, by almost definition. Representative—Representatives Regala and Buck in 2496 tried to set up a process, that at least what comes out of that process goes to the State for some overall scientific screening. And I think, as Louise pointed out, she supports that. We support a Statewide screen in there. So we're trying to figure out how do we take taxpayer money, put it out to volunteer groups, and assure them that they're getting the best bang for their buck. So it's a hard issue, because at one level, by the nature of it, they need to not have a lot of restrictions and requirements, because they're providing the energy and the enthusiasm and the on-site information to get this done. At the same time, at the end of the day, we know the federal government is going to say, "Did or did not those efforts make a difference for both salmon recovery and meet ESA requirements?" That's what we're struggling with, is how to marry those two in some way—very different expectations.

Senator GORTON. One more question for me, and I'll just go across the group here. I'd also like your reaction to Bill Ruckelshaus' suggestion, but I'm going to make it a little harder for you full-time people here. You can answer it both with Congressman Dicks' suggestion.

But first, is it a good idea to have some coordinator like that? And second, would it be a better idea to do it in the way that Congressman Dicks suggested, say you two as partners, or would it be better to have a coordinator, someone to try to coordinate all these things, perhaps from outside of the professional government at all—without him in the room, say Bill Ruckelshaus himself, or some citizen with the kind of reputation that he has, but nonetheless appointed jointly by the governor and by the president? Could all of you comment on at least your initial thoughts about that idea?

Mr. LOHN. Thank you, senator. As the Independent Science Advisory Board, which is also basically the ISRP, has frequently pointed out, the region has good projects, but no framework, no common plan. Having ultimately some individual, some entity that brings it together and says, "All right, there's some judgment calls, but here's what we're going to do," would be very valuable. As to who should do it, I think that's a political question that I would leave to your judgment, as long as it's a person with sufficient authority, political, legal, or persuasive, to bring others into following a common vision. Thank you.

Mr. STELLE. Good question, senator. First of all, to the issue of "Is coordination among these activities useful and desirable?" the answer, I think the obvious answer, is yes.

The tough issue is how. To the question of how, first, we at the federal level have fairly intentionally taken a more low-profile role as these initiatives take root, under the premise that they will better take root if left to themselves for a while. And what we see now

sprouting up across the landscape are these very exciting initiatives with the tribes, with the counties, in the private sector, and with the State agencies. So at this stage we have—we have very intently stood back, not tried to provide any kind of rigorous guidance on it, in favor of that more local home-grown flavor. As things grow in complexity, then maybe the approach warrants some adjustment.

To the question of “Do we need some significant pooh-bah designated to come in and orchestrate everything?” I’m fairly cautious about that. People tend to say, “Yes, that’s a good idea,” until the pooh-bah tells them what to do, and then suddenly it’s not such a good idea, like “Who the heck are you?” So my instinct on this one is first of all to advise caution, and maybe, in fact, to ask the key entities for their collective advice to you on answering the question on how, at this stage in time. I would posit the question to myself and to the federal entities, to the State and to the tribes and to county authorities, “Can you give us your recommendation on how to set up a better, more reliable, but not overly cumbersome coordinating mechanism?” And I think that asking that question and assigning to us collectively the responsibility to give you a good answer is, again, more in keeping with a little bit more local flavor than simply saying, “President Clinton and Governor Locke, go find some pooh-bah to get our house in order.” That—I think I have a little pause on that as the right remedy at this time.

To the question of coordination, absolutely. Tell us here who are working on the ground to give you a collective answer on that. And I think that we can.

Senator GORTON. Thank you. Thank you. Very good.

Mr. SMITCH. Mr. Chairman, as I mentioned, probably one of our biggest challenges is the governance issue, the issue that Bill Ruckelshaus put on the table and others have spoken to here. I share many of Will’s concerns. We have been working on this since you provided us with the \$20 million, you and Congressman Dicks. A year ago we knew that the challenge before us of allocating this funding on the ground, that met local needs, but at the same time it was screened scientifically and was—identified some list of priorities, was going to be a challenge. And it has turned out to be that.

And I would say, by the way, that—to Tom’s credit, the first set of projects did go out this week, some in the Puget Sound, the majority of them, interestingly enough, in eastern Washington.

Here’s the problems that we see, that we find, and we still are wrestling with. Who’s going to be at the table? If you’re really going to make decisions there, then everybody wants to be there. If—and they have a very hard time saying a different person can represent their interests. So that’s one question. And frankly, this is what the legislature is struggling with. They’re trying to set up an independent board: it started at three, the last version was seventeen, and they have yet begun to go through the second iteration, because now that people think all of the State and federal money is going to go through that board, that board is going to make the decisions, now they want to revisit who’s on there. OK, so this—we will not resolve that this session; that’s my guess. So who’s on there?

Then who's accountable? You have to tell us who want to be accountable for the expenditure of federal money. My sense, senator, as you said to me one time earlier in this process, "I don't want to be chasing thirty-nine counties and 279 cities around the table, trying to figure out how the money's being spent; I want somebody that I can go to and say, 'You're on the hook.'" Right now you've said you want the State on the hook. So who's accountable?

And then who's going to make, as Louise said, the actual priority decision, becomes very, very important. And I would submit one of the problems on the Columbia River is, in the final analysis on these ESA-related decisions, they're the NMFS and the Fish and Wildlife Service's call, regardless of what forum we set up. So we want a forum where they're at the table, because ultimately, that's who we're going to get ESA assurances from, and know whether or not we're providing salmon recovery. They make the call.

We have the government council, senator, right now, that has at least worked on the first \$20 million, where we at least have the governments there. Now, do we need to improve that or modify that to have nongovernmental players at the table? We have the ports, the quasi-governments; we're looking at the utilities. Do we need to expand that? That is a very fair question, one we're looking at. And that seems to be a place where we can work and make these kinds of very hard allocation decisions and move forward.

What is emerging is a sense that we need some statewide screen, science-based, that allocates the money between the regions. There are seven regions. Once you're within those regions, that structure—we're finding out we've pulled everybody together in local government. We have a number of variations, and they all work for their own local area, so it's hard to say we have to have one model. Southwest Washington, the legislature passed a bill, created a council. Five counties participate in that, they set the priorities, and it's working and we're funneling money through that. Tri-County has a voluntary effort that works. Upper Columbia is probably going to move to that. Southeast Washington used the 2496 House bill that Regala and Buck spoke to you about, and they're allocating their money through that. So we're finding, once you get to the regional level, some of them have very competent science screens. They probably don't need a lot of duplication at the State level. Some of them have almost nothing, and are going to need backup at the State level. So I think the coordination is not as bad as some would portray it. It is a problem, because we're doing both vertical within, from a WRIA to the top of the region, and then we're doing it across regions. I think, at least at the cross-regions, senator, we're going to have to have a statewide—some kind of statewide forum. I'm not so sure that forum should be messing around too much clear down at the WRIA level. So I'm with Will: I think we can give you several options to look at, and then you tell us how you want to build the accountability in, who you want to hold accountability, accountable for the implementation of the funds and meeting ESA requirements. And that will probably help force that discussion.

Mr. DICKS. Let me just ask about this point, as I understand Mr. Ruckelshaus' testimony, he says there needs to be coordination because there are a number of scientific reviews under way. Maybe

this is an effort with a number of subcommittees, one of which would be the allocation of funds, another would be helping to develop a recovery strategy, and the third might be marshaling of all the various science. We might have subcommittees under your governor's governance, with maybe a Federal/State lead. That was what I was thinking about, so that you could address these separate subjects. And now the question then becomes, do you need to have some new person come in to coordinate all these things, or do you have, like we had in timber, fish, and wildlife? You know, you both were representatives there, one Federal, one State, the private sector was there, and you worked on this one particular part of the problem. That might be a model, as well. But I like the idea of your coming back to us, with some ideas about how we can work on coordination. I think that's a pretty good idea, senator, and maybe we should ask them to do that.

Senator GORTON. Let's let the last two speak, and then we'll—

Mr. DWYER. I think I agree a lot with what Will and Curt have said. Is better coordination necessary? Well, absolutely. Are there some other facts that we all really understand? And that is, there are some federal agencies, say Fish and Wildlife Service or NMFS, that are responsible for implementing the Endangered Species Act. Everyone wants to know who's going to make the final decisions.

You know, my last thought would be, when you go to discussing this overall coordination role, you really have to involve Fish and Wildlife Service and NMFS and the State and the tribes, and then it goes down to the counties and the cities also, so—and what's the best process to do that? I'm not sure I've got a great answer for you right now. There are variations of that going on, as Curt described, already. And maybe some of the problem with people who think there's not enough coordination is maybe because they don't really understand some of the stuff that's going on now, and aren't now players at the table, and maybe that's because of funding or other reasons. But I think there are some models out there that have been tried. Some haven't worked. There are some other partial models that are now working. And I think the idea of us giving you some further ideas would be useful.

Senator GORTON. Billy?

Mr. FRANK. My friend Bill Ruckelshaus, who I have a lot of respect for, was going to Montana, and he and Jill were going to fish over there, and then he took that envoy to Canada, and he hasn't been there ever since. And he went—you know, they just didn't agree on whatever he was doing, you know. But not unless this czar is going to be an Indian, you know, we—

[Laughter.]

Mr. DICKS. You're against the czar unless it's you. Right? [Laughter.]

That'd be a different matter, Billy?

Mr. FRANK. And we look to the State of Washington and the federal government and our partners, and as well as our counties and cities and local governments, to do what they do. But it's important that somebody's in charge here. I mean, we can't come back to you next year and report to you if this is still going like it is. There's a whole lot of things here today come out, and they're floating in

the air. Positive things. But somebody has to put it together and measure this along the way.

And you know, the accountability to this funding, boy, that's important. And we've got to account for every dime we spend, and where is it going to, and what is it doing? You know, we got to come back to you and report to that, you know. And coordination is—somebody's got to coordinate this, and it's so important that it gets done.

But you know, you've heard the feds and the State talking about thinking a little bit about how this all comes up, and we couldn't answer to a lot of questions a year ago, or even six months ago, because a lot of things have been happening. Out of this process you are going to get different leaders, younger leaders coming up, thinkers, creative people thinking about how we can put this together. And hopefully—and that's happening right today. And that's a real positive step forward of how we can get from A to B to C at the end of this whole process that we're going to be doing.

Senator GORTON. Well, personally Will, I think your response was thoughtful and appropriate, and to the best of my ability, we're going to inquire of all of you as to how this goes on. Ruckelshaus' idea was an intriguing one, but we need that decision to come up from the bottom rather than down from the top.

I have one more narrow Columbia River-related question for you, but I'll submit it to you in writing and you can get back to me.

But you had your hand up, so—

Mr. STELLE. Yes, Mr. Chairman. If I may, just two additional quick points on this coordination issue, to speak to questions you raised earlier.

First is science. Again, I think that in the area of science, information, mapping capabilities, analytical capabilities, modeling capabilities, data management, et cetera, et cetera, et cetera, things that are largely value-neutral and things that are devoid of policy—the coordination issue can be handled a little bit differently on that type of work. And on that type of work I think that the federal agencies, the State agencies, particularly where—and the tribal capacity in science—we need to force a much better integration of our science knowledge and delivery services to those who want to know. So I think there's a little bit of a separate answer when it comes to the mustering and making available of relevant information.

Mr. DICKS. Are you talking about, like, a database?

Mr. STELLE. Absolutely. And frankly—

Mr. DICKS. Which everyone use?

Mr. STELLE [continuing]. What I'd like—my view is that pulling all of the databases and modeling capacity, loading up that system, developing the software to make that system available and accessible to local people, that's a big job. And my own view is that if you ask the feds to do it, it may take us five years. And we—

Mr. DICKS. Ask Microsoft, then.

Mr. STELLE [continuing]. We've got capacity here in the Northwest region, people that—with 5 or 10 people, they can put together a SWAT team, move in, spend 6 months, build the hardware system, build the software system, load it, and make it deliverable, and you would find it just sprouting across the landscape because

suddenly people would have access to information that they cry out for on what works; what should I do, where to set my priorities? So on the science issue and the delivery mechanisms, there's some unique opportunities here.

Senator, to your question of what are the goals, we have statutory obligations under the Endangered Species Act to develop recovery plans. And the way we have been thinking about approaching those obligations is in a two-tiered method, the first one of which is largely a technical exercise of establishing measurable goals for what delisting, for what recovery looks like. What kind of populations, in what abundance, over what time, distributed across the region, what does that look like, and how can we develop some measuring capabilities to assess that over time? And we believe that that is a role and a responsibility that we have, and we're prepared to engage in that.

The second thing is how to get there from here. And in answering the question of "how," the design of a recovery strategy and the implementation of a recovery strategy, that's where we believe there is—there may well be a special primacy role for State, tribal, and local authorities in helping us shape the how.

On the "what is the goal," it's largely—it's very much a technical issue. I think we have a special responsibility to provide that to the region. On the "how," that's very intensely collaborative.

Mr. DICKS. I just want to ask a couple of questions. What are the things that are being discussed between the Tri-County group and the National Marine Fisheries Service in terms of recovery strategy?

Mr. STELLE. Again, as Louise pointed out earlier, the tri—and Bob did—the Tri-County initiative is really focussed on how can they shape the exercise of their authorities and responsibilities in order to begin to restore—protect and restore the productivity of the habitats within their jurisdiction. What kind of things do county governments do that affect the protection and restoration of that habitat, and how can they make adjustments, either through their ownership authorities or through their regulatory land use authorities? That is part and parcel of a larger recovery strategy, because there are many things affecting the salmonid life cycle that go well beyond county authorities.

What we are working on with the counties is, first of all, reviewing their early action initiatives, which is a first cut by them, a very good first cut, at what kind of early actions can we implement on the ground to get this ball rolling while we fine-tune a larger habitat restoration strategy. And we are working with them on those early action initiatives and trying to answer the question that they have asked of us, "Of this set of activities and commitments we're prepared to make, or have made, what kind of ESA safe harbors can you provide to us for these types of activities?" And that gets into some of the regulatory stuff about certainty, and reliability, and predictability, et cetera, et cetera, et cetera.

So this is first, the stage one is a set of early action initiatives to get the ball rolling in protecting and restoring, while the larger assessment and strategic planning for watershed restoration overall occurs.

Mr. DICKS. Now, the Tri-County group obviously is well-financed, and they have professional staff and a lot of ability.

Mr. STELLE. Yes. Yes.

Mr. DICKS. I represent some counties that don't have those kinds of resources: Kitsap County, Jefferson, Clallam, Mason, Grays Harbor.

Mr. STELLE. Yes.

Mr. DICKS. Are they going to work through the state, or are they going to have their own independent piece of this? How is it going to work?

Mr. SMITCH. Congressman, we've been working with Will on exactly this issue. We had built in the budget the ability to develop the technical capacity, either at the state or at the local level, in those county areas that don't have that capacity at this point in time. And we were also—some of the federal money that comes through is for planning and assessment. Right now that's running at about 19 percent, I think, of what was provided. And somebody here earlier said that across the ESUs we probably need some base level of funding, congressman, so that people can, in fact, develop their plans and get some of that capacity.

But we assume in those areas where they simply don't have it, the State's going to have to step in and provide that technical support to the extent we can. And that's one of the areas we have some disagreement right now on the budget, is how to build that technical capacity at the local level in these counties that simply don't have it. So we're working on that, and we've identified it as an issue.

Mr. DICKS. For example, I talked to our county commissioners in Kitsap County who said they just hired their first biologist. We've done a lot of good work on Hood Canal, but there are other parts of the county where a lot of work hasn't yet been done. Will, under the Endangered Species Act, if these counties are a little behind, are they going to have time to catch up? What's the time frame?

Mr. STELLE. A couple of things on that, congressman. First of all, as a practical matter there is no way that we would ever contemplate bringing and enforcement action under the federal Endangered Species Act against a county authority that was working hard to try to develop a restoration strategy for their watersheds. Won't happen. Shouldn't happen. Dumb idea. We've got a lot bigger problems to deal with on major activities with major impacts.

That doesn't deal with the issue of potential third-party lawsuits, and we recognize that. And that's a little bit of a random factor here that, frankly, it's difficult to control one way or the other. But as to whether or not we will be providing the kind of encouragement that we can under the law to let these local initiatives grow, absolutely.

I have to say, though, again, back to this science issue, it may well be in some closet somewhere—in fact, it's a guarantee—that probably the Forest Service research station has extensive GIS mapping and habitat analyses for all of the rivers in those three counties, and time set data. Now, what you need is the ability for that single county biologist to tap into that knowledge so that he or she doesn't have to go reinvent the wheel. It's there somewhere, guaranteed. We have to make it available. That's the science initia-

tive. It's absolutely essential. There's no way you can expect individual county authorities on limited budgets to replicate the enormous monitoring and research that we've done on the ground across the landscape.

Senator GORTON. And shouldn't be done, if it could.

Mr. STELLE. No.

Senator GORTON. No.

Mr. DICKS. Well, Billy, I'm glad to see you here today in good health, and you get the final word.

Mr. FRANK. Could I—you know, I told you, both of you, that the salmon is lining up, the stars are lining up, you know. And you heard it all today, and very positive. Attitudes are really good. But there's one thing that's not lining up, and that's the water. And the salmon need the water. And the people that are dealing with water are still dealing—you heard today, everybody's talking about the salmon, "What's good for the salmon?" Well, in water, they're saying, "What's good for me?" It isn't "What's good for salmon," it's "What's good for me?" So the special interests are still talking about "What's good for me?" And they're not going to get—they're down to one page, or one line in the legislature now. You know, they haven't included people, and they're fighting with each other.

So we've got to get beyond that, you know. And so that attitude's got to change within that forum, that water forum. So thank you. Thank you.

Senator GORTON. Well, with that, I want to thank you. And a couple of observations. In many respects this has been a different kind of Congressional hearing than most of the hearings that Norm Dicks and I attend, where you have at least two highly-contrasting points of view engaged in a debate with the voting members ultimately being the judges, or having to reach a compromise.

Here, we have had everyone, probably representing the vast majority of the people of the State, sharing at least the same general goal. Many of the differences as to how to reach those goals have been rather subtle, and can easily pass over each one of us. But we do have an opportunity, because of the broad consensus on an overall goal, to try to see to it that we make it in a very constructive fashion, that we do a better job than we did with forests, and do a better job in Puget Sound than we've done with the Columbia River.

I really appreciate all you've said, Mr. Stelle, about your role and the relationship between your statutory responsibilities and your own feeling of how these policies should be implemented. And the same to you, Mr. Smitch. I hope that we may have helped the whole process of bringing together people across the spectrum.

And for us, our primary goal is to try to see to it that we get as many dollars as we possibly can, out of a very restricted federal budget, for this problem, and to give you the maximum amount of ability to see to it that those dollars are used effectively to meet the problem.

Mr. DICKS. And I would just add one thing. I think, again, we heard today from almost everyone that the United States-Canada agreement, along with the federal resources, are the twin pillars of what we have to do. The funding will be more long-term for habi-

tat. But we can get salmon in the gravel this fall if we can get a United States-Canada agreement.

Senator GORTON. In the next few months. That's correct.

Now, just one procedural matter before we adjourn. I want to thank Henry Yates of the Port of Seattle—

Mr. DICKS. Hear, hear.

Senator GORTON [continuing]. Who helped get this room for us, and Judy Matthews of Host Marriott Services in helping with all of these arrangements.

#### CONCLUSION OF HEARING

And finally, the formal record of this committee will be open for two weeks. Anyone, whether they were witnesses here or not, can submit written comments for the record. They will be a part of the record. You can send them either to Congressman Dicks' office or my office, but it will be a joint record.

With that, we thank all of the participants and all of the spectators. It's been a most educational day.

[Whereupon, at 3:20 p.m., Wednesday, April 7, the hearing was concluded, and the subcommittees were recessed, to reconvene subject to the call of the Chair.]

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