S. HRG. 107–1143

PACIFIC SALMON MANAGEMENT AND S. 1825, THE PACIFIC SALMON RECOVERY ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, AND FISHERIES

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

MAY 14, 2002

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ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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PACIFIC SALMON MANAGEMENT AND S. 1825, THE PACIFIC SALMON RECOVERY ACT

TUESDAY, MAY 14, 2002

U.S. SENATE,
SUBCOMMITTEE ON OCEANS, ATMOSPHERE, AND FISHERIES,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:40 p.m. in room SR–253, Russell Senate Office Building, Hon. Barbara Boxer, presiding.

OPENING STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM CALIFORNIA

Senator BOXER. The Subcommittee on Oceans, Atmosphere, and Fisheries is called to order. I want to thank my colleagues as well as our many witnesses for being here today to provide us with testimony on the Pacific Salmon Recovery Act, S. 1825. I was extremely pleased to reach across the aisle to work on this bill with Senators Craig, Crapo, and Smith, as well as with Senators Wyden and Feinstein. I believe that our bipartisan effort reflects the tremendous commitment that our five states, as well as the tribes in the region, have to salmon recovery.

In California, as in much of the West, wild salmon stocks have collapsed. The results have been tragic. Fishermen have lost their jobs. Tribes have lost species that are religious and cultural icons, and the environment is suffering. Because most of the first salmon listings were in the Pacific Northwest, there has been a persistent perception that the crisis is only a Northwestern problem. Unfortunately, it is also a California problem. A look at the listed and candidate species or a comparison of the numbers of acres of critical salmon habitat reveals that the situation in California is nearly identical to Washington and Oregon. That's not necessarily something to be proud of, but it's part of the reason that I'm so interested in working together with my colleagues to move this bill forward.

This bill, which was brought to me by Senator Mike Thompson—Senator—I just elevated you.

Mr. THOMPSON. Those were the days.

Senator BOXER. Yes. Right, he was a State Senator—by Congressman Mike Thompson would help to remedy the Pacific-wide salmon problems by providing a comprehensive authorization to the existing Pacific Salmon Recovery Fund.

I'm happy to see Senator Crapo here. Will you please come on up and be on our very first panel?

Specifically, the bill provides $350 million to the five states and the associated tribes. It gives priority to the restoration of species listed as threatened or endangered under the Endangered Species Act. It establishes criteria to ensure that Federal funds are not wasted on projects that will not benefit fish. It directs the Secretary of Commerce to develop a process for peer review of proposed projects to ensure that only scientifically sound projects receive funding, and it requires states and tribes to provide an annual spending plan to Congress as well as a one-time comprehensive plan for salmon restoration. And, of course, this bill makes Idaho eligible for Pacific Salmon Recovery Fund dollars. And certainly Senator Crapo is responsible for that.

This bill was introduced in December after friendly but protracted negotiations among the six cosponsors. That being said, it is important to note that this bill reflects a compromise. At the time it was introduced, we knew that there were features that would be controversial, and the six cosponsors agreed at the time of the introduction that we would put the bill out there, go through the hearing process to get feedback, and then make changes accordingly.

I am well aware of some of the concerns that our witnesses and perhaps our colleagues are going to express today. In particular, I know they have had a lot of questions raised about the planning requirements that are in the bill and whether they create too much of a burden on the states and the tribes. We have heard similar concerns about the peer review language.

Last, but certainly not least, I understand that my colleagues from Alaska and Washington have concerns about the fact that this bill would require the funds to be equally distributed among the five states. It was not our intent to hijack funds from one state to divert them to another. We would like to see some mechanism for ensuring that the funds are distributed equitably so that the needs of endangered salmon up and down the Pacific Coast are addressed.

To address these and other issues, it is my intent, and I believe the intent of all of our cosponsors, to make improvements in this bill so that it can be supported by all five delegations. I look forward to hearing from the witnesses. Because we have so many witnesses today, I have asked that the testimony be limited to 4 minutes, but that does not apply to Senators or Congressmen. So, thank you and—Senator Stevens?

STATEMENT OF HON. TED STEVENS,
U.S. SENATOR FROM ALASKA

Senator STEVENS. Madam Chairman, I note that Bob Thorstenson, the President of the United Fishermen of Alaska, is here. He'll be in the last panel. I have a conflict, but I know he's here with his family, and I look forward to seeing Bob and regret that I can't be with him when he testifies.

Let me go back through a little history. Throughout the 1980s and the 1990s, the United States and Canada were embroiled in negotiations on the Pacific Salmon Treaty. That had nothing to do with California at all. That was one of the most bitter disputes to come between our two nations in history. At one point, the Cana-

dian fishermen blockaded an Alaskan state ferry that had nothing to do with fishing, but they just wanted to protest against the United States, and they blocked a ferry from leaving a port in Canada. Alaska fishermen and their vessels were seized for fishing in our own waters, because Canada suddenly decided that the disputed area of the Dixon entrance was not where we thought it was.

In 1996, we had the Governors of Alaska, Washington, and Oregon discuss the need for a negotiation with Canada, and they held what was called the Sitka Salmon Summit. The three states agreed to seek Federal funds to preserve and enhance salmon habitat in their states to provide for more fish to harvest.

I hope you keep in mind, we're talking about the harvest off Alaska. It's half the coastline of the United States, and we have proportionally about the same number of fish as California has the number of people compared to our state. The population of fish is the direct opposite of the population balance between California and Alaska. And I say that respectfully, as a former Californian.

We ultimately had $50 million appropriated for the Pacific Coastal Salmon Recovery Fund, but the roadblock was the salmon treaty. There was just not enough fish to go around. As a matter of fact, the federal courts got involved in it in the State of Washington, and it had additional difficulties at that time. This commitment to seek additional funds for habitat protection and fish production provided the incentive for both nations to work out the arrangement that would hopefully lead to the recovery of the salmon in our area.

In 1999, the U.S. and Canada finally agreed to this new salmon management regime. The Pacific Salmon Treaty of that year called for abundance-based management of all U.S. and Canadian stocks that intermingle. Alaskan fishermen agreed to large harvest restrictions in order to help protect Washington and Oregon stocks from Canadian over-fishing. And the system started to work.

Congress closed the deal by passing my amendments to the Pacific Salmon Treaty Act. Those provisions streamlined the Pacific Salmon Commission and gave effect to the treaty's weak stock-management provisions. Since Fiscal Year 2000, Congress has appropriated about $250 million for the Pacific Coastal Salmon Recovery Fund. Our continued commitment to habitat protection and fish production in Alaska, Washington, and Oregon made that 1999 salmon treaty a success. We continue to believe it's a success.

I am worried about this bill, Senator Boxer, for several reasons. The funds that were made available for salmon habitat and fish production, they're not available on any kind of population basis. They're not equally allocated between the states, because the states have different problems. We're the ones that agreed to give up fish in order to get this treaty passed. The habitat was supposed to help us improve the production of fish in our state. Salmon fishing is much more important to Alaska than it is to any other state. Half of the people that have an income in my state have some income derived from the production of fish.

Now, this is not the case with any of the other states involved. Washington State feels the brunt of the Endangered Species Act far greater than any other state so far. And sending the same amount of money to other states would ignore the fact that Wash-

ington has this enormous problem to contend with with regard to litigation and the result of that litigation involving endangered species.

This bill would expand the number of entities which receive funds. In our state alone, we have 227 villages that are now recognized as being tribes. This bill would give them equal access to the money, compared to the State of Alaska, which has the overall jurisdiction. The bill also gives priority to salmon stocks listed under the Endangered Species Act.

There are no endangered species of salmon in Alaska, but if $27 million is available for endangered species we're liable to have some litigation to try and prove there are. The National Marine Fisheries Service has never found that, and neither has our State Department of Fish and Game. I would hope that we would not allocate funds based upon the application of federal laws designed to protect endangered species. The only state that has really big problems so far is Washington. California may have it in the long run on the steelhead, but I don't know. Congressman Thompson and Senator Boxer would know better than that—about that than I do.

We have been developing plans and spending money on the priorities coming out of the Pacific Salmon Treaty. To confuse that solution with the problem that you face in Oregon, Washington, California, and Idaho I think is wrong. You're facing the problem of stocks that are not intermingling with Canadian stocks like ours are. The funding we have had so far has been related to the Pacific Salmon Treaty.

Now, Idaho may have some claim to some of those funds. I don't dispute that, because they are the spawning grounds for the Washington portion of the salmon covered by the Pacific Salmon Treaty. But I hope you all keep in mind the reason we had the funding in the first place was my state agreed to give up and totally regulate the harvest of salmon in Southeastern Alaska at a rate no other state has ever done. Now, to start allocating money between states proportionally I think is entirely wrong. And I want you to know I will not support this bill the way it is. I don't think Washington will support the bill the way it is either.

I hope you're going to be willing to sit down and work something out. We're perfectly willing to help you restore your stocks, but we want you to not interfere with the program we have underway which has been funded—and, by the way, all of the money has been spent for fish. Nothing has been spent for anything else, not for government or for any other needs. This is habitat and science-related money that we're dealing with to try and deal with the salmon that intermingle with Canadian salmon.

So, Madam Chairman, I hope you will keep the subject straight. I'll be perfectly willing to work with you on a salmon recovery program for the Pacific Coast, and that should come, and it should be a high priority. I believe it entirely. But to say now that we want to reallocate these moneys that are available under the Pacific Salmon Treaty I think, is wrong, and I hope that you will not proceed with it on that basis.

Senator BOXER. Senator, I'm very glad that you took the time to come over here and put your concerns on the record. We think we can allay those. We know that when Mike Thompson moved this

bill over on the House side, he did get the support of Don Young, is my understanding, he did get the support of Norm Dicks, is my understanding, but maybe they didn't see some of the threats that you and your staff have uncovered. And it's not our intention in any way to threaten, you know, any existing treaties or—we want to be helpful, so I'm just very grateful to you for coming over here.

I wonder, Senator—which of you would like to speak first, because, for me—it's up to you.

Senator CRAPO. Well, I was assuming that Mr. Thompson would, because it's his bill, but I'd be glad to go either way.

Senator BOXER. All right. Mike, do you want to start, and then we'll go to Senator Crapo.

STATEMENT OF HON. MIKE THOMPSON, U.S. REPRESENTATIVE FROM CALIFORNIA

Mr. THOMPSON. Well, thank you very much. Senator Boxer, thank you for introducing this bill and for holding this hearing. Senator Stevens, thank you for being here. I think your insight on the historical provisions of this issue are very, very helpful, and may, in fact, help us resolve this issue. Maybe we can find a way that we can separate the problems of those of us in California and Idaho, Oregon, and Washington, separate and apart from those problems that you have in Alaska. Maybe we should just bifurcate the states—bifurcate the bill to apply one set of solutions to Alaska and then deal with the habitat problems that we, in the Lower 48 are experiencing. That's certainly a possibility.

Senator STEVENS. We have a bill. We don't need another law. We would be happy to work on a solution for you, but we don't need another law affecting Alaska.

Mr. THOMPSON. Well, that's why I say maybe we could bifurcate it and do a law that helps the Lower 48 and lets you guys continue with the program that you have. But, in saying that——

Senator BOXER. I think you hit a very important point. The Senator says, "I'll be happy to work with you on that," and I think that's good news for us.

Mr. THOMPSON. Thank you. I just don't want my willingness to acquiesce to lead anybody to believe that this isn't an extremely important issue for those of us in California, Oregon, Washington, and Idaho. The fact is—and I'll speak mostly from a California perspective—but the coastal communities that I represent, and those that run up the entire length of the coast, exist in large part because of historic numbers of fish. Fisheries were a very important industry and were, in fact, the glue that held those coastal communities together for many, many years. But over the past few years, we've seen an incredible decline in the number of fish, and this is for a number of reasons: water diversions, urban development, agricultural practices, forest practices, and even fishing. All of those have taken a toll on the fish populations. And as we know, you can have everything going for you except habitat, and you're not going to have fish. That is the critical element that is hurting us right now.

And in California, on the North Coast, we're at about 10 percent of our historic salmon numbers based on the historic highs of the 1800s. If you take the Trinity River alone, they've lost about 80

percent of their king salmon, and they've lost about 60 percent of their steelhead over the last 50 years. The Central Valley in California has lost 70 to 90 percent of its historic spawning and rearing habitat, which has taken a tremendous toll. There's 214 Pacific Coast anadromous fish populations that are at risk and another 106 that are already extinct. So this problem is very, very serious.

In my district alone, if you look at the numbers from 1988, the sport and commercial salmon fishing created an industry, a regional industry, of about $1.25 billion. Since then, we've lost about 80 percent of that job base. The loss of salmon-related jobs in the past 30 years is nearly 75,000, so 75,000 families that have lost their job because of the downturn in fish numbers.

If you look at the fish that were caught—if you look at the coho salmon that were caught between 1981 and 1985 and the number of licensed fishing vessels in my district, you go from 3,243 boats that, in addition to their other catch, brought in nearly 60,000 coho salmon. Today, there's 725 boats. And as I think everyone knows, there's no allowable catch for coho. You cannot catch coho.

Eureka Fisheries, which is a commercial processing plant in Eureka, California, and Crescent City, California—and those combined populations of those two cities is about 30,000 people—that company has lost 140 jobs, and that directly corresponds with the number of fish that aren't being caught anymore. And from 1976 to 1980, the cities of Fort Bragg, Eureka, and Crescent City were responsible for catching 4.8 million pounds of salmon. Today, combined, they catch 58,000 pounds of salmon per year.

It's not uncommon for a commercial fisherman in my district to have to travel over 300 miles to fish because of the closures in their home-port waters. And it's affected every business, from the people that supply, you know, fly rods and flies to sport fishermen to timber companies that today have to spend millions of dollars in order to prepare aquatic habitat conservation plans to make sure that we don't have sedimentation problems that further exacerbate the salmon numbers.

Now, the past help that Congress has provided is appreciated, and it's certainly helped to some regard, but there's a lot more help that needs to be done. And Senator Stevens mentioned that it is—it's just the salmon industry in Alaska, as opposed to other industries in California, but I want to point out that it's no longer just the fishing industry in California. Because of these listings that we have, because of the downturn in fish numbers, it's no longer just the commercial fishermen and related businesses, just the sports fishermen and related business, now it's everything. It's timber companies, it's agricultural practices, it's gravel harvesting, it's real estate development, it's road maintenance, it's Native American heritage issues that are at play. Local governments' water districts are having to do tests to make sure their sedimentation levels aren't high. They've had disruptions in delivery of water. It's all of the above that is affected now, no longer just fish.

California has a great program that helps quite a bit. It's my hope that working with all of you, we'll be able to supplement that program, provide the moneys that are necessary in order to restore these habitats and bring back these fish numbers to, if not the his-

toric numbers, something that will at least let people make a living.

So thank you very much.

Senator BOXER. Thank you so much, Congressmen.

[The prepared statement of Mr. Thompson follows:]

PREPARED STATEMENT OF HON. MIKE THOMPSON,
U.S. REPRESENTATIVE FROM CALIFORNIA

Senator Boxer and Members of the Committee, thank you for the opportunity to provide testimony on S. 1825, the Pacific Salmon Recovery Act. I appreciate the Subcommittee's continuing leadership on the fishery issues of the Pacific Northwest. I am also grateful to you Senator Boxer, and Senators Craig and Crapo who introduced the bill, Oregon Senators Smith and Wyden who were original co-sponsors, and the other Members of both the full and Subcommittee who have co-sponsored this important legislation.

I want to thank the witnesses who have taken the time to testify on this measure, many of whom traveled thousands of miles to be with us today. In particular, I would like to thank Glen Spain of the Pacific Coast Federation of Fishermen's Associations from Portland, Oregon and Bob Hight, Director of the California Department of Fish and Game for their continuing dedication to this issue.

Salmon and steelhead trout have long been a critical component of the culture and economy of the Pacific Northwest. The port towns of the West Coast grew up around the salmon industry and the harvesting of salmon and other fish have served as the financial backbone for most of these communities.

However, times have been tough for these communities, as the fisheries have declined. While salmon are still an integral part of the culture of my district, decades of water diversions, dam building, overfishing, resource practices, and urban development have had a terrible impact on the rivers and streams of the Pacific Northwest. By the late 1990s, West Coast salmon populations had declined to only 10 percent of what it had been in the 1800s. California's Trinity River system alone has lost more than 80 percent of its King Salmon and more than 60 percent of its Steelhead Trout over the past 50 years. In the Central Valley, 70–90 percent of historical spawning and rearing habitat has been lost.

According to the American Fisheries Society, at least 214 Pacific Coast anadromous fish populations are "at risk," while at least 106 other historically abundant populations have already become extinct. Twenty-six distinct population segments of Pacific salmon and sea-run trout are listed as either endangered or threatened under the Endangered Species Act (ESA). California alone accounts for 11 of those endangered listings.

With the commercial harvesting of coho salmon completely illegal in my state and other species not far behind, hundreds of our fishing families have been forced out of work. Many of our local economies have subsequently suffered. As recently as 1988, sport and commercial salmon fishing in the Pacific region generated more than $1.25 billion for our regional economy. Since then, salmon fishing closures have contributed to the loss of nearly 80 percent of our region's job base, with a total salmon industry loss over the past 30 years of approximately 72,000 family wage jobs.

The fleet of commercial fishermen off the North Coast of California has dwindled from 3,243 vessels to 725 since the 1980s. These boats used to catch upwards of 60,000 coho salmon. Today, fishing for coho is prohibited due to its listing as an endangered species. It has subsequently closed most commercial fishing operations between Coos Bay, Oregon to Bodega Bay, California.

The impact on commercial fishermen has also translated into lost jobs in other fisheries reliant industry. As recently as July of 2001, Eureka Fisheries Incorporated laid off 140 people in the small Northern California towns of Eureka and Crescent City because they don't have enough fish to process. Salmon landings at Fort Bragg, Eureka and Crescent City declined from 4.8 million pounds per year from 1976 through 1980 to approximately 58,000 pounds per year today.

As an example, commercial salmon fisherman Dave Bitts from California's North Coast has had to spend May through August for the last 10 years at least 300 miles away from his home port to fish for salmon. That's because the salmon season has been virtually closed in the Klamath Management Zone, which covers nearly half of the California coastline. Mr. Bitts has to travel to San Francisco and south to fish for salmon, placing not only significant strain on his family life but also his pocketbook.

Ideally, when salmon fishing is prohibited for ocean fishermen, the stocks would become healthier and we would be able to sustainably harvest salmon again. Unfortunately, when efforts to ensure healthy habitat and spawning beds for the salmon are not practiced upstream, salmon populations do not have the chance to replenish themselves. Without adequate and consistent funding for salmon habitat restoration upstream—like that outlined in S. 1825—the salmon populations will continue to decline.

These dire circumstances aren't limited to the commercial fishing industry. It crosses all spectrums from our regions other industries—timber, recreational fishing, processing plants, ice factories, grocery stores, restaurants and tourism. Examples include:

In 1998, the Governors of California, Oregon, Washington, and Alaska made a joint appeal to create a $200 million fund for coastal salmon restoration with funds to be divided equally among the participating states. The Administration responded in the FY 2000 budget with a request for $100 million. Under the initial House budget, the salmon recovery program was zeroed out. Funding was restored in conference with the Senate but, when the final package went to the President that October, only $9 million was included for California.

This year, the Administration's budget request includes $110 million for the Pacific Salmon Restoration Fund. Unfortunately, only $90 million goes to the states and tribes in need. While the Administration's request is critically important, I believe our efforts need to be expanded.

Last summer, a bill that I introduced in the House, H.R. 1157, the Pacific Salmon Recovery Act passed overwhelmingly by a vote of 418–6. All the members of the Washington, Idaho, Oregon, Washington and Alaska delegations as well as most of California's members voted for this bill. This bill authorizes $200 million in federal assistance to the five Pacific states of Alaska, Washington, Idaho, Oregon and California for the restoration of salmon and anadromous trout habitat, as requested by the four governors. More important, it guarantees equal funding among the five states and would require broad conditions under which the money must be spent while allowing maximum flexibility to each state in setting priorities.

At a minimum, use of the funds must be consistent with the goal of salmon recovery, establish specific goals and timelines for activities funded, and include measurable criteria by which such activities can be evaluated.

The bill also requires that activities carried out with funds from this program be scientifically based, cost-effective, contribute to the protection or restoration of salmon, and not be conducted on private land except with the consent of the owner of the land.

Other provisions include tight restrictions on agency overhead costs, a requirement to provide public participation in the grant-making process, and assigning priority to those species that are listed under the federal Endangered Species Act.

The money allotted to California last year was extremely important, but there is no reasonable justification for our state receiving less than an equal share of available funds. With 11 threatened and endangered species listings to contend with, California is in as much need as the other Pacific coastal states. Successful passage of the Senate bill is essential to ensure that these much-needed funds are distributed to the states. Taking preventive action like habitat restoration, as this bill would do, will save our coastal communities the additional devastating economic and social costs associated with endangered species listings. The House and Senate bills require that the funds for salmon restoration be distributed equally among the participating states, and this is critical to ensure continued funding.

Early efforts at the state level have begun the process of reversing the decline of our salmon economy. Private landowners, conservation groups, and industry have committed to the lengthy process of repairing the damage done. It is now time for the Federal Government to increase its commitment to salmon restoration.

For instance, a joint project in my district between Trout Unlimited and Mendocino Forest Products has produced significant success in repairing a river in Mendocino County by upgrading and decommissioning 8.75 miles of roads. This work stopped an estimated 28,855 cubic yards of road-related sediment from being delivered to the South Fork of the Garcia River (a major salmon and steelhead river). A standard dump truck you see doing roadwork has a 10 cubic yard capacity, so this work kept 2,800 dump truck loads of dirt out of critical salmon/steelhead waters. Their work also entailed upgrading the remaining roads in the basin to withstand major storm events in addition to supporting traditional timberland usage.

Because of this project, we are in position to restore Coho salmon to a restored sub-basin. Until now, reintroduction efforts in this river have usually involved putting fish back into the same conditions from which they disappeared and hoping

that something will be different and that the fish will take to their changed surroundings.

We will never return to what was once "business as usual." However, by stabilizing and restoring our salmon numbers through habitat recovery, we can lessen the regulatory pressure on industry and reduce the risk of new surprises. We must demonstrate our support for state, local, and private efforts to halt the decline of Pacific Salmon by fully funding salmon restoration efforts. This is why I support S. 1825.

I urge you to pass the Senate's Pacific Salmon Recovery Act. Doing so will enable all Pacific Northwestern states to undertake more projects like the one described, and protect the land, water and economy of the entire region. Making this investment today will ensure that these once strong rivers will have a healthy salmon future and reduce the financial and regulatory strain which has had an enormous effect on our timber, home building, real estate and business communities of the Pacific Northwest and California.

Senator Crapo?

STATEMENT OF HON. MICHAEL D. CRAPO, U.S. SENATOR FROM IDAHO

Senator CRAPO. Thank you very much, Madam Chairman. And before I begin, I don't know whether he will arrive, but in the event that he does not arrive, I would ask that Senator Larry Craig's testimony be made a part of the record.

Senator BOXER. Without objection.

[The prepared statement of Senator Craig follows:]

PREPARED STATEMENT OF HON. LARRY E. CRAIG, U.S. SENATOR FROM IDAHO

Good afternoon. I would first like to thank Senator Boxer and her staff for their hard work and voice my appreciation for Senator Boxer's commitment to have a bipartisan bill on salmon recovery. I also want to thank my colleague from Idaho, Senator Crapo, Senators Gordon Smith and Wyden from Oregon, and Senator Feinstein from California, for their valuable input that helped to create a responsible and effective bill. I enjoyed working with all of them and their staff.

For over 20 years, the Federal Government and the States of California, Idaho, Oregon, Washington, and Alaska, have invested *billions of dollars* attempting to sustain salmon runs in river basins throughout the West. Many Idahoans and special interest groups from around the country have criticized these huge expenditures, pointing to poor coordination among state, federal, and tribal fish & wildlife agencies, and to ineffective programs developed either by those agencies or under their supervision.

We need only look at the number of policy development planning (or pre-planning) activities under way or still in force in the Pacific Northwest to understand how unwieldy our region's efforts to save salmon have become and why an overhaul of the current process is urgently needed.

The bill we are discussing today, "The Pacific Salmon Recovery Act" (S. 1825), takes dead aim at these infirmities and establishes a framework that will ensure better coordination and more effective recovery programs.

I am convinced that we'll get better "bang for the buck" if this bill is enacted.

However, salmon recovery is complex. Scientific research has underscored the difficulty in finding quick answers to this complex issue. Objective scientists have been candid in stating unequivocally that there is no "silver bullet" that can cure what is happening to the fish or, for that matter, help us quickly understand what is happening to the fish.

In my opinion, the intense focus on dam removal during the last several years has retarded progress in our understanding of what is happening to the fish. But, more importantly, it paralyzed our ability to take actions that could have had some incremental benefits to juvenile and adult salmon survival.

There are some important facts that were often clouded and, at times, ignored during the last 5 years of debate about removing dams in the lower Snake River. One of those facts is that the majority of a salmon's life cycle is spent in the ocean. It is there that the salmon grows to adult size after nourishing itself for several years, preparing for the arduous journey back to its spawning area.

What is becoming increasingly clear from new empirical data and fascinating new ocean research is that years of warm ocean temperatures caused reductions in food supply for the fish. That impact on the ocean's carrying capacity is still being studied, but clearly effected the size and strength of salmon populations in the ocean and their ability to successfully make the tough journey home to spawning areas throughout the West.

More research in this area will provide helpful insight as to what can be done to adjust to that devastating fact. But recent adult returns—numbers not seen since 1938—have renewed my hope that all is not lost. The recent change to colder Pacific Ocean temperatures is widely credited for the record salmon returns that the Pacific Northwest has experienced during the last 2 years.

It is my hope that a more open dialogue on ways to approach salmon recovery will ensure continued progress on effective measures that will both recover these fish and protect the economy of the West. It is my belief that this bill will enhance the prospect of achieving that goal.

There are many good provisions in this bill. For example, it authorizes $350 million a year over the next five years to be spent on salmon recovery. This is a sizable expenditure of money that I believe is justified. However, we must persuade the American taxpayer and their representatives in Congress that this cost is justified. This will not be easy, but there are some provisions in this bill that should help us make a compellingly case to the American people.

The peer review provisions in this bill require each state or tribal science based recovery activity to undergo a uniform scientific peer review before that activity will be funded with federal money. It is modeled on the very successful uniform peer review requirement *established* for the Pacific Northwest States *by Congress* in the Northwest Power Act for state and tribal salmon recovery programs that get Pacific Northwest ratepayer money.

I do not believe that having five separate forms of scientific review, each form representing a different state's review process, provides the kind of *uniform accountability* that will likely be necessary in order to effectively sell this program to American taxpayers and their representatives in Congress.

Ensuring "accountability" for large expenditures of taxpayer money is essential to keep the trust of the American taxpayer. The American taxpayers are entitled to a fair accounting and an objective review of the underlying science that supports many of the very expensive recovery plans, particularly the salmon supplementation and habitat restoration programs, that will be developed by the states and participating tribes. The peer review requirement in this bill should provide the reasonable assurances of competency for those expensive programs that the taxpayer deserves.

Again, I thank my colleagues for their strong support and commitment to include Idaho in the quest to achieve successful salmon recovery in the West and for their tireless efforts to draft the appropriate legislative framework in which to accomplish the complex task of recovering those marvelous and important fish.

Thank you.

Senator CRAPO. Thank you very much. And, Madam Chairman, thank you for inviting me to testify today on S. 1825, the Pacific Salmon Recovery Act. I specifically want to thank you and Senator Smith for your leadership on this issue, an issue that's critical to our region's biological, economic, social, and environmental well being, the recovery of our threatened and endangered salmon and steelhead. It's a priceless national treasure in the Pacific Northwest that is in dire straits.

Icons of our region, wild salmon and steelhead teeter on the brink of extinction. And these anadromous fish are one of the best examples of the power and mystery of nature as well as the historical, cultural, and biological legacy in the West. This heritage must not end. We have the formidable responsibility of assuring that these fish are recovered to viable, sustainable, and fishable levels.

Our anadromous sport and commercial fisheries are valuable parts of our Pacific Northwest economy, including Alaska and Western Canada. And I won't go into it today, but the same kinds of things that have been said today about what the impacts are in California could be said about Idaho as well as, I know, about

Washington and Oregon. The impact of the loss of these fish, economically alone, has been devastating. But it's, again, I want to say, not just the economic impact that we are here to talk about today. These fish are a part of our culture and our heritage, and we must do what we can to save and recover them.

Every state and province in the Pacific Northwest makes a biological contribution to our anadromous fish stocks, important contributions that have economic consequences, as well. It follows that every state should share in federal resources that fund the various anadromous fish recovery mechanisms. It is biologically, economically, and logically incorrect to isolate any state and deny federal funding that helps fix the problems in that state.

The Pacific Northwest salmon and steelhead have continued to decline to dangerously low levels, and extinction is possible—in fact, many say imminent—if we don't proceed quickly with an aggressive plan of action. We can do so in a manner that honors principles of state water sovereignty, states' rights, and private property rights. And I believe that S. 1825 does that. This bill provides us a unique opportunity to increase resources to the states where fisheries managers can implement restoration actions that provide the greatest benefits to these fish.

The condition of these fish is a regional problem for the Pacific Northwest with multiple causes throughout the entire region. Without the federal funds necessary for each state to fully participate via their respective recovery actions, the success of the actions of every other state is jeopardized. These fish hatch, live, spawn, and die without regard to political boundaries.

Let me make it very clear. We will not have regional anadromous fish recovery unless Idaho receives significant support for our efforts at salmon recovery. Failure of a region-wide recovery will result in legal, economic, cultural, and biological consequences that must be avoided. One of the objectives of this legislation is to authorize federal resources to be spent for anadromous fish recovery in Idaho.

Madam Chairman, I've attached a document to my testimony, prepared by the Idaho Department of Fish and Game, that provides some insight into Idaho's salmon challenges and why it's so critical that our state is authorized to receive funds for salmon recovery. I'm going to highlight just a couple of those in an effort to be brief.*

Historically, the Snake River wild salmon and steelhead runs maintain the Columbia River fish hatcheries that have harvested 60 to 70 percent of the fish that have entered the river—that's the Columbia River—and tributary fishers that took another 30 percent of the remaining fish yet still return plenty of adult fish to spawning grounds to sustain high levels of production. Decline of the spring, summer, and fall chinook salmon and steelhead in Idaho greatly constrains fisheries not only in Idaho, but in Pacific Coastal and Columbia River fisheries. This affects communities and economies outside as well as within Idaho.

Idaho has the largest contiguous area managed for wild, native, spring-and-summer chinook salmon and steelhead in the entire Co-

*The information referred to was not available at the time this hearing went to press.

lumbia Basin and probably in the lower 48 states. These areas serve as genetic refugia and serve as a foundation for natural life history expression and genetic diversity. Intact native populations of salmon and steelhead that are not interspersed with hatchery fish are largely lost from the Columbia Basin and probably from the entire Pacific Coast. Idaho's refugia also serve as important for monitoring responses in natural production to recovery actions.

What makes S. 1825 and the funding that accompanies it an even more pressing need is the biological opinion for the Federal Columbia River Power System published in December of 2000. Although the bi-op was written to avert jeopardizing the continued existence of salmon and steelhead as they migrate through the dams, it called for unprecedented change in the roles and responsibilities of the states in that burden for mitigating these federal water projects, and it shifted that burden to the states. Through the reasonable and prudent alternatives in the biological opinion, the states are compelled to undertake offsite mitigation measures, particularly habitat work in the tributaries, that ensure continued operation of the Federal Columbia River Power System. Obviously, this places an immense financial burden on the states, a burden that the Federal Government cannot expect them to shoulder alone.

We have only a very short window of opportunity under the bi-op—6 to 8, perhaps 10 years at the maximum—during which we must make significant progress toward conserving this precious biological legacy. If we fail, we will not get a second chance to save these fish.

S. 1825 will assist states in implementing the swift and aggressive restoration measures that are critical to rebuilding populations by providing the necessary funding. It's long overdue that Congress authorize and appropriate adequate funding for restoring the declining salmon and steelhead runs in the West. In fact, I've proposed that funds be significantly increased to install fish steams, restore degraded habitat, undertake additional research and monitoring, improve harvest techniques to limit by-catch of listed salmon in stocks, retrofit hatcheries, increase the availability of water for fish, limit trucking of juvenile salmon and steelhead, conduct estuary restoration and research, improve fish passage, and control predatory birds.

As Senator Boxer has expressed, concerns have been raised with regard to this bill, and I have met personally with Senator Stevens to discuss the concerns that he raises. He raises very important and legitimate concerns. And nobody that we've worked with in putting together this bill wants to cause any of the impacts that Senator Stevens says we must avoid. We can work together, and I'm confident that we can find ways to address these issues. We do not want to detract from the importance of meeting the treaty obligations that Senator Stevens identifies. We do not want to cause problems in Alaska or any other place that has these kinds of difficulties or is dealing with its own side of the issue, in terms of fish recovery and strengthening of our fish runs. And I'm confident that we can achieve that.

I believe I can speak, though, for the other cosponsors of this bill in saying that it is our strong desire to address these concerns as

we move through the process and to find a solution that we can all lock arms together on and work together to support.

The central component of S. 1825, in my opinion, is restoring and strengthening funding to the states as we seek to recover and strengthen these fish, these incredible fish. This is an objective that should not be brought down by difficulties in achieving the needs of different regions, such as Alaska or California or Washington, Oregon, and Idaho.

Again, Madam Chairman, I thank you for this opportunity. It's critical that we work together to build a strong, united path forward for restoring these fish.

Senator BOXER. Thank you so much, Senator. I just wanted to say I thought you both were quite eloquent on the point, and it is such a fervent desire on our part to work something out. And I think with that desire, we can do it if we all come to the table and say, "This can't stand. We have to fix." I think we can do it.

I wonder, Senator, if you had any questions for either of our friends here.

Senator STEVENS. Well, do either California or Idaho have charges to those people who harvest these fish now? We have—for instance, we have a king tag. In order to be a sportsman and catch the king salmon, you have to have a king salmon tag, you have to buy one of those tags, and you'd better have it in your possession if you have a king that you've caught. And we limit the number you can catch. And we, as a matter of fact, severely limit now even the catch of the hand trawlers and the commercial fishermen of Southeastern Alaska. Do you have similar measures?

Senator CRAPO. Well, let me speak first for Idaho. Idaho, since it is an interior state, does not have the kind of fishery that you are describing, I think, in Alaska. However, when the fish are returning to spawn in Idaho, occasionally we are allowed to fish for them if the returns are large enough.

In Idaho, there is a total ban on catching any natural fish. Only hatchery fish are allowed to be caught, period. And if a wild fish is caught, it has to be immediately released. There is a charge—there is a tag that must be purchased by anyone who fishes for these fish.

But, you know, you asked if there were restrictions on the catch. In Idaho, there is a total ban on all fishing, most years. In some years, when the runs are large enough and there are enough hatchery fish coming back, they open the fishing season for a period of time to allow some catches of the hatchery fish.

Mr. THOMPSON. Senator, in California, we have very severe limitations and restrictions on our fishing. There is—for sport fishermen, you have to carry so much paper when you go out into the stream, it almost has an effect on the tree harvesting in California. You have salmon and steelhead punch cards, and they very tightly regulate that.

But, as I mentioned in my testimony, that there are some fisheries that are absolutely closed. You can't catch coho salmon. And the commercial industry has been regulated so tightly that fishermen up in the northern part of the area that I represent have to leave. They have to go down past San Francisco in order to catch fish.

Senator STEVENS. Well, I wish you luck. We have a lot of barren streams. We have a lot of areas that used to produce tremendous amounts of salmon, and they don't produce them anymore. We've tried to restore those streams, and we've been blocked by litigation and other restrictions. Habitat is one thing. Access to habitat for restoration of runs is an entirely different thing. I don't think this bill goes far enough to cover that, because it is a collision course for some people who just don't believe we should be able to interfere with nature and to, in effect, restore what has been destroyed.

Second, I would tell you, and a lot of people aren't going to like this, but with the tremendous increase now in ocean mammals off the Pacific Coast and Alaska, they're joining the club and eating more fish, and there has to be some sort of balance somewhere along the line here between man and mammal, and I don't know where it is, and I don't think you even come close to it with this bill. But it is an enormous difficulty to restore these runs and to maintain them.

We have had several areas of Alaska that have restored their runs. I think Prince William Sound is a good example. Those people did it with their own money. They put a tax on themselves of so many pennies for each fish, put it into a pot and built several hatcheries, and they're very successful. But they were lucky because they have that inland water to do that, but I think you're going to have to explore restoration as well as—fish production as well as restoration of habitat. Habitat alone won't give you fish runs.

Thank you very much, Madam Chairman.

Senator BOXER. Did you want to respond?

Senator CRAPO. Madam Chairman, I would like just to respond to address Senator Stevens briefly. I just wanted to say to Senator Stevens, in the presence of the Committee and on the record, that I appreciate the opportunity I had to visit with him personally about this issue. I want to reassure Senator Stevens that nothing in my intent, and I don't believe the intent of any of the cosponsors of this bill, is aimed at trying, in any way, to reduce the amount of resources that go to Alaska to address these issues. In fact, I'd be very supportive of increasing them. And I wanted to thank Senator Stevens for what he said to me personally and what he has again said here today, which is that he recognizes that Idaho, as the spawning ground, has a role in these ocean fish, these anadromous fish, and that he will support finding a way for Idaho to participate in the funding, and then Idaho will work with the rest of the region, as we have said in this bill, to address putting together an aggressive approach to restoring and strengthening the Pacific Coast salmon recovery efforts. And, Senator Stevens, I just want to personally thank you for you commitment to work with us on that objective. If we haven't got it right here, we'll get it right, and I appreciate the chance to work with you.

Mr. THOMPSON. Thank you, Madam Chair. I'll associate myself with the comments that Senator Crapo made. I appreciate your work on this and appreciate what you've done in the past to help the overall fishing industry, and specifically the fishing industry in Alaska. And working with you will be an honor to be able to work together to fix this problem.

On the issue of private property, I just want to mention that we've had tremendously good luck in California, the way that the law is written there, where we require that any of the private property restoration work has to be done with a willing property owner, and we have an independent panel set up to evaluate proposals. And there was some reluctance when we first did this on the part of some of the private property owners. They thought the government was going to go in with a heavy hand and tell them how they were going to have to manage their property. And we found out that—working cooperatively with them, they've found out that it's not going to be like that, and it's worked out quite well, and we've had great results.

And there's a number of projects that we're doing right now, private-public partnership projects, that are working extremely well, and I'd be happy to—and I'd like to invite any of you up to see those and see firsthand the impact it's having on the habitat and on the fish numbers.

Senator STEVENS. Thank you very much. I look forward to working with you. You've got a lot of problems out there, and there's a lot of resources projects, and working this out—if you can restore the runs, they still have to have access to and egress from the river and habitat areas, so it's a long road ahead, but I'll be happy to work with you on it. Thank you.

Senator BOXER. Senator Stevens, I can't thank you enough for coming—really appreciate it. And I want to thank our two Members of Congress, because they have worked—they care so deeply about this, and we're in this for the long haul. And when Congressman Thompson got this bill through, he said, "OK, Barbara. I got it through, now let's go."

[Laughter.]

Senator BOXER. Well, he didn't know the Senator Stevens story or a few other stories. We're going to work it out, though, and I'm just delighted to have both of you here. And my thanks for your leadership, and Senator Crapo, as well.

Mr. THOMPSON. Thank you very much.

Senator CRAPO. Madam Chairman, again, thank you for your leadership on this issue.

Senator BOXER. All right. Well, we'll stick with it until we get this right.

Mr. Donald Knowles is here from the administration. Is he here? Could he come forward, please?

Welcome, Mr. Knowles. I'm going to set this in the hopes that we can try 4 minutes, but if you go over, fine, but we'll try, just because I've got a schedule and we've got many people to hear from, so please proceed.

STATEMENT OF DONALD R. KNOWLES, DIRECTOR, OFFICE OF PROTECTED RESOURCES FOR FISHERIES, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. KNOWLES. Thank you, Madam Chair. I'll be glad to do that. I bring the apologies from Bill Hogarth, our Assistant Administrator for Fisheries, who has worked very nicely with the Members of the Committee working on National Marine Fisheries Service over the last couple of years, and he really appreciates the relation-

ship he has with the Committee and wants to thank all of you for your support over time.

I am the Director of Protected Resources in the National Marine Fisheries Service at Commerce. I have with me a views letter from the administration dated May the 6th. I'd like to ask that the views letter and the attached comments be included in the record, and I will briefly summarize those today.

As has already been established, the Pacific Coastal Salmon Recovery Fund was established in Fiscal Year 2000. Around $258 million has been appropriated since then going to the four states and the tribes—both the Columbia River tribes, the Puget Sound tribes, the Klamath Basin tribes, and Coastal tribes, as well. Since 1991—one of the reasons I think this money was provided is, since 1991, we had listed 26 units of Pacific salmon either as threatened or endangered. Twenty one of those were listed since 1996. And, just for your information, NMFS has only 52 species listed in total, so half of our listed species are salmon, and 21 of those happened since 1996. So the impact on the National Marine Fisheries Service and the impact on the people in the region from the listings has been significant just in the last few years.

The Pacific Salmon Recovery Fund was a very substantial source of help building the collaborative partnership that we needed with states and tribes to move forward. In January of this year, we held a—convened a 2-day workshop with the states and tribes to discuss the expenditure of the money under the Pacific Salmon Recovery Fund. It produced an agreement to improve coordination on monitoring and evaluation of our funded activities. We hope to have a progress report available within a month. I'll be glad to send one up. I think the states and tribal reps who are here today will tell you about the beneficial uses that you will see reflected in that fund.

On S. 1825, the department supports the objective of S. 1825 to provide funding to the states and tribes for salmon recovery efforts. In particular, we support expansion of funding to Idaho. Our view is that support for Pacific salmon recovery should be comprehensive, should be focused on opportunities that provide the greatest benefits to the recovery of salmon populations. Many watersheds in Idaho contain some of the best salmon habitat in the Columbia River Basin. Idaho funding will help provide fish access and increased water flows, et cetera, to help facilitate recovery of Northwest salmon.

This bill does provide significant changes in the amounts allocated, in the entities that receive the funds, and in the requirements for peer review for planning and for public participation. We all support those initiatives. Those are critical to maintaining the accountability and support of the public.

Many of the aspects of the bill are already being conducted through the MOUs that we have with the states. We think that states and tribes in general have done a good job tailoring their program to individual circumstances. This results in local support.

We would be pleased to work with the Committee to review ongoing efforts and determine if changes are needed to existing state, tribal, or regional frameworks for planning peer review and public participation. We do look forward to working with you on that. We

do have a series of comments appended to our views letter that lay out some of these issues in more detail. But, Madam Chair, I'll conclude my statement at that point and answer any questions you have.

[The prepared statement of Mr. Knowles follows:]

PREPARED STATEMENT OF DONALD R. KNOWLES, DIRECTOR, OFFICE OF PROTECTED RESOURCES FOR FISHERIES, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Good afternoon, Mr. Chairman and Members of the Committee. I am Don Knowles, Director of the Office of Protected Resources for the National Marine Fisheries Service (NMFS). I am here representing Bill Hogarth, Assistant Administrator for Fisheries. I want to thank you for the opportunity to be here today to discuss NMFS' views on S. 1825—the Pacific Salmon Recovery Act. Among other things, S. 1825 authorizes the Secretary of Commerce to provide financial assistance to state and tribal governments in Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages. The Department of Commerce recently sent a letter with comments on S. 1825 to the Chairman of the Senate Commerce, Science, and Transportation Committee. I would like to request that the letter and the attached comments be included in the record. For today's testimony, I will provide you background on the Pacific salmon listings and the current administration of the Pacific Coast Salmon Recovery Fund (PCSRF), report on activities funded in FY 2000 and FY 2001, and outline comments on the current version of S. 1825.

Pacific Salmon Listings

Since 1991, the National Marine Fisheries Service has listed 26 Evolutionarily Significant Units of Pacific salmon as either threatened or endangered under the Endangered Species Act. The geographic area covered by the listings is approximately 159,000 square miles, roughly equivalent to the area of the State of California. The listings affect the entire West coast of the United States. The salmon issue is not just a regional one, it is also a National issue and affects energy production and the national economy.

Pacific salmon have declined in numbers since commercial fishing began in the late 1800s. A variety of factors have contributed to the decline including over-harvesting, fluctuating ocean conditions, and other human influenced activities. The decline of the runs has evolved over time and is due to many complex factors. In the same way, we must approach salmon recovery in a comprehensive manner. The Pacific Coast Salmon Recovery Fund is an effective tool to help this recovery happen. We are beginning to see improved runs, which are due to favorable ocean conditions, restrictions in harvest, ecological improvements in the operation of hydropower systems, and habitat restoration and hatchery improvement efforts.

Background of the Pacific Coastal Salmon Recovery Fund

The Pacific Coastal Salmon Recovery Fund was established in FY 2000 at the request of the Governors of Washington, Oregon, California, and Alaska following NMFS' listing of coastal salmon and steelhead runs under the Endangered Species Act. The Governors recognized the need to form lasting partnerships between federal, state, local, and tribal governments and the public for recovering Pacific salmon and their habitats and to address impacts to local and state economies. The PCSRF supplements existing and proposed programs, and seeks more efficient and effective salmon recovery and conservation efforts through enhanced sharing and pooling of expertise and information. Through FY 2002, $258 million has been appropriated to the fund, with $58 million appropriated in FY 2000, $90 million in FY 2001, and $110 million in FY 2002. The President's budget for FY 2003 includes a request for $90 million. We recommend that the bill's authorization of $350 million for each fiscal year through FY 2007 should be changed to conform to the Budget request.

In January 2002, NMFS convened a workshop with state and tribal representatives to discuss funded activities and ways to maximize the benefits of the fund. The workshop produced an agreement between states and tribes to improve coordination of monitoring and evaluation of PCSRF-funded activities. NMFS, in cooperation with the states and tribes, is in the process of finalizing a report outlining the activities resulting from the first two years of the program. Based on the presentations at the workshop, we believe the fund has already produced tangible results. In the first two years of the program, over 800 projects related to salmon habitat restoration, planning and assessment, research and monitoring, enhancement, and

outreach and education have been funded. Highlights include: Washington's completion of 40 in-stream passage projects, Alaska's monitoring and assessment of populations and habitat, the Yurok Tribe's habitat restoration projects in the Klamath Basin, Oregon's work funding local watershed initiatives, and many other excellent projects. We are compiling a progress report, summarizing the first 2 years of funding, and expect to have this available in June. I am sure the state and tribal representatives who are here today will be happy to tell you about other beneficial uses of the fund.

S. 1825

The Department of Commerce supports the objective of S. 1825 to provide funding to the states and tribes for Pacific salmon recovery efforts. In particular, we support the expansion of this funding to Idaho. Support for Pacific Salmon Recovery should be comprehensive and focused on opportunities to provide the greatest benefits to recovery of salmon populations. As you know, many watersheds within Idaho contain some of the best salmon habitat in the Columbia River Basin. Idaho funding will help to provide fish access to this habitat as well as to undertake other restoration activities.

While S. 1825 is similar to the current program for Pacific salmon recovery funding, it does propose significant changes to the amount allocated, the entities that receive funds, and the requirement for planning, peer review, and public participation in the program. Many of the aspects of the bill regarding planning, peer review and public participation are already being conducted on a voluntary basis as part of the Memorandum of Understanding that we require the states and tribes to sign to receive federal funds. Each state and tribe has tailored its program to the individual circumstances within each state or tribe, and has incorporated the PCSRF funds into existing programs for prioritization and distribution. We would be pleased to work with the Committee to review existing processes and to determine if changes are needed to existing state, tribal, and regional frameworks for planning, peer review, and public participation.

We look forward to working with the Committee on the improvements to S. 1825 that were detailed in the Department's views letter transmitted to the Committee on May 6, 2002.

We appreciate your commitment and continued support to Pacific salmon recovery efforts and I would be happy to answer any questions you may have at this time.

GENERAL COUNSEL, DEPARTMENT OF COMMERCE
Washington, DC, May 6, 2002

Hon. ERNEST F. HOLLINGS,
Chairman,
Commerce, Science, and Transportation Committee,
Washington, DC.

Dear Mr. Chairman:

Thank you for the opportunity to comment on S. 1825, the Pacific Salmon Recovery Act, as introduced. Among other things, S. 1825 authorizes the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainage. The Department of Commerce supports providing funding to the states and tribes for Pacific salmon recovery efforts.

In particular, we support the expansion of this funding to Idaho. As you know, many watersheds within Idaho contain some of the best salmon habitat in the Columbia River Basin. Support for Pacific salmon recovery should be comprehensive and focused on opportunities to provide the greatest benefits to recovery of wild salmon populations, including opportunities for tributary stream habitat access and restoration in Idaho.

This bill is similar to the current authorization for Pacific salmon recovery money to the states and tribes. However, there have been significant changes to the amount allocated, the entities that receive funds, and the requirement of planning, peer review, and public participation in the program. The authorization levels should comport more closely with the President's Budget (*i.e.*, $90 million for FY 03). Many of the details of the planning, peer review and public participation are already conducted on a voluntary basis by the states and tribes that receive funds. We would be pleased to work with the Committee on changes to the bill to ensure that it incorporates, rather than duplicates, existing state, tribal, and regional frameworks for planning, peer review, and public participation.

We have enclosed a list of detailed comments, grouped by sections. We appreciate your continued interest in Pacific salmon recovery efforts.

The Office of Management and Budget has advised that there is no objection to the submission of this letter from the viewpoint of the Administration's program.

Sincerely,

THEODORE W. KASSINGER

Comments on S. 1825

1. Section 2(b): The FY 2000–FY 2003 requests for the Pacific Coastal Salmon Recovery Fund reflected a 90 percent:10 percent allocation between the states and tribes. This bill would change the allocation to 85 percent:15 percent. We recommend continuation of the 90 percent:10 percent allocation between states and tribes. However, within those categories, we recommend that the funds be distributed in proportion to the needs for recovery of salmonids. Within the state and tribal allocation categories, the National Marine Fisheries Service recommends that the funds be distributed in proportion to the needs for recovery of salmonids. The state apportionment would be based on factors such as numbers of Endangered Species Act listed populations in Washington, Oregon, California, Idaho, and Alaska; and areas affected by listed species and populations that are given special protection in Alaska. The same would be true for the tribal funding. The Secretary of Commerce should be charged with determining a basis for distributing the funds based on a needs assessment conducted in consultation with the states and tribes.

2. Section 3: Any effort to increase accountability of the program through the development of plans should take into account other studies and performance requirements established in relevant biological opinions.

Section 3(b)(1) Salmon Conservation and Restoration Plans should be required by March 31st of the fiscal year after amounts have been allocated to allow for development of comprehensive plans. A similar deadline could also be required for development of Memorandums of Understanding with tribal governments required in Section 3(c)(1)(B). The current Pacific Coastal Salmon Recovery Fund process will be adequate until spending plans can be developed.

Section 3(i)(1) should be revised to allow the Secretary of Commerce to retain not more than 1 percent for administrative expenses and not more than an additional 2 percent for required reporting requirements of Section 7.

3. Section 4: The Department of Commerce supports peer review and science based pre-project evaluation. We are also committed to using the best available science in developing and implementing salmon recovery. However, we feel that the current peer review process described in the bill could be more efficiently managed by the states and tribal governments receiving funds. Each State Salmon Conservation and Recovery Plan or Tribal Memorandum of Understanding could outline the peer review and project approval process that is to be used when funding projects and programs. These programs would then undergo Secretarial review as part of the overall plan review process. This is how peer review is currently handled.

4. Section 5: Public participation through the development of state citizen advisory committees and the development of State public meetings are necessary and should be included as part of each State's Salmon Conservation and Restoration Plan or Tribal Memorandum of Understanding.

5. Section 6: Revise the language of the second sentence to read "Projects or activities that may affect listed species shall remain subject to applicable provisions of the Endangered Species Act of 1973."

6. Section 8: This section defines "salmon" as including bull trout and Lahontan cutthroat trout in Oregon, and bull trout in Washington and Idaho. The Department believes that any statutory definition of salmon should not include these or any other non-anadromous (sea-run) species. Therefore, we recommend that these species be removed from the definition of salmon in the bill.

7. Section 9: This bill changes the authorization level to $350M for Fiscal Years 2002–2007. We request that the authorization be changed to reflect the amounts in the President's budget request for FY 2002. This request included $90M for the Pacific Coastal Salmon Recovery Fund and $20M for the Pacific Salmon Treaty. However, we do support expansion of the authorization to include Idaho. For FY 2003 and beyond, we request that the authorization include such sums as are necessary to carry out the Act.

Senator BOXER. Thank you so much. I think that what you have said is encouraging to me, that we will work together. We'll iron

out our problems. We have a vision of a larger fund, because we hear the need, both from an economic standpoint and just from the standpoint of saving a God-given resource here.

You mentioned Idaho. I assume you support California.

Mr. KNOWLES. Absolutely.

Senator BOXER. I just want to make it clear. And Oregon?

Mr. KNOWLES. And Oregon.

Senator BOXER. And Washington and Alaska.

Mr. KNOWLES. Washington and Alaska.

Senator BOXER. OK, then. We're OK. We're all the five states.

[Laughter.]

Senator BOXER. I'm very happy to hear your testimony, because we've been working on this for a long time. It was just sort of the moment we had to bring everybody together. And I have one question, and then I'm going to ask my colleague to make an opening statement and ask you whatever questions. What form of peer review do you recommend to us?

Mr. KNOWLES. I would say——

Senator BOXER. Let's put it another way. What's wrong with the way we've done it in the past?

Mr. KNOWLES. Well, we have peer review processes that work at a sort of a central way. I think the peer review process for projects funded by Bonneville through the Power Planning Council has one big peer review panel and process, and that works, but I do think it requires more time and effort. I think we have other peer review processes built in at the state level or at the NMFS level, because we are partway through our recovery planning process.

Whatever peer review change we make or whatever peer review process we adopt, we're going to likely have to integrate that with our recovery plans once they're completed anyway. So what I would really like to do is to work with you folks in the states, state by state, and let's figure out what works best. If a big, central process turns out to be the most efficient, National Marine Fisheries Service will support that and work with you. If it turns out best to work with it state by state, we'll support that, as well.

Senator BOXER. OK, thank you.

Senator Smith?

STATEMENT OF HON. GORDON SMITH, U.S. SENATOR FROM OREGON

Senator SMITH. Thank you, Madam Chair. Thank you very much for holding this hearing on S. 1825, the Pacific Salmon Recovery Act. I'm relieved to learn from you that Senator Stevens is open to working with us, and I'm very encouraged by that. And I also appreciate that Senator Crapo came and spoke on behalf of this bill that he helped us to put together.

I want to welcome Mr. Harold Blackwolf here. It's good to have you here from Oregon to speak on this issue. And thank you for traveling these many miles to be here.

The bill before us today would authorize the Secretary of Commerce to provide financial assistance to the states of Alaska, Washington, Oregon, and California, and, specifically, Idaho, as well as the tribes in the region for salmon habitat restoration projects in coastal waters and upland drainages. For those of us who have ad-

vocated Federal funding to assist in West Coast salmon recovery efforts, this bill would provide the statutory framework for the coastal salmon funding that has been provided in recent years through the National Marine Fisheries Service to the West Coast states and tribes. It would also expand the program to ensure that recovery measures in Idaho could be funded. For those of us throughout the Northwest who benefit from the system of Federal dams in the Columbia River, restoration work in Idaho is, therefore, vitally important.

Today we'll hear from Mr. Geoff Huntington, the Director of the Oregon Watershed Enhancement Board, concerning efforts of watershed councils in Oregon to get on-the-ground restoration projects funded and to provide effective project monitoring. One of the many positive features of the bill is that we do not dictate to the states the means by which they must distribute federal coastal salmon recovery funds. And I appreciate, Mr. Knowles, your comments just now that you're going to work with the states to do it the way that it works best.

We do, however, expect that projects will undergo expedited peer review and that the states and tribes will report to the Federal Government at regular intervals concerning how the funds have been spent. In order to promote salmon recovery throughout the salmon's range, we've developed a formula to distribute the funds equitably to states and tribes throughout the West Coast. I realize that some organizations have expressed concerns about the peer review provisions as contained in the bill. I hope that the witnesses today will provide positive, concrete suggestions that will ensure that if these provisions are modified, the goal of selecting the most effective scientifically justifiable projects within each state will be retained.

Finally, I'd like to comment on the need to examine factors affecting salmon throughout their life cycle. In 2001, we saw more fish return to the Columbia Basin than in any year since 1938. This is largely due to improved ocean conditions that have provided more nutrients for salmon during the years they spent in the ocean. While we must continue to improve our environmental stewardship of the in-river habitat, we must not forget our human stewardship, as well. We cannot solve a 3,000-mile problem by focusing exclusively on select dams and tributaries. It has to be a much more holistic approach.

Again, Madam Chairman, thank you for your leadership on this important issue, and I look forward to working with you and our witnesses and to hearing from them today.

Senator BOXER. Thank you, Senator. Well, thank you very much, Mr. Knowles. We will view your testimony as an open invitation to work with you. Thank you.

Mr. KNOWLES. Thank you very much.

Senator BOXER. It would be wonderful if we can resolve this.

Okay, I'm going to ask all the remaining witnesses to come up. And it's—I know there's a lot of you, so I'm going to call your name, and please come on up. Mr. Harold Blackwolf, Sr., Mr. Dirk Brazil, Mr. Geoff Huntington, Mr. James Caswell, Ms. Laura Johnson, Mr. Glen Spain, and Mr. Robert Thorstenson.

Now, we're going to call you in the order—and before you speak, I will give you a more formal, individual introduction, but I did want to say that we know that Mr. Thorstenson's three young children are here to watch him testify, and I wonder if they could stand up and show us who they are, because they came along way. Oh, wow, look at that. Hey, thank you for being here, and aren't you proud of your dad? He's trying to save the fish. It's very good.

Okay, so we will start off. As I say, I will give each of you your own introduction, and we're going to set the clock for 4 minutes. You need to speak into the mike. I know it's crowded.

Our first speaker will be Mr. Harold Blackwolf, Sr., Commissioner of the Columbia River Inter-Tribal Fish Commission, which represents tribes in the Columbia and Snake River Basins in Idaho, Oregon, and Washington. We welcome you, sir. Go right ahead.

STATEMENT OF HAROLD BLACKWOLF, SR., COMMISSIONER, COLUMBIA RIVER INTER–TRIBAL FISH COMMISSION

Mr. BLACKWOLF. Thank you. Good afternoon, Madam Chair, Members of the Subcommittee. My name is Harold Blackwolf, Commissioner of Columbia River Inter-Tribal Fish Commission, Chair of the Fish and Wildlife Committee of Warm Springs Tribe in Oregon. I'm here today with Mr. Jim Heffernan, a policy analyst for the Columbia River Inter-Tribal Fish Commission and Advisor to the U.S. Section of the Pacific Salmon Commission.

I want to thank you for this opportunity to present the tribe's views on the bill that you are considering. Don Sampson has submitted written testimony on behalf of the Commission. I ask that his testimony also be made part of the record for today's hearing.

[The prepared statement of Mr. Sampson follows:]

PREPARED STATEMENT OF DONALD SAMPSON, EXECUTIVE DIRECTOR, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

On behalf of the Columbia River treaty tribes, I want to thank the Chair and Members of the Subcommittee for this opportunity to provide some initial written views on the Pacific Salmon Recovery Act (S. 1825) and Pacific Salmon Management Issues. I apologize for not being able to attend this meeting in person, but I believe that Harold Blackwolf, Sr., Commissioner and Chair of the Fish and Wildlife Committee of the Confederated Tribes of the Warm Springs Reservation of Oregon, will ably present the initial views of the tribes'. Due to the very short time frame that was available to prepare this testimony, it was not possible to review this testimony with the Commission for which I work, the Northwest Indian Fisheries Commission, the Klamath River Inter-Tribal Fish and Water Commission, nor with the tribes that these three commissions serve. For that reason, I would like to request that you keep the hearing record on this important piece of legislation open for 2 weeks so that the tribes and their Commissions may provide you additional considered views on the critical questions and issues entertained by the Subcommittee Members and witnesses today.

Recommendation

The Columbia River treaty tribes are heartened by Congress' continued strong support for the funding necessary to implement the historic 1999 U.S.-Canada Pacific Salmon Treaty Agreements, the coastwide salmon restoration fund through the Pacific Coastal Salmon Recovery Fund, and other key salmon management programs and restoration efforts. Currently, the Pacific Coastal Salmon Recovery Fund is authorized through the end of Fiscal Year 2003 at a total funding level of $100 million dollars. The Pacific Salmon Recovery Act (S. 1825) would authorize funding for four more years, through 2007, at a level more than three times the current authorization. At the same time, the legislation being considered by the Subcommittee

would add additional layers of review and may require the duplication of on-going coordination and collaboration efforts of the states and tribes. Mainly for those reasons, and in consideration of the current budgetary and economic situation facing the country, the initial recommendation of the Commission is that the current authorizing legislation be modified in the following manner:

—Extend the authorization for another 6 (six) years through 2009. This amendment would capture two life-cycles of coho salmon and would ensure that the program covered two life-cycles of the chinook salmon.

—Amend the authorization to add the State of Idaho to the Fund.

—Increase the annual authorized appropriation for the Fund from $100 million to at least $132 million, of which:

- $110 million is for the for States of Alaska, California, Idaho, Oregon and Washington,
- $18 million is for the tribes served by the Columbia River Inter-Tribal Fish Commission, the Northwest Indian Fisheries Commission, and the Klamath River Inter-Tribal Fish and Water Commission,
- $2 million is to be shared by the Colville Confederated Tribes, the Shoshone-Bannock Tribes, and five other coastal tribes, and
- $2 million is for the U.S. Section of the Pacific Salmon Commission.

—Increase the level of annual funding should the Secretary of the Interior identify any other qualified tribes or tribal organizations. In fact, just as the states qualified to participate in this Fund are explicitly identified in the current authorization, the clear and explicit definition of the participating tribal governments would be helpful. The bulk of the tribes or inter-tribal bodies noted above have recognized co-management authority under federal case law (*U.S.* v. *Washington* (Boldt); *Hoh* v. *Baldrige*; *U.S.* v. *Oregon*; and *Parravano* v. *Babbitt*). We would note that with regard to tribes in Alaska, it would be appropriate to specifically recognize those tribal governments (or their coordinating bodies as may be appropriate) that participate in the U.S.-Canada Treaty process or under the Yukon River Treaty or that are developing that capability.

We are specifically concerned that the proposed legislation appears to:

—Add additional process, such as another layer of peer review, especially when a state or tribal governing body has already established a competitive review and technical oversight process;

—Require pre-approval of an annual spending plan or projects when an (MOU) process and/or a government approved restoration plan already exists; and,

—Focus attention on and narrow funding priorities to ESA-listed salmon stocks (thereby encouraging additional listing petitions) over meeting comprehensive obligations to restore other weak and depressed naturally spawning stocks to optimum production.

We would be more than happy to provide you with specific language and commentary on the most current working draft of the proposed legislation.

Commission Status

The Commission was formed by resolution of the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon and the Confederated Tribes and Bands of the Yakama Nation for the purpose of coordinating fishery management policy and providing technical expertise essential for the protection of the tribes' treaty-protected fish resources. Since 1979, the CRITFC has contracted with the BIA under the Indian Self-Determination Act (Pub.L. 93–638) to provide this technical support. The Commission's primary mission is to provide coordination and technical assistance to the member tribes to ensure that outstanding treaty fishing rights issues are resolved in a way that guarantees the continuation and restoration of our tribal fisheries into perpetuity. My testimony today is provided on behalf of the tribes.

Treaties of 1855

Under treaties negotiated with the United States in 1855,[1] the tribes reserved to themselves several rights as sovereigns, among these the right to take fish at all usual and accustomed fishing places. Our peoples have exercised this right since time immemorial. Our peoples fished during times of drought and during times of floods, during times of great runs of salmon and during times of low runs of salmon. As they do now, our chiefs and elders watched over the harvest to ensure that the people cherished and protected the gift of salmon from the Creator. It was the expectation of our treaty negotiators then that the tribes would always have access to abundant runs of salmon; it is our expectation now that the United States will honor that commitment and take the steps necessary to protect our trust resource. This reserved right has not been diminished by time and its full exercise has been upheld and affirmed in several U.S. Supreme Court decisions. Yet, our ability to fully exercise this right has been compromised by a combination of state and federal decisions and management actions focused on the short term.

The fact that we now find ourselves in an extremely low water year does not lower the standard by which the U.S. must strive to meet to honor those obligations; in fact, the drought increases the burden of the U.S. and its agencies to ensure that the salmon resource is protected from further injury and loss. To honor its commitment now means that the United States must ensure that there is water in sufficient quantity and quality in the Columbia River to ensure the safe passage of outmigrating juveniles as well as for adult salmon returning upriver.

Extra-Legislative Development of Fund

The development of this salmon restoration fund is intricately tied to 5 years (1995–1999) of intense U.S.-Canada Pacific Salmon Treaty negotiations. The Columbia River treaty tribes, as are the western Washington tribes, are a key and integral party to the Treaty. Conserving and rebuilding far north migrating chinook stocks from the Columbia River and the Washington Coast remains a keystone commitment of the Treaty.

In 1999, the United States and Canada, after several years of negotiation, formally renewed their salmon conservation and rebuilding programs and their harvest sharing arrangements under the Pacific Salmon Treaty. As part of this package of agreements, the Parties established two *international* Restoration and Enhancement Funds for research and projects on salmon stocks of interest under the Treaty. Of these two Funds, the Southern Boundary Restoration and Enhancement Fund will provide funding for projects and research in southern British Columbia and the Pacific Northwest (and, at the insistence of Columbia River treaty tribal delegates, specifically the Snake River basin).

Domestically, in 1999 the U.S. Congress under Senators Stevens' and Murray's leadership passed legislation to authorize and appropriate funding for a similar program, first proposed by the Governors of Alaska, Washington, and Oregon at the Sitka Salmon Summit, convened by Governor Knowles in May 1996. U.S. representatives to the Pacific Salmon Treaty process attended the summit too.

Governor Knowles convened the Sitka Salmon Summit as a healing tool for the U.S. Section of the Pacific Salmon Commission. In 1995, Southeast Alaska chinook salmon fisheries were shut down for conservation purposes through court action against Alaska initiated by the Columbia River treaty tribes and joined by other treaty tribes, the states of Oregon and Washington, and Canada. This occurred only after years of negotiation and the implementation of draconian fishery management actions in Canadian and Pacific Northwest fisheries. The Summit provided a forum for U.S. representatives to begin to resolve differences and set a proactive course to rebuild chinook salmon stocks, as well as other salmon stocks. Among other initiatives, the Governors called for the establishment of a $250 million Fund for Pacific Salmon Conservation and Restoration. In June 1996, largely as a result of Governor Knowles' initiative, the U.S. was able to agree upon and propose to Canada a more responsive abundance-based chinook harvest management system.

In October 1998, the Governor of California joined the Governors of Alaska, Washington, and Oregon at the Salmon Homecoming in Seattle, where they again requested the establishment of a coastwide salmon restoration fund. The Columbia River treaty tribes had submitted a similar request a few weeks earlier.

In 1999, as the loose ends of the Pacific Salmon Treaty negotiations were tied up, the Congressional delegations of Alaska, Washington, Oregon and California reacted positively and in support of the U.S. negotiating team's efforts and success and ag-

[1] Treaty with the Yakama Tribe, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957.

gressively moved funding measures through the Congress to implement the Treaty's ongoing and new bilateral commitments, as well as authorizing and appropriations language for the domestic Pacific Coastal Salmon Recovery Fund.

The Tribes' Salmon Restoration Plan

I want to take this opportunity to note that the tribes, working through the Commission, have developed a framework restoration plan, *Wy-Kan-Ush-Mi Wa-Kish-Wit* or *Spirit of the Salmon*. I have provided copies for the Subcommittee's use, the plan is also available on line at *www.critfc.org*. This plan documents the threats to our fisheries, identifies hypotheses based upon adaptive management principles for addressing these threats, and provides specific recommendations and practices that must be adopted by natural resource managers to guarantee their trust responsibilities and meet their treaty obligations. In this plan, the tribes have identified the need to insure that the burden of conserving these salmon stocks is allocated fairly across those land and water uses responsible for their decline. Consistent with this need, we have identified changes that hatchery programs, forestry, hydroelectric development, irrigation, mining and other development activities must make in their operations to ensure the recovery of salmon stocks and fisheries. The tribes' ultimate goal is to restore a sustainable resource for the benefit of all peoples in the Pacific Northwest. Consistent with meeting this goal, each and every beneficiary of the river must make sacrifices in times of shortage, much as the tribes have voluntarily sacrificed fully exercising their right to fish over the last several decades. The tribes now call upon those who would generate electricity and those who would withdraw water from the rivers to now make that sacrifice, or to provide equivalent mitigation when it is demonstrated that such sacrifice is impossible.

The Hydropower System

With regard to the hydroelectric power system, the tribes continue to believe that the four dams in the lower Snake River must be breached to ensure the restoration of salmon in that basin. It is clear from the scientific data collected over years of study that breaching is the only sure course to salmon restoration. In lieu of dam breaching, a very aggressive program of increased flows through the reservoirs and spills at the dams must be pursued by the federal agencies to increase the survival of juvenile out migrants. Based on the overwhelming amount of information available from research conducted over the last 30 years, the tribes do not believe that transporting fish provides benefits anywhere near the equivalent of adequate flows and spill.

We advocate flow and spill not because we believe they are the answer to salmon recovery, but because they are the only two management actions at our disposal. They will lessen what promise to be unusually lethal impacts of the hydropower system at a time when salmon stocks in the Snake and upper Columbia River are at dangerously low levels. This cannot be considered enhancement but, at best, damage control.

We have been told that, instead of dam breaching, we will use the next eight years for adaptive management. Yet there is a growing reluctance to use the information and knowledge we have already gathered about the survival of salmon, let alone utilizing additional information we may learn by conducting additional studies to improve their survival.

Habitat Conservation and Restoration

The tribes believe that implementation of their plan will result in healthy, sustainable salmon fisheries from Southeast Alaska to the headwaters of the Snake River Basin. To protect and recover tributary habitat, the plan proposes that land and water managers meet a series of habitat conditions associated with survival rates. The use of this "Coarse Screening Process," where applicable will define allowable levels of watershed impacts consistent with salmon restoration.

The tribes' salmon plan calls for baseline surveys of watershed and in-channel conditions as well as trend monitoring to document watershed recovery, test assumptions and validate models used in land management. Monitoring needs include egg-to-smolt survival, total smolt production, and production per spawning pair in salmon-bearing watersheds. Physical monitoring needs in all salmon-bearing watersheds include measuring substrate sediment loads, large woody debris, pool frequency, and volume, bank stability, and water temperature.

Adaptive management is a hallmark of the tribes' salmon plan, which takes a gravel-to-gravel approach to achieve improvements in survival throughout the salmon life-cycle. The tribes' science-based approach to land management is supported by independent scientific peer review. To halt salmon declines and rebuild healthy runs, the USFS and BLM must likewise implement science-based adaptive ap-

proaches that integrate biological and physical monitoring with land management actions that protect and restore salmon habitat.

The tribes' plan calls for an expedited program of watershed restoration actions for the Columbia Basin. The tribes are working in partnership with state, federal, and local governments as well as private landowners to establish a comprehensive program for implementing actions that will restore functioning ecosystems in our watersheds. We have developed watershed restoration action plans for the 23 salmon bearing watersheds above Bonneville Dam in the Columbia Basin. Many of these actions will be carried out on private lands.

Hatchery Reform

State and federal hatchery management programs contribute to the extirpation of naturally spawning salmon stocks in the basin. The tribal goal to put fish back in the river means literally putting the fish back. Young salmon, if released at the proper time, will return as adults to spawn in the same area they were released as juveniles. Consistent with this concept, the tribes, working with the state and federal fishery agencies, developed a supplementation protocol so as to reform hatcheries to rebuild naturally spawning salmon populations in the basin. Utilizing this protocol, the tribes developed integrated production plans that can be implemented as research projects to restore naturally spawning populations using carefully monitored supplementation practices. Under tribal management, hatcheries would be used for the restoration of naturally spawning chinook stocks throughout the Basin.

The tribes' plan covers all the areas that must be addressed in order to protect salmon stocks and insure their restoration to levels consistent with the international obligations of the United States and with its trust obligation to the tribes; *but that will be the easy part: the most difficult obstacle facing the restoration of the salmon runs is the lack of political will to tackle the issues head on*. We will do everything necessary to insure that these runs will be rebuilt.

Conclusion

The tribes look forward to working with the state and federal governments on effective and efficient salmon restoration programs. We believe the Pacific Coastal Salmon Recovery Fund, with some modifications to the current authorizing language, can help us in this cooperative effort.

Mr. BLACKWOLF. On behalf of the other tribes and tribal commissions involved in Pacific salmon management that do not have witnesses here today, I ask that you keep the hearing record open for 2 weeks so they may submit written testimony on the important issues being considered. Collectively, the tribes would also appreciate the opportunity to submit, for the record, written answers to the Subcommittee's questions. The tribes welcome the Subcommittee's strong support for programs designed to protect, conserve, rebuild, and restore stocks of Pacific salmon and the habitat upon which they depend.

Our programs will require sustained levels of funding and programmatic support from Congress to reverse the coast-wide declines in salmon populations. These declines have been caused by decades of habitat degradation and destruction as a result of logging, grazing, and urban development by the use of rivers for irrigation and hydropower development or by modifying the river systems for transportation and flood control. The tribes are not saying that all these activities should stop, as they all contribute to healthy regional and national economies, but the actions of other river uses and their activities that affect the production and productivity of salmon cannot be ignored. The effects of these other uses must be minimized or reversed when we can do so. Where the effects of these activities can be avoided, then they must be mitigated through aggressive habitat conservation or restoration programs or though hatchery programs designed to protect and support naturally spawning populations of salmon.

These efforts are best undertaken through a collaborative and coordinated approach by the states, tribes, federal agencies, and other stakeholders. There are already many programs operating to do this in the different geographic areas of the Pacific Coast. For example, in the Columbia Basin, there is a coordinated Fish and Wildlife Program implemented by the tribes and states under the Northwest Park Planning Council.

There are new management recommendations and actions proposed and a biological opinion on the Federal Power Supply System. These are to be carried out by the Bonneville Power Administration, the U.S. Army Corps of Engineers, Bureau of Reclamation, among other managers. Then there are both the base and expanded programs of the U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service. Independent scientific review boards or panels, and additional tribal, state, and federal agency scientists review project proposals under these various programs. Collectively, these programs benefit not only salmon, but other fish and wildlife, as well. They also allow all of the other uses of the river system to continue.

Currently, there is not enough funding available for all of the work that has been agreed upon as necessary and useful by regional managers. As a result, many important salmon projects that have been reviewed and recommended by the scientists do not get funded. For that reason, it is critical to get more help from Congress.

Over the last couple of years, the Pacific Coastal Salmon Recovery Fund has come to play an important role in the coordinated efforts of the tribe, states, and federal agencies to rebuild and restore our shared salmon resource to healthy, sustainable levels. The fund has also allowed the Columbia River tribes to coordinate and collaborate on important projects with the State of Alaska. This kind of inter-regional coordination and collaboration is critically important, especially when you remember that sustainable fisheries in Southeast Alaska and in other ocean fisheries depend upon healthy salmon populations in the Columbia River almost as much as do the in-river tribal and non-tribal fisheries. We think that the legislation being considered by the Subcommittee should allow this kind of productive collaboration to continue.

We would like to see the Pacific Salmon Recovery Fund continue with increased levels of funding through 2009. This will allow salmon managers to capture two more life cycles of coho salmon as well as two full cycles of chinook salmon under this program. This will also allow for a better long-term evaluation of the success of projects that are implemented under this fund. Other specific recommendations have been provided in the tribe's written testimony.

Finally, I would like this Subcommittee to know that the tribes and state and federal agencies are exploring how best to reform the Mitchell Act Hatchery Program to fit into a comprehensive salmon restoration effort. The House of Representatives have already asked about this program. The tribes would welcome your oversight and support on this important regional effort, as well.

Again, thank you for this opportunity to testify. I'll try to answer any questions you might have.

Senator BOXER. Thank you so much. What we're going to do is go down the list. I'm going to hand the gavel over to my colleague and friend. He's going to run the rest of the hearing, because I've got a conflict. I'm going to try to get back. But if not, let me just say right now, Mr. Blackwolf, what we will do is, we will keep the record open for that period of time for you to answer questions and another 2 weeks for comments. Without objection, we will do that. So that will be done.

And, Mr. Brazil, I'm so glad you're here, Mr. Dirk Brazil, to share my state's perspective. He's the Deputy Director of California Fish and Game, which is the agency responsible for implementing California's state salmon recovery efforts. My first question is, how is my Northern California director doing—Tom Bohegan? Is he doing well?

Mr. BRAZIL. He's doing very well.

Senator BOXER. I thought so. He's a friend of mine in Northern California. I knew—he paid you to get me to ask that question——

[Laughter.]

Senator BOXER. I'm glad. He is a wonderful staffer. Mr. Brazil, welcome, and we really look forward to hearing from you.

STATEMENT OF DIRK BRAZIL, DEPUTY DIRECTOR, CALIFORNIA DEPARTMENT OF FISH AND GAME

Mr. BRAZIL. Thank you, Senator Boxer, for having your hearing today. As you say, my name is Dirk Brazil. I am a Deputy Director for the California Department of Fish and Game. I'm here to testify in support of the Pacific Salmon Recovery Act, S. 1825.

I really can't put a finer point on it than either you or Congressman Thompson did on the current situation we find ourselves with in California. Recovery and management of coastal salmon is critical to California, where many of our coastal salmon populations are at critically low levels. Nearly all of these stocks are listed as threatened or endangered under the Endangered Species Act and/or the California Endangered Species Act.

This bill is important to California because it would improve our current ability to recover and manage coastal salmon, it would authorize Federal funding over a 6-year period, thereby allowing the department to implement a more comprehensive strategy at the watershed level for restoration of coastal salmon and habitat through two complete life cycles of coho salmon and one life cycle of chinook salmon. There are currently 15 evolutionary significant units of Pacific salmon in California, 10 of which are listed under the Federal Endangered Species Act and one of which is a candidate.

As has already been stated earlier, I mean, all of this begins and ends with degraded freshwater habitat and, therefore, recovery actions are aimed at restoring and rehabilitating degraded or blocked freshwater habitat. Providing access to healthy former habitat that is now inaccessible to salmon because of an impassible dam, culvert, or road crossing is one of the most important and least intrusive restoration actions that the state is pursuing. Providing greater in-stream flows and restoring the natural flow cycles is another restorative action needed in many of our rivers and streams. Fish screens on water diversions will reduce fish losses associated with

entrainment of fish in the diversion canals or pumps, and habitat restoration projects to reduce sediment input from chronic sediment sources are also key to rehabilitating spawning streams.

California has received grants from the Federal Pacific Coast Recovery Fund totaling $9 million in 2000 and 2001 and 15 million-and-some-odd dollars in 2001/2002, and I'm here to say, combined with state dollars, we've put this money to good use. It's all on the ground, and a lot of it has already been successfully implemented—such things as salmon habitat restoration projects, planning and assessment, outreach and education, and the list goes on.

Federal funding for coastal salmon recovery in California flows directly to on-the-ground needs implemented by nonprofit organizations, local public agencies, small businesses, and private individuals. These dollars have funded many worthwhile projects. Through the grant process, we developed a review and determined which projects could receive funding. Four hundred and thirty six barriers have been removed, and the California Conservation Corps have planted 1.3 million trees in the riparian zones of 120 streams.

Madam Chairwoman, because your bill would authorize funding over a fixed period of years, this would allow the department to implement a more comprehensive plan at the watershed level for restoration of salmon and steelhead habitat. A fixed funding period of 6 years, for instance, would also allow evaluation of fishery response to occur through two complete life cycles of coho salmon. In addition, the current level of funding may not be adequate to recover salmon in a timely manner. This bill would provide additional funding at this critical juncture before stocks decline to a point where recovery is problematic.

Proposals in California receive an intensive technical and field review that weigh heavily on the priorities for each basin. I won't go into all the detail. All of this is in written testimony. But suffice it to say that we have five levels of review that begin with the technical work on the ground and then at the director's office in Sacramento.

As I mentioned at the outset, the Salmon Recovery Act is vitally important to California, and we applaud you for your leadership on this issue. We have a few areas of concern, all of which have been touched upon earlier. I won't go into detail. Again, they are in the written record. The only thing to say is that our concerns with that are all related to our ability to be flexible and to get these programs on the ground as quickly as possible, and that's all that we're concerned about. We have a system in California that seems to be working. It grows on a—it's growing by leaps and bounds, and we want to continue to support that growth.

Thank you.

[The prepared statement of Mr. Brazil follows:]

PREPARED STATEMENT OF DIRK BRAZIL, DEPUTY DIRECTOR, CALIFORNIA DEPARTMENT OF FISH AND GAME

Introduction

Madame Chairwoman and Members of the Subcommittee, thank you for holding this hearing today. My name is Dirk Brazil. I am a Deputy Director of the California Department of Fish and Game and I am here on behalf of our Director, Robert C. Hight, to testify in support of the Pacific Salmon Recovery Act (S. 1825). In

addition, I want to thank you, Madame Chairwoman, for introducing this important bill and for working closely with the Department on it.

Importance to California

Recovery and management of coastal salmon is critical to California. As I describe in greater detail later in my testimony, many of California's coastal salmon populations are at critically low levels. Nearly all of these stocks are listed as threatened or endangered under the Endangered Species Act and/or the California Endangered Species Act.

As you know, California is the most populous and third largest state in the nation, as well as the fifth largest economy in the world. With over 70 percent of California's population residing in coastal counties where these runs of salmon occur, it is not surprising that these listings have had an adverse impact on important parts of the state's economy—commercial and sport fisheries and related industries, timber management, agriculture, ranching, urban development, mining, and recreation.

This bill is important to California because it would improve our current ability to recover and manage coastal salmon. It would authorize federal funding over a 6 year period, thereby allowing the Department to implement a more comprehensive strategy at the watershed level for restoration of coastal salmon and habitat through two complete life cycles of coho salmon and one life cycle of chinook salmon.

Status and Recovery Needs of California's Salmon Stocks

There are 15 Evolutionarily Significant Units of pacific salmon in California, 10 of which are listed under the Federal Endangered Species Act, and one of which is a candidate for listing. Attached for your information is a table entitled: "Federal and State Endangered Species Act Status for California's Anadromous Salmonids as of 1/18/02" which provides a summary of the listings.

The primary reason for salmon declines is degraded freshwater habitat. Therefore, recovery actions are aimed at restoring and rehabilitating degraded or blocked freshwater habitat. Providing access to healthy former habitat that is now inaccessible to salmon because of an impassable dam, culvert, or road crossing is one of the most important and least intrusive restoration actions that the state is pursuing. Providing greater instream flows and restoring the natural flow cycles is another restorative action needed in many of our rivers and streams. Adequate fish screens on water diversions will reduce fish losses associated with entrainment of fish into diversion canals or into pumps. Habitat restoration projects to reduce sediment input from chronic sediment sources (roads, landslides, etc.) are key to rehabilitating spawning streams that are degraded by an excess of sediment.

State Commitment to Coastal Salmon Restoration

California's commitment to restoration of coastal salmon habitat has been demonstrated over the last 22 years. In 1981, in response to rapidly declining populations of salmon and steelhead trout and deteriorating salmonid habitat, a Fishery Restoration Grants Program (FRGP) was established in the Department of Fish and Game. Since 1981, the FRGP has awarded funding to more than 2,000 projects, totaling more than $100 million in grant funds. Sources of the state funding have included:

- Steelhead Catch-Restoration Card (up to $100,000 per year),
- Salmon Stamp (up to $250,000 per year),
- The Tobacco Tax and Health Protection Act of 1988 ($100,000 per year through 2001),
- Water Bond Act of 2000 ($25 million over three years),
- SB 271 creating the Salmon and Steelhead Restoration Account (up to $8 million per year through 2002), and
- California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (funding level per year currently uncertain, to begin in 2003).

Federal Commitment to Coastal Salmon Restoration

California received grants from the federal Pacific Coastal Salmon Recovery Fund totaling $9,000,000 in Fiscal Year 2000/2001 and $15,086,400 in Fiscal Year 2001/2002. During Fiscal Year 2000/2001, the combination of state and federal funds totaled $23,169,969, which the State used to fund the following types of restoration projects:

- **Salmon Habitat Restoration Projects**—104 projects totaling $8,361,114 in state funds; and 80 projects totaling $6,714,010 in federal salmon recovery funds.
- **Planning and Assessment Projects**—39 projects totaling $2,405,428 in state funds; and 17 projects totaling $876,872 in federal salmon recovery funds.
- **Salmon Research and Monitoring Projects**—8 projects totaling $1,260,606 in state funds; and 7 projects totaling $231,546 in federal salmon recovery funds.
- **Outreach and Education Projects**—26 projects totaling $536,036 in state funds; and 9 projects totaling $355,054 in federal salmon recovery funds.
- **Salmon Enhancement/Supplementation Projects**—8 projects totaling $249,474 in state funds; and 2 projects totaling $38,065 in federal salmon recovery funds.
- **Local Capacity Building and Organizational Support Projects**—24 projects totaling $1,671,758 in state funds; and 8 projects totaling $470,006 in federal salmon recovery funds.

Federal funding for coastal salmon recovery in California flows directly to on-the-ground needs implemented by non-profit organizations, local public agencies, small businesses, and private individuals. These dollars have funded many worthwhile projects. Through the grant process we developed to review and determine which projects would receive funding, 436 barriers have been removed and the California Conservation Corps have planted 1.3 million trees in the riparian zones of 120 streams.

Madame Chairwoman, because your bill would authorize funding over a fixed period of years, this would allow the Department to implement a more comprehensive plan at the watershed level for restoration of salmon and steelhead habitat. A fixed funding period of 6 years, for instance, would also allow evaluation of fishery response to occur through two complete life cycles of coho salmon. In addition, the current level of funding may not be adequate to recover salmon in a timely manner. This bill would provide additional funding at this critical juncture before stocks decline to a point where recovery is problematic. We have a need for additional funding because California has 840 miles of coastline with many anadromous fish streams that need to be restored. By way of comparison, Oregon has 296 miles and Washington has 157 miles of coastline.

California also receives federal funding for the restoration of salmon habitat in the Central Valley, but these stocks are managed separately from coastal salmon. These federal funds are provided through the following four programs that support projects such as screening and fish passage projects; however, none of these monies are available for use on the coastal stocks of salmon:

- The Central Valley Project Improvement Act (CVPIA), funded annually by the Energy and Water Appropriations Bill through a surcharge imposed on Central Valley Project water and power contractors, has provided $39,323,500 for over 70 projects to restore anadromous fish habitat.
- Since 1996, state and federal agencies that are part of the CALFED Bay-Delta Program have awarded more than $335 million in grants for some 323 projects that help achieve ecosystem restoration goals, ranging from fish ladders that help salmon bypass dams to habitat and water-quality improvements.
- The Four-Pumps Agreement has provided $20 million in state funds for mitigating the effects on salmon for operation of the State Water Project.
- The Tracy Fish Facility Mitigation Program has awarded $4 million in federal funds to offset losses of salmon at the Tracy Pumping Plant.

Process for Targeting and Awarding Pacific Coastal Salmon Funds

The Department uses basin planning to strategically target grant funds to the highest priority projects within watersheds. An example of a basin plan includes the recently completed Draft Russian River Basin Restoration Plan, which identifies key areas for restorative actions by streams, reaches, and watershed sub-basins. The plan prioritizes salmonid restoration priorities specific to tributaries and sub-basins, and also identifies needs for additional study. Progress is also being made to integrate watershed-level information provided by the multi-agency North Coast Watershed Assessment Program (NCWAP). Several state agencies are working in concert to collect and analyze information designed to characterize current and past watershed conditions. A "synthesis report" is developed for each hydrologic unit by NCWAP, which will provide the Fishery Restoration Grants Program with information about the priority areas where restoration is most needed. This information will

be used for planning restoration program grant priorities and provide valuable information from cumulative watershed effects analysis for basin-wide planning efforts and development of long-term restoration strategies.

Proposals in California receive intensive technical and field reviews that weigh heavily the priorities of each basin. Once a Request for Proposal (RFP) is received by the FRGP, it is subjected to five levels of review, as follows:

1. Upon receiving a proposal, a Technical Review Team (TRT) is convened to evaluate proposals using criteria described in the RFP. This team is comprised of Department fishery specialists, NMFS staff, and Department of Conservation, California Geologic Survey (CGS) personnel having extensive experience in evaluating restoration proposals. First, the TRT reviews proposals to determine if they meet all of the administrative requirements of the RFP. Then, the TRT prepares a pre-evaluation of each proposal with focused questions for field regional evaluators. This review also provides the CGS representative the opportunity to identify projects that need a field engineer's review. The evaluation criteria provide the means to determine biological soundness, and the technical and cost effectiveness of the proposals.

2. During the second level of review, projects are reviewed at the site by field regional evaluators in order to evaluate, make comments, and score proposals (in compliance with contract law) to determine if they will lead to restorative actions.

3. During the third level of review, regional evaluator scores, response to TRT questions, and comments are reviewed again by the TRT. Based on this review, the TRT may assign a different score to projects, in accordance with the criteria described in the RFP. All proposals, not administratively rejected, are forwarded with Department evaluation scores and comments, to the California Coastal Salmonids Restoration Grants Peer Review Committee.

4. This committee, established by legislation, acting autonomously in a fourth level of review, evaluates each proposal and makes recommendations for funding priorities, as well as recommendations for limitations to dollar amounts to be funded, and provides the Director with a prioritized list of projects for funding.

5. This list of recommended proposals is then forwarded to the Director for the fifth, and final level of review and approval.

Pacific Salmon Recovery Act: California Issues

As I mentioned at the outset, the Pacific Salmon Recovery Act is vitally important to California, and we applaud Senator Boxer for her leadership on this issue. We have a few areas of concern with the legislation as it is currently written. However, we are confident that all of our concerns can be resolved. They are the following:

1. *The restriction of the state's share of matching funds to those available only in the Department's Coastal Salmon Recovery Program*. We recommend changing the language of the bill to lift this restriction. This would allow the Department to continue using a variety of state matching funds, such as the state Coastal Salmon Recovery Program, the North Coast Watershed Assessment Program, the 2000 Water Bond Act (Prop. 13), the 2000 Park Bond Act (Prop. 12), and the recently passed Prop. 40, among others.

2. *The requirement for the formation of a redundant peer review group*. Proposals in California are subjected to five levels of review. We recommend amending the bill to recognize and allow current alternative scientific review or peer review processes to continue. This redundancy could unduly threaten the timely application of restoration funds to much-needed remedial projects.

3. *The requirement for a completed California Salmon Conservation and Habitat Plan by the end of the first fiscal year.* We support the requirement of a California Salmon Conservation and Habitat Restoration Plan as a condition of receiving funds, but respectfully request that each state be allowed 2 years to develop the plan, and that funds not be withheld during these 2 years of plan preparation.

4. *The bill requires the submittal and approval of an annual spending plan "which shall include a description of the projects and programs that the state or tribe plans to implement with the funds allocated."* During the initial review of this bill, we interpreted this to be *a general description of the types of projects* that will be implemented by the program and not *a detailed description of projects* to be implemented. For California to provide a detailed description of the projects would require waiting until after the Director approved a list of specific detailed projects for each annual funding cycle and then submitting these individual projects to the Secretary of Commerce for another level of approval. This final level of approval

would unduly delay and potentially eliminate many projects important to California.

Through our grant cycle, proposals are received each May, field reviewed from June to September, scored in October, reviewed and proposed for funding by the California Coastal Salmonids Restoration Grants Peer Review Committee in November, and approved for funding by the Director in January. February through June is reserved for finalizing contracts and gaining permits. Most projects have to be implemented during the summer field season (which is most often July to September when listed species are not in the area). To delay grant awards until the Secretary makes a final decision on a *detailed description of projects* will, most likely, cause these contractors to lose a full field season. The loss of one full field season could jeopardize the program's ability to implement in-stream restoration projects due to limitations on state contracts—funds must be spend within 3 years of the date of encumbrance or the funding disappears. Because many complex on-the-ground projects take the full 3 years to complete, the funding could disappear if the first field season is lost. This would also delay the timely delivery of federal funds to worthy projects.

Therefore, we request clarification of the language "shall include a description of projects and programs. . . ." If this language means anything more than a generic description of the kinds of projects, this requirement would adversely impact the program. We agree that there should be federal oversight to ensure federal funds are expended prudently, and propose that each recipient provide the Secretary with annual spending reports detailing the type and number of projects funded the previous year (rather than a detailed description of projects for approval).

Conclusion

In closing, I wish to reiterate the Department's thanks to you for holding this hearing, and for inviting the Department to appear before you today. We look forward to continuing to work with Senator Boxer and the other states and tribes. I would be pleased to answer any questions you may have.

Attached is an update of California and Federal Endangered Species Act status for California anadromous salmonids as of 1/18/02. Please discard previous versions. This version reflects the publication of the Final 4d Rule establishing protective regulations for Central California Coast Coho Salmon, Central Valley Spring Run Chinook Salmon, California Coastal Chinook Salmon, and Northern California Steelhead (Fed. Reg. 1/9/02). Please note the effective date for this 4d Rule is 3/11/02.

Federal and State Endangered Species Act Status for California Anadromous Salmonids

[as of January 18, 2002]

SPECIES: ESU (ESA) or Population segment (CESA)	STATUS	EFFECTIVE DATE OF LISTING or ACTION	CRITICAL HABITAT DESIGNATED?	ESA SECTION 9 TAKE PROHIBITIONS APPLY? [1]
COHO SALMON				
ESA—Southern Oregon/Northern Calif. Coasts.	threatened	June 5, 1997	Yes	Yes (Interim 4d Rule 7/18/97)
ESA—Central California Coast	threatened	Dec. 2, 1996	Yes	**Yes (eff. 3/11/02)** [2]
CESA—South of San Francisco Bay	endangered	Dec. 31, 1995.		
CESA—North of San Francisco	candidate	Apr. 27, 2001.		
CHINOOK SALMON				
ESA—Sacramento River Winter-Run	endangered	Emergency listed as threatened Aug 1989; final listed as threatened Nov 1990; reclassified as endangered Feb 3, 1994.	Yes	Yes (2/3/94)
ESA—Central Valley Spring-Run	threatened	Nov. 15, 1999	Yes	**Yes (eff. 3/11/02)**
ESA—Central Valley Fall and Late Fall-Run.	candidate	Sep. 16, 1999	na	na

Federal and State Endangered Species Act Status for California Anadromous Salmonids—Continued

[as of January 18, 2002]

SPECIES: ESU (ESA) or Population segment (CESA)	STATUS	EFFECTIVE DATE OF LISTING or ACTION	CRITICAL HABITAT DESIGNATED?	ESA SECTION 9 TAKE PROHIBITIONS APPLY? [1]
ESA—Southern Oregon and Northern California Coastal.	not warranted	Sep. 16, 1999	na	na
ESA—California Coastal	threatened	Nov. 15, 1999	Yes	**Yes (eff. 3/11/02)**
ESA—Upper Klamath—Trinity Rivers	not warranted	March 9, 1998	na	na
CESA—Sacramento River Winter-Run	endangered	Sep. 22, 1989.		
CESA—Sacramento River Spring-Run	threatened	February 5, 1999.		
STEELHEAD				
ESA—Southern California [3]	endangered	October 17, 1997	Yes	Yes (10/17/97)
ESA—South-Central California Coast	threatened	October 17, 1997	Yes	Yes (7/10/2000)
ESA—Central California Coast	threatened	October 17, 1997	Yes	Yes (7/10/2000)
ESA—Central Valley, California	threatened	May 18, 1998	Yes	Yes (7/10/2000)
ESA—Northern California	threatened	August 7, 2000	No	**Yes (eff. 3/11/02)**
ESA—Klamath Mountains Province	not warranted	March 28, 2001	na	na
COASTAL CUTTHROAT TROUT [4]				
ESA—Southern Oregon/California Coasts.	not warranted	April 5, 1999	na	na

[1] For species listed as ESA endangered, ESA Section 9 take prohibitions apply when final listing becomes effective. For ESA threatened species, Section 9 take prohibitions do not apply unless and until an ESA Section 4(d) rule is promulgated.

[2] Supersedes 4d Rule promulgated 10/31/96.

[3] NMFS has proposed to extend the range of the Southern California ESU to include populations of steelhead that occur in watersheds south of Malibu Creek to, and including, San Mateo Creek in San Diego County.

[4] ESA jurisdiction for coastal cutthroat trout was transferred from NMFS to the USFWS on 11/22/99.

Senator BOXER. Well, thank you so much, Mr. Brazil. And it certainly is our intent to make this work with the states. And I'm very proud of the work that you're doing in the state, by the way, and I just feel it is crucial that we help you with it.

I just would close and say that the point you made about the continuity of the funding, that it is for a set period of years, is very important. You know, I was thinking, you know, when we do things in our own lives, we want a sense of certainty. If we buy a house, we don't just say we're going to buy it for 2 years, you know. You know, we're talking about here a home to species, and we have to make it work and, therefore, I think this commitment to the long-term is very important.

And it is with pride that I hand the gavel over to you, Senator Smith, although hopefully not permanently after the next election.

[Laughter.]

Senator SMITH. In the meantime, I won't do anything rash, I promise.

[Laughter.]

Senator BOXER. I know. And so you can introduce your Oregon witness. Thank you all.

Senator SMITH (presiding). Thank you, Senator Boxer.

Geoff Huntington, from Oregon, good to see you and nice to have you here. Thank you for coming to testify. The mike is yours.

STATEMENT OF GEOFFREY M. HUNTINGTON, EXECUTIVE DIRECTOR, OREGON WATERSHED ENHANCEMENT BOARD

Mr. HUNTINGTON. Thank you for the opportunity, and it's nice to see you, Senator Smith. I appreciate the opportunity to testify in support of S. 1825. And, as Senator Smith knows a lot of the details of the Oregon plan for salmon and watersheds, I think I still will spend a few minutes talking about that so that we can get a good sense in the room of what Oregon is doing to recover endangered fish stocks and also promote sustainable watershed health.

Oregon has been actively working to recover the health of our watersheds for over a decade, and those efforts are now guided by something called the Oregon Plan for Salmon and Watersheds, which I think of as being essentially a four-legged stool that provides a solid base for recovering fish stocks. First we coordinate the delivery of agency programs and regulations in order to improve habitat and water quality and riparian function. On top of that regulatory baseline and coordination of agency programs, we have a dedication of state funds for watershed restoration projects that are voluntarily undertaken by private landowners to accomplish what regulation can't and to advance watershed health in their local area. The third leg of that stool, then, is an integrated monitoring program that Oregon is implementing that provides information and feedback over the long-term of the effectiveness of our efforts and our ability to see if the outcomes we desire are being accomplished or we're moving toward them, at least. And fourth, we have oversight and review by an independent science panel to keep everybody on track and honest.

The plan is institutionalized in statute; in rule, by executive order; and by a state constitutional commitment dedication of funds. And it is into this structure that the Pacific Coastal Salmon Recovery Funds are integrated and invested so that both the federal and the state's commitments are leveraged to accomplish more than either could alone.

My board, the Oregon Watershed Enhancement Board, functions much like a foundation. We award about $25 million a year in grants for voluntary projects on private lands using a competitive process. We receive about 500 applications annually and fund between a third and a half of those.

Attached to my testimony is Oregon's report to the National Marine Fisheries Service that details how we invested the state and federal dollars during an 18-month reporting period from June to December. In that time, we committed $38 million in state funds to voluntary restoration projects and activities associated in supporting those projects. Of that, about $10.9 million was federal funds.

I've made the attachments to this report also available to Committee staff, because I think that they're interesting to take a look at. You can just thumb through the attachments and see, out of the 538 projects that we funded during this reporting period, get a brief description of the types of folks that are receiving money, both federal and state, and the kinds of projects they're undertaking and the breadth and scope of Oregon's program for helping to promote sustainable watershed health and, in the process, recover fish

stocks that have been listed under the Federal Endangered Species Act.

With this backdrop, I again want to say that Oregon supports S. 1825, but that some minor changes probably merit the attention of the Committee. In Oregon's perspective, where a state has a long-standing program promoting recovery that's backed by both science and substantial investments of both state and federal funds, it seems that everything reasonable should be done to ensure that federal dollars that are invested to accomplish the same outcomes take advantage of and use what's already working rather than add new layers of requirements.

And with a couple of adjustments to two portions of the bill, in particular, I think we can be well on our way to that. For example, the science-based peer review of projects is of concern to Oregon, and I appreciated the Chair's willingness to talk about this and work through it. While section four establishes a peer review process that offers one approach to ensuring accountable investments based on scientific review of proposed projects, it's not the only way to get there, and, in fact, it may ultimately be at odds with the realities faced by states like Oregon that are implementing a restoration grant program that's premised on helping landowners in a variety of ways. We have a peer review process in Oregon that is science based. It's three levels, with technical projects teams looking at the merit of individual applications for funds and the strategic investment of peer review done at the board level which has broad representation that includes federal and state resource agencies and then at a program level that again is provided by our independent science panel.

I think that where a state provides this level of accountability review along with a strong monitoring program, it should be recognized in lieu of a federally designated process that imposes a one-size-fits-all. And I think that everyone at this table probably is very comfortable saying that we want to and are willing to ensure accountability for both the federal investments and the investments of state dollars and that we want to do that in a process that is readily transparent to taxpayers that we're all accountable to. It would be our view in Oregon that we can accomplish both goals by having a process that's flexible and accommodates some of the realities of the individual implementers of this program.

We have some minor concerns also about the spending plan that I won't go into, given the short time that's available, but, again, none that I don't think can't be readily resolved and we're already working to do that. Oregon will always be at the table to figure out a collaborative way to make S. 1825 work and to invest these federal dollars in conjunction with our state funds.

And I appreciate the opportunity to talk to you about that today.

[The prepared statement of Mr. Huntington follows:]

PREPARED STATEMENT OF GEOFFREY M. HUNTINGTON, EXECUTIVE DIRECTOR, OREGON WATERSHED ENHANCEMENT BOARD

Thank you Mr. Chairman for the opportunity to present testimony regarding Oregon's efforts to restore endangered salmon and the health of our watersheds generally, and S. 1825 specifically. I especially want to thank Senator Boxer, Senator Smith, Senator Wyden, and the other cosponsors for introducing this legislation; and Representative Thompson for his success in having the House of Representatives

pass H.R. 1157 by such a large majority: 418 to 6. I also thank the Members for the willingness they have expressed to have states suggest ways to modify the bill to better accommodate the needs of state and tribal governments participating in the program.

Oregon wishes to address the Subcommittee on four substantive areas: The Oregon Plan for Salmon and Watersheds, Oregon's Investments in Voluntary Restoration Actions, Fiscal and Effectiveness Accountability, and Specific Comments on S. 1825.

I. The Oregon Plan for Salmon and Watersheds

Oregon's efforts to recover listed anadromous fish runs is guided by a unique blend of efforts integrated to deliver a single mission:

> "To restore our native fish populations—and the aquatic systems that support them—to productive and sustainable levels that will provide substantial environmental, cultural, and economic values to Oregonians."

The Oregon Plan has four components: coordinated delivery of agency programs promoting improved habitat, water quality, and riparian functions; funding of local and private watershed restoration actions undertaken voluntarily; monitoring the effectiveness of recovery and restoration efforts; and independent scientific review and oversight. The plan has been institutionalized in statute, executive order, agency regulations, and dedicated state funding necessary to sustain voluntary restoration and habitat improvement efforts by landowners.

While the Oregon Plan is built on a foundation of existing federal and state laws, the backbone of Oregon's recovery efforts is the state's local citizen efforts to restore habitat and improve water quality through watershed councils and soil and water conservation districts. There will be no recovery of native salmon stocks without the active (and voluntary) participation of landowners who control more than 60 percent of the freshwater habitat of coho salmon runs. Successful recovery will be accomplished only by investing in watershed enhancements on these private lands that comprise mile after mile of critical stream reaches throughout the state.

Currently, Oregon has a network of over 90 local councils and 45 districts comprised of landowners, local conservation groups, private companies with land holdings, and state and federal agencies—most operating by consensus to encourage, support, and implement voluntary habitat restoration projects on private lands in their local watershed. This restoration infrastructure which is now thriving was established for a variety of reasons, not simply because of the listing of a dozen salmon stocks under the federal ESA involving over 75 percent of the land area of the state. Local groups are implementing a multitude of projects including assessments of watershed conditions, fencing and planting stream banks for vegetation recovery, replacing road culverts that block fish passage, eliminating roads or resurfacing roads to eliminate sediment delivery to streams, placing large wood and boulders in streams to enhance habitat, modifying inefficient (and often unscreened) irrigation systems in order to return water for instream flows, and encouraging new agricultural land management practices to improve water quality.

In all, these efforts are changing the outlook for recovering dwindling fish runs by improving riparian habitat conditions beyond that which is needed for individual landowners to simply avoid "take" under the federal ESA. The work is slow however, because the accomplishments occur stream mile by stream mile in every tributary that is key to survival of the wild salmon; and stable funding is critical to sustaining progress.

II. Oregon's Investments in Voluntary Restoration Efforts

Oregon has been promoting and funding voluntary restoration activities for more than 14 years. OWEB currently administers $24 million in active watershed restoration grants implementing over 340 projects and activities around the state. OWEB is responsible for investing up to $15 million annually from state lottery funds constitutionally dedicated to watershed and salmon habitat improvement, along with other private and federal funds administered by the agency. From June 1, 2000, to December 31, 2001, OWEB received a $24 million appropriation to the State of Oregon by Congress from the Pacific Coastal Salmon Recovery Fund. These funds have been administered by OWEB in tandem with the state funds using established eligibility criteria and funding mechanisms currently in place.

OWEB's investment of public funds in watershed restoration efforts is guided by a 17 member board comprised of a representative from each of the state's natural resources commissions, Native American tribes, five federal agencies, the land grant university extension service, and five distinguished citizens from different parts of the state. Criteria for assessing proposals and awarding funds are established by

rule, and are applied by regional teams comprised of state and federal natural resource field staff with first hand knowledge of local conditions. These teams use their collective expertise to review grant applications and make funding recommendations to the OWEB Board. Virtually any person or entity owning land, local council, private non-profit, or governmental entity may seek funding for restoration activities that will improve habitat or watershed health generally; and OWEB considers nearly 500 such requests annually.

Limitations on the use of dedicated state lottery funds require the majority of OWEB's state funds to be spent on on-the-ground watershed enhancement projects and acquisitions. Federal Pacific Coastal Salmon Recovery Fund dollars provide important flexibility enabling the OWEB Board to support watershed councils, watershed assessments, technical assistance for project design, effectiveness monitoring, and education and outreach projects–all of which are essential to achieving restoration of salmon and watershed health. By seamlessly integrating use of the federal Pacific Coastal Salmon Recovery Fund program dollars into Oregon's existing infrastructure that invests in voluntary salmon recovery and watershed enhancement efforts, OWEB is able to substantially enhance the effectiveness of the Oregon Plan for Salmon and Watersheds.

Attached to this testimony is Oregon's recent progress report on expenditures of Pacific Coastal Salmon Recovery Fund awarded from June 1, 2000, to December 31, 2001. This report was provided to the National Marine Fisheries Service in April 2002, to document Oregon's investments of state and federal funds by project categories. The attached report summarizes those investments. A complete report with attachments that itemize all of the individual investments made by the State of Oregon during the reporting period has been provided to Subcommittee staff to be made available to the Members. The attachments to the full report provide thumbnail summaries of the 538 ongoing and completed projects for this reporting period, making it easy to see the breadth and scope of Oregon's restoration investments.

III. Fiscal and Effectiveness Accountability

A. Fiscal Accountability

An independent audit of OWEB's fiscal controls, grant award criteria, and grant management program completed in March, 2000 found the program has in place appropriate financial controls and grant review criteria to ensure accountability for use of public funds. OWEB and the National Marine Fisheries Service have an agreement in place governing expenditure of current and any future money distributed from the Pacific Coastal Salmon Recovery Program. That agreement ensures that the federal funds will be administered for activities supporting recovery of the listed anadromous salmon using OWEB's existing project funding criteria established in state statute and rule. This means that the federal funds are being used for the same types of voluntary restoration projects and watershed assessment and monitoring work that the Board is currently investing in; and with the same emphasis on fiscal accountability.

B. Effectiveness Accountability

Oregon has established a three-prong approach to ensure accountability for the effectiveness of investments in restoring watersheds and recovering salmon habitat. First, by emphasizing strong peer science and technical review of all applications seeking investment of restoration funds from OWEB. Second, by implementing a monitoring program designed to assess the effectiveness of Oregon's restoration and recovery efforts. Third, by providing programmatic oversight of all Oregon Plan for Salmon and Watersheds activities by an independent science team so that principles of adaptive management can be used to adjust and modify Oregon's approach to recovery and restoration over time.

1. Peer Review of Project Applications

All grant applications seeking OWEB funds receive three kinds of peer review in addition to fiscal controls on expenditures. First, a technical multi-discipline team of 12–15 people reviews each proposal. This team evaluates the proposal and determines whether the proposed site, objective, and technology are sound and well suited to accomplish the identified restoration objectives. If one element does not work with the other, modifications are proposed or the project application is recommended for denial.

Second, the technical team forwards its recommendations to the 17-member OWEB Board, which meets formally four times a year to award restoration project grants. As set forth above, five citizens, one tribal representative, five state and five federal resource and regulatory agency representatives, and a University Extension Service representative compose the Board. As a result, grants must address environ-

mental priorities, and each receives a high level interagency review and coordination, with the state and federal agency representatives providing technical input and advice on project sufficiency to the voting members of the Board.

Third, Oregon's independent science panel retains oversight responsibility for the overall program, including award criteria, to ensure sound science is the basis for program implementation. Other functions of this science panel are addressed in this testimony in Section III below.

2. Project and Programmatic Monitoring

OWEB is charged with developing a comprehensive system for the collection, management, and reporting of natural resources information in Oregon. This includes monitoring the long-term effectiveness of restoration and recovery efforts. OWEB is carrying out this legislative directive with the collaboration of state and federal agencies, universities, and local entities to implement a suite of monitoring activities that will identify whether restoration actions are adequately addressing key habitat issues and whether investments in recovery and restoration are having the desired cumulative effect.

Already, implementation monitoring is being done by local groups and state agencies to ensure that individual restoration projects are performing as anticipated. State and federal agencies have also initiated effectiveness monitoring programs in all coastal basins to learn how our restoration efforts are affecting species and associated habitat on a watershed scale. OWEB oversees an interagency monitoring team which coordinates federal and state monitoring of water quality, species, and stream, estuarine, and upland conditions.

Within the last six months, Oregon has established the foundation for an institutionalized statewide monitoring program aimed at providing a comprehensive picture of Oregon's watersheds and specie recovery efforts. Building this collaborative statewide program has been made possible both by the Oregon Governor's and Legislature's recognition of the importance of pursuing this task, and by Congress' support for the Pacific Coastal Salmon Recovery Fund. The combination of state and federal support for effectiveness monitoring will provide federal, state, and local decision makers with long-term, reliable information on recovery trends and progress toward ultimate restoration objectives that has not historically been available.

3. Science Panel Oversight

When the Oregon Plan for Salmon and Watersheds was first established, a science team was created to advise the state on all matters of science related to implementation of the plan and the effectiveness of efforts aimed at restoring native fish populations and the health of Oregon's watersheds. This science panel (called the Independent Multidisciplinary Science Team) also reflects key provisions of a Memorandum of Agreement between the State of Oregon and the National Marine Fisheries Service. As part of its responsibilities, this panel has the capacity to review OWEB's grant program as well as the adequacy and appropriateness of the monitoring efforts discussed above to ensure that funding decisions and long-term assessments of progress continue to be based on sound science.

IV. Comments Specific to S. 1825

A. Peer Review Provisions

Section 4 of S. 1825 establishes a peer review process modeled upon that of the Northwest Power Planning Council. That peer review process evolved from and reflects the Council's unique needs, in which members representing the four states became responsible for reviewing and approving projects submitted by their colleagues. This is an effective model for the Council and could usefully serve as a default process for states that do not have a peer review process for their restoration projects. However, it is not as effective as scientific review processes like Oregon's and Washington's that are tailored to ensuring accountability while also addressing the realities of implementing locally sponsored restoration projects. For this reason, Oregon suggests that Section 4 be amended to allow a state to use a scientific review process that is mandated in state statute and regulations in lieu of a federally imposed process.

B. Annual Spending Plan Provisions

On first reading, Section 3's requirement of an annual spending plan makes good sense. However, upon reflection the provision inadvertently reverses the community based process that has guided and been at the heart of watershed restoration programs in Oregon from their inception. The provision creates a process in which a federal administrator would/could set the priorities for local watershed councils. Oregon recommends that subsection 3(a) be dropped and replaced with an annual re-

port of expenditures to insure continued accountability. It appears that this could be accomplished with amendments to current language in Section 7 of the bill.

C. Conservation and Salmon Restoration Plan Provisions

Where a state has through statute or regulation established a comprehensive plan for restoring watersheds and promoting the recovery of listed fish stocks, that plan should be accepted by the National Marine Fisheries Service after expedited review. Perhaps the most valuable lesson learned from the current efforts to protect and restore native salmonids in the Northwest is that it is critical to honor different approaches in different areas as the most appropriate vehicle to promote recovery of listed stocks. Restoring watersheds and enhancing critical fish habitat occurs stream mile by stream mile and watershed by watershed using a variety of different approaches. Bill provisions mandating a conservation and salmon restoration plan must honor this premise or risk impeding state and local efforts to accomplish the most effective restoration activities in a manner that can be accepted and sustained by landowners and communities in every part of Oregon and the Northwest.

D. Need for Continued Program Authorization Provisions

Current authorization ends after federal Fiscal Year 2003 giving rise to the need to extend authorization for another 5 years as this bill does. The State of Oregon also supports this bill's expansion of the program to include the State of Idaho with the stated adjustments increasing the total authorization levels, and for equal share among participants in the program. If time runs out, however, and Congress is unable to complete work on this bill or H.R. 1157, then there is a real need to increase the appropriation level for federal Fiscal Year 2003 to accommodate Idaho without adversely impacting current participants in the program.

ATTACHMENT A

STATE OF OREGON PROGRESS REPORT ON EXPENDITURES OF PACIFIC COASTAL SALMON RECOVERY FUNDS AWARDED FROM JUNE 1, 2000 TO DECEMBER 31, 2001

(WITHOUT ATTACHMENTS)

April 5, 2002

I. Introduction and Background

Congress appropriated $9 million to the State of Oregon in June 2000, $8.9 million in June 2001 and $6.1 million in September 2001 as part of the Pacific Coastal Salmon Recovery Program (PCSRP). The funds are dedicated to support salmon and steelhead restoration efforts in the coastal and Columbia River drainages of Oregon. Funding was awarded by grant agreement NA06FP0421 on June 26, 2000. This report covers the period of June 1, 2000 through December 31, 2001 and includes grant agreements made during that time period. Additional grants relying on these funds have been awarded in 2002, but are not included in the scope of this progress report.

The Oregon Watershed Enhancement Board (OWEB) budgeted PCSRP funds to award as part of Oregon's existing watershed improvement grant program. Between June 2000 and December 2001, OWEB invested a total of $49 million for watershed and salmon habitat improvement in Oregon. This amount includes $38 million in state funds, and $10.9 million in PCSRP funds.

II. State Match of Pacific Coastal Salmon Recovery Program Funds

The State of Oregon is required to provide a 25 percent non-federal match ($6,001,625) to the $24 million congressional appropriation to Oregon from the PCSRP. In the July 1999 through December 2001 state budget cycle, Oregon committed over $34 million in state lottery funds, state general funds, and other non-federal funds to invest in salmon recovery and watershed restoration efforts. To date, since June 2000, OWEB alone has invested over $38 million in non-federal funds, not including substantial program funds dedicated by other state natural resource agencies implementing the Oregon Plan for Salmon and Watersheds.

Limitations on the use of state funds require the majority of OWEB's funds to be spent on on-the-ground watershed enhancement projects. PCSRP funds provide important flexibility for supporting watershed councils, watershed assessments, monitoring, and education and outreach—all of which are essential to achieving restoration of salmon and watershed health. By integrating use of the federal PCSRP funds into Oregon's existing infrastructure that invests in voluntary salmon recovery and

watershed enhancement efforts, OWEB is able to substantially enhance the effectiveness of the Oregon Plan for Salmon and Watersheds.

III. Work Accomplished and Benefits to Salmon

Oregon is actively working toward restoration through implementation of the Oregon Plan for Salmon and Watersheds—a comprehensive statewide effort initiated by Governor Kitzhaber in 1997. The Oregon Plan has four components: (1) coordinated delivery of agency regulatory programs promoting improved habitat, water quality, and riparian functions; (2) funding of voluntary watershed restoration actions implemented by local citizen groups; (3) integrated monitoring of the effectiveness of restoration and recovery efforts; and, (4) independent scientific review and oversight. The Plan directs improved enforcement of existing federal and state laws, and promotes citizen and landowner efforts to restore watershed health through a statewide network of organized local groups.

Currently, over 90 local watershed councils and 45 soil and water conservation districts are implementing restoration projects in Oregon, partnering with agencies and private interests, educating and involving people in restoration, and monitoring watershed conditions to understand the effectiveness of restoration work. OWEB is the state agency responsible for supporting this local infrastructure, with strategic funding of restoration projects, watershed assessment and monitoring, public education and outreach, and technical assistance for local efforts.

To accomplish this, OWEB invests up to approximately $15 million annually from state lottery funds dedicated to watershed and salmon habitat improvement, along with other private and federal funds, including the PCSRP appropriations. OWEB administers congressional PCSRP funds, as well as state and other funds, allowing flexibility to target investments to meet local needs and achieve significant, long-term improvements in salmon and watershed health.

IV. Accountability and Effectiveness of Restoration Investments

OWEB achieves strategic investment of public funds and cost-effective restoration through rigorous technical review of grant proposals, monitoring of restoration projects and results, and balanced Board leadership and policy direction. OWEB's investments are guided by a 17-member Board comprised of a representative from each of Oregon's natural resources commissions, Native American tribes, five federal agencies, the land grant university extension service, and five citizens from different regions of the state. Criteria for assessing proposals and awarding funds are established by administrative rule, and are applied through regional teams composed of state and federal natural resource field staff with first-hand knowledge of local conditions. These teams use their collective expertise to review grant applications and make funding recommendations to OWEB. The Board maintains a data base of all funded projects to track local progress and to communicate investment results, and collaborates with federal and state agencies to ensure that all investments demonstrate long-term watershed improvement.

OWEB and the National Marine Fisheries Service have entered into an agreement governing expenditure of all money distributed from the PCSRP. The agreement ensures that federal funds will be administered using the Board's existing funding criteria for activities supporting recovery of anadromous salmon listed under the Endangered Species Act. Thus, federal funds are now being used to supplement Oregon's commitment of state funds to support voluntary restoration projects, watershed assessments, monitoring, and outreach efforts. Used in this manner, the funds appropriated by Congress are a substantial enhancement to the state's ongoing investments in salmon recovery and habitat improvement.

V. Project Funding Categories

Sections A–H below describe the types of projects these funds have supported, and the total amounts of PCSRP funds invested in each project category to date.

A. Salmon Habitat Restoration

Between June 2000 and December 2001, OWEB committed a total of $29.7 million for locally sponsored restoration projects designed to recover pacific salmon and restore and enhance watershed health. This amount includes $29.3 million in state funds and approximately $413,600 in PCSRP funds. Because the state constitution limits use of 65 percent of dedicated state funds to on-the-ground projects, OWEB targets Oregon's investment of PCSRP funds to activities supporting habitat restoration activities rather than toward funding the projects themselves.

Oregon initiated a watershed restoration project program in 1995. OWEB documents the cost and monitors the effectiveness of each watershed restoration project it and other state grant programs fund. The project monitoring program is coordinated with the federal land management agencies (U.S. Forest Service and Bureau

of Land Management) having jurisdiction in recovery funding areas. The state reports annually on the implementation of watershed restoration projects. This reporting data base is useful in evaluating changes in design through time, the extent to which projects meet design guidelines, and the relative investment in different restoration activities.

Watershed councils, soil and water conservation districts, and other groups implement projects that are identified as priorities in watershed assessments and that involve local citizens and landowners. These projects result in a wide variety of watershed improvements, including:

- creation of salmon habitat in critical stream reaches;
- removal of barriers to salmon migration;
- enhancement of riparian, wetland, and estuarine areas;
- reduction of point and non-point sources of water pollution;
- reduction of non-natural erosion to streams;
- increase in in-stream water flows to benefit salmon; and
- acquisition of interests in land and water to protect salmon and watershed health.

Local groups use the *Oregon Aquatic Habitat Restoration and Enhancement Guide* developed specifically for the Oregon Plan to design projects that follow sound recovery and restoration methods.

Oregon's investments in this project category are itemized by grant project commitment in Attachments A–1, A–2, and A–3.

B. Assessment of Watershed Conditions

Between June 2000 and December 2001, OWEB invested a total of $2.7 million for locally sponsored assessments of watershed conditions. This amount includes $340,567 in state funds, and $2.3 million in PCSRP funds. Using a template designed by the state in collaboration with federal resource agencies, local watershed councils and soil and water conservation districts conduct watershed assessments to determine where, within a given watershed, work is needed to restore natural processes or features related to fish habitat and water quality. Specifically, watershed assessments enable local groups to:

- identify features and processes important to salmon habitat and water quality;
- determine how natural processes are influencing those resources;
- understand how human activities are affecting salmon habitat and water quality; and
- evaluate the cumulative effects of land management practices over time.

Watershed councils and soil and water conservation districts use OWEB grants to purchase assessment equipment, hire watershed consultants, and do watershed mapping necessary for assessment. The template used by these groups is the *Oregon Watershed Assessment Manual* developed by OWEB. The manual helps ensure that local groups accurately assess watershed conditions, which in turn enables them to strategically plan salmon recovery and watershed restoration actions where the investment of time and money will yield the best results.

Watershed assessments have been completed throughout much of the state, particularly in the coastal, Willamette, and Deschutes basins. Additional investments are planned for, or are under way, in other basins key to recovering listed stocks.

Oregon's investments in this project category are itemized by grant project commitment in Attachments B–1 and B–2.

C. Monitoring of Watershed Conditions

Between June 2000 and December 2001, OWEB invested a total of $2.2 million for locally sponsored projects monitoring watershed conditions. This amount includes $408,361 in state funds, and $1.8 million in PCSRP funds. Additional investments of state and PCRSP funds were also made in agency monitoring program efforts identified in Section G, below.

Watershed councils, state and federal agencies, and other groups monitor local watershed conditions to better understand trends in salmon populations and watershed health, and to determine whether completed restoration projects have achieved their intended goals. OWEB grants fund a variety of different types of monitoring, including:

- salmon and aquatic insect monitoring;
- water quality and stream flow monitoring;

- wetland, estuarine, stream, riparian and upland condition monitoring; and
- restoration project effectiveness monitoring.

Data collected through monitoring are used to develop projects and plans to restore watershed health. Local groups and state and federal agencies use the *Water Quality Monitoring Guidebook* developed for the Oregon Plan to ensure sound monitoring techniques and to produce widely accessible information. OWEB has adopted a Monitoring Strategy to guide future investments in monitoring of salmon populations, environmental conditions, and project effectiveness. Locally sponsored monitoring proposals funded by OWEB are reviewed and evaluated by an interdisciplinary team in the context of the state's overall monitoring effort.

Oregon's investments in this project category are itemized by grant project commitment in Attachments C–1 and C–2.

D. Education and Outreach

Between June 2000 and December 2001, OWEB invested a total of $1.5 million for locally sponsored education and outreach. This amount includes $137,627 in state funds, and $1.4 million in PCSRP funds. Public education and outreach regarding watershed conditions and restoration opportunities are a necessary part of gaining community support for and participation in watershed enhancement projects. Watershed councils and soil and water conservation districts are effective in citizen education and outreach because they operate at the local community level. Grants to these local groups support citizen learning with funding for education, coordination, materials, and training. Examples include:

- conducting watershed restoration workshops for landowners and educators;
- providing students with opportunities for field study and watershed learning;
- engaging youth and adults in programs of water quality monitoring;
- developing community informational materials, such as brochures, interpretive signs, and newsletters; and
- developing and implementing a watershed-based science curriculum for K–12 teachers, and providing training.

Oregon's investments in this project category are itemized by grant project commitment in Attachments D–1 and D–2.

E. Technical Assistance

Between June 2000 and December 2001, OWEB invested a total of $971,098 to provide technical assistance to watershed councils, soil and water conservation districts, and individual landowners for engineering design, conservation planning, fluvial geomorphology, and other technical services supporting restoration project implementation. This amount includes $212,050 in state funds, and $759,048 in PCSRP funds. Technical assistance funding is necessary to enhance the quality of local restoration activities, and support implementation of the federal Conservation Reserve Enhancement Program. Lack of resources supporting technical design, planning, permitting, and application of technology is a significant constraint that impedes on-the-ground restoration work. This allocation by OWEB directly supported project development and implementation by 21 local watershed groups around the state.

Oregon's investments in this project category are itemized by grant project commitment in Attachments E–1 and E–2.

F. Watershed Council Support

Between June 2000 and December 2001, OWEB invested a total of $4.4 million to support the capacity of local watershed councils to undertake restoration activities. This amount includes $2.4 million in state funds, and $2.07 million in PCSRP funds. More than 90 watershed councils are established in Oregon, implementing restoration projects, partnering with agencies and private interests, educating and involving people in restoration, and monitoring watershed conditions to understand the effectiveness of restoration work. Watershed councils are comprised of volunteers from local Oregon communities. They provide a forum for citizens, landowners, businesses, government, and other stakeholders to discuss local watershed conditions and to collaborate on restoration opportunities. OWEB grants support a variety of watershed council operations, including:

- salaries and support for council coordinators;
- training of council coordinators;
- materials used by the coordinator to conduct council business; and
- restoration action planning for council coordinators.

Oregon's investments in this project category are itemized by grant project commitment in Attachments F–1 and F–2.

G. Agency Projects Supporting Local Watershed Restoration

Between June 2000 and December 2001, OWEB invested a total of $2.6 million in state agency projects principally relating to monitoring and data collection and supporting restoration and recovery efforts. This amount includes $1.0 million in state funds, and $1.6 million in PCSRP funds. Coordination among state agencies to implement programs and provide assistance to local groups is a necessary part of achieving improvements in salmon and watershed health. OWEB grants have enabled other state agencies to support watershed councils, local governments, landowners, and others with technical assistance for watershed enhancement projects, monitoring, assessment, and education.

Oregon's investments in this project category are itemized by grant project commitment in Attachments G–1, G–2, G–3, G–4, and G–5.

H. Agency Administration

Between June 2000 and December 2001, OWEB invested a total of $4.3 million in administering the state's grant, monitoring, data coordination, and outreach programs at OWEB supporting the Oregon Plan for Salmon and Watersheds. This amount includes approximately $3.8 million in state funds and $537,000 in PCSRP funds.

Senator SMITH. Geoff, can you describe Oregon's peer review that, in your opinion, is working well? Can you describe it for us and how it differs from the one proposed in the bill?

Mr. HUNTINGTON. Certainly, Senator Smith, I'd be happy to. That which is proposed in the current language of the bill sets up an overarching peer review with a single panel that would have appointments to it and would require that projects be reviewed prior to funding by the agencies, in my reading of the legislation.

Oregon has a process that is similar but very, very different in some key ways. As soon as applications come into Oregon, into the door at OWEB, the Oregon Watershed Enhancement Board, we send them out to five regional technical teams that are made up of about 12 to 15 people that have every discipline represented but also have local knowledge of what's going on in that part of the state and the kinds of restoration activities that are successful, those that aren't, and design criteria standards that need to be done to successfully implement those projects. They review every application for the use of federal and state dollars for technical merit and for also looking at the appropriateness of the siting of the proposed restoration activity.

Those recommendations then come back into my office, and my board does a level of peer review prior to funding that is based on a more strategic level by the membership of my board representing five federal agencies and five state agencies, along with the University Extension Service advising the citizen representatives on the strategic value of the types of investments that have been recommended for funding by the technical review teams.

On top of that, then, Oregon has overlaid a science panel that is an independent panel that does a constant review of the appropriateness of our investments and whether the questions we are asking are scientifically based in a way that can assure the long-term effectiveness of the efforts.

The important difference between what is in the federal legislation and at least how Oregon currently is operating is that we have a—we run three grant cycles a year through our process to allow landowners and local restoration groups to participate on a fre-

quent basis. And having a single panel that is modeled off the Power Planning Council process, which is also very successful but is only structured to allow a review on a very periodic, almost annual, basis, could cause a significant problem for us in getting dollars on the ground to projects being implemented for landowners that are interested in participating voluntarily.

Senator SMITH. I think the main thing is that, at the end of the day, all parties to this have confidence that what is reviewed has integrity and is scientifically sound, and then everybody, I think, is prepared to live with objective scientific conclusions.

Mr. HUNTINGTON. I could give you a long-winded answer, but that's absolutely correct.

Senator SMITH. That's the goal. So if you have a better way, maybe Oregon's a good model. We're not locked into one way, but we do want to be able to say, with more confidence than we currently do, that the science we're using is legitimate; that it's not political science, it's factual. And people can then live with the law because they know it is objective.

Okay, thank you very much, Geoff.

Next on Senator Boxer's list is Mr. James Caswell, the Director of the Idaho Office of Species Conservation, which has jurisdiction over Idaho's salmon recovery work. Mr. Caswell?

STATEMENT OF JAMES CASWELL, DIRECTOR, OFFICE OF SPECIES CONSERVATION, STATE OF IDAHO

Mr. CASWELL. Thank you, Senator. It's a privilege to come here today and offer testimony in support of Senate Bill 1825. My name is Jim Caswell, and I serve as the director of our Governor's Office of Species Conservation for the State of Idaho. And our Governor and, of course, the former senator, Dirk Kempthorne, sends his warmest regards.

Passage of S. 1825 is crucial and very important to the state. That's reflected, I believe in the original co-sponsorship of the bill by both Senator Craig and Senator Crapo. And I wish to thank them for their efforts.

Past Pacific Coast Salmon Recovery Fund allocations have largely overlooked Idaho despite the important role that Idaho's anadromous stocks play in the overall recovery of Pacific salmon. All of the native anadromous stocks are listed under ESA as either threatened or endangered within the borders of the state. I've traveled here to stress Idaho's support for S. 1825. From an Idaho perspective, the greatest good resulting from the passage of this bill would be the formalized recognition of Idaho's importance to the recovery of our anadromous stocks.

In that regard, I'd like to make three points. One, that the salmon crisis in the Northwest cannot be resolved without restoring Idaho's anadromous stocks. Two, failure to restore anadromous runs in Idaho will prevent fishermen in both the Pacific Coast, California, and Alaska from being able to access healthy runs. And, three, that Idaho has sufficient spawning and rearing habitat to support restored runs of spring and summer chinook, sockeye, and steelhead.

The threatened status of Snake River stocks has constrained the Pacific Salmon Treaty and other coastal fisheries stretching from

California to Alaska. Idaho hopes that our inclusion in future funding allocations will help reverse these declines. That Idaho is a worthy recipient of coastal salmon moneys is a viewpoint not confined to the borders of the state. Both the Department of Commerce and the Columbia River Inter-Tribal Fish Commission support Idaho's inclusion.

When the Governors of the four states chose to address salmon recovery together, they did so on a regional basis, and the result was the Four Governors' recommendation on salmon recovery. This partnership is accomplishing more in a way that honors the roles of the individual states and tribes while promoting planning at the local level for full salmon life-cycle restoration. The Four Governors' plan can work in concert with the 2000 Federal Columbia River Power System Biological Opinion. And the key, in our view, to that is to fully implement that biological opinion.

Having mentioned our support for S. 1825, I'd like to take a moment and point out a few ways in which the Act might be improved. As an administrator, I appreciate the enormous financial resources committed to the restoration of these species. I'm sensitive to the desires to ascertain that the moneys authorized and appropriated are spent in the most efficient manner and that the states and the tribes are held accountable for their actions.

It's in that vein that I suggest that some of the processes required by this bill are duplicative of processes and safeguards already in place throughout much of the Northwest. For example, under the Power Act and through the Northwest Power Planning Council, the states of Idaho, Washington, Oregon, and the tribes have already established a thorough and scientific peer-review program.

Suppose the state determined that we were going to connect some habitat and establish and spend money to do this project through both coastal salmon funding and through the Northwest Power Planning Council funding. As it's now written, there would be two or more duplicative approaches that would have to take place, one at the local planning level—two different approaches there—citizen advisory committees—two different approaches there—looking at separate planning documents, looking at long-term accounting and followup on that project until the—throughout the life and until any dirt actually could be turned.

I'd simply suggest that the Committee amend the bill to allow existing processes in the region to fulfill the Act's intent where they already exist. I can assure you, the Committee, that Idaho and the region as a whole, actually, has in place processes that meet the Act's desires for annual plans, peer review, and public participation.

Let me close by saying that Idaho appreciates the recognition granted in S. 1825. It's an important role for our anadromous stocks to play in the region. We have both dedicated biologists and concerned property owners who anxiously await coastal salmon funds so we can advance efforts. We ask that processes in place be granted deference so that precious time and resources are not lost in the duplicative efforts.

And I thank you for your time and attention.

[The prepared statement of Mr. Caswell follows:]

PREPARED STATEMENT OF JAMES L. CASWELL, DIRECTOR, OFFICE OF SPECIES CONSERVATION, STATE OF IDAHO

Madam Chairman and Honorable Members of the Oceans, Atmosphere and Fisheries Subcommittee:

It is a privilege to come before you today and offer testimony in support of Senate Bill 1825—the Pacific Salmon Recovery Act. My name is James Caswell and I serve as the Director of our Governor's Office of Species Conservation for the State of Idaho. Our Governor and your former senate colleague, Dirk Kempthorne, sends his warmest regards.

Passage of S. 1825 is of crucial importance to the State of Idaho. Its passage will allow Idaho to help the Federal Government fill its responsibility. That importance is reflected by the original co-sponsorship of this bill by our Senators, Larry Craig and Mike Crapo. I wish to thank them for their efforts.

Past Pacific Coast Salmon Recovery Fund allocations have largely overlooked Idaho despite the important role Idaho's anadromous stocks play in the overall recovery of Pacific Salmon. All of Idaho's native anadromous stocks are listed under the federal Endangered Species Act as either threatened or endangered. Though they spawn and are reared far from the shores of the Pacific Ocean, some Idaho stocks travel in excess of 1000 miles to reach and return from the Pacific Ocean, these majestic fish call the same Pacific Ocean home for a portion of their life cycle.

I have traveled here to stress Idaho's support for S. 1825. From an Idaho perspective the greatest good resulting from passage of this bill would be the formalized recognition of Idaho's place in assisting the Federal Government in meeting its responsibilities by dedicating a portion of future Pacific Coastal Salmon Recovery Fund distributions to Idaho.

The salmon crisis in the Pacific Northwest cannot be resolved without restoring Idaho's anadromous stocks

- Four of the eleven (36 percent) listed Evolutionary Significant Units (ESUs) in the Columbia River originate in the Snake River Basin: Snake River Sockeye, Snake River Spring/Summer Chinook, Snake River Fall Chinook, Snake River Steelhead.
- Anadromous stocks from Idaho are the backbone of the Columbia River run.
- Idaho produces the largest components of the spring/summer Chinook and steelhead run.

Failure to restore anadromous runs in Idaho will prevent fisherman in the Pacific Northwest, California, and Alaska from being able to access healthy runs

- The ESA has placed onerous constraints on fisherman to reduce harvest, at great expense to fishing families and communities.
- Idaho's salmon are mixed with stocks from other areas in traditional fishing areas. If runs from Washington and Oregon are restored, but those in Idaho are not, fisheries from Southeast Alaska to California will continue to be constrained.

Idaho has sufficient spawning and rearing habitat to support restored runs of spring and summer chinook, sockeye and steelhead

- Idaho has 3,700 miles of habitat accessible to salmon and steelhead, which represents enormous production potential.
- The remaining key spawning and rearing habitat for the Snake River Fall Chinook is found mostly in Idaho or in the Snake River bordering Idaho.
- Idaho streams comprise the largest percentage of habitat and produce the bulk of wild spring and summer Chinook and summer steelhead in the Columbia River Basin.
- The Snake River retains the potential to produce 63 percent of natural-origin summer steelhead in the Columbia River Basin.

The threatened status of Snake River fall chinook has constrained Pacific Salmon Treaty and other coastal fisheries stretching from California to Alaska. Idaho hopes that our inclusion in future allocations of the PCSRF will help reverse these declines which have cost the coastal states millions of dollars in lost revenue and jobs. The decline of spring/summer and fall Chinook salmon and steelhead in Idaho greatly constrains fisheries not just in Idaho, but Pacific coastal and Columbia River fisheries.

That Idaho is a worthy recipient of PCSRF monies is a viewpoint not confined to the borders of the Gem State. I would like to draw your attention to a letter from Theodore W. Kassinger, General Counsel of the Department of Commerce, wherein he states "In particular, we (the Department of Commerce) support the expansion of this funding (Pacific Coast Salmon Recovery Funds) to Idaho. As you know, many watersheds within Idaho contain some of the best salmon habitat in the Columbia River Basin. Support for the Pacific salmon recovery should be comprehensive and focused on opportunities to provide the greatest benefits to recovery of wild salmon populations. . . ." The Columbia River Inter-Tribal Commission echoes these comments in stating: "The Columbia River tribes continue to support expanding the program to explicitly include the State of Idaho's salmon restoration efforts." If Pacific salmon recovery is to be effective, its focus and the resources committed to these efforts must be spread out across the region.

When the Pacific Northwest Governors affiliated with the Northwest Power Planning and Conservation Act and the Northwest Power Planning Council choose to address salmon recovery they did so on a regional basis; the result was the Four Governors' Recommendations on Salmon Recovery. This was the first time that the states of Idaho, Washington, Oregon and Montana had come together on a common approach that acknowledged that the only way to progress on real recovery is with a partnership between the states and Federal Government. They acted in this manner because they knew no single state can solve the problem and as stated by Jim Connaughton, Chair of the Council of Environmental Quality, "When you speak as a region, you have our undivided attention". This partnership is accomplishing more in a way that honors the roles of the individual states and tribes while promoting local planning for full salmon life-cycle restoration. The region has a plan upon which we all agree. This Four Governors plan can work in concert with the 2000 Federal Columbia River Power System biological opinion. The key is to now fully implement the federal biological opinion. With this spirit of cooperation among states and in partnership with the Federal Government, we are asking that Idaho be included in future allocations of the Pacific Salmon Coastal Recovery Fund. Let me be clear, any improvement in Idaho's listed anadromous stocks benefits all of our states that are committed to salmon recovery in the Pacific Northwest.

Having mentioned our support for S. 1825, I'd like to take a moment and point out a few ways in which the Act might be improved. As an administrator tasked with conserving threatened and endangered species, I appreciate the enormous financial resources committed to the restoration of these species. I am sensitive to your desires to ascertain that the monies you authorize and appropriate are spent in a most efficient manner and that the states and tribes are held accountable for their actions. It is in that vein that I suggest that some of the processes required by this bill are duplicative of processes and safeguards already in place throughout much of the Pacific Northwest. Sec. 3(h)(1) asks that each eligible state and tribe "carefully coordinate the salmon conservation activities of that state or tribal government to eliminate duplicative and overlapping activities" yet passage as written would in fact cause duplicative and overlapping activities. For example, under the Pacific Northwest Electric Power Planning and Conservation Act, the states of Idaho, Washington and Oregon and the tribes therein, already have an established, thorough scientific peer review program—the Independent Scientific Review Board. Suppose the State of Idaho determined to reconnect a once productive riparian area to currently existing habitat and determined to use both NWPPC Columbia River Basin Fish and Wildlife Program monies and PCSRF monies to complete the project. As the act is now written this project would have to be endorsed by both a local sub-basin planning working group and some form of a citizen advisory committee, presented in two separate annual planning documents and then be presented initially to two scientific review panels with subsequent responses to address concerns raised by both review panels before one shovel of dirt could be turned. The accounting and follow up reporting would proceed down two separate tracks as well for the life of the project. Following that partial and yet lengthy example of the potential quagmire that awaits state and local conservation officers I would simply suggest that the Committee amend the bill to allow existing processes in the region to fulfill the Act's intent where and when they already exist. I can assure the Committee that Idaho already has in place processes that meet the Act's desire for annual plans, peer review and public participation.

Let me close by saying that Idaho appreciates the recognition granted in S. 1825 as to the important role our anadromous stocks play in the region's salmon recovery efforts. We have both dedicated biologists and concerned property owners who anxiously await PCSR funds so that we can advance efforts which will pay dividends from Alaska to California. We ask that processes in place be granted deference so

that precious time and resources are not lost in duplicative efforts. Thank you for your time and attention.

Senator SMITH. Thank you very much.

Next we'll hear from Ms. Laura Johnson, Executive Director for the Inter Agency Committee on Outdoor Recreation/Salmon Recovery Funding Board for the State of Washington.

STATEMENT OF LAURA E. JOHNSON, EXECUTIVE DIRECTOR, INTERAGENCY COMMITTEE ON OUTDOOR RECREATION/ SALMON RECOVERY FUNDING BOARD

Ms. JOHNSON. Good afternoon, Senator Smith. Thank you for the opportunity to be before the Subcommittee this afternoon. I am the Executive Director for the Washington Salmon Recovery Funding Board. Our administrative offices are with another state agency ("IAC"), which no one can pronounce, including myself.

[Laughter.]

Ms. JOHNSON. Washington State has faced this issue of endangered salmon for a number of years, including before the Pacific Coastal Salmon Fund was officially enacted in the appropriations process.

At this point, we have 15 runs of wild salmon that are listed as threatened or endangered. Listings cover 75 percent of the land base of the State of Washington and about 90 percent of where the population now lives. That population is just about 6 million people, so we have an enormous public-policy challenge of how to restore the fish, how to protect the remaining habitat, and to do it in a way that achieves public support and also recognizes the reality that there are a large number of people living in the watersheds that the fish also live in or could live with restoration assistance.

Our state legislature and our Governor have recognized this challenge in a variety of ways. They've established a Governors' Salmon Recovery Office, which is a separate institution from our board. We have had a major public enactment called the Forest and Fish Program which covers virtually all of the forestlands of the State of Washington and provides outstanding protection in a number of efforts in that regard.

The legislature also had, I think, the great wisdom to recognize that people needed to be involved in this effort, and particularly in regard to habitat restoration. In that regard, the legislature, with the Governor's full support, established the Salmon Recovery Funding Board, and its local institutions that we call "lead entities". Every one of the 26 throughout the State of Washington has a slightly different official name; the best title the legislature could come up with was "lead entity". But 26 of these locally based watershed-based institutions now exist, and all funds that are spent by the state must go through the lead entity process.

At each lead entity, there's local public review. There's local volunteer effort. There's identification of sponsors for projects—of course all on a willing basis, willing landowner basis. And those local efforts are then forwarded to the Salmon Recovery Funding Board, which is appointed by the Governor, and currently chaired by a gentleman named Bill Ruckelshaus, who was also the first administrator of the EPA.

And I would note also, Mr. Smith, that he is also serving on this Subcommittee's Oceans Task Force and is not available to be here today because he is at a meeting of that group; he sends his apologies. He also extends his willingness to this Subcommittee, to appear at some point in the future, should you wish have his comments on this issue.

Very much like the other states, and particularly very similar to Oregon, our funding board has a rigorous process that includes both the local public review, the local technical review, a state technical panel, and a state public-process review. The net result of this has been the investment to date of approximately $60 million of state funds and a little over $100 million of federal funds. Some of the projects are captured, like Mr. Huntington, in the report that we just did on a portion of that, the 18 months of the federal funding officially known as the Pacific Coastal Salmon Fund.

Very similar to other states, but in some respects different, Washington State also shares the concerns of the other states about the duplication of process. We believe we have established methods which assure credibility, but also excellent public participation and an excellent grassroots approach that really builds the citizen support that will be necessary if salmon recovery is going to be a reality in the State of Washington. This is not an issue that can be imposed from the top down. This is something that people who live in the watersheds really are going to have to participate in. And the Federal funds and the state funds have not only done good work in and of themselves in issues such as relieving fish passage problems or habitat restoration, but they've also done the tremendous public good of getting citizens involved and getting citizens to care. And that, we think, is an equally important product—very difficult to measure, I grant you, but a very important issue.

So we are concerned about the duplication that might present itself with the current version of the bill, and we do certainly share with the other states the willingness to work on technical language and other approaches.

We'd also comment that we share, with the State of Alaska—we do have the treaty responsibilities that were expressed by Senator Stevens earlier, Senator, before you were able to be present. And so we do have a concern that the distribution of funding by any formula, whether it's by appropriation or statute, does need to take into account those very real differences that the states have—of population, of length of streams, of previous legal requirements; in our case, we have a number of treaty requirements with our tribal communities. Likewise, we have a number of efforts underway with the Northwest Power Planning Council. And I think the complexities of these issues need to be adequately reflected in the bill.

With that, Mr. Smith, I thank you for your time.

[The prepared statement of Ms. Johnson follows:]

PREPARED STATEMENT OF LAURA E. JOHNSON, EXECUTIVE DIRECTOR, INTERAGENCY COMMITTEE ON OUTDOOR RECREATION/SALMON RECOVERY FUNDING BOARD

Mr. Chairman and Members of the Subcommittee, thank you for inviting me to testify regarding the Pacific Salmon Recovery Act, S. 1825. I am Laura Johnson, Executive Director for the Washington State Salmon Recovery Funding Board (SRFB) and its office, the affiliated agency known as the Interagency Committee for Outdoor

Recreation (IAC). I will comment briefly on Washington's actions to help restore wild salmon by building community support for strategic restoration investments.

Fifteen runs of wild salmon have been federally listed as threatened or endangered across 75 percent of Washington State's land base—where 90 percent of our population lives. The magnitude and geographic extent of the listings pose a significant policy challenge—how can we most effectively restore the vitality of the salmon resources in a state that now has almost 6 million residents.

Washington's Governor and the State Legislature have responded with a framework for Washington citizens to address salmon recovery. The Congress has also offered its assistance in addressing the challenge posed by the federal listings.

My remarks will highlight the state's 1999 enactment of the "Salmon Recovery Act", Ch. 77.85, Revised Code of Washington. The Act established two key elements of the state's recovery framework—the Washington Salmon Recovery Funding Board ("SRFB"), and its associated local watershed partners, called "lead entities." Because the Salmon Recovery Funding Board's work is directly related to proposed S. 1825, I will also comment on the interaction of the federal measure and our existing state processes.

Overview of Washington's Recovery Initiatives

Before I offer a more detailed explanation of the SRFB process, let me also point out a few of the other related salmon recovery processes underway in Washington State:

- The Governor's Salmon Recovery Office coordinates the state's overall recovery strategy, as set out in the *Statewide Strategy to Recover Salmon: Extinction is Not an Option* (September 1999). The Office also leads the Cabinet of natural-resource agency directors as they ensure interagency coordination, accountability of programs, and leadership.
- The Independent Science Panel, established by the state legislature and appointed by the Governor based on recommendations from the American Fisheries Society, is tasked with providing high-level advice on monitoring, data and recovery activities.
- The Forests and Fish Agreement, a voluntary pact negotiated by forest landowners, covers 8 million acres of forestland and 60,000 miles of streams.
- Hatchery management changes are underway to help ensure hatchery and wild fish do not compete, and harvest practices have also been modified.
- The Comprehensive Monitoring Strategy is a project requested by the Governor and SRFB, and enacted by the 2001 Legislature. It will develop a comprehensive monitoring strategy and action plan to guide our management and accountability tools—that is, where and how we measure our fish and watersheds.

Attachment A provides a more detailed review of current recovery initiatives.

Watershed Habitats—The Role of the Salmon Recovery Funding Board

> "If we are going to be successful in recovering salmon habitat it will be based on the energy and commitment of local people supported by good science. The legislative wisdom of creating a citizen-based, science-informed process is starting to pay off in real results. I am confident it will return even more significant benefits in the future."
>
> —WILLIAM D. RUCKELSHAUS, CHAIRMAN, WASHINGTON SALMON RECOVERY FUNDING BOARD

State policymakers and others understood that for wild salmon recovery to be successful, Washington would have to address the loss of spawning and rearing habitat in our watersheds. In 1999, the Washington Legislature provided for the habitat element of recovery by enacting the Salmon Recovery Act, Ch. 77.85 RCW. The Act established the Salmon Recovery Funding Board (SRFB), and created so-called "lead entities"—or local citizen groups—to promote and coordinate salmon recovery activities in their communities and watersheds.

Salmon Recovery Funding Board Composition

The funding board is comprised of 10 members—five citizens appointed by the Governor and five directors from state natural resource agencies. A wide range of interests and expertise are represented. Current Board Members are:

- William D. Ruckelshaus, *Seattle* CHAIRMAN OF THE BOARD
- Frank L. "Larry" Cassidy, Jr., *Vancouver* (Chairman, NW Power Planning Council)
- Brenda McMurray, *Yakima* (Watershed & Environmental Issues)

- James Peters, *Olympia* (Natural Resources Director, Squaxin Tribe)
- Steve Tharinger, *Port Angeles* (County Commissioner, Clallam County)
- Conservation Commission, Steven P. Meyer, Executive Director
- Department of Ecology, Tom Fitzsimmons, Director
- Department of Fish & Wildlife, Jeffrey Koenings, Director
- Department of Natural Resources, Doug Sutherland, Commissioner
- Department of Transportation, Douglas B. MacDonald, Secretary

The Board meets approximately monthly at locations around the state. All meetings are open to the public, and participation is encouraged. The administrative office of the Salmon Recovery Funding Board is with the Interagency Committee for Outdoor Recreation (IAC), which ensures compliance with grant agreements as well as performing policy development and other duties.

Lead Entities—Local Restoration Partners

The 1999 Salmon Recovery Act also created the local framework for restoration work, through a system of "lead entities." As of May 2002, the state has 26 lead entities, operating in all salmon-bearing watersheds.

The lead entities are organizations of local or regional scale, convened by cities, counties, tribes, and including nonprofits and other interested parties in the area. The lead entities create inclusive citizen-based committees to solicit and prioritize local habitat project lists. They are responsible for using limiting factor analysis and other watershed assessment tools to identify and scientifically review projects that benefit salmon habitat within local watersheds. The lead entities must also work with local Technical Assistance Groups (TAGs) to include local scientific knowledge.

Selecting Restoration Projects and Efforts

Once a lead entity has developed its local prioritized list, proposals on that list are submitted to the SRFB for possible funding. The Board's primary responsibility is to help fund the best salmon habitat projects and activities.

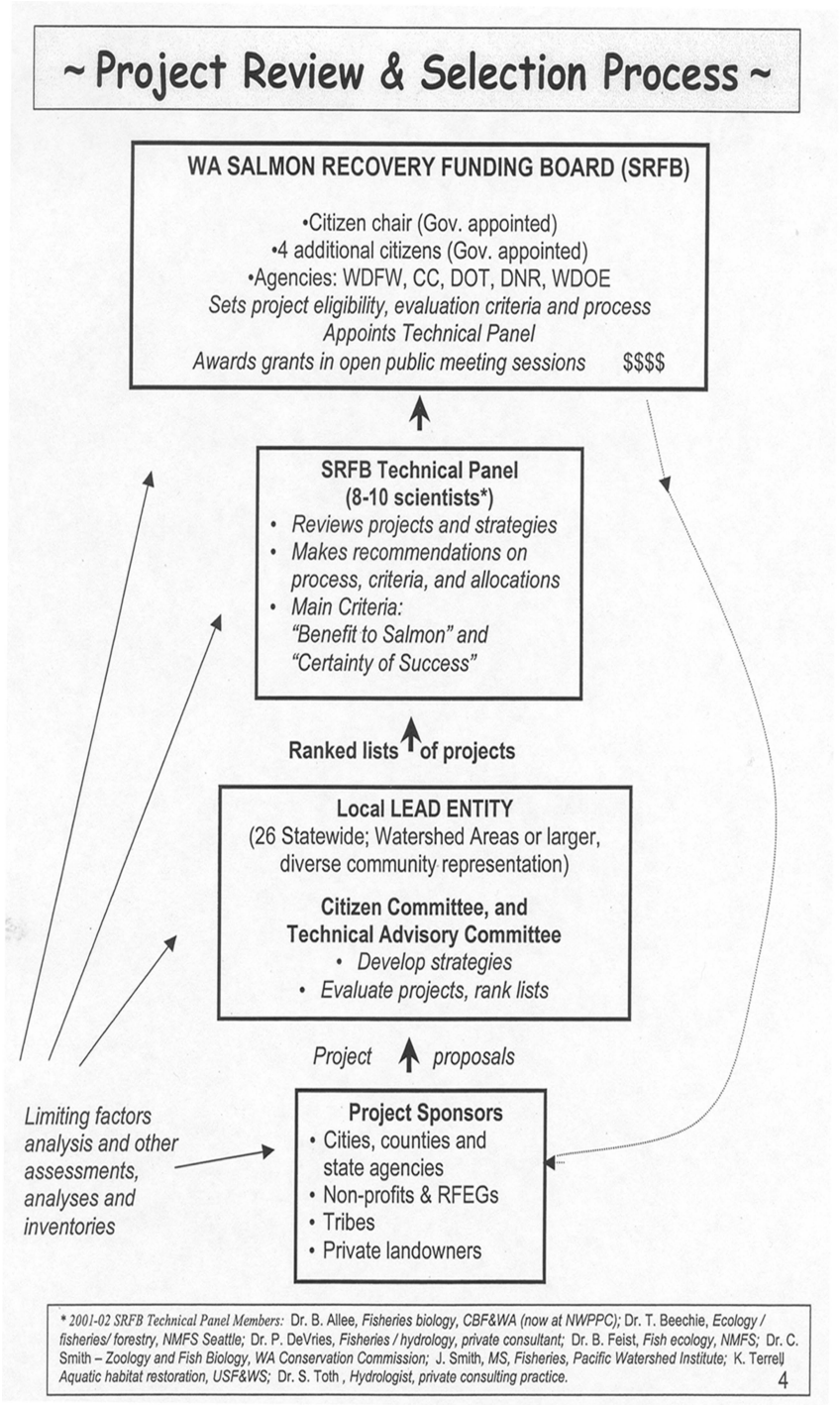
To provide an independent statewide review of the proposals' science and technical merit, the SRFB has established a Technical Panel comprised of distinguished scientists and recovery experts. The Technical Panel applies its expertise and uses published criteria. Proposals are reviewed for their *Benefit to Fish* as well as the *Certainty of Success* that those benefits can be attained. The Technical Panel also reviews the lead entity's salmon recovery plans, and assesses how the proposed portfolio of projects supports the locally-identified strategic directions for salmon recovery. The Panel's final recommendations are provided to the SRFB.

Public Participation and Accountability

From its inception, the SRFB has insisted that its own processes for review, project selection and program administration be as transparent and accountable as possible.

All meetings are open to the public, decisions are made on published criteria, and the Board has actively encouraged public participation by meeting throughout the state and by seeking advice (even critiques) on how to improve its work. Fund administration is rigorous, based on contracts for defined grant deliverables, "milestones" to track progress, and requirements for site monitoring. IAC manages the grants with a state-of-the-art computer system available through the Internet. IAC also contracts with National Marine Fisheries Service (NMFS) to provide permitting assistance for needed environmental reviews, so grant funds can be implemented on-the-ground as swiftly as possible.

In summary, Washington's system is premised on engaging and encouraging local citizens to make informed salmon habitat decisions. By offering incentives to the watersheds—primarily financial and technical assistance—and by establishing a structure for the watersheds to identify and support the best local projects, Washington's habitat recovery can achieve the support of those who live in the watersheds.


~ Project Review & Selection Process ~
WA SALMON RECOVERY FUNDING BOARD (SRFB)
•Citizen chair (Gov. appointed)
•4 additional citizens (Gov. appointed)
•Agencies: WDFW, CC, DOT, DNR, WDOE
Sets project eligibility, evaluation criteria and process
Appoints Technical Panel
Awards grants in open public meeting sessions $$$$
SRFB Technical Panel
(8-10 scientists*)
• Reviews projects and strategies
• Makes recommendations on process, criteria, and allocations
• Main Criteria: "Benefit to Salmon" and "Certainty of Success"
Ranked lists of projects
Local LEAD ENTITY
(26 Statewide; Watershed Areas or larger, diverse community representation)
Citizen Committee, and
Technical Advisory Committee
• Develop strategies
• Evaluate projects, rank lists
Project proposals
Limiting factors analysis and other assessments, analyses and inventories
Project Sponsors
• Cities, counties and state agencies
• Non-profits & RFEGs
• Tribes
• Private landowners
* 2001-02 SRFB Technical Panel Members: Dr. B. Allee, Fisheries biology, CBF&WA (now at NWPPC); Dr. T. Beechie, Ecology / fisheries/ forestry, NMFS Seattle; Dr. P. DeVries, Fisheries / hydrology, private consultant; Dr. B. Feist, Fish ecology, NMFS; Dr. C. Smith – Zoology and Fish Biology, WA Conservation Commission; J. Smith, MS, Fisheries, Pacific Watershed Institute; K. Terrell Aquatic habitat restoration, USF&WS; Dr. S. Toth , Hydrologist, private consulting practice.
4

Types of Projects Selected—A Competitive Process

Restoration activities such as in-stream fish passage improvements or riparian habitat restoration are eligible for SRFB funding, as are habitat site acquisitions (in fee or by conservation easement), and assessments and studies designed to identify or improve restoration projects' feasibility. By law and Board policy, all proposals must be voluntarily submitted by the sponsor. Except under limited circumstances, funding cannot supplant existing resources and may not support actions otherwise required by law or regulation.

The Board's process has proven to be popular, and highly competitive. Since 1999, the Board has held three full "Grant Rounds" (yearly Calls-for-Proposals), as well as assuming administration of earlier grants awarded under SRFB predecessors. In the three SRFB grant rounds, the lead entities submitted requests for 713 proposals, seeking $152.7 million in assistance. The Board reviewed all the proposals, and, since 2000, has awarded grants for just under $82 million to 359 proposals.

SRFB grants must have at least a 15 percent match from the project sponsor. The match can be from the sponsor's local financial resources (such as local stream restoration funds). SRFB also allows and encourages match by in-kind methods such as contribution of volunteer time, labor, professional consulting expertise, or materials. In practice, SRFB has found that sponsors often bring far more than the minimum 15 percent match to the grant.

Funding Salmon Habitat Restoration Efforts

Both the Washington State Legislature and the Congress have provided significant funds to the SRFB to support salmon recovery projects and activities:

State Funds, July 1999—June 2003 Biennial Appropriations:

$ 64.9 million

Federal Funds, Fiscal Year 1999 to 2002:

$101.4 million

Approximately $23 million of the federal funds to SRFB were subject to congressional marks to programs such as Forests and Fish implementation and Fish Mass Marking. $78 million of Federal funds were at SRFB disposal for local salmon recovery grants.

The federal funds for grants are administered by SRFB using the competitive review process described above. A formal Memorandum of Understanding is in place between the SRFB and the National Marine Fisheries Service (NMFS). Reports are provided to the Governor and State Legislature on a biennial basis, and to the NMFS on an annual basis. A copy of our recent report on the Pacific Coastal Salmon funds is enclosed, Attachment B. (Electronic version of attachment does not include detailed project lists which will be provided to the Committee in paper format.)

S. 1825—Relation to Washington's Salmon Recovery Funding Process

The support Congress has given to Washington's recovery efforts has been vital, and is deeply appreciated. Whether that support is expressed in an appropriations measure or by legislation such as S. 1825, Washington will work towards salmon recovery using state and federal funds in the manner described above.

Most of the elements and criteria expressed in S. 1825 are already in place in the Washington State system, and are important criteria for recovery funding, including:

- Accountability
- Transparency of process; opportunities for public participation
- Application of science
- Strategic focus on benefits to fish

However, Washington is concerned that the detailed requirements of S. 1825 will pose challenges to Washington's established processes. Because S. 1825 adds plans and an additional (third) layer of review to processes already being carried out, it will create delay and cost to our recovery participants. It is also not clear to us that the specific federal processes outlined in the measure will add accountability or criteria beyond that already included in the state's system. Washington therefore encourages the Committee to consider modifying the measure to avoid unnecessary duplication of plans and accountability measures.

For example, in respect to the Peer Review process outlined in Sec. 4, the states should be able to use the outlined process or an alternative process, for those states where peer review is already mandated and in use under state rules (with NMFS review and concurrence through the Memorandum of Understanding process, of

course.) Likewise, Sec. 3 expresses legitimate goals for planning and reporting. However, we believe existing Washington methods in this regard already address the bill's criteria, and would support modification of the bill to allow existing state processes as an alternative to accomplish the desired result. Finally, because Washington has been able to contribute significant state funds to its recovery effort, any funding formula and processes should not operate as a disincentive to state policy and financial commitments. We will be pleased to work with the Committee and the other states to offer specific draft text in these regards, should the Committee so desire.

Conclusion

Salmon recovery will continue to be a huge challenge for Washington State. SRFB Chairman Ruckelshaus has outlined where Washington now stands and our progress to date, Attachment C. Many of the key steps for the recovery of the salmon are in place. Through institutions such as the Washington Salmon Recovery Funding Board, credible public investments of state and federal funds assist our citizens in designing their own sustainable strategies for salmon resources. We deeply appreciate the efforts and enthusiasm of the thousands of Washington citizens now engaged in this work. On the federal level, we thank you for your efforts and support as well.

ATTACHMENT A

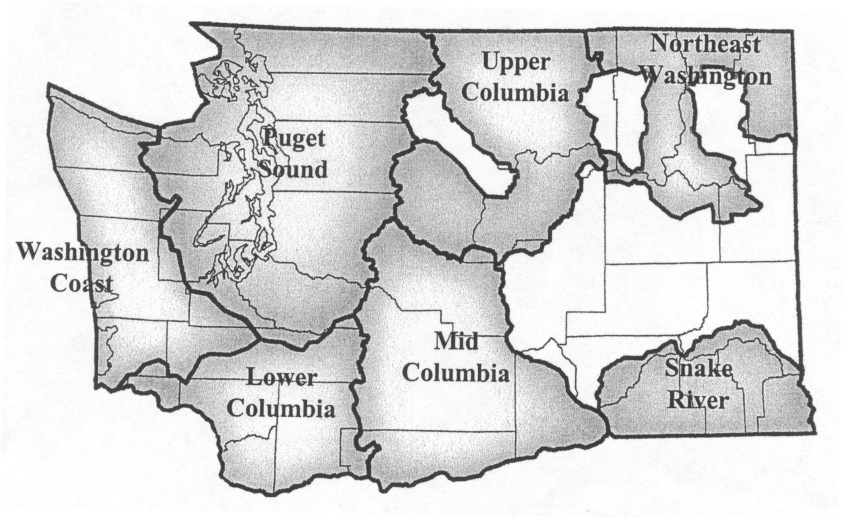
STATUS OF SALMON RECOVERY INITIATIVES, WASHINGTON STATE—APRIL 2002

WASHINGTON GOVERNOR'S SALMON RECOVERY OFFICE, OLYMPIA, WASHINGTON

Introduction

Fifteen runs of wild salmon have been federally listed as threatened or endangered across 75 percent of Washington State. The reasons for the decline are long-term and complex: we have over-fished, hatchery fish have competed with wild fish for limited space and food, and human activity has radically changed the physical landscape and habitat over the last 150 years. And, as growing numbers of people—our population has more than doubled in the last 50 years and is expected to double again in the next 50—take water from rivers, there is less water to supply the needs of salmon.

Endangered Species Act Listings in Salmon Recovery Regions



Washington Coast
- Bull Trout
- Lake Ozette Sockeye

Lower Columbia River
- Bull Trout
- Chinook
- Chum
- Steelhead

Puget Sound
- Bull Trout
- Chinook
- Chum

Upper Columbia River
- Bull Trout
- Chinook
- Steelhead

Middle Columbia River
- Bull Trout
- Steelhead

Northeast Washington
- Bull Trout

Snake River
- Bull Trout
- Chinook
- Sockeye
- Steelhead

Management

State Adopts Important Administrative Actions

Responding to the listings of fish in urban, forest, and agricultural settings is a slow and complex process. The Governor's Office and legislature have provided a coherent framework—the foundation—upon which to lay future crucial building blocks so that that people of Washington may collectively build salmon recovery.

Salmon Recovery Funding Board. This five member citizen board, appointed by the Governor and chaired by William Ruckelshaus, supports salmon recovery by funding habitat protection and restoration projects and related programs and activities that produce sustainable and measurable benefits for fish and their habitat. The directors of five state agencies assist them.

Governor's Salmon Recovery Office. The legislature established this office within the Governor's Office to coordinate the state's strategy for salmon recovery and assist in development of a broad range of recovery activities.

Independent Science Panel. This body, also established by the legislature and appointed by the Governor from recommendations by the American Fisheries Society, is tasked with providing advice on monitoring, data, and recovery activities.

Joint Natural Resources Cabinet. In 1997 Governor Locke brought together the state agencies that most affect salmon management in a forum called the Joint Natural Resources Cabinet. This cabinet of 12 agency directors has created the guidance and accountability tools used in Washington and provides an ongoing avenue for interagency progress.

The Statewide Strategy to Recover Salmon: Extinction is Not an Option. This strategy was completed in September 1999 and is our guide for what needs to be done over the long-term to recover salmon.

State Agency Action Plans. Produced for each biennium, these detail specific salmon recovery activities undertaken by state agencies.

Salmon Recovery Scorecard. This is the state's performance management system for salmon recovery actions; it contains a mix of natural environment and human-focused indicators that are intended to measure our progress.

Comprehensive Monitoring Strategy. The 2001 Legislature mandated development, by December 2002, of a comprehensive monitoring strategy and action plan for watershed health with a focus on salmon recovery.

State Implements Early Management Actions

Implementation of the *Statewide Strategy to Recover Salmon: Extinction is Not an Option* (September 1999) is a long-term task. Efforts during the first few years have focused available resources on specific activities intended to build state and local capacity, undertake immediate habitat protection actions, and prevent further losses of salmon and their habitat.

Fisheries harvest. In 1999 Governor Locke and Canadian Fisheries and Ocean Minister Anderson re-negotiated a critical component of the landmark Pacific Salmon Treaty; it reduces the Canadians' catch of Chinook and coho whose home streams are in Washington. This follows an important 1998 Locke/Anderson agreement on conservation that had the effect of increasing by 30 percent the number of Puget Sound Chinook that return to our streams to spawn.

Hatcheries management. How the state manages fish hatcheries is also changing to ensure hatchery fish do not compete with wild fish. One-third of the 100-plus hatcheries in Washington State are involved in recovering wild salmon runs; guidelines have been developed to protect the genetic integrity of wild salmon; and a first-ever scientific review of federal, state, and tribal hatchery practices is now underway.

Water policy. To address the growing concerns about our ability to provide adequate water for people and for fish, Governor Locke and the State Legislature adopted initial reforms during the 2001 legislative session, aimed at making Washington's water laws more flexible. They've also created a Joint Executive-Legislative Water Policy Group that developed a proposal for the 2002 legislature. Water legislation was introduced to address three policy areas: instream flows for fish, safe and reliable water supplies for growing communities, and water saving incentives so farmers don't face the consequences of the current "use it or lose it" doctrine.

Forests and Fish Agreement. This is a voluntary pact negotiated by large and small forest landowners; and federal, state, tribal, and county governments. It covers 8 million acres of forestland, protecting 60,000 miles of streams and is the first agreement of its kind in the country. (In September of 2000, the Washington Environmental Council (WEC) and other environmental groups filed two lawsuits that challenged Washington's Forests and Fish Report and actions the Environmental Protection Agency (EPA) and The National Marine Fisheries Service (NMFS) have taken that endorse the Report. Recently, U.S. District Court Judge Barbara Rothstein dismissed both lawsuits. The Court left open, however, the possibility that 4 of WEC's 5 claims could be re-filed once the state applies to NMFS for coverage for Forests and Fish under the 4(d) Rule and NMFS makes a decision on that application.)

Shorelines Regulations. In August, the state Shorelines Hearings Board invalidated shoreline management guidelines adopted last November by the state Department of Ecology. Various business, local-government and private interests challenged the rules, intended to protect 20,000 miles of freshwater and saltwater shorelines. Officials representing the state, environmentalists and business interests announced in late September that they would attempt to negotiate an agreement on new shorelines guidelines for the state.

Agriculture, Fish and Water (AFW). Beginning in December 1999, state, federal, environmental, tribal and agriculture interests entered into negotiations to develop an agreement on how farmers could meet the needs of salmon under the Endangered Species Act and the Clean Water Act. To date, the negotiations have successfully produced guidelines for comprehensive irrigation district management plans and a mechanism to review pesticide registrations to ensure fish life is protected. Direct negotiations with the agricultural community are on hold for the next six months while several tasks are being concluded: the agricultural community will develop a scientific review of the buffer science in agricultural landscapes; and application will be made to the USDA to modify the Conservation Reserve Enhancement Program to reflect agreements on management for modified and near-natural agricultural watercourses.

State Supports Local Recovery Actions

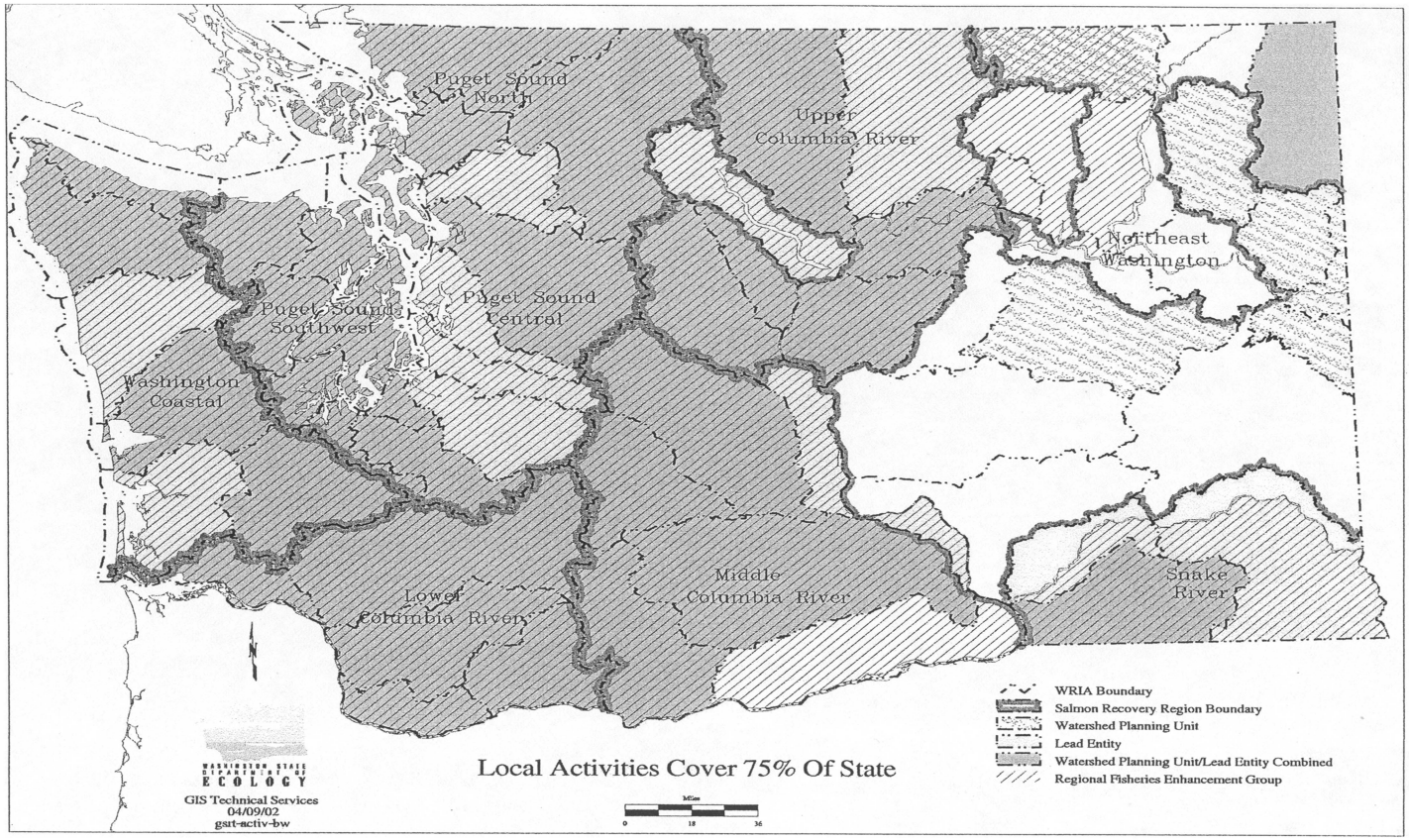
More than 800 government jurisdictions and agencies, and many more farms, businesses, homeowners, and private citizens are involved in salmon recovery. The Governor's Office and Joint Natural Resources Cabinet have set a high standard of collaboration, coordination, and mutual support to ensure local efforts have a strong likelihood of success. The key roles local partners play will be the major focus of state agencies for the next few years.

Watershed Planning Units. Created by the Watershed Planning Act, these planning bodies include county and city governments, water purveyors, tribal representatives, and private citizens. Their task is to decide what actions need to be taken in their watersheds to provide adequate water for people and fish. Presently, there are 32 Planning Units covering 41 WRIAs.

Lead Entities for Salmon Recovery. In the Salmon Recovery Planning Act, the legislature focused on the need to coordinate local action to restore habitat conditions necessary for salmon recovery. Lead Entities spearhead these local efforts and are responsible for recommending projects to the Salmon Recovery Funding Board for approval. There are 26 Lead Entities covering 45 WRIAs.

Regional Fisheries Enhancement Groups. Created by the legislature in 1990, these groups work under the guidance of the Washington Department of Fish and Wildlife. Sixteen of these non-profit groups develop projects in partnership with tribes, sports, fishers, private landowners and local, state and federal agencies.

Regional Salmon Recovery Organizations. There are currently four organizations engaged in recovery planning for an entire salmon recovery region (roughly equal to an Evolutionarily Significant Unit, or ESU); a fifth group is in the beginning stages of organizing. These organizations are partnerships among governments, organizations, and landowners with a stake in recovering salmon; they perform many different functions, from assessing factors for decline of salmon, participating in development and implementation of the habitat portion of a recovery plan, to organizing and approving recovery projects.


Puget Sound North
Upper Columbia River
Northeast Washington
Puget Sound Southwest
Puget Sound Central
Washington Coastal
Lower Columbia River
Middle Columbia River
Snake River
N
WRIA Boundary
Salmon Recovery Region Boundary
Watershed Planning Unit
Lead Entity
Watershed Planning Unit/Lead Entity Combined
Regional Fisheries Enhancement Group
Local Activities Cover 75% Of State
Miles
0
18
36
WASHINGTON STATE DEPARTMENT OF ECOLOGY
GIS Technical Services
04/09/02
gsrt-activ-bw

Funding

The 2001–2003 biennial budget for the State of Washington includes $270 million in salmon related expenditures for new activities, or changes to existing activities necessary to recover salmon or to meet the requirements of the Endangered Species Act (ESA). The budget is predicated upon $90.7 million in federal funding for the two-year period, and includes appropriations for federal Fiscal Year 2002 and 2003. Major components include:

Salmon Recovery Funding Board Grants
$68.7 million ($26.3 M State Bonds, $42.4 M Federal)

The Salmon Recovery Funding Board (SRFB) provides grants to local governments, tribes, nonprofit organizations, and state agencies for salmon habitat restoration, acquisition and assessments. In the 1999–2001 biennium, the SRFB awarded $99.4M ($36.2M State and $63.2M Federal) in grants and programmatic activities for salmon recovery. To date, the SRFB has provided grants for 517 projects with a value of $96.4M.

The 2001–2003 biennial budget assumes $43.6 ($30.0M for FFY 2002 year and $14.0M for FFY 2003, less $358K administrative overhead) from the Pacific Salmon Coastal Recovery program, administered by the National Marine Fisheries Service (NMFS). A match of $26.3M is assumed in the state budget.

Forests and Fish Implementation
$20.9 million ($12.7 M State, $8.2 M Federal)

In 1999, the State legislature passed revisions to the state's forest practices regulations to make changes in timber harvest activities to meet ESA and Clean Water Act requirements. The Forest Practices Board has adopted a final rule package to implement the Forests and Fish Agreement. The Department of Natural Resources is developing data systems, hiring enforcement staff, operating a small landowner office and other work necessary to implement these rules.

The 2001–2003 biennial budget includes $20.9 million in state and federal funds to implement the Forests and Fish rules. The State budget assumes that a minimum of $4 million a year in federal funds will be provided for FFY 2002 and FFY 2003 through the Pacific Salmon Coastal Recovery program in the NMFS budget. This is the same level as provided in FFY 2000 and FFY 2001. This funding would continue to be passed through the SRFB to the Department of Natural Resources.

State agencies managing forestlands also need to inventory and modify forest roads to protect salmon. The state budget includes $4.9 million for the Departments of Natural Resources, Fish and Wildlife, and the State Parks and Recreation Commission to begin meeting these requirements. The Department of Fish and Wildlife assumes $200,000 of this amount in federal funding from the Bonneville Power Administration (BPA) to help meet their obligations.

Hatchery Reform
$23.7 million ($9.3 M State, $13.9 M Federal, $0.5 M Local)

Washington State, federal agencies and Washington treaty tribes operate the largest system of hatcheries in the world. The NMFS 4(d) rule requires all hatcheries to develop and implement Hatchery Genetic Management Plans (HGMPs) to ensure that these facilities do not harm salmon species listed under the ESA. In FFY 2000, Congress provided $3.8 million through the U.S. Fish and Wildlife Service for the Washington Hatchery Improvement Project to conduct scientific research, and to redesign hatcheries to meet ESA requirements.

The 2001–2003 biennial budget assumes $5 million for FFY 2001, and $5.6 million for both FFY 2002 and FFY 2003 for continuation of the Washington Hatchery Improvement program. The Washington State Interagency Committee for Outdoor Recreation, which also supports the SRFB grant process, would administer this funding.

The budget for the Department of Fish and Wildlife includes $9.8 million in state and local funds to redesign and improve state hatcheries. It also assumes $2.7 million in federal funding through the BPA for reforms at Mitchell Act hatcheries.

Fish Passage Barriers and Screens
$16.2 million ($6.7 M State, $8.3 M Federal, $1.2 M Local)

Inadequate fish passage and improper screens on irrigation diversions are significant factors limiting recovery of salmon. Not only are smolts inadvertently sucked into irrigation pumps, spawning adults lack access to important habitat.

The 2001–2003 biennial budget includes $16.2 million to correct fish passage barriers and screens. This includes $6.7 million in state funds, $4.3 million of federal funding from BPA, $550,000 from the U.S. Fish and Wildlife Service Dingel-Johnson allocation, and $3.5 million anticipated under *Pub.L. 106–502 The Fisheries Res-*

toration and Irrigation Mitigation Act of 2000 for the Department of Fish and Wildlife to correct blockages and screens at its facilities. The budget also includes state funding for the Department of Transportation to correct fish passage barriers. Fish passage barriers will also be corrected as state agencies begin updating forest roads to meet the requirements of the Forests and Fish agreement on state lands.

Pacific Salmon Treaty Implementation
$6.7 million ($1.7 M State, $5 M Federal)

The 1999 Pacific Salmon Treaty requires buyback of commercial salmon fishing licenses. The state has provided $1.7 million in state funds to be matched by $5 million in federal funds appropriated in FFY 2001.

Pesticide Strategy
$1.6 million State Funds ($1.3 M State, $0.3 M Federal)

The state is developing a comprehensive strategy for assessing pesticide impacts on threatened and endangered salmonids in Washington State. This strategy is being developed by the Washington State Department of Agriculture in conjunction with the National Marine Fisheries Service NW Region, U.S. Fish and Wildlife Service Western Washington Office, U.S. Environmental Protection Agency Region 10, U.S. Geological Survey (USGS), Washington State University, and the Washington State Departments of Ecology, Natural Resources, and Fish and Wildlife. The strategy will use surface water monitoring to determine salmonid exposure to pesticides, evaluate the impact of exposure at various life stages, and then propose appropriate mitigation actions. In addition to the $1.3 million in state funds, $245,000 in additional federal funding per year is requested to expand the surface water monitoring program in Washington State. This funding will allow expanded monitoring in basins representing the various cropping patterns in the state and which provide critical habitat for salmon.

Future Actions

The 1999 *Statewide Strategy to Recover Salmon* recognizes that most habitat protection and restoration initiatives are best implemented at the watershed level in partnership with local, tribal, and private entities, and with state and federal guidance and support. The *Strategy* also notes recovery plans that integrate habitat, hydropower, hatcheries, and harvest are best built collaboratively by local participants. In the remainder of the present biennium (*i.e.*, through June 2003), the focus for salmon recovery will be in continuing support for local salmon recovery activities, providing water for fish, and in completing the statewide comprehensive monitoring strategy.

Supporting Regional Salmon Recovery Planning

Regional Action Plan. Recently, state agencies and regional organizations developed an action plan to support regional efforts at achieving diverse and productive wild salmon populations. The action plan includes specific state agency and regional organization commitments to enhance the effectiveness of everyone's efforts.

Guidance Documents. The Governor's Salmon Recovery Office assists regional organizations in assessments; planning; monitoring; managing data; and integrating hatchery, hydropower and harvest issues. The types and extent of support provided to the regions changes through time, depending on the success, needs and maturation of the region. The Office has produced several documents to assist local organizations in the development of recovery plans:

Guidance on Watershed Assessment for Salmon (2001). This publication helps watershed groups, state agencies and others understand what kinds of assessment are needed to make decisions about projects and other actions to protect and restore habitat for salmon.

Roadmap for Salmon Habitat Conservation at the Watershed Level (2002). This document helps local groups take key steps needed for salmon habitat conservation in their watershed and relate their work to regional salmon recovery planning. The Salmon Office offers workshops to state agency staff to support their efforts helping local and regional partners apply the *Roadmap* to their watersheds.

Reference Guide to Salmon Recovery. This document explains what salmon recovery means, what is happening, and who is involved at different geographic scales. This information will help people who are interested in salmon recovery and salmon habitat conservation in their watershed better understand the broad context of salmon recovery. It also identifies some sources of additional information that are available.

Recovery Plan Model. This model will identify the essential elements of a recovery plan, a document that will comprehensively define actions necessary to recover one or more salmon populations within a region.

Identifying Limiting Factors. The Conservation Commission has completed reports on habitat factors that limit salmon and steelhead production in watersheds for 36 of the 62 Water Resource Inventory Areas. By the end of the 2001–2003 biennium, all watersheds with a Lead Entity will have a completed report. This will provide important baseline assessment information for setting priorities for habitat restoration projects.

Providing Water for Fish

Sixteen major water basins do not have enough water for fish. Adoption of instream flow regulations in 4 high-priority basins will be accelerated and local planning units will receive state financial and technical assistance. Stream flow restoration plans, water conservation and waste water reuse programs will be implemented in high priority basins. This includes buying water rights to increase the water supply for fish, providing technical and financial assistance for small water systems, and creating a new water conservation program for farms.

Monitoring Results

Measuring progress toward salmon recovery helps those involved know if they're making the right decisions and taking the most appropriate actions. Some early salmon recovery actions included monitoring components, but they were not always consistent, comprehensive, or coordinated. Responding to recommendations of the Independent Science Panel, the 2001 Legislature established a committee to develop a statewide comprehensive monitoring strategy and an action plan with an adaptive management framework. The plan will address watershed health with a focus on salmon recovery. Federal, tribal, and local government partners are part of the endeavor. The committee report is due in December 2002 and it will identify steps needed to have the monitoring strategy fully implemented by June 30, 2007.

ATTACHMENT B

PACIFIC COASTAL SALMON RECOVERY FUND (PCSRF)

DECEMBER 31, 2001 ANNUAL REPORT

I. Introduction and Background

FFY 1999: In the immediate predecessor to the Pacific Coastal Salmon Recovery Fund, the State of Washington received federal funding of $19 million through the U.S. Fish and Wildlife Service. These dollars were earmarked for particular areas of the state and distributed by the Governor's Salmon Recovery Office. Grants were issued for habitat restoration, land acquisition, local capacity building, and plans and assessments.

FFY 2000–2001: Through its new Salmon Recovery Funding Board ("SRFB"), the State of Washington received federal Pacific Coastal Salmon Recovery Funding ("PCSRF") in the federal 2000 and 2001 appropriations: $47.9 million total. The National Marine Fisheries Service (NMFS) is the federal administrator. $8.0 million of the funds were earmarked for direct support to the "Forests and Fish" program. The remaining funds were used by the Salmon Recovery Funding Board to make grants for: habitat restoration; acquisition of land, rights and easements; and plans and assessments. The second issuance of 2001 federal funds ($12.0 million) is being allocated for programmatic activities, such as regional recovery capacity, instream flow protection and drought relief, the Forests and Fish Program, and restoration projects.

The 3 years of federal PCSRF funds have funded 111 organizations conducting 287 projects. These projects have also included non-federal matching funds and volunteer support with a value of over $18 million. See attachment A for a detailed listing of the funded projects and their matches.

During the same time, the State of Washington has contributed state funds in the amount of $36 million towards salmon recovery efforts through the SRFB. The state funds have supported 95 locally-based organizations conducting 211 projects, and are matched with over $24 million in value contributed by the projects' sponsors. See attachment B for a detailed listing of these funded projects.

With the PCSRF support, Washington State has also funded activities and programs. Federal funds have funded two rounds of Forests and Fish activities and state dollars have funded 13 programs, totaling over $9 million. See attachment C for a detailed listing of the funded activities and programs.

Washington's concentrated effort to offer grants to support locally-based salmon recovery projects is relatively new. In a few projects, fish have already started using

newly-opened habitat. For most projects, however, because of salmon life-cycles, it will be another year or two before we may see the benefits to fish resources that we started to help in 1999. It will probably take at least two full salmon life-cycles, or until 2010, before the states in PCSRF are able to reach "recovery".

Washington recognizes that the recovery of fish is a long-term investment. Not all the pieces of an "ideal" recovery structure are in place now. For example, final federal recovery goals have not been set for each species, and the state's Plan(s) to address such Goals are necessarily dependent in part on such targets. While we are building the longer-term structure for recovery, the state is not ignoring the need to take interim actions; we must implement some short-term improvements for the fish. Washington's interim actions include strong emphasis on involvement of local governments, active participation by stakeholders in their watersheds, gaining knowledge through comprehensive assessments, and funding to support actions that improve conditions for fish, including unblocking habitat and protecting habitat areas.

To ensure it is part of the effort to move effectively toward the more ideal structure for recovery, the SRFB is using an adaptive management approach in its work. The Board is continually refining its process to fund better projects and ensure the success of actions taken.

The Board recognizes that LOCAL EFFORTS and SCIENCE are the keys to the success of salmon recovery. Local support coupled with good science and technical expertise are essential in ensuring the best projects are proposed to the Board for funding in its annual grant process.

To help ensure LOCAL SUPPORT and PARTICIPATION, the Board works through local organizations called lead entities. These organizations are required to develop a strategy to identify and prioritize their area's project proposals. Lead entities use local technical experts to evaluate the technical merits and certainty of project technical success. Then, local Citizen Committees rank the proposals to ensure priorities and projects have the necessary community support for success. Finally, the Board's Technical Panel helps the Board ensure overall benefits to fish and certainty of success of the project proposals.

II. Work Accomplished and Benefits to Salmon

A. Salmon Habitat Restoration

The SRFB funds restoration and acquisition projects in the following categories, using federal and state funds, together with local contributions for match:

- **In-stream Diversions:** These projects include those items that affect or provide for the withdrawal and return of surface water, such as screening of fish from the actual water diversion (dam, headgate), the water conveyance system (both gravity and pressurized pump), and by-pass of fish back to the stream.
- **In-Stream Passage:** These projects include those items that affect or provide fish migration up and downstream to include road crossings (bridges and culverts), barriers (dams, log jams), fishways (ladders, chutes, pools), and log and rock weirs.
- **In-Stream Habitat:** These freshwater projects address or enhance fish habitat below the ordinary high water mark of the water body. Elements include work conducted on or next to the channel, bed, bank, and floodplain by adding or removing rocks, gravel, or woody debris. Other items necessary to complete these projects may include livestock fencing, water conveyance, and plant removal and control.
- **Riparian Habitat:** These projects include those freshwater, marine nearshore, and estuarine items that affect or will improve the riparian habitat outside of the ordinary high water mark or in wetlands. Projects may include plantings or plant management, livestock fencing, stream crossings, and water supply.
- **Upland Habitat:** These projects address sites or activities that affect water quality and quantity important to fish, occurring above the riparian or estuarine area. Elements can include the timing and delivery of water to the stream; sediment and water temperature control; plant removal, control, and management; and livestock fencing and water supply.
- **Estuarine/Marine Nearshore:** These projects address sites or activities that affect or enhance fish habitat *below* the ordinary high water mark of the water body. Projects include work conducted in or adjacent to the intertidal area and in subtidal areas. Items may include beach restoration, bulkhead removal, dike breaching, planting or plant management, and tide channel reconstruction.

- **Acquisition:** These projects include the purchase of land, access, or utilization of rights in fee title or by perpetual easement. Rights or claims may be acquired, provided the value can be established or appraised.

The grant awards and number of projects for **restoration and acquisition categories** awarded by the Salmon Recovery Funding Board with FFY 2000 and 2001 funds are shown below:

Category	PCSRF Funding	State Funding	No. of projects
In-Stream Diversions	$277,400	$675,207	6
In-Stream Passage	3,825,698	2,171,841	40
In-Stream Habitat	4,347,355	5,396,791	53
Riparian Habitat	495,289	596,185	15
Upland Habitat	1,073,016	898,403	14
Acquisition	8,153,626	4,595,935	38
Combination [Acquisition & Restoration]	4,204,385	4,202,849	21
Total	$22,376,769	$18,537,211	187

Note: U.S. Fish and Wildlife funds awarded in 1999 and the Interagency Review Team awards in 2000 are not included in this chart.

B. Planning/Assessments

- **Assessments and Studies:** These types of projects may include feasibility studies; channel migration studies; reach-level, near-shore, and estuarine assessments; and inventories such as barriers, unscreened water diversions, and landslide hazard areas. A feasibility study could include assessing the willingness of landowners to allow access to their land for a habitat restoration project or to consider selling a property interest.

The results of proposed assessments must *directly and clearly* lead to identification, siting, or design of habitat protection or restoration projects. Assessments intended for research purposes, monitoring, or to further general knowledge and understanding of watershed conditions and function, although important, are not eligible for SRFB funding.

Assessments must be closely coordinated with other assessments and data collection efforts in the watershed and with federal, tribal, state, regional, and local organizations to prevent duplication and ensure the use of appropriate methods and protocols. To improve coordination, lead entities and applicants are encouraged to partner with each other. Assessments and studies must be completed within 2 years unless additional time can be justified by the project sponsor.

The grant awards and number of awards for **Assessments/Studies and programmatic activities** awarded by the Salmon Recovery Funding Board is shown in the following table:

Category	PCSRF Funding	State Funding	No. of projects
Local Assessments/Studies	$1,390,975	3,866,990	47
Forests and Fish	8,836,000	.....	3
Regional Capacity	2,000,000	.....	1
Nearshore Project	.....	375,000	1
Other programs and activities	.....	8,888,222	12
In-Stream Flows	6,000,000	.....	1
Total	$18,226,975	$13,130,212	65

Note: The U.S. Fish and Wildlife funds awarded in 1999 and the Interagency Review Team awards in 2000 are not included in this chart.

A paragraph on each project funded can be found in Attachment D.

C. Salmon Research and Monitoring

Measuring our success in recovering salmon and maintaining watershed health is vital. Policy makers and salmon advocates must have tools to know what is working for fish and watersheds, so they can determine the success of public, private and volunteer investments. The SRFB requested state legislative support for a major strategic initiative during 2001 and 2002. This effort, known as the Comprehensive Monitoring Strategy, will identify current monitoring efforts, and recommend future approaches to regional, watershed and project-scale monitoring. The Strategy will also address the state's Independent Science Panel (ISP) recommendation that the

state develop a coordinated monitoring strategy and action plan to meet salmon recovery goals and objectives.

A Monitoring Oversight Committee has been established. It is co-chaired by the director of the Governor's Salmon Recovery Office and the Chair of the Salmon Recovery Funding Board. The directors of 8 state agencies are members. The treaty tribes, federal agencies such as EPA, and local government and watershed groups also participate. Legislative oversight is provided by a bipartisan legislative steering committee of 4 legislators.

An interim Report was provided to Governor Locke and legislative committees on March 1, 2002. A final report is due by December 1, 2002. The final report must include the monitoring strategy and an action plan for implementation. The recommendations must be based on a goal of fully implementing an enhanced and coordinated monitoring program by June 30, 2007.

The ISP will advise the oversight committee, review all work products, and make recommendations to the Monitoring Strategy Project. The ISP may be contacted at *http://www.governor.wa.gov/esa/science.htm*.

The Strategy will enable the state to more effectively identify the type and extent of monitoring needed at differing scales, such as region-wide, watershed or at the level of each individual project. In the meantime, project-level monitoring is a required element of SRFB-funded projects. SRFB is also supporting a number of watershed-scale assessments. These assessments provide specific identification of worthy future projects, but also help establish baseline information that will be needed to understand future monitoring results.

Numerous agencies and citizen organizations are engaged in monitoring a wide range of salmon recovery activities. The SRFB is committed to encouraging a greater degree of coordination of these efforts.

D. Outreach and Education

SRFB encourages active public participation. The Board's monthly and semi-monthly meetings are held in watershed locations around the state, and the Board also seeks on-the-ground tours of local areas with local salmon advocates. The Board's Technical Panel—experts assembled to review all project proposals—has traveled to each of the state's lead entities areas before reviewing project requests. The Board also works closely with the Governor's Natural Resources Cabinet and federal agencies.

In addition to the Board, a number of organizations in the State of Washington are focused on outreach and education, such as Regional Fisheries Enhancement Groups, schools, People for Salmon, and Long Live the Kings.

E. Salmon Enhancement/Supplementation

A number of organizations in the State of Washington are focused on salmon enhancement/supplementation, such as Regional Fisheries Enhancement Groups. At this time, the SRFB is focusing on on-the-ground projects and relying on other organizations for supplementation.

F. Local Capacity

Local capacity for salmon project sponsorship and related actions is primarily funded through other organizations. Listed below are a few of the local organizations the Salmon Recovery Funding Board works closely with:

- **Lead entities:** (With Washington State Department of Fish and Wildlife)

  Lead entities are organizations in a geographic area that come together with a common goal to recover salmon. A lead entity's statutory responsibility is to use limiting factors analysis and other watershed assessments or studies to identify and prioritize projects that benefit salmon habitat within a defined geographic area. Technical sub-committees typically perform the role of screening and reviewing applications for scientific merit. Citizen committees, composed of diverse habitat interests, are statutorily responsible for adopting habitat project lists using information from the science sub-committees. Habitat project lists are submitted to the Salmon Recovery Funding Board (SRFB) or other granting sources for funding.

- **Local planning units:** (With Washington State Department of Ecology)

  Local Watershed Planning Units were created to develop local watershed plans for managing water resources for in-stream and out-of-stream use.

- **Conservation districts:** Washington Conservation Commission

  Conservation districts are a unique form of non-regulatory agency, matching local resource needs with technical and financial resources, and helping landowners apply conservation on the ground.

- **Watershed stewards:** Washington State Department of Fish and Wildlife

Watershed Stewardship Teams have been formed to assist lead entities efficiently utilize the resources and expertise within Washington State Department of Fish and Wildlife. Team members are to provide leadership, coordination, and technical assistance to facilitate the development, effectiveness, and success of local community salmon recovery efforts.

- **Regional Fisheries Enhancement Groups:**

The Regional Fisheries Enhancement Group (RFEG) program is a legislative program designed to include citizens in salmon restoration efforts. Twelve non-profit groups of volunteers cooperate with the Washington Department of Fish and Wildlife (WDFW) to improve salmon resources throughout the state. Dedicated funding supports project activities.

G. Administration

The federal funds have limited the amount of administrative overhead that the SRFB can use to operate the PCSRF program to 1 percent for the State of Washington. One percent is not sufficient to administer these funds, therefore, state funds are used to supplement the federal administration dollars. Total administration dollars for the state and federal funds is under 4 percent.

ATTACHMENT C

Washington's Salmon
Getting To Recovery

An Update For Congress
March 2002

Dear Reader,

When I accepted the chairmanship of Washington's Salmon Recovery Funding Board, I did so out of optimism:

- Optimism that the fish are worth saving, for their own sake as well as for the recreational and economic benefits they bring to so many citizens;
- Optimism that by benefiting the fish and their habitats, we will also benefit our communities' clean water, land base, and business climate;
- Optimism that our citizens, by crafting locally-based recovery measures, will create salmon recovery strategies that are better and more sustainable than regulation or court action alone could achieve;
- Optimism that our state and federal governments will provide sufficient resources for at least two more salmon life cycles, to assist our citizens in designing their own sustainable salmon future.

These views are tempered by some real truths:

- This work is painfully slow;
- Some of our work will fall short. (But, we should call it failure only if we do not learn from these "mistakes"); and,
- As we make strides towards recovery, it is very difficult to identify how we are making progress along the way. However difficult, we must and will do our best to show that improvement is being made—and how the public and decision makers are connected to that progress.

This paper outlines how an ideal strategy for salmon recovery would look, where we believe we are now, and how we are proceeding in the interim towards healthy and sustainable conditions, for fish and for people, in our watersheds.

We invite your support.

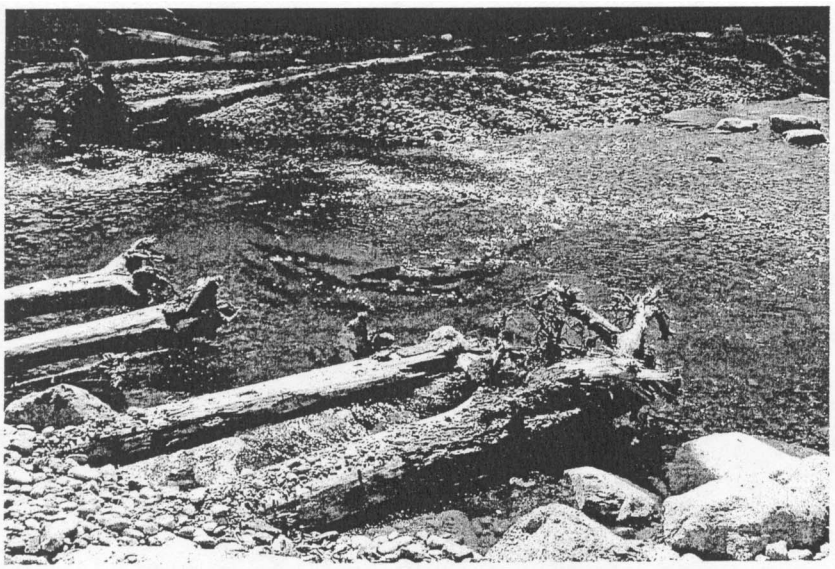
Chairman WILLIAM D. RUCKELSHAUS
Washington Salmon Recovery Funding Board

What Would the Ideal Structure for Salmon Recovery Look Like?

Ideally, we should have:

- Recovery Goals, set for all salmon species in each region;

- A Plan that integrates all "H" factors (habitat, harvest, hydro & hatcheries), so as to meet the recovery goals;
- Clear and strong community support for actions, and a timeline to meet the goals;
- Adequate funding to support actions on the timeline;
- A Monitoring system to measure success; and
- Enforcement of resource protection standards.



Fall 2001—Returning Chinook salmon find a restored new channel and log jam shelters instead of a bare concrete channel, at Gorst Creek, near Bremerton SFRB Project # 00–1111.

To Help Achieve That Ideal

Actions To Support the Ideal Strategy Will Include:

- Developing recovery goals and plans at regional levels for listed species;
- Coordinating efforts on habitat, harvest, and hatcheries at the regional level;
- Fostering inclusive watershed and regional groups to help determine goals and make commitments necessary to achieve them;
- Assessing habitat conditions;
- Developing strategies to prioritize habitat actions;
- Funding conservation, preservation, and restoration projects that improve immediate conditions for fish;
- Developing hatchery management plans consistent with ESA requirements and reform practices;
- Continuing to improve harvest management—and to make these decisions more transparent; and, not least
- A communication plan to inform, build support, involve and mobilize citizens.

Interim Measures of Success

The ideal longer-term Structure and Strategy are *not yet in place*. As we move in that direction, Interim Measures of Success are needed, likely through at least 2010. *Progress in the "Interim" is shown by*:

- An *expanded involvement of local governments, tribes, and citizens* in developing salmon recovery goals and plans for each region—goals that address all water uses and continued prosperity of the region.

- A clear structure for *integrating harvest, hatchery and habitat actions.*
- An *inclusive involvement of stakeholders* at the watershed level in habitat conservation, preservation, and restoration projects.
- *Comprehensive assessments of habitat conditions* in each watershed.
- *Locally developed watershed strategies* that list the priority habitat actions and target areas are developed or underway.
- *Implementation* of the most important conservation, preservation, and restoration actions in each watershed, with active local support.

- Implementation of the *Forest and Fish Agreement* for forest practices, and similar efforts to address agricultural issues.
- *Funding* necessary to support the development of goals, plans, and implementation of projects.
- *Improved conditions for fish*, measured by indicators such as fish access to blocked habitat, improved riparian conditions, acres of key habitat protection, or volume of water restored.
- *Recovery actions are adjusted* as monitoring information and new science becomes available.

By 2010, How Should We Measure Success in Salmon Recovery?

Ultimate Measures of Success Will Be:

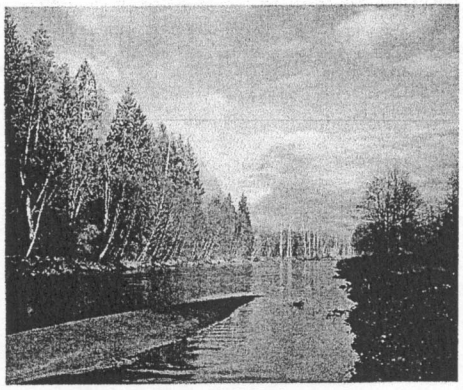
- The increased abundance, productivity, diversity, and spatial distribution for all species.
- Growing percentage of healthy wild stocks, and de-listing of all endangered salmon species.
- Abundance of salmon for harvest.
- Healthy watershed conditions.
- Supportive communities.
- Integration and consistency between salmon recovery, community and economic development, natural resource practices, and other community interests.

CURRENT EXAMPLES FROM WASHINGTON STATE

- SRFB works through 26 locally-organized citizen-led groups known as "lead entities", covering almost all watersheds of the state.
- Four major regional areas have organized within the last year. SRFB funding support will help these regional efforts get underway in developing their local recovery strategies.

Tree planting near the Deschutes River in Tumwater. Revegetating riparian areas helps provide erosion control and shade. Volunteers often participate along with personnel from local, tribal and state agencies. In October 2000 the local Stream Team reported that over 220 volunteers, Miller Brewery employees, Conservation Corps and Community Youth Services groups, and other community members planted 4000 native plants and shrubs along the Deschutes riparian corridor.

- For the SRFB's third round of grants in Fall 01–Spring 02, we estimate that well over 1,500 local citizens are directly involved in their lead entities or in sponsoring local projects.
- In 2001, the SRFB and the Governor's Salmon Recovery Office initiated the Comprehensive Monitoring Strategy Project. The final report in December 2002 will provide the first comprehensive model for the state's regional, watershed and project-scale monitoring efforts.
- Federal Fiscal Year 1999–2001 Pacific Coastal Salmon Recovery Funds have been placed into 111 organizations conducting 287 projects.
- These projects have included non-federal match (cash, volunteers or labor) with a value of over $18 million.
- During the same period, the State of Washington has provided $36 million towards salmon recovery efforts through the SRFB.
- State funds through the SRFB have supported 95 organizations conducting 211 projects, and are matched with over $24 million in value contributed by the projects' sponsors.
- With federal support, SRFB has also helped fund 2 years of "Forests and Fish" activities, and, with state dollars, funded 13 other programs.



Senator SMITH. Thank you very much for your testimony, Ms. Johnson.

We'll now hear from Glen Spain, Northwest Director of the Pacific Coast Federation of Fishermen's Association, an organization that represents fishing interests in all the states affected by this bill. Welcome.

STATEMENT OF GLEN SPAIN, NORTHWEST REGIONAL DIRECTOR, PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS

Mr. SPAIN. Thank you, Senator Smith. Greetings from our mutual home State of Oregon.

I'm the Northwest Director of the West Coast's largest organization of commercial family fishermen. Our folks have been devastated—I can't stress that enough—by the losses over the last two to three decades of salmon runs all along the coast, all the way up into Alaska. My colleague here will speak to some of the Alaska issues, but I want to speak particularly to the issues in the Northwest.

We have lost almost $1.25 billion worth of net economic benefits to the Northwest regional economy from the salmon runs. That was the figure that was generated for the economy in that region in as recently as 1988, our last really good year. That has been cut down to—we've lost roughly 90 percent of that. And with what is remaining we're hanging on very hard and working like the dickens to try to restore these streams.

Our organization, for instance, has a salmon stamp program. California fishermen assess themselves through that program, which goes into a fund that is managed by commercial fishermen for habitat restoration. We've spent as much as a million dollars a year on self assessment taxes, if you will, through the salmon stamp program to put that directly back into the watershed.

We are very familiar with some of the problems, pitfalls, and advantages of salmon restoration work, particularly in California. And I personally work very closely with folks in Oregon and Washington to do the same.

There are certain things, certain principles that we have to keep in mind. One is that the salmon runs and the salmon problem are totally interwoven and interconnected. No one state is unaffected by what happens in another state. For instance, 28 percent of all the chinook salmon harvested in southeast Alaska originate in Washington, particularly the Columbia River or the Puget Sound. Thus, it makes very good sense—I wish Senator Stevens were here to hear this—to have Alaska invest in the restoration of Columbia River salmon runs. It makes sense for the economy in Southeast Alaska. It makes sense to reduce the constraints that those damaged Columbia River runs impose on Alaska under weak stock management under the Magnuson Act and also under the ESA and other constraints.

It also makes sense for Oregon and Washington to invest in California salmon restoration, because 50 to 70 percent of all the salmon harvested in Oregon come from the California Central Valley Hatchery System. There are a lot of interconnections. And, likewise, whatever constraints are imposed because of weak stocks in the Columbia cause closures all the way down to Central California.

In fact, the collapse in the Columbia salmon runs was a key issue that contributed to the collapse of the Pacific Salmon Treaty and our treaty obligations with Canada. The fish that Canadian fishermen lost to Alaska, they looked south to find, but those fish had disappeared. There was thus a tremendous imbalance in the treaty. And that precipitated a lot of the collapse of the former treaty.

So there are interstate, inter-regional, and international issues all of which are triggered by the declines of the West Coast salmon runs in addition to coastal economies that have suffered severely.

Another principle is that salmon restoration is an investment, it is not a cost. Like any investment, it will, if wisely done, provide dividends to the economy. One and a quarter billion dollars is not chicken feed for these coastal economies. We can restore it to those levels. And that alone is nowhere near the historic levels. That's the level that we were able to achieve in 1988. Historic levels are much greater.

And if we can move more over the next 20 or 30 years toward historic run sizes, and I think we can, this is a multi-billion-dollar benefit in dividends that will be paid each and every year to our regional economies and to coastal economies. It is an investment. And like any investment—like any investor making an investment, they want to make wise use of their money.

Another principle is that we have been lurching along for a long time on 50-year restoration plans with a year-by-year appropriation process that is essentially ad hoc. We can't continue to do that without basically damaging the efficiency of the program. Thus, we strongly support this bill, and Representative Thompson's bill on the House side (H.R. 1157), that institutionalizes and creates quality control and peer review and accountability criteria that make it assured that those funds will be wisely spent and that there will be a continuity of institution that is comparable to what we need in terms of the length of effort.

Another thing we need to do, of course, is have ways of funding this in a perpetual way. And again, this bill is a good move in that direction. There are two areas where we would suggest some improvements. One is that H.R. 1157, Section 11 sets a standard for recovery. This bill does not. That standard, I think, should be the Four Governors' declaration in the year 2000, which said the standard that we are trying to achieve is a harvestable surplus. That is the standard that will achieve the economic benefits, the return on our investment, the dividends to our communities.

It's not sufficient to recover to the point where we have a few museum runs. We want our people working. We want our communities working. We want our fishermen to be able to deliver high-quality seafood to their restaurants, to their processors, to the chain of markets, and for export as a major resource in what was and is the United States' oldest industry.

Thank you.

[The prepared statement of Mr. Spain follows:]

PREPARED STATEMENT OF GLEN SPAIN, NORTHWEST REGIONAL DIRECTOR, PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS

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

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

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

Fishermen are family food providers, but in order to be able to produce high quality seafood and maintain thousands of jobs in coastal communities, we need something to catch! Most of our people are now, or have been, salmon fishermen. However, every year for decades now, the long-term trend has been that there have been fewer and fewer juvenile fish surviving to come out of damaged west coast watersheds. Widespread habitat loss, massive forest liquidation and the destruction wrought by the thousands of West Coast dams, many no longer cost effective or even needed, has now pushed many once abundant wild salmon runs to such low numbers that NMFS has *had to put 25 separate and distinct runs of Pacific salmon and steelhead on the Federal Endangered Species list*.[2] In fact, ESA protections are all that now stands between many of these irreplaceable salmon runs and complete extinction. Several additional populations are also still under consideration for ESA listing, and will and *should* be listed unless we work in earnest to prevent their further declines and eventual restoration.

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

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

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

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

There are efforts underway everywhere to actually solve these problems, however, by protecting and restoring our watersheds and estuaries. Various state and local plans now exist for restoring depressed salmon runs and reinvesting in the natural

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

resources which sustain them. However, particularly in this era of strained state budgets and budget deficits, the states cannot and should not go it alone.

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

Reinvestment in our watersheds also makes excellent economic sense. As recently as 1988, just before the current collapses, salmon fishing in all its forms (sport and commercial) brought more than $1.2 billion to the West Coast economy outside of Alaska, supporting some 62,750 family wage jobs.[3] Though many of these jobs have now been lost or are at risk, a wise investment in this resource now will bring many of them back, helping to revitalize a whole region's coastal economy, and producing a multitude of other economic benefits for all.

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

Appropriations vs. Stand Alone Bill

There appears to be some continuing debate over whether these funds could be obtained directly through the appropriations process (as was done in previous years) or whether a separate authorizing bill is really necessary. We firmly believe there is ample authority under the ESA to fund the recovery efforts that the ESA requires through appropriations alone, if necessary. Every major salmonid species on the coast (including coho, chinook, chum, and steelhead) are now listed under the ESA in large parts of their range and for many genetically distinct major subpopulations (ESUs).[4] The geographic area in which they are listed ranges from San Diego to nearly the Washington-Canada border. The ESA, as you know, requires recovery plans for listed species, which necessarily implies the funds to make them a reality. Given that general and very broad authority, and given a past history of similar appropriations, a special appropriation to provide federal matching funds to assist ongoing state ESA recovery efforts makes perfect sense.

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

A stand-alone bill also makes perfect sense for authorizing this program for a longer period of time, such as 5 years, and providing it more structure and institutional strength. Such an authorizing bill would help prevent future confusion and would help maintain more stable funding—a desperate need for any salmon recovery program, which of necessity must be long term. Senator Boxer's S. 1825 does just that.

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

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

Assuring Accountability and Targeting Priorities

A much more important issue is assuring that these limited funds are well spent on salmon watershed investments that make biological sense and which will give

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

[4] Listings decisions are made on the basis of genetically similar subpopulations, called "Evolutionarily Significant Units" or ESUs.

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

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

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

Some Guidelines Required for Accountability and Efficient Use

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

1. Funds should only be expended for work or projects conducted pursuant to an approved salmon fishery restoration or recovery plan which has had scientific review and which is likely to be biologically effective;

2. No funds should be expended for any work or project, in whole or in part, for salmon habitat restoration or to rebuild or restore salmon populations where there is an already existing legal or contractual obligation by another entity, public or private, to carry out or pay for that work or project, or to mitigate for past damage to the resource;

3. No funds should be used for any work or project for salmon habitat restoration or to rebuild or recover salmon populations unless there exist rules or regulations that reasonably assure that other activities near or adjacent to the work or project or within the watershed of the work or project will not adversely affect, damage or destroy the work or project proposed for use of these funds.

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

Salmon Restoration Planning Is Not Difficult—Requiring a Plan Will Support Efficient Implementation

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

(1) *Both statutory and Administrative support*—the Oregon Plan was created by both statute and Executive Order of the Governor;

(2) *Independent scientific review and oversight*—an Independent Multi-Disciplinary Science Team (IMST) was created by statute to assure the scientific legitimacy of the plan, to assure that recovery measures were biologically sound and to oversee monitoring and adaptive management efforts over time;

(3) *A source of permanent funding*—in addition to Legislative funds each year, some $44 million a year was dedicated to the Oregon Plan by a statewide ballot initiative (Measure 66) in perpetuity;

(4) *A system of screening and prioritizing projects*—There is a clear project review process intended to get the best use of funding;

(5) *Comprehensive*—the Oregon Plan is state-wide, involving both salmon and steelhead, and directly involves the counties while assuring cross-county consistency.

Washington State also has most of the elements of a similar comprehensive recovery plan, including a screening and prioritization process for grants, and scientific oversight. Neither Oregon nor Washington would have significant problems meeting the minimal accountability and effectiveness criteria set forth in S. 1825. Nor would Alaska, given its very active and committed Department of Fish and Game and the models of both Oregon and Washington to emulate. States with already existing plans have already done their homework, and should be allowed to have those plans expeditiously reviewed and signed off on by the NMFS and other federal agencies so they can start receiving those funds.

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

Some Improvements That Would Result From Integrating Both Bills

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

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

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

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

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

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

(4) Level of Funding: We believe that the proposed level of funding authorized in S. 1825, $350 million per year for 5 years, split among the various states and Tribes as indicated in the bill, is the correct amount. Remember that these funds are an *investment*. Eventually these funds invested will help restore a billion dollar a year west coast fishery, and will thus be repaid as dividends to the regional economy and to coastal communities many times over.

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

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

PCFFA strongly supports S. 1825 in concept, and believes it will be a long step forward toward making cost effective and economically beneficial use of salmon restoration funds that will greatly help our hard pressed coastal fishing communities and economies.

Summary: Salmon Restoration Is an Investment That Will Repay Itself Many Times Over

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

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

Senator SMITH. Glen, do you believe that if we pass this bill, and assuming that the stocks are recovered, that you'll be allowed to go fishing again?

Mr. SPAIN. Well, the essence of any recovery plan is to achieve recovery. My view is that we can most likely achieve that by a consistent, organized effort over the long term.

Senator SMITH. And this bill helps you to do that?

Mr. SPAIN. Absolutely.

Senator SMITH. What's your position on the use of hatcheries for mitigation and restoration?

Mr. SPAIN. Well, our organization has run hatcheries, we've funded hatcheries, we've fought for hatchery reform. They are a tool, a

management tool. Where hatcheries will actually conflict with recovery of wild stock, those have to be rethought and reorganized and re-managed.

Senator SMITH. Are you convinced NMFS is doing that now?

Mr. SPAIN. Well, they are in the process of a review of their hatchery policy. The State of California is just completing a hatchery review. The State of Oregon is doing the same. There was a major scientific peer review of the Washington Hatchery Program with a number of recommendations—I think there were well over a hundred recommendations for reforms there. These are all in play and need to be pursued, yes. But remember that hatchery fish come from wild genetic stock. If we lose the fundamental genetic stock, the wild fish that have evolved for millions of years, we will eventually lose those hatcheries, as well.

Senator SMITH. I agree with that. I believe you are saying, though, that there is a scientific standard by which, if they're operated, they could be very helpful.

Mr. SPAIN. Yes.

Senator SMITH. OK. How much, in your view, has farm raising of Atlantic salmon hurt the Pacific salmon fishery?

Mr. SPAIN. My colleague from Alaska will have words on that one, I'm sure. That is a disaster in the making. There is no question that some of those fish—many, many, many tens of thousands—escape. We've gotten a number of scientific reports that they are colonizing and competing with wild fish in British Columbia and some in Alaska. You know, the farm fish operations have their place, but obviously it's a whole different area. They need to be controlled so that they do not impact, they do not escape, and they do not spread disease to the wild populations.

Senator SMITH. Very good, thank you.

Our final witness, then, is Mr. Robert Thorstenson, President of the United Fishermen of Alaska, to present the perspective of commercial fishing interests in Alaska. And they are his children we met earlier.

Mr. THORSTENSON. Yes, thank you, Senator.

Senator SMITH. They've got a good looking momma, apparently. [Laughter.]

Mr. THORSTENSON. I hear that often.

Senator SMITH. I hope you know I'm kidding you, but those are very handsome children.

Mr. THORSTENSON. Thank you.

STATEMENT OF ROBERT THORSTENSON, PRESIDENT, UNITED FISHERMEN OF ALASKA

Mr. THORSTENSON. Alaskan fishermen share the vision that brought this bill before you, the desire to preserve and protect salmon. However, Alaskan fishermen have a somewhat different perspective regarding the origins of the salmon recovery legislation and the objectives it should serve.

The original authorization for and funding of Pacific salmon recovery grew out of conflicts arising from the application of the Pacific Salmon Treaty. The funding was intended to address two basic objectives: restoring salmon runs and mitigating the economic impacts that our commercial fisheries and coastal communities suf-

fered as a consequence of depleted runs. S. 1825 dramatically modifies the fund, steering it on a course sharply different from the ones conceived by its original proponents, disregarding the nexus with the Pacific Salmon Treaty and preventing use of the funds to foster a sustainable salmon industry.

Alaska depends on the salmon. Alaska salmon runs are abundant, with no stocks listed under the Endangered Species Act. In our coastal communities, commercial fisheries provide more than half of the basic private-sector employment. Over 10,000 Alaskans operate commercial fishing vessels and hold permits to fish for salmon. Tens of thousands more work as crew on commercial fishing boats. Many more Alaskans process salmon in numerous processing facilities that dot the coast. In addition to the direct employment from commercial fisheries, support services in industries from fuel suppliers to banks to freight companies depend on commercial fisheries for much of their revenue. I could go on and on, but let's just say salmon is Alaska's equivalent of Boeing and Microsoft.

The Pacific Salmon Treaty between the United States and Canada brought dramatic restrictions to the fisheries in Alaska. Under that treaty, Canada and the states of Washington, Oregon, and Alaska, as well as 28 Pacific Northwest Native American tribes sought to conserve and share the harvest of salmon that migrated along the coast from Northern Oregon to Southeast Alaska. Efforts to apportion the burdens of conservation and to share the benefits of a harvest of a far-ranging resource led to serious conflicts between the two nations and among interests within the United States.

Over 95 percent of the salmon harvested in Southeastern Alaska are bound for Alaska's streams and rivers, but because of the concerns about troubled salmon stocks originating in Washington, Oregon, and Canada, Alaska was asked to reduce its harvest of healthy Alaskan-origin salmon in order to reduce the incidental take of salmon originating elsewhere.

To address these concerns raised by the Northwest states and tribes and by Canada, Alaskan salmon fisheries suffered a series of cutbacks between 1985 and 1992. These cutbacks cost Alaska the harvest of tens of millions of salmon worth hundreds of millions of dollars. Salmon stocks in Canada and the Pacific Northwest suffered a continuing productivity decline in the 1990s intensifying conflict between Alaska and the Pacific Northwest. The conflict manifested itself in the press and the courts and in the salmon treaty negotiations.

For several years, the treaty negotiators were unable to reach agreements on conservation or on harvest sharing. In an effort to compel the United States to grant concessions to the treaty negotiations, Canada prosecuted aggressive fisheries that harvested salmon from endangered and depleted runs originating in Washington and Oregon. Even when U.S. managers stopped U.S. fishing on these runs, Canada continued to fish those runs, saying they would stop only if the U.S. agreed to concessions in Alaska.

Finally, in 1999, the two nations and the diverse interests within the United States negotiated a long-term agreement to address the conservation and sharing of migratory salmon stocks. However, peace with Canada and the protection of depleted Washington- and

Oregon-origin salmon from fishing by Canada came at a high price for Alaska since the agreement instituted yet another set of restrictions on Alaskan fisheries.

The funding for Pacific salmon recovery has been important to Alaska to address both of the primary objectives of the program: conservation of the resource and improving fishery economies. To these ends, Alaska has funded important research programs, habitat conservation, and programs to mitigate the economic impacts of the fishery restrictions imposed in response to salmon conservation problems in the Pacific Northwest and Canada.

Specifically, the Salmon Recovery Appropriation has funded salmon escapement enumerations, salmon habitat assessment, and stock identification work. Equally important, Alaska has used salmon recovery funding for a salmon marketing program. Faced with significant harvest reductions under the treaty, Alaska seeks to gain more value from the limited harvest. Furthermore, the funding has been used to increase production in Alaska's Salmon Enhancement Program and thereby increase the harvest fishermen can take from abundant and carefully enhanced salmon stocks.

The Pacific Salmon Recovery Appropriation that was first passed by Congress in 1999 was conceived by Alaskans and had its roots in the conflicts arising from the Pacific Salmon Treaty Agreements. While Alaskan fishermen applaud efforts to conserve salmon, we are concerned that S. 1825 takes this appropriation in a new direction and ignores many of the primary objectives with the original legislation. There are other issues of concern in the text of S. 1825, but the principal policy issue is that S. 1825 fails to provide for the special circumstances which are related to the implementation of the Pacific Salmon Treaty. Given that fact, we cannot support this legislation as it is drafted.

Thank you for the opportunity to testify.

[The prepared statement of Mr. Thorstenson follows:]

PREPARED STATEMENT OF ROBERT THORSTENSON, PRESIDENT, UNITED FISHERMEN OF ALASKA

I appreciate the opportunity to appear before this Committee on S. 1825, the Pacific Salmon Recovery Act. I am appearing today as the President of the United Fishermen of Alaska, a statewide organization and coalition of commercial fishermen, and as a member of the Northern Panel of the Pacific Salmon Commission.

Alaskan fishermen share the vision that brought this bill before you—the desire to preserve and protect salmon. However, Alaskan fishermen have a somewhat different perspective regarding the origins of the salmon recovery legislation and of the objectives it should serve. The original authorization for, and funding of, Pacific salmon recovery grew out of conflicts arising from the application of the Pacific Salmon Treaty. Alaska fishermen were foremost among the proponents of the salmon recovery legislation. The funding was intended to address two basic objectives—restoring salmon runs and mitigating the economic impacts that the commercial fisheries and coastal communities suffered as a consequence of depleted salmon runs.

S. 1825 dramatically modifies the fund, steering it on a course sharply different from the one conceived by its original proponents, disregarding the nexus with the Pacific Salmon Treaty and preventing use of the funds to foster a sustainable salmon industry.

Maritime Alaska depends on the salmon. Alaska's salmon runs are generally abundant with no stocks listed under the Endangered Species Act. In our coastal communities, commercial fisheries provide more than half of the basic, private-sector employment. Over 10,000 Alaskans operate commercial fishing vessels and hold permits to fish for salmon. Tens of thousands more work as crew on commercial fishing boats. Many more Alaskans process salmon in the numerous processing fa-

cilities that dot the coast. In addition to the direct employment from the commercial fisheries, support services and industries, from fuel suppliers to banks to freight companies, depend on commercial fisheries for much of their revenue.

The Pacific Salmon Treaty between the United States and Canada brought dramatic restrictions to the fisheries in Alaska. Under that Treaty, Canada and the states of Washington, Oregon, and Alaska as well as 28 Indian tribes sought to conserve and share the harvest of salmon that migrate along the coast from Northern Oregon to Southeast Alaska. Efforts to apportion the burdens of conservation and to share the benefits of the harvest of a far-ranging resource lead to serious conflicts between the two nations and among interests within the United States.

Although Alaskan fisheries harvested principally very productive local stocks, a very small percentage of the Alaskan harvest was comprised of salmon migrating from Canada or the Northwest into Alaskan waters. Because of the concern about troubled salmon stocks originating in Washington, Oregon and Canada, Alaska was asked to reduce its harvest of healthy Alaska origin salmon in order to reduce the incidental take of salmon originating elsewhere. To address these concerns raised by the Northwest states and tribes and by Canada, Alaskan salmon fisheries suffered a series of cutbacks between 1985 and 1992.

For example, because of amendments to the Pacific Salmon Treaty, the Alaskan Noyes Island purse seine fishery, which harvested abundant Alaska origin pink salmon runs, was severely curtailed to reduce the catch of sockeye salmon originating in Canada. The Treaty restrictions forced Alaskan fishermen to sacrifice the harvest of 60 million salmon to prevent the harvest of a few hundred thousand Canada-bound sockeye. Hundreds of fishing vessels that once plied the waters near Noyes Island found the only remaining opportunity in the early part of the salmon season to be in carefully managed fisheries near salmon enhancement facilities.

Restrictions extended to other fisheries as well. Although Alaska implemented a Chinook conservation and stock rebuilding program prior to implementation of the Pacific Salmon Treaty, the Treaty instituted further harvest restrictions on sport and commercial fisheries, placing a quota on the Chinook salmon harvest. While Chinook abundance increased dramatically through the 1980s and early 1990s Alaskan fisheries remained constrained by the Treaty quota of 263,000 fish annually.

Salmon stocks in Canada and the Pacific Northwest suffered a continuing productivity decline in the 1990s, intensifying conflict between Alaska and the Pacific Northwest as the different jurisdictions sought to impose harvest restrictions on the incidental catch in Alaska of non-Alaska origin Salmon. The conflict manifested itself in the press, in the courts and in the salmon treaty negotiations. For several years, the Treaty negotiators were unable to reach agreements on conservation or harvest sharing. In an effort to compel the United States to grant concessions in the Treaty negotiations, Canada prosecuted aggressive fisheries that harvested salmon from endangered and depleted runs originating in Washington and Oregon. Even when U.S. managers stopped U.S. fishing on these runs, Canada continued to fish those runs saying they would stop only if the U.S. agreed to concessions in Alaska.

Finally, in 1999, the two nations and the diverse interests within the United States negotiated a long-term agreement to address the conservation and sharing of migratory salmon stocks. However, peace with Canada and the protection of depleted Washington and Oregon origin salmon from fishing by Canada came at a high price for Alaska since the agreement instituted yet another set of restrictions on Alaskan fisheries.

For example, the sport and commercial Chinook salmon fishery saw its harvest drop from a quota of 263,000 salmon to harvest levels that are but a fraction of that. The Noyes Island fishery, which, as noted above, had already been severely restricted in prior Pacific Salmon Treaty agreements, and which was now constrained from harvesting more than 5 million fish per year, was cut back by an additional 10 percent. The Tree Point fishery was slashed from a four-day-per week fishery to two with consequent loss of harvest.

With the long-term treaty agreement completed in June 1999, Alaskans turned their attention to developing legislation to solve some of the underlying problems created by the Pacific Salmon Treaty. Commercial fishermen worked with the State of Alaska and Senator Stevens to develop federal appropriations that would help to fund salmon conservation in the Treaty area, including Washington and Oregon, and also help restore salmon fisheries and local economies devastated by the severe restrictions imposed by the Treaty and the decline of Northwest salmon stocks. To these ends, Senator Stevens included in the omnibus appropriation bill for Fiscal Year 2000 funding "for salmon habitat restoration, salmon stock enhancement, salmon research, and implementation of the 1999 Pacific Salmon Treaty Agreement and related agreements. . . ." Pub.L. 106–113. Similarly the following year, the

Congress appropriated money for Pacific Coastal Salmon Recovery "for necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada. . . ." Pub.L. 106–105.

The funding for Pacific salmon recovery has been important to Alaska to address both of the primary objectives of the program—conservation of the resource and improving fishery economies. To these ends, Alaska has funded important research programs, habitat conservation, and programs to mitigate the economic effects of the fishery restrictions imposed in response to salmon conservation problems in the Pacific Northwest and Canada. Specifically, the salmon recovery appropriation has funded salmon escapement enumeration, salmon habitat assessment, and stock identification work. Equally important, Alaska has used salmon recovery funding for a salmon marketing program. Faced with significant harvest reductions under the Treaty, Alaska seeks to gain more value from the limited harvest. Furthermore, the funding has been used to increase production in Alaska's salmon enhancement program and thereby increase the harvest fishermen can take from abundant and carefully enhanced salmon stocks.

The Pacific salmon recovery appropriation that was first passed by Congress in 1999 was conceived by Alaskans and had its roots in the conflicts arising from the Pacific Salmon Treaty agreements. While Alaskan fishermen applaud efforts to conserve salmon, we are concerned that S. 1825 takes this appropriation in a new direction and ignores many of the primary objectives of the original legislation.

In addition to the dramatic change of course envisioned by S. 1825, the bill incorporates a number of problematic elements. Section 3(b)(3)(D) does not contain important language found in H.R. 1157 permitting Alaska to use funds to mitigate the economic impacts of the Pacific Salmon Treaty by increasing economic opportunities for salmon fishermen. Similarly, list of eligible activities on Section 3(d) omits a significant provision in H.R. 1157 allowing states and tribes to use funds allocated to them for projects outside their jurisdiction. This provision was included to allow parties affected by the Pacific Salmon Treaty to work co-operatively in salmon restoration and enhancement projects. The deletion of these provisions reflects the fact that S. 1825 fails to recognize important Pacific Salmon Treaty issues.

A major flaw in H.R. 1157 that is repeated and magnified in S. 1825 is that "salmon" is defined to include only naturally produced runs. S. 1825 then specifically restricts certain eligible activities to those benefiting only naturally produced salmon runs. The net effect of this is to arbitrarily exclude any run which has been enhanced by management activities and any mixed run. This overly restrictive limitation will redound to the detriment of many runs and will undermine each state's ability to assist in the recovery of depleted salmon runs.

S. 1825 then adds a cumbersome and unnecessary peer review program. Alaska, like other Pacific Salmon Treaty states, has an outstanding scientific peer review program which ensures the scientific and programmatic quality of projects. S. 1825 adds another stage of review and approvals which is nothing more than a bureaucratic duplication of existing peer review programs.

There are other issues of concern in the text of S. 1825 but the principal policy issue is that S. 1825 fails to provide for the special circumstances which are related to implementation of the Pacific Salmon Treaty. Given that fact, we cannot support this legislation as drafted.

Thank you for this opportunity to testify.

Senator SMITH. In addition to commercial salmon harvests, Alaska has a strong sport fishery. Do you have any estimates on what the sport fishing industry contributes to the Alaskan economy?

Mr. THORSTENSON. In Southeast Alaska, in the treaty region, on the most recent year that I've got numbers from, the sport harvest of chinook salmon was 60,000, the sport harvest of coho salmon was 320,000. Just a ballpark guess in Southeast, that would probably be in the neighborhood of, you know, $20–$30 million, maybe $50 million if you start adding in hotels, restaurants and—but the actual—the impact from the treaty that's been taken on sport fishing runs into the tens of millions of dollars, at least, just for sport fishing alone, because in Southeastern Alaska, a non-resident coming into the state to fish is only allowed two king salmon per 365-day calendar year and one king salmon per day. I believe this year

the Columbia River Basin is going to be higher numbers, and I think we're going to be seeing better production for most of our driver stocks, so hopefully we'll have an opportunity for outside fishermen to come in and catch two per day this year, but that's what we've been living under. It's a pretty tight sport restriction, as well. I've spoken mostly to commercial because I represent commercial fishermen, but also we've had some tremendous sport impacts with the treaty, as well.

Senator SMITH. Over the last several years, we've had tremendous returns to the Columbia Basin. And, as I understand the testimony today, Alaska's fishing is directly correlated to the Columbia River.

Mr. THORSTENSON. Part of the problem——

Senator SMITH. What have these strong returns done for you, anything?

Mr. THORSTENSON. Part of the problem we've had in Southeastern Alaska is the treaty is based on a very complicated chinook model, and so the increase in the Columbia River Basin, where it should be rising, the tides at the same level across the whole range of the resources, the last 2 years were the lowest chinook harvest we've been allowed probably in 50 years. So what happened is the model is based upon Robinson Creek, West Coast, Vancouver Island, a lot of different scenarios across—up and down the coast. And even though the Columbia River is a huge driver stock to upriver rights, the lack of flexibility in that model, the lack of flexibility in the agreement has kept our harvest reduced significantly for both sport and commercial.

Senator SMITH. Let's just say, hypothetically, if these returns remain high—based on the current law, if you're opposed to this bill—do you anticipate that they would let you go fishing again?

Mr. THORSTENSON. That's going to depend upon Canada and Washington and Oregon and the Columbia River tribes. We have a working arrangement in the treaty with them, and we're going to have to work through that model.

Senator SMITH. OK.

Geoff, have you estimated the cost of the restoration projects that have already been proposed in Oregon? What is it going to run?

Mr. HUNTINGTON. Senator Smith, the average right now that we're running—we have not done a long-term estimate. What I can tell you is that at putting in about $25 million a year just into voluntary restoration projects on privately-owned lands, we are far short of the capacity of willing landowners to be undertaking better stewardship projects. We are unable to provide adequate technical assistance so that folks can get through a permitting process and design process to get more projects on the ground. We have not even begun to scratch the surface, I don't believe, on replacing fish screens for diversions for—agricultural diversions that are directly threatening fish. And so we have really looked at this program as being the starting point for a long-term engagement where we're investing in key strategic ways over time that would at least be two life cycles of the listed fish stocks.

Senator SMITH. Have the Oregon watershed councils been able to leverage Federal monies, matching funds for these coastal salmon issues?

Mr. HUNTINGTON. Senator Smith, the watershed councils and the soil and water conservation districts that are the primary recipients of funds all are required to at least have a 25-percent match for any of the dollars we give. That usually runs more on the order of a 50-percent match, frankly, and it's not uncommon at all to see more money coming in from outside sources on any given project.

Overall, as we run a tally, we see a ratio of about 3 to 1 being invested by private dollars going into restoration activities by commercial forest industry and other private landowners to every public dollar that's being invested in Oregon right now.

Senator SMITH. Well, you've got currently budgeted $25 million to go to the ground.

Mr. HUNTINGTON. That's approximately what we spend each year on projects on the ground and activities associated with getting those projects on the ground.

Senator SMITH. What would those activities be? Fish screens?

Mr. HUNTINGTON. The on-the-ground projects?

Senator SMITH. Yes.

Mr. HUNTINGTON. Fish screens, fish passage barrier removals, push-up dams, modifying grazing practices, fencing and shading riparian areas, putting large woody debris in streams in order to improve structure of habitat, acquisitions of conservation easements that help improve and protect water quality if they're done with willing sellers and in the context of local community values. We——

Senator SMITH. The $25 million isn't even scratching the surface, then.

Mr. HUNTINGTON. No, sir, it is not.

Senator SMITH. That's amazing.

Mr. Blackwolf, again, thank you for coming. You're familiar with the success in reestablishing salmon runs in the Umatilla River. And I wonder if, in your view, this bill is compatible with those efforts. Does it support what's been done there?

Mr. BLACKWOLF. Yes, sir, Senator Smith. You know, the Umatilla is just one of the projects that's been a success for bringing—putting fish back in the streams again. I don't know how many years the Umatilla River has been without salmon, but the project that the Umatilla Tribe, along with the voluntary work of the landowners, they got salmon back in the river, and people are catching salmon right in the town of Pendleton now.

Senator SMITH. Yes, they do. It's wonderful to see. I have, I hope you know, tried to be very supportive of the tribe there and their efforts to restore salmon runs, and they are really restored. And it's wonderful to see all these fish coming back onto the reservation, through the community and Pendleton. It's a very gratifying success story, and I'm anxious to make sure that there's nothing in this bill that in any way inhibits future successes for other tribes and other communities as we try and recover these stocks. So if you find anything in here that doesn't contribute to that end, you let me know.

But in the meantime, we thank you all for your testimony today. It's been helpful to have your input on this bill. It's a work in progress. We will work with our Alaskan and Washington colleagues to make sure that its benefits are equitably distributed, be-

cause we're really in this together, and it's got to work for all if it's going to work for any.

So thank you all for being here, and we're adjourned.

[Whereupon, at 4:25 p.m., the hearing was adjourned.]

APPENDIX

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ERNEST F. HOLLINGS TO DONALD R. KNOWLES

Question 1. I understand that 26 runs of Pacific Salmon are listed as endangered or threatened under the Endangered Species Act (ESA). What activities has NMFS or other NOAA line offices taken under the ESA to restore these runs?

Answer. The National Marine Fisheries Service (NOAA Fisheries) has taken numerous actions under the Endangered Species Act (ESA) to protect and restore the 26 Evolutionarily Significant Units (ESUs) of Pacific salmon that have been listed as threatened or endangered under the ESA since 1989 (22 ESUs were listed after 1995). The agency is implementing changes needed to protect and recover these fish, including those necessary to address human impacts from habitat destruction, dams, hatcheries, and harvest. NOAA Fisheries has sought to reduce or eliminate threats to the species as the first step towards recovery. NOAA Fisheries has also sought to minimize the impacts to affected parties and to fulfill its treaty obligations with Native American tribes. There is no single factor in salmon declines, and there is no single solution for their restoration. The recovery of salmon runs will be a cooperative effort involving hundreds of affected parties and federal, state, local and tribal governments. NOAA Fisheries is working with many partners to take the incremental steps needed to recover salmon, and those actions are reducing the probability of extinction. While the specific actions taken by NOAA Fisheries are too numerous to list in this document, a few examples are given below. All of these examples have led to improved salmon survival and will aid in future recovery of the runs.

Harvest

The goal in harvest management since listing salmon along the West Coast has been to minimize the impacts to ESA listed stocks, while maximizing the harvest of unlisted hatchery-produced salmon in tribal, commercial and recreational fisheries. These changes have taken a variety of forms from development and ratification of the United States/Canada Pacific Salmon Treaty to development of tribal and state resource management plans under the ESA 4(d) rules for threatened species. These management changes will allow the rebuilding of depressed runs over time. A few of the changes that have been implemented are listed below.

Participation in the U.S. v. Oregon forum to advocate harvest management reforms to limit the impact of fisheries on ESA-listed fish consistent with the Basinwide Salmon Recovery Strategy

The *U.S.* v. *Oregon* parties reached agreement on a 5-year, abundance-based harvest plan that will constrain harvest rates on listed salmon during the spring and summer season tribal and non-tribal fisheries, while encouraging increased testing and deployment of selective fisheries gear and methods. The fisheries target surplus salmon returning to hatcheries on the Columbia and Snake rivers.

Evaluation of 2 joint state/tribal resource management plans to allow Washington State and all 17 Puget Sound treaty Indian tribes a limited harvest of ESA-listed Hood Canal summer chum and Puget Sound chinook

The management plans have strict limits on how many salmon can be taken and require the state and the tribes to carry out crucial sampling and monitoring. The strict harvest limits, plus the wealth of information that will come from the state and tribes over the next 2 years, will help fishery scientists better understand the Sound's salmon populations and improve the fishes' chances of recovery.

Approval of an innovative fisheries management and evaluation plan for Willamette Basin spring chinook fisheries

This fisheries management and evaluation plan, developed in coordination with the Oregon Department of Fish and Wildlife, helps recover Willamette Basin spring

chinook, while allowing fishers to catch a higher number of hatchery-produced chinook than in the past.

Evaluation of a tribal resource management plan for managing spring chinook in the Imnaha River in 2001

This plan, developed in coordination with the Nez Perce Tribe and the State of Oregon, ensures that important tribal and recreational fisheries in northeast Oregon can take place while still protecting listed salmon.

Implementation of provisions of the Sustainable Fisheries Act of 1996 for commercial and recreational salmon fishing off the West Coast

The agency proposed Amendment 14 to the fishery management plan, took comments, and published the final rule. Provisions included descriptions of essential fish habitat, a new definition of overfishing, and new bycatch provisions. The amendment also addressed revisions to management objectives for a number of key salmon populations, and changed some fishery allocation rules.

Completion of the 1999 United States/Canada Pacific Salmon Treaty and related ESA section 7 consultation

Completion of the 1999 United States/Canada Pacific Salmon Treaty and related ESA section 7 consultation resulted in an abundance-based fishery management scheme that limits impacts to ESA listed salmon runs. The ESA consultation included an evaluation of the impacts of Canadian fisheries on listed runs, and it was determined that the United States and Canadian fisheries would not jeopardize the continued existence of the listed runs along the West Coast.

Habitat

The destruction or modification of habitat has been one of the major factors leading to the long-term decline in salmon populations. Habitat will also take the longest to restore and recover. NOAA Fisheries has developed three major target areas for habitat protection and recovery: (1) ESA section 7 consultation on actions that affect habitat; (2) development of agreements (Habitat Conservation Plans) with private landowners to protect and restore habitat; and (3) funding of restoration projects through the Pacific Coastal Salmon Recovery Fund.

NOAA Fisheries has completed thousands of informal and formal ESA section 7 consultations on actions that may affect listed salmon. NOAA Fisheries has sought to minimize the number of individual consultations that are conducted and has focused on development of programmatic consultations for a variety of activities. One programmatic consultation can negate the need for hundreds of individual consultation actions.

An example of programmatic consultation is the completed biological opinion covering 15 categories of permit actions regulated by the Army Corps of Engineers (Corps). Many of the most severe and direct adverse impacts to salmon habitat occur as a result of dredge and fill activities, channel modifications, bank stabilization, and in-channel construction. Most of these activities require a Clean Water Act section 404 permit issued by the Corps. This is a federal action requiring ESA section 7 consultation when the results may affect listed species or their critical habitat. Application of the programmatic biological opinion will dramatically improve NOAA Fisheries' effectiveness in implementing the ESA by streamlining the agency's review of hundreds of Corps permits. The new programmatic approach represents a significant departure from the past practice of consulting on each individual project, and paves the way for similar opportunities for NOAA Fisheries to meet its strategic goal of recovering protected species through cooperative partnerships with other federal agencies and private citizens.

As part of the National Fire Plan, NOAA Fisheries secured additional staff to provide streamlined, expedited Endangered Species Act section 7 consultation, coordination, planning and review. These services support U.S. Forest Service and Bureau of Land Management efforts to carry out fire management projects as they implement the National Fire Plan. This plan responds to the extensive wildfires that ravaged the West during the summer of 2000. Much of forest plan work has the potential to affect salmon habitat, so NOAA Fisheries hired, trained and deployed 40 new biologists. To place these scientists close to where the work will occur, NOAA Fisheries opened seven new field offices in Salmon and Grangeville, ID; Ellensburg, WA; La Grande, OR; and Ukiah, Yreka, and Santa Barbara, CA.

In August 2000, NOAA Fisheries signed the Record of Decision for the CALFED Bay Delta Program to restore the San Francisco Bay Delta ecosystem, including recovery of threatened and endangered salmon and steelhead, while ensuring the water supply reliability for the 20 million water users that depend on the water exported from the Delta.

NOAA Fisheries has completed 10 Habitat Conservation Plans related to industrial forestland operations, hydropower operations, and withdrawal of water for residential, municipal, industrial and agricultural use. These agreements provide for the protection of listed species while allowing the activities to continue in modified form.

Habitat restoration is very important for the recovery of self-sustaining salmon populations. The Pacific Salmon Recovery Fund has been instrumental in making this happen through a variety of activities such as watershed planning, land acquisition, fish passage, road, riparian and water quality improvement, or through monitoring activities. NOAA Fisheries acts as the granting agent for the funds and provides limited project oversight. The Memoranda of Understanding with the funded entities outline the types of projects to be funded, and NOAA Fisheries is working cooperatively with the states and tribes on monitoring and evaluation of the funded projects.

Dam Operations (Hydro)

Many actions have been taken to minimize the impact of dams and hydropower operations on listed salmonids. The largest of these actions was completion of the ESA section 7 consultation on the Federal Columbia River Power System in December 2000. The resulting biological opinion and accompanying "Basinwide Salmon Recovery Strategy" will help guide the operation of the hydropower system, as well as all actions taken to recover salmon in the Basin over the next 10 years. The resulting strategy is practical and comprehensive, and places the highest priority on those actions likely to produce the greatest benefit for the broadest range of species throughout the Basin. A central feature of the strategy is the establishment of explicit, scientifically-based performance standards to gauge the status of salmon and the success of recovery efforts. Progress will be measured against those standards in 5, 8 and 10 years to determine if more aggressive recovery efforts—including breaching of 4 lower Snake River dams—will be necessary.

Other Hydropower actions include the following.

- NOAA Fisheries reached agreement on McKenzie River (Willamette River Basin) hydro project operations. After more than a decade of discussion, litigation and negotiation, NOAA Fisheries, other federal agencies, and licensee Eugene Water and Energy Board reached a settlement agreement. It resolved outstanding issues at the Leaburg-Walterville Project. This project is on the McKenzie River, a major tributary to the Willamette River and stronghold of the remnant upper Willamette River chinook salmon ESU, listed as threatened under the Endangered Species Act. The agreement included construction of passage facilities that will significantly reduce deaths of migrating juvenile chinook, and optimize passage of adult fish through the project.
- NOAA Fisheries signed a settlement agreement resolving a lawsuit under the Endangered Species Act related to Savage Rapids Dam on the Rouge River. NOAA Fisheries had been involved for 6 years in negotiations and litigation to improve fish passage at Savage Rapids Dam. The settlement requires Grants Pass Irrigation District to stop using the dam for irrigation by November 1, 2005, and to use properly screened electric pumps instead. Removal of the dam will occur as soon as federal authorizing and funding legislation is enacted.
- NOAA Fisheries signed an agreement protecting listed salmon affected by the North Umpqua Hydroelectric Project. This project, owned by Scottish Power, is on the west side of the Central Cascade Mountain Range in southern Oregon. The North Umpqua River has a 34-mile reach of wild and scenic river below the project area, which contains 6 populations of wild salmon and trout, including ESA-listed coho. For the past 2 years, Scottish Power, NOAA Fisheries, the U.S. Forest Service, U.S. Fish and Wildlife Service, Bureau of Land Management, State of Oregon Office of the Governor, and Oregon Departments of Environmental Quality, Fish and Wildlife, and Water Resources participated in consensus-based negotiations that culminated in the signing of the North Umpqua Settlement Agreement. During the process, the parties first negotiated resource management goals to set standards an agreement would have to meet. Both environmental resources and power generation concerns were protected under this agreement.
- NOAA Fisheries Northwest Fisheries Science Center is conducting pre-project monitoring for removal of the Elwha River Dam on the Olympic Peninsula in Washington State. This monitoring will not only provide information on the effects of the dam removal on the Elwha River, but will also provide valuable research on how rivers respond to changes in sediment loads and flow.

Hatcheries

Pacific salmon hatcheries have been in operation for over 100 years. In the past they have predominantly been operated to maximize production of fish to satisfy tribal treaty obligations, mitigate for other impacts on habitat, or to provide for commercial and recreational fisheries. With the ESA listing of salmon, significant changes are being undertaken to minimize the impacts that production hatcheries have on listed wild runs, while also developing hatchery programs for conservation of severely endangered runs, and supplementation programs to boost production of wild runs.

One of the major changes will be the development of Hatchery Genetic Management Plans (HGMPs) for all hatchery operations. These HGMPS will guide hatchery operations and ensure that they do not interfere with recovery of listed wild runs. NOAA Fisheries will also be developing guidance in late 2002 on the use of hatcheries to aid in the recovery of wild salmon runs.

NOAA Fisheries has worked on several gene conservation hatchery programs to help prevent the extinction of salmon runs. For example, the Snake River sockeye captive brood program, and the Lyons Ferry fall chinook program both have been instrumental in maintaining the genetic resources of endangered runs. This will allow the runs to be rebuilt after other recovery actions are taken to secure habitat and prevent mortality. The Snake River sockeye run has increased from near extinction up to 250 fish in 2001. The Snake River fall chinook run has increased from 78 individuals in 1990–1991 into the thousands over the past few years. Both of these programs have preserved options for future recovery.

Research and Monitoring

NOAA Fisheries has developed an extensive research and monitoring program that is carried out by the Northwest and Southwest Fisheries Science Centers. A variety of projects are being conducted on tasks evaluating the efficacy of different habitat restoration techniques, the use and importance of estuaries for juvenile salmon, the growth and survival of salmon in the Columbia River plume and ocean environments, the passage of fish through dams and migration through the Columbia and Snake rivers, and the role of salmon carcasses in providing nutrients for juvenile fish production.

As part of the implementation of the FCRPS Biological Opinion, NOAA Fisheries has begun implementation of a research, monitoring, and evaluation (RM&E) program. The RM&E program will provide the scientific information necessary to assess whether the Biological Opinion's performance measures are being achieved at the 2003, 2005, and 2008 check-ins.

Salmonid populations in California are at the southern extent of their natural range where environmental conditions (*e.g.*, warm temperatures, Mediterranean climate and arid conditions) are marginal for them to exist. Consequently, their life history and population dynamics are different from those of the Pacific Northwest. Internal funds of NOAA Fisheries are being used to support cooperative research with academic institutions, the California Department of Fish and Game, and private industry on a wide variety of issues to guide the recovery process. For example, stream ecologists are monitoring population levels and habitat conditions, describing different life history strategies and competitive interactions between wild and hatchery fish. This information supports population modelers that are assessing the risk of extinction and the impacts of ocean harvest. Population geneticists are determining population structure of steelhead trout and chinook salmon needed to guide recovery planning, and economists are conducting studies to predict the economic effects of habitat restoration and regulatory impacts to commercial fisheries. Very little is known about the ocean and estuarine ecology of juvenile chinook salmon, and the potential for that knowledge to identify mortality factors to guide restoration and recovery. To that end scientists are investigating habitat use, growth, feeding, condition and survival in relation to production source (hatchery versus wild, natal stream and spawning date) in the Gulf of the Farallones and San Francisco Bay.

An example that ties many of these actions together has occurred in the Central Valley of California. When Sacramento River winter-run chinook salmon were downgraded from threatened to endangered in 1994, returns had dropped to as low as 189 adult spawners in a single year. Numbers have stabilized at significantly higher levels (average 2,500) over the last 6 years. Actions taken include curtailment of incidental take in ocean salmon fishery, implementation of the Biological Opinion for the Central Valley and State Water Projects, fish passage improvements, construction of major new fish screens at large river diversion dams, reconfiguration of dams that impeded passage, temperature control on the spawning grounds, and a carefully managed artificial supplementation program.

Question 2. In his testimony, Don Knowles, Director, Office of Protected Resources, National Marine Fisheries Service, stated that the Agency has entered into cooperative agreements with the states and tribes for restoring Pacific salmon. What kind of fiscal or legal accountability is provided under these agreements? Please provide us with copies of each of the agreements.*

Answer. Through the Pacific Coastal Salmon Recovery Fund (PCSRF), $258 million has been appropriated and distributed since the program's inception in FY 2000. The PCSRF has been distributed through reimbursable grants to the states of Alaska, California, Oregon, and Washington; Tribal Fisheries Commissions; and through the Bureau of Indian Affairs for individual tribal governments. The grants to the states and Tribal Fisheries Commissions are based upon signed Memoranda of Understanding (MOUs) and standard grant provisions under NOAA Financial Assistance Awards. The MOUs outline the framework and criteria for transferring the funds to the states and tribes and for funding eligible projects within each state and tribal government. Specifically, the MOUs outline the types of funded activities, the process for project selection and review, the criteria for project selection, and reporting and monitoring requirements. For individual tribal funds not under MOUs, proposals are reviewed by NOAA Fisheries to ensure the projects meet PCSRF objectives. Funding to the states has a 25 percent non-federal matching requirement and limits the states to 3 percent for administrative expenses. Funded entities are required to monitor projects and report annually to NOAA and Congress on the results of their recovery activities and the overall program. Copies of the signed MOUs for all entities and an example of the NOAA Financial Assistance Award for the State of California are attached.

In January 2002, NOAA Fisheries hosted a workshop in Portland, Oregon, to discuss implementation of the Fund. The two needed improvements that were recognized at the workshop were the need for a more coordinated monitoring and evaluation component, and for coordinated reporting of project activities. During this year, NOAA Fisheries has worked with the states and tribes to improve these aspects of the program. A follow-up workshop is planned for December 2002 in Seattle, Washington.

MOUs are currently in place for the following entities and are attached for review: The states of Alaska, California, Oregon, and Washington; the Columbia River Inter-Tribal Fish Commission; the Northwest Indian Fisheries Commission; and the Klamath River Inter-Tribal Fish and Water Commission. Grant proposals are submitted on an annual basis after PCSRF appropriations are made by Congress. Grants for the PCSRF are issued as Financial Assistance Awards by the NOAA Grants Office, similar to other NOAA grant programs, which include routine government accountability provisions established by law, OMB circulars, and NOAA provisions. Funds are dispersed to the states and tribes on a reimbursable basis, and all work must be conducted in accordance with the terms and conditions of the Financial Assistance Awards, consistent with the MOUs.

Question 3. Additionally, the Committee requests documentation* of all endangered and threatened Pacific salmon-related projects funded by NMFS (including but not limited to funds from the Pacific Salmon Recovery Fund) for FY 2000–2002; including project name, location, principal investigator contact information, the approximate starting and end dates of each project, the goals and results of each project, and the amount of funding received through NMFS for each year.

In the event such detailed information is not readily available from NMFS, the Committee respectfully requests that the Agency obtain the information, compile it and submit it to the Committee for review, as soon as possible but not later than September 1, 2002.

Answer. A copy of the FY 2000–200l PCSRF report and a detailed listing of PCSRF projects is attached. A majority of the funds expended by NOAA Fisheries on Pacific salmon recovery projects are funded through the PCSRF. A description of the other ESA salmon recovery programs conducted directly by NOAA Fisheries and the funding associated with these programs is attached. In FY 2002, NOAA Fisheries expended $37.95 million on Pacific salmon programs related to recovery, regulation, risk management, population dynamics, habitat assessment, enforcement, and legal support.

Question 4. Section 6 of the Endangered Species Act provides for Cooperative Agreements between the Agency and the States to collaborate on restoring threatened and endangered species, and sets forth criteria, under which funds should be allocated to states based on need and threat. Are the expenditures of funds under the Pacific Salmon Recovery Fund for endangered species governed by ESA section

* The information referred to has been retained in Committee files.

6 cooperative agreements? Please tell us which states have ESA section 6 agreements governing Pacific salmon, and provide copies of each agreement. For States with no agreements, please explain why and indicate when such agreements will be completed.

Answer. The expenditure of funds through the Pacific Coastal Salmon Recovery Fund is not governed by ESA section 6 cooperative agreements. Instead, consistent with congressional direction, the distribution of the funds is governed by MOUs between the funded entities and NOAA Fisheries. NOAA Fisheries does not have line item section 6 funding for Pacific salmon.

Question 5. Over the past 3 years, hundreds of millions of dollars have been spent on the recovery of Pacific salmon. What progress has been made in recovering salmon stocks with the funds from the Pacific Salmon Recovery Fund? How is the success of individual projects tracked and evaluated?

Answer. Recovery actions specifically tied to funding from the PCSRF are helping the recovery of Pacific salmon stocks. Since the inception of the Fund, over 800 projects have been completed. These projects will be reported to the Committee soon. These actions range from single projects to remove fish passage barriers and reduce sediment inflow to streams to larger projects which include monitoring of habitat and populations. The state and tribal governments that receive the PCSRF funds are responsible for individual project tracking and evaluation as part of the MOUs between the groups and NOAA.

PCSRF projects are being tracked and evaluated at many different levels of detail and for a variety of purposes. The development of a consistent and coordinated monitoring and evaluation effort was highlighted as a major need at the PCSRF workshop convened in January 2002, and NOAA Fisheries is working with the states and tribes to improve this portion of the program. Many of the states and tribes are currently developing their own monitoring and evaluation programs, and NOAA Fisheries is working with them to coordinate the programs and facilitate basin-level monitoring of Pacific salmon, including trends in abundance and habitat quality.

The tracking of recovery of Pacific salmon involves much more than the tracking and evaluation of individual projects. As part of the FCRPS Biological Opinion and Basinwide Salmon Recovery Strategy, federal, state and tribal partners are implementing a monitoring and evaluation program in which monitoring will occur at a variety of spatial scales to monitor regional salmon population abundance, the link between salmon populations and habitat, and the effectiveness of individual recovery projects. This monitoring will determine if the established Biological Opinion performance standards for the Basin are being achieved at the 2003, 2005, and 2008 check-ins. As a first stage in this effort, NOAA Fisheries is currently working with the State of Oregon to implement a pilot monitoring program in the John Day River Basin in Oregon. Results of this pilot program will be applicable to the assessment of populations coastwide.

Question 6. How are the 4 H's needed for effective restoration (habitat, harvest, hatcheries and hydropower) being addressed by each state and tribe? If all 4 H's are not being addressed by each state and tribe, please let us know which is being addressed and explain why.

Answer. The states and tribes are addressing all 4 H's based on their assessment of salmon conservation priorities at the regional and local scale—they choose those projects that address the factors most limiting salmon recovery. Every state has a program to administer the funds as supported by testimony from the state representatives at the May 14, 2002, hearing on S. 1825. The tribal governments also have salmon conservation programs. For example, the Columbia River Inter-tribal Fisheries Commission has developed WY–KAN–USH–MI WA–KISH–WIT to guide salmon recovery for their member tribes.

In the Columbia River Basin, all 4 H's were important factors in the decline of listed salmonids, and all are being addressed by the states and tribes in recovery planning and implementation as part of the Basinwide Salmon Recovery Strategy. However, for Oregon Coast coho and most California Coastal ESUs, hydropower did not play as important a role in species decline as did habitat degradation, over-harvesting, and negative hatchery interactions. In these areas, non-hydropower actions are the focus of current recovery efforts. Alaska faces yet a different set of circumstances where listed salmon occur in commercial fisheries. In this case, Alaska has reduced fishing mortality on listed stocks (harvest), and is working to monitor, protect and prevent future degradation of habitat and future ESA listings.

Question 7. Please explain the prospects and timetable for recovery of Pacific salmon to sustainable harvestable levels and how the agency will track recovery. Please report recovery progress to Congress.

Answer. The recovery (delisting) of all 26 listed ESUs of Pacific salmon will be a monumental task. It took decades to get to this point of severely reduced fish populations, and it will take years to build them back up. With the three-to-five-year life cycle of most salmon, it will take at least several salmon generations before we can be sure recovery has been achieved. While it is a monumental task, it is achievable, as long as the long-term management systems are put in place to protect, recover, and maintain the species. On the whole, over the past 2 years salmon populations have shown increases in abundance. Much of this is due to a return of favorable ocean conditions along the West Coast, while some of the increase in spawning numbers can be attributable to improved salmon management.

Currently, NOAA Fisheries is developing recovery plans for all of the listed ESUs. This process will be completed for the first recovery area (Puget Sound, Washington) by 2004, and we intend to complete recovery planning for all other ESUs by 2007. These recovery plans will present the status of the species; objective, measurable criteria for when the species will be recovered; and the specific actions that need to be taken to achieve recovery. The plans will include a monitoring and evaluation section and a description of how the agency will track recovery. Attached is a detailed table showing the schedule for developing and implementing recovery plans for each ESU (see response to question 12).

An initial glimpse of the strategy that will be used to recover salmon in the Columbia River Basin can be seen in the Federal Caucus' Basinwide Salmon Recovery Strategy that was released in conjunction with the Biological Opinion on operation of the Federal Columbia River Power System in December 2000. The strategy outlines the actions that will be taken from 2000–2010 to recover salmon populations in the Basin. The strategy also outlines a research and monitoring program that included performance measures for gauging success of recovery efforts. These performance measures will help track the status of salmon populations over time, as well as the implementation of specific actions and the effectiveness of these actions in achieving their goals.

NOAA Fisheries is currently evaluating current population levels coastwide by conducting status reviews for 24 listed ESUs of Pacific salmon as part of our response to the *Alsea Valley Alliance* v. *Evans* district court decision. These status reviews will analyze the risk of extinction of each ESU and determine if the species still warrants protection under the ESA. The updated status reviews are scheduled to be completed in late 2002 and early 2003 and will document if the declines in the runs have been halted and whether some of the runs have increased in abundance since listing.

The most recent NOAA Fisheries Endangered Species Act Biennial Report to Congress (1998–2000) contains the recovery progress for listed salmon ESUs.

Question 8. How does the funding for Pacific Salmon compare with funding provided for other protected species managed by NOAA Fisheries?

Answer. The FY 2002 appropriations for NOAA Fisheries Protected Resources Research and Management under the Endangered Species Act and the Marine Mammal Protection Act totaled $143.6 million. Of this total, $37.9 million, or about 26 percent, is for ESA recovery of Pacific salmon. In addition, Pacific salmon received $130 million in pass-through funds: $110 million of PCSRF funds to the states and tribes, and $20 million to the Pacific Salmon Commission for the 1999 U.S./Canada Pacific Salmon Treaty Agreement stipulations.

The amount of funding for Pacific salmon is driven by the magnitude and the urgency of the salmon crisis. Many recovery activities are occurring in an enormous land area and are influenced by numerous stakeholders including tribal, urban, agriculture, forestry, environmental and industrial interests. The 26 ESUs currently listed as threatened or endangered throughout the West encompass an area of 159,000 square miles, or about 40 percent of the land area of the states of Washington, Oregon, California, and Idaho, and the 26 ESUs of Pacific salmon represent half of the 52 ESA listed species under NOAA Fisheries jurisdiction. The Pacific salmon listings have regional, national and international importance through their effect on rural and urban development, the production of electricity, timber and agricultural commodities, their importance to tribal, recreational and commercial fisheries, and their iconic status in the Northwest.

Question 9. What administrative and review processes are in place to ensure that the legal and technical requirements under the ESA for Pacific salmon are being met by the states and tribes who are receiving Pacific Salmon Funds?

Answer. See the response to question 6, above, for information on how the states and tribes select PCSRF projects. The FY 2000 Appropriations Conference Report (H. Rept. 106–479, page 12301) encouraged the development of the MOUs with the states and tribes and that the MOUs would not require NOAA Fisheries approval

of individual projects, but would define recovery strategies for projects. The FY 2001 and FY 2002 distribution of funds were based upon the MOUs developed for the FY 2000 funding year. Per Congress' direction, NOAA Fisheries did not maintain direct oversight of each individual project. Instead, NOAA Fisheries worked with the funded entities on development of the MOUs and is collaborating with the states and tribes to review and improve the program where needed. The MOUs include provisions to ensure that legal and technical requirements of the ESA are being met. NOAA Fisheries scientists participate in the technical review of projects, and ESA section 7 consultations are conducted by NOAA Fisheries biologists on projects that affect listed species. PCSRF funds are issued through NOAA Financial Assistance Awards which include standard administrative and legal requirements for any pass-through funds. When awarding funds to individual projects, the states are also subject to standard legal and administrative requirements under their respective state grant provisions. The states and tribes are required to annually report their funding expenditures and program performance to NOAA. A report on FY 2000–2001 PCSRF activities is attached.*

Question 10. Witnesses from the States indicated that federal funds from the Pacific Salmon Recovery Fund are used to leverage state funds for salmon restoration projects. Please describe procedures, if any, the Secretary has put in place to ensure that funds distributed are not vulnerable to charges of waste, fraud, or abuse. How does the Secretary determine whether a use of funds is appropriate? Please provide the criteria used by the Secretary. If none exists, please explain why.

Answer. The Secretary utilizes the MOUs between the states and tribes and NOAA Fisheries, along with the Financial Assistance Awards to ensure that funds are not vulnerable to waste, fraud, and abuse. The MOUs outline the project selection, reporting and monitoring requirements that must be followed in order to receive PCSRF funds. PCSRF funds are issued through NOAA Financial Assistance Awards which include standard administrative and legal requirements for any pass-through funds. The grants require the states to leverage a minimum of 25 percent cost match for funded projects. The states greatly exceeded the match requirements in FY 2000–2001 and in many cases have provided 100 percent match to the federal funds. The MOUs for each of the states and Tribal Fisheries Commissions are attached.

Question 11. Are the funds from the Pacific Salmon Recovery Fund provided to Alaska, Washington, Oregon, and California used for recovery activities not directly related to ESA-listed runs of Pacific Salmon? If so, please describe the activities.

Answer. A portion of the PCSRF funds is used for non-listed salmon species. For example, there are no salmon species listed under the ESA that spawn in Alaskan waters. However, Alaska receives a portion of the PCSRF funds. The MOU with Alaska outlines that the funds are to be used for salmon habitat and stock research and monitoring, habitat stewardship and restoration, increasing economic opportunities for Southeast Alaska fishers, and cooperative projects with other Pacific Northwest states, Treaty tribes, and Canada. Many of the projects conducted in Alaska are preventative in nature, in that they are seeking to develop monitoring programs to track salmon abundance and habitat quality to prevent degradation. Projects conducted in Alaska in FY 2000 included: conducting habitat assessments, funding watershed councils, salmon research and monitoring, developing salmon processing infrastructure and salmon marketing, and public education. While one of the factors used to prioritize the distribution of funds by the states is the presence of ESA listed runs, it is not the only factor used to determine the distribution of the funds for eligible projects. The activities conducted to help monitor and improve non-listed salmon runs will be important in preventing future ESA listings and will help to increase overall salmon abundance along the West Coast.

Question 12. Section 4(f) of the ESA requires a recovery plan to be developed and implemented on each listed species. I am aware that such plans do not exist for all listed ESUs of Pacific salmon. Please describe the progress and time line for completion of each plan.

Answer. Recovery planning for Pacific salmon is a very complex issue involving hundreds of affected parties. The complexity of Pacific salmon recovery planning and the need to involve a wide variety of interest groups has increased the length of time needed to complete a recovery plan. To efficiently move through the recovery planning process for all listed ESUs, NOAA Fisheries has divided up the 26 listed ESUs of salmon and steelhead into eight recovery areas or "domains." They are: Puget Sound, Willamette/Lower Columbia, Interior Columbia, Oregon Coast, Southern Oregon/Northern California, North-Central California Coast, Southern Cali-

*The information referred to has been retained in Committee files.

fornia, and California Central Valley. Recovery planning efforts will be conducted in each domain and the recovery plans for each domain will address all listed salmon within that domain. Recovery planning for Pacific salmon will involve a **two phase** process where recovery scenarios will be developed by a group of science experts through a Technical Recovery Team (TRT), and recovery goals and actions will be determined by a fully representative Phase II policy group. TRTs for the first part of the process have been selected for six recovery domains and the remaining two TRTs will be selected shortly. The second phase policy groups have been established for the Puget Sound and Willamette/Lower Columbia Recovery domains. These groups are currently evaluating scenarios of salmon abundance and options for improving the ecosystem. The Puget Sound Recovery Plan is scheduled to be completed by 2004; the Interior Columbia and the Willamette/Lower Columbia Recovery Plans are scheduled to be completed in 2005. TRTs for the Upper Columbia, North-Central California Coast and Southern Oregon/Northern California Coast have begun work with emphasis on the initial tasks of identifying independent populations, and in many cases assembling data needed to accomplish TRT analyses for ESUs. The TRT for the California Central Valley Domain will soon begin work. The TRT for the Southern California Coast has yet to be formed; nominations for this team will soon be solicited. Given adequate funding, it is our intent to complete formal recovery planning for all 26 ESUs by 2007.

Status of NOAA Fisheries ESA Recovery Planning Efforts

Recovery Planning Domain	ESU's included	Phase I Technical Recovery Team established	Phase II process established	Estimated date of completed recovery plan
Puget Sound	Puget Sound chinook Hood Canal Summer chum Ozette Lake Sockeye	X	X	2004
Willamette/Lower Columbia	Upper Willamette River chinook Lower Columbia River chinook Columbia River chum Upper Willamette River Steelhead	X	X	2005
Columbia	Upper Columbia River Spring chinook Snake River Spring/Summer chinook Snake River Fall chinook Upper Columbia River steelhead Mid-Columbia River steelhead Snake River steelhead Snake River sockeye	X		2005
Oregon Coast	Oregon Coast coho			2006
S. Oregon/N. California Coasts	Southern Oregon/Northern California Coasts coho	X		2006
N. Central California Coast	California Coast chinook Central California Coast coho Central California Coast steelhead Northern California steelhead	X		2006
S. Central California Coast	South-central California Coast steelhead Southern California steelhead			2007
California Central Valley	Central Valley Spring chinook Sacramento River Winter chinook Central Valley steelhead	X		2007

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ERNEST F. HOLLINGS TO DONALD SAMPSON

Question 1. Please describe the review process undertaken by the tribes to determine which recovery projects for the Pacific Salmon receive funding under the Pacific Salmon Recovery Fund.

Answer. The Commission, on behalf of and at the direction of its member tribes, entered into a Memorandum of Understanding (MOU) with the National Marine Fisheries Service regarding the implementation of the Pacific Coastal Salmon Recovery Fund. The MOU outlines the process for project proposal and approval process. The tribes themselves decide which projects are priorities to meet the overall salmon recovery goals of the Tribe, consistent with the MOU and the tribes' goals and objectives outlined in the Wy-Kan-Ush-Mi Wa-Kish-Wit (the watershed-based framework designed to restore fisheries in the Columbia River Basin developed by the Tribes and CRITFC staff). By the terms of the MOU, tribal staffs take each project proposal before their respective tribal governing body for review and approval before submitting the project proposals to the Columbia River Inter-Tribal Fish Commission (CRITFC) staff for review.

To meet the MOU objectives, the CRITFC utilizes an internal technical team to review each project proposal from the Tribe. The CRITFC Science Review Team consists of the following experts: Fish Production Scientist, Fish Production Coordinator, Permit & Compliance Coordinator, Habitat Scientist, and Quality Control & General Coordinator. The CRITFC Review Team is charged to ensure that each project is consistent with (1) Congressional guidance regarding the PCSRF, and (2) the tribes' goals and objectives outlined in the Wy-Kan-Ush-Mi Wa-Kish-Wit. The goals and objectives of Wy-Kan-Ush-Mi Wa-Kish-Wit address factors limiting stock production and productivity.

Once the Review Team has approved the project proposals, they are presented to the Commission for final approval. This ensures a tribal public process for project selection is always present. Tribal and Commission meetings are open to the tribal public.

After the Commission approves the projects, the CRITFC enters into sub-recipient agreements with each Tribe that incorporates funding criteria consistent with the goals and objectives of the PCSRF. Tribal sub-recipient agreements provide project proposal, reporting, and monitoring and evaluation criteria to ensure that tribal activities and projects funded through the MOU are consistent with Congressional intent to advance salmon recovery efforts.

The CRITFC requires that all sub-agreements include the stipulation that project actions that may affect ESA-listed populations cannot commence until an ESA-related review process has been completed with NMFS. All applicable local, state and federal permitting requirements must also be met, as appropriate.

Staff at each Tribe prepares semi-annual reports on the projects they have implemented under the PCSRF and identify progress towards the stated objectives. Projects are subject to an annual evaluation by tribal and CRITFC staff, and by the Commissioners. The evaluation is done to determine whether project modifications are necessary (adaptive management), or whether the project should be suspended or terminated due to its failure to meet anticipated goals and objectives identified during the project selection process.

Each project developed by tribal or CRITFC staff includes a description of the measurable benefit or value, immediate or anticipated, of the planned activity in addressing factors limiting production or productivity of salmon stocks. In some cases this is as simple as a description of the number of miles of riparian area to be restored in a project area and the anticipated increase in the productive capacity of the habitat for spawning or rearing for a salmon population. In other cases, projects reflect the expected long-term increase in natural spawners returning to a river as a result of a tribal supplementation project. In each case however, the projects are evaluated for consistency with the Wy-Kan-Ush-Mi Wa-Kish-Wit, and measured against the tribal goal of restoring healthy, self-sustaining runs of salmon throughout their former range in sufficient numbers to provide for sustainable tribal and non-tribal fisheries.

Question 2. Please describe all salmon recovery projects undertaken by the tribes, using funds from the Pacific Salmon Recovery Fund. The Committee requests documentation* of all endangered and threatened Pacific salmon-related projects funded from the Pacific Salmon Recovery Fund; including project name, location, principal investigator contact information, the approximate starting and, if applicable, end

* The information referred to has been retained in Committee files.

dates of each project, the goals and results of each project, and the amount of funding received from NMFS for each project, each year.

Answer. See attached PCSRF Annual Report, pages 10 through 25, for all specific project information such as funding levels, start and end dates, project summaries, work accomplished and the benefits to salmon. See each Tribe's progress reports for each PCSRF project following the summary sheets for specific contact information for each project.

Question 3. What progress has been made in recovering salmon stocks with the funds from the Pacific Salmon Recovery Fund? How is success of individual projects tracked and evaluated?

Answer. Pages 10 through 25 of the attached PCSRF Annual Report,* clarify the accomplishments for each PCSRF project, along with the specific benefits to salmon stocks. As a result of the PCSRF, significant progress has been made in making salmon rearing and spawning habitat available, recovering riparian areas, improved fish passage conditions, increased salmon stocks, coordination of salmon restoration objectives and providing research to improve guidance of various salmon restoration efforts.

Individual projects are regularly tracked and evaluated by the project managers, the Fish and Wildlife Committees for each Tribe, and by the PCSRF Project Implementation Coordinator at CRITFC. Detailed progress reports are required for each project biannually to CRITFC. The CRITFC Coordinator prepares a Semi-Annual Report (December 31st), and Annual Report (May 31st), each year for NMFS.

Question 4. How are the 4 H's needed for effective restoration (habitat, harvest, hatcheries and hydropower) being addressed by the Tribes? If all 4 H's are not being addressed, please let us know which is not being addressed and explain why?

Answer. The question appears to be directed at broad-based salmon recovery efforts, not just those projects funded through the PCSRF. For the Columbia River Basin, there is only one plan that considers all of the salmon's lifecycle (4 H's) and that is the tribal salmon recovery plan: Wy-Kan-Ush-Mi Wa-Kish-Wit. Under the Northwest Power Planning and Conservation Act, the four state Northwest Power Planning Council (NWPPC) is responsible for overseeing the development and implementation of a Fish and Wildlife Program to mitigate for the impacts of the Federal Columbia River Power System. This Program is supposed to be based upon the input and expertise of the tribes, states, and federal fish and wildlife agencies. The Bonneville Power Administration (BPA) is responsible for funding the Council's program. After the ESA listings for salmon in the early 1990s, the BPA began to refocus its attention more narrowly on ESA-listed stocks, to some extent to the detriment of a more comprehensive program supported by the tribes and states.

There is a separate effort by the National Marine Fisheries Service to develop a more narrowly based recovery plan, but this has been an on-going effort for over a decade and a new plan is at least several more years in the making. In the year 2000, the National Marine Fisheries Service approved a Biological Opinion (BiOp) for the Federal Columbia River Power System (federal hydropower system) that now avoids jeopardy to listed salmon species through the use of extensive "off-site" mitigation for the adverse impacts of hydropower operations.

For the most part, this program under the BiOp should complement the Fish and Wildlife program developed by the NWPPC and should also be funded in large part by the BPA. Unfortunately, there are two problems: (1) the BPA-funded program is too narrowly focused on just ESA-listed populations, and (2) the BPA now believes it is not in a financial position that will allow it to continue funding levels already identified by the tribes and others as inadequate to meet treaty and statutory based obligations to the tribes and others.

The FCRPS BiOp defers addressing factors limiting salmon production and productivity attributable to the hydropower system through the use of off-site mitigation. The reluctance to change the status quo management of the hydropower system and the failure to aggressively fund and implement a regionally (BPA) funded salmon habitat conservation and restoration program means that programs such as the Pacific Coastal Salmon Recovery Fund must play a larger and longer term role in Pacific salmon restoration.

With regard to the tribal PCSRF projects, the Memorandum of Understanding between CRITFC and NMFS is limited to habitat and hatchery actions. Harvest and hydropower actions are funded elsewhere. However, several tribal projects address all 4 H's with regard to research, monitoring and evaluation components. Tribal projects currently being funded under the PCSRF are categorized as follows:

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*The information referred to has been retained in Committee files.

41 percent Salmon Habitat Restoration Projects

27 percent Salmon Enhancement/Supplementation Projects

28 percent Salmon Research and Monitoring Projects

4 percent PCSRF Planning and Coordination Projects

For FY 2001, the tribal PCSRF projects were categorized as follows:

58 percent Salmon Habitat Restoration Projects

18 percent Salmon Enhancement/Supplementation Projects

20 percent Salmon Research and Monitoring Projects

4 percent PCSRF Planning and Coordination Projects

The Committee's assistance in ensuring the effective and efficient use of Pacific Coastal Salmon Recovery funds would be welcomed and could be accomplished by this, or the next Congress through oversight hearings on the funding and implementation of the programs called for under Biological Opinion issued by NMFS for the Federal Columbia River Power System and on the funding and implementation of the Mitchell Act (Columbia River hatchery) programs.

Question 5. Please explain the prospects and timetable for recovery for Pacific Salmon to sustainable, harvestable levels and how the tribes are tracking recovery and reporting progress to Congress.

Answer. The implementation of this PCSRF has just begun. The lifecycle of salmon is 4–5 years. Most projects began implementation in the calendar year 2001. Actual increases in spawning would only occur on a few projects that outplanted adult salmon in 2001. Most other projects involved habitat restoration actions that would benefit future generations of spawning salmon. Results from this first salmon generation will be available starting in the year 2005.

Currently, each Tribe tracks their salmon recovery projects and compares it to specific tribal recovery goals. Detailed project progress reports are required from each Tribe to CRITFC, and then compiled in Semi-Annual and Annual reports for NMFS. The tribes and states have begun discussions on the development of a comprehensive, coastwide monitoring and evaluation effort to show the benefits of the PCSRF. CRITFC and the tribes are very interested in demonstrating the benefits of the program as results become available.

Question 6. If the Pacific Salmon Recovery Fund has leveraged non-federal funds, please describe the source and amount of additional funds used for endangered and threatened runs of Pacific salmon.

Answer. The PCSRF appropriation language did not place a non-federal cost share requirement on the tribes. Cost share requirements are only for state governments. Cost share requirements on tribal governments would likely reduce tribal involvement in the PCSRF due to lack of a substantive tax base or infrastructure. However, many of the tribal projects have leveraged non-federal funding and the Commission is organizing a database to keep track of all federal and non-federal cost shares.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ERNEST F. HOLLINGS TO GEOFFREY M. HUNTINGTON

Question 1. I understand the review process undertaken to determine whether a project receives funding, but please explain the process by which the Oregon Watershed Enhancement Board decides which projects are funded with state funds, and which projects are funded with federal funds.

Answer. The Interagency Agreement between OWEB and NMFS (now NOAA Fisheries) governing administration of the federal funds provided to the State of Oregon requires that the same processes and funding criteria be applied to use of the federal funds that is in place in rule and statute governing use of state restoration dollars by the OWEB Board. Because of this, federal funds are integrated into the OWEB grant process seamlessly with State funds allowing for significant reduction in administrative overhead to OWEB and great simplicity and access to grantees.

The bulk of state funds available to the OWEB grant program are constitutionally limited for use in support of on-the-ground watershed restoration activities and expenses associated with undertaking such projects. Because of this restriction on use of state funds, the OWEB Board uses available federal funds principally for the following purposes: supporting scientific assessment of watershed conditions; monitoring of projects, status, and trends in salmon population recovery; technical assistance grants to landowners; education/outreach efforts to K–12 students and the general public on watershed functions and the connection between individual actions

and impact to fish and wildlife populations; and the creation of accessible natural resource data sets which support salmon recovery efforts at all levels of government and among members of the public. In the past, the Board has also used federal funds to support the capacity of local citizen groups to engage in voluntary restoration activities.

Each time an installment of PCSRF has been made available to the state, the OWEB Board has developed a spending plan which identifies rough allocations of the available federal funds which the Board has budgeted for particular categories of expenditures mentioned above. That spending plan is subject to legislative review, and is discussed in public meetings with the involvement of both state and federal agency representatives (including NMFS). Once this spending plan is adopted by the Board, it guides the allocation of the federal funds as individual spending and grant decisions are considered.

Federal PCSRF dollars provide important flexibility that enables the OWEB Board to support essential portions of Oregon's plan for achieving restoration of salmon runs and watershed health. By seamlessly integrating the use of the federal and state dollars into Oregon's existing infrastructure that invests in voluntary salmon recovery and watershed enhancement efforts, OWEB is able to substantially enhance the effectiveness of the Oregon Plan for Salmon and Watersheds as a response to listings of native salmonid runs under the federal Endangered Species Act.

Question 2. Please describe the federal presence on the Technical Review Teams and elsewhere in the review process in Oregon for funding Pacific salmon restoration projects.

Answer. OWEB's investment of public funds in restoration efforts is guided by a 17 member board which includes representation from 5 federal agencies (USFS, NMFS, USEPA, USBLM, NRCS) in addition to representatives from each of the state's natural resource commissions, Native American tribes, the land grant university extension service, and 5 distinguished citizens from different parts of the state. These 5 representatives of federal agencies fully participate in the Board's decision-making process in a non-voting capacity. These individuals are looked to by the voting members of the OWEB Board as policy experts on subject areas when investment of federal and state dollars intersect with the mission and technical expertise of any one of the agencies.

Technical review of grant applications seeking federal and state funds from OWEB is accomplished using regional teams comprised of state and federal natural resource field staff with first hand knowledge of local conditions, people, and project specifications. These teams use their collective expertise to review grant applications and make funding recommendations to the OWEB Board. Federal agency representatives on the technical review teams have equal status with all state members of the teams and are relied upon heavily to ensure that funding recommendations considered by the OWEB Board reflect the collective judgment of all entities represented in the process.

Finally, the Independent Science Panel which oversees and evaluates the scientific basis for decisions regarding implementation of the Oregon Plan for Salmon and Watersheds includes scientists employed by federal natural resource agencies. As part of their responsibility, these team members review and comment on the overall effectiveness of various program efforts (including OWEB's investment of state and federal dollars) in support of recovery of listed salmon stocks.

Question 3. Please describe how activities funded through the Pacific Salmon Recovery Fund meet ESA requirements and ensure progress toward recovering the stocks.

Answer. OWEB works cooperatively with State and Federal Agencies, as well as local organizations and individuals to insure that activities funded through the Pacific Salmon Recovery Fund meet ESA requirements and ensure progress toward recovering salmon stocks.

Guidance for the planning and implementation of salmon restoration projects has been jointly developed by OWEB, the State Natural Resource Agencies, Federal Fish and Wildlife Service and NOAA Fisheries (formerly NMFS). This guidance starts with structured watershed assessments that help local organizations identify problems and prioritize restoration actions. The design and construction of specific restoration projects is also guided by jointly developed protocols. As a result of this guidance, many project types are permitted under the Section 4(d) Limits of the ESA. These Limits help reduce paperwork and expedite implementation of projects while assuring that they will be beneficial and not harmful to fish. More elaborate or multi-agency projects require ESA Section 7 or Section 10 review and permitting. Federal agencies (NOAA Fisheries, USFWS, U.S. Army Corps of Engineers) have

worked with Oregon agencies to help clarify and appropriately apply the ESA requirements.

OWEB and the State of Oregon evaluate and monitor restoration projects to ensure that they contribute to the recovery of ESA listed salmon populations. We have developed a hierarchical approach that evaluates individual projects for effectiveness and compliance with guidelines, evaluates the response of salmon stocks to restoration efforts within specific watersheds, and that tracks the status of salmon populations and their supporting habitat at the scale of the ESU Listing areas. Documentation for all restoration projects funded by OWEB using the Pacific Salmon Recovery Fund or from other sources is maintained in the OWEB Watershed Restoration Inventory system that helps provide accountability and supports coordinated planning for future efforts.

The scope of the monitoring effort needed to document the status of salmon populations and to evaluate the effectiveness of restoration efforts is very large. Oregon has made an unprecedented effort to address this monitoring issue, creating partnerships among State agencies, Federal regulatory and research agencies, university scientists, and local organizations, structured around a common monitoring strategy. The Monitoring Strategy that guides and describes this effort has been formally adopted by the OWEB Board and State Natural Resource Agencies, and has been endorsed by NOAA Fisheries scientists and by Oregon's Independent Multidisciplinary Science Team.

Individual research and monitoring projects that evaluate ESA listed species are permitted to ensure compliance with ESA requirements. OWEB, the Oregon Department of Fish and Wildlife and NOAA Fisheries have developed a system under the ESA 4(d) Limits to facilitate coordinated research and monitoring efforts. This allows us to share information and to guard against potential duplication of monitoring efforts. NOAA Fisheries staff in the NW Region Office in Portland, OR has taken a lead role in supporting this cooperative approach.

By providing science-based guidance and by implementing a comprehensive approach to monitoring and evaluation, OWEB is confident that we are on the right path to ensure accountability for activities funded through the Pacific Salmon Recovery Fund.

References:

Oregon Watershed Assessment Manual
http://www.oweb.state.or.us/publications/wa_manual99.shtml

Oregon Aquatic Habitat Restoration and Enhancement Guide
http://www.oweb.state.or.us/publications/habguide99.shtml

Oregon Plan Water Quality Technical Guide Book
http://www.oweb.state.or.us/publications/mon_guide99.shtml

Oregon Plan Strategic Monitoring Framework
http://www.oweb.state.or.us/monitoring/index.shtml

Independent Multidisciplinary Science Team
http://www.fsl.orst.edu/imst/index.htm

OWEB Watershed Restoration Inventory
http://www.oweb.state.or.us/pdfs/wri_reports/2000ar_wri.pdf

Question 4. Section 6 of the Endangered Species Act provides for Cooperative Agreements between the agency and the states so they can collaborate on restoring threatened and endangered species, and sets forth criteria under which funds should be allocated to states based on need and threat. Are the expenditures of funds from the Pacific Salmon Recovery Fund in Oregon for endangered species governed by an ESA section 6 cooperative agreement? Please provide a copy of the (ESA section 6) agreement governing Pacific Salmon. If there is no agreement, please explain why and indicate when such agreements will be completed.

Answer. Oregon has three agreements with USF&WS under Section 6 of the Endangered Species Act. Oregon Department of Fish & Wildlife has an agreement that was signed in 1986 addressing vertebrate animals. Oregon Department of Agriculture has an agreement addressing plants and Oregon Natural Heritage Program has an agreement addressing invertebrates. These agreements are between the U.S. Fish & Wildlife Service and Oregon. The U.S. Fish & Wildlife Service does not have regulatory authority over anadromous fish.

The expenditure of Pacific Coastal Salmon Recovery Fund monies is governed by an overarching Memorandum of Agreement and individual grant agreements between the Oregon Watershed Enhancement Board and the National Marine Fisheries Service (now NOAA Fisheries). While there is no ESA section 6 agreement governing Pacific Salmon, the terms of the MOA govern both the substantive criteria

and processes applied to all OWEB decisions relating to expenditure of federal PCSRF dollars. Accountability and expectations are well defined by this agreement, as is assurance that the goals of federal ESA are served by Oregon's use of the funds.

Question 5. How are the 4 H's needed for effective restoration (habitat, harvest, hatcheries, and hydropower) being addressed in Oregon? If all 4 H's are not being addressed, please let us know which is not being addressed and explain why.

Answer. The 4 H's are being addressed by specific provisions of the Oregon Plan for Salmon and Watersheds.

Harvest—Oregon developed a specific response to limit harvest to 15 percent of escapement and adjust harvest to ocean conditions. That response has been implemented at great expense to the anglers and commercial fisheries of the state. NMFS has determined that that level of harvest is acceptable as "take" in their listing decision. The state has agreed to the following measures:

- Minimize fishery related impacts and develop a future management strategy.
- Manage estuary and river salmon fisheries to minimize impact.
- Manage trout fisheries to reduce ecological interactions and mortality on juvenile salmonids.
- Adult escapement and juvenile coho salmon production assessment.
- Assess marine survival.
- Establish new escapement targets.
- Adult escapement and juvenile coho salmon production assessment.
- Monitor marine survival.
- Evaluate coho hook and release mortality.

Hatcheries—Oregon has committed to reduce the genetic risk to wild populations by reducing the percentage of hatchery fish to less than 10 percent of the total population spawning in the wild. Oregon Department of Fish and Wildlife is in the process of completing hatchery conservation management plans for all hatcheries in the state. The following measures are being implemented to minimize hatchery effects on wild fish:

- Reduce coastal hatchery coho smolt releases.
- Implement wild fish management strategies.
- Develop management objectives for each hatchery program, including genetic guidelines.
- Mark all hatchery coho.
- Develop management objectives, including genetic guidelines.
- Utilize hatcheries to rebuild wild runs.
- Use hatchery carcasses to increase coho production.

Hydropower—Oregon participates in the federal dialog on the effects of hydropower on salmon. The Oregon Plan for Salmon and Watersheds includes specific measures to address fish passage barriers other than federally licensed hydropower dams. The following measures have been initiated:

- Modification or replacement of diversion dams which interfere with fish passage.
- Cooperative removal of barriers.
- Require fish passage on ponds.
- Maintaining existing fish passage: Public interest review in issuing new water rights.
- Watershed health funds for south coast fish screening needs.
- Screening of water diversions greater than 30 cfs.

Habitat—Oregon has invested more than $80 million in habitat restoration activities in the state since the chinook listing decision in 1992. The state has dedicated approximately $22 million annually for 14 years to directly address the habitat issues in the state. The strategy of the state is to develop water quality plans for each basin in the state. Half of the state agriculture water quality plans have been completed and the remaining portion of the state will be completed in the year 2003. Oregon has developed a consistent methodology for addressing stream temperature that has provided leadership for the region. Stream temperatures have been identified as a significant limiting factor for many salmon populations. The state has developed a unique delivery of assistance through local communities. Wa-

tershed councils have been established throughout the state. They have been provided analytical tools to conduct watershed assessments that identify the current conditions in light of critical processes and historical conditions. This assists watershed councils to prioritize restoration projects.

The Oregon Plan for Salmon and Watersheds includes all factors for decline of salmon. In 1999 Governor Kitzhaber issued an executive order (99–01) to expand the Oregon Plan for Salmon and Watersheds statewide.

Question 6. Please explain the prospects and timetable for recovery of Pacific Salmon to sustainable, harvestable levels and specifically how the State of OR will track recovery and report progress to Congress.

Answer. The Oregon Plan for Salmon and Watersheds approach to recovery of salmon has demonstrated the ability to evaluate and address environmental stressors across land ownership boundaries. Unlike the spotted owl recovery strategy, recovery must address environmental improvements on private lands as well as public lands. A critical element of the Oregon Plan for Salmon and Watersheds that has been statutorily placed with the Oregon Watershed Enhancement Board is the role of monitoring progress. OWEB has developed a cooperative monitoring strategy that addresses status and trend monitoring of salmon populations, aquatic habitat and water quality. The program has been incrementally implemented and has gathered data on coastal salmon populations for the last 6 years.

OWEB has maintained a database of watershed restoration activities since 1995. This database is critical for analyzing different restoration strategies. OWEB has invested funds in the evaluation of the effectiveness of certain restoration projects. The evaluation has led to the development of implementation criteria for large wood placement and stream crossing design criteria. OWEB is currently evaluating the implementation of riparian restoration projects.

As Congress was informed by the National Academy of Sciences in *Upstream: Salmon and Society in the Pacific Northwest,* "solutions will not be easy or inexpensive to implement; even a holding action to prevent further declines will require large commitments of time and money from many people in many segments of society in the Pacific Northwest." The monitoring program established by Oregon will provide valid information on the status of salmon and assist in evaluating the effectiveness of recovery results. Oregon is required by law to report to the public on the implementation of restoration activities and their effectiveness on a biennial basis.

These accountability measures along with substantial investments in habitat enhancement that are sustained for multiple lifecycles of listed stocks will together provide the opportunity for citizens of the northwest to reestablish watersheds capable of functioning at a level that can both support native salmonid runs and the region's local economies.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ERNEST F. HOLLINGS TO LAURA E. JOHNSON

Question 1. Explain the process by which the Washington SRFB decides which projects are funded with state funds, and which projects with federal funds.

Answer. Washington's Salmon Recovery Funding Board ("SRFB") uses appropriated state and federal funds for grants to projects or programs related to salmon habitat recovery. All grants, whether state or federal-funded, are administered under the same decision criteria to the extent authorized within any guidance provided by the governing authority. Where congressional appropriations guidance has been available, it is the primary guidance for allocation of federal funds within the overall funding process (*e.g.*, conference notes associated with the FFY 2001 appropriations.) From time to time, NMFS has also expressed guidance as to specific activities, such as support for regional recovery organizations.

After reviewing any specific congressional, legislative or NMFS direction, SRFB follows the processes outlined in its Memo of Understanding with NOAA/NMFS, for all funds. That Memo of Understanding provides procedural and substantive guidance to ensure that state-selected grants (projects) using federal Pacific Coastal Salmon Recovery funds meet the overall intent of the congressional enactments and are consistent with the state processes as well. The Memo also provides assurances for federal ESA regulatory review of grant projects using the federal funds.

After the above authorities have been applied, any remaining discretion as to fund placement is guided by a number of practical considerations. Although all projects within a category are evaluated on the same criteria regardless of funding source, as a selected grant is implemented, state or federal funds may specifically be placed in particular projects selected by the Board. For example, grant recipient sometimes

express preference for state funds due to matching fund restrictions related to the grantee's contributions. Federal funds are often placed in grants that include acquisition of habitat or assessment and planning for restoration improvements; the regulatory review of these types of projects is more streamlined for the sponsors.

Because federal funds are received on a calendar basis different than the state's biennial budget funding, federal funds may be available when state funds would not yet be, and vice versa. The Board uses a biennial spending plan to help guide approximate allocations of all funds within broad categories of use, such as projects, regional plan development activities, assessments, and other habitat project activities. All Board funding decisions are made in open public meetings.

The State of Washington has maintained a significant contribution of state funds in this effort: almost $60 million in state funds since 1999. The vast majority of the federal and state funds distributed by the SRFB are applied exclusively for on-the-ground work. The NMFS Memo of Understanding has limited the state SRFB's administrative use of federal funds to 3 percent (1 percent in prior years); state funds have provided any remaining administrative support. The Congress can be assured that Washington has not used federal funds to substitute for state program and administrative support for salmon habitat projects.

Question 2. Describe the federal presence on the Technical Review Teams and elsewhere in the review process in Washington for funding Pacific salmon restoration projects.

Answer. Washington State's Legislature created the Salmon Recovery Funding Board ("SRFB") to oversee salmon habitat fund distributions. The SRFB is a 10-member body, chaired by a citizen appointed by the Governor. The Board's role is to work with the 26 "lead entities" (salmon & watershed restoration groups) to determine the best strategies for effective use of the state and federal funds entrusted to the SRFB. The Board is subject to governor and legislative oversight. All meetings are open to the public (participation is active!), and all grant-making decisions are evaluated for scientific and strategic merit. Federal representatives of agencies such as the U.S. Forest Service and NMFS frequently appear before or participate in SRFB-related meetings and activities. The SRFB also receives regular briefings and comment from the Governor's Independent Science Panel, five national-caliber scientists who independently offer science-based feedback on policy issues in salmon recovery.

During the three grant making competitions the SRFB has administered since fall 1999 (using both state and federal funds), the SRFB has established a Technical Panel for each of the competitions. These Panels are not a standing or permanent group, but are assembled to advise the SRFB for each competition. The Panel's role is to meet with each of the state's 26 "lead entities" (watershed groups), and to offer general advice on recovery strategy plans and local project selection. Then, after each of the local groups has submitted its ranked list of salmon habitat proposals to the SRFB, the SRFB's Technical Panel reviews the lists for their relative "Benefit to salmon" and "Certainty of success in achieving those benefits."

Panel composition seeks to include a variety of relevant disciplines and experience. As noted on its guidelines for the current grant competition (Fourth Round, Manual, Page 19):

> The SRFB will seek technical panel members who have expertise and work experience in a variety of areas, including fish, habitat and conservation biology, geomorphology, hydrology, nearshore and estuarine, and watershed ecology. The Board will include persons on the Panel with experience and expertise relevant to eastern and western Washington ecosystems. Tribal representatives and the 2 federal agencies that administer the ESA (USF&WS and NMFS) will be sought for the Panel, as will members from the private sector. Panel members should have a good understanding of watershed functions, salmon life history and associated risks, assessment methodologies, and salmon recovery issues state-wide. The Technical Panel is independent in the sense that team members do not represent an agency or constituency and should not currently be involved professionally or as a volunteer in any lead entity process or a project on a lead entity list. Panel members' discussion and decisions should be based only on sound scientific information and principles and their best professional judgment.
>
> The Board will appoint up to 10 members to its Technical Panel. Staff will ask for nominations or suggestions from agencies (USF&WS, NMFS, NWIFC, Columbia River Inter-Tribal Fish Commission, WCC, WDOE, WDNR, and WDFW), lead entity participants, SRFB members and the general public. The resulting list will be brought to the LEAG for review prior to selection by the Board's subcommittee.

Using this process, federal agency employees such as scientists from the NOAA/NMFS NW Science Center, the USDA Forest Service and the U.S. F&WS have participated on a SRFB Technical Panel in each of the past three SRFB grant competitions. Federal participation has been volunteered by their federal agencies at little or no cost to the state, for which we are most appreciative.

After the selection review described above, all funded projects are required to follow applicable state and federal regulatory requirements. For ESA review by NMFS, Washington State has established and funds a dedicated position within NMFS to review SRFB-funded proposals. Having a dedicated resource within NMFS has assisted project proponents in ensuring their federal reviews proceed more swiftly, including coordination with other federal entities such as the Corps of Engineers. This dedicated resource also attends and participates in SRFB meetings and related work such as the state's Monitoring Strategy project; participates in SRFB's "Application" and "Successful Applicants" training workshops; keeps the agencies informed about ESA requirements; and answers SRFB questions and addresses issues that arise.

For projects where federal permitting or ESA review is not required, state permitting laws usually apply. All permits or reviews, whether federal or state-based, must be done by the grant project sponsor before proceeding and before any financial reimbursements can be completed.

Terminology Note: NOAA/NMFS, as part of its responsibilities under ESA, has established science Technical Review Teams to assist with developing recovery goals. The federal "TRT" process is exclusively a federal responsibility, and should be distinguished from the state SRFB's "Technical Panel" described above.

Question 3. Please describe how activities funded through the Pacific Salmon Recovery Fund meet ESA requirements and ensure progress toward recovering the stocks.

Answer. Activities funded through the Pacific Salmon Recovery Fund are subject to the ESA Section 7 consultation process due to the federal nexus created by this funding program. Washington's Salmon Recovery Funding Board cooperates with the National Marine Fisheries Service as the federal funding agency to determine the appropriate Section 7 procedures for the different types of funded activities. The different categories of activities that have been funded are:

Habitat Projects—A large number and wide variety of habitat acquisition and restoration projects have been funded by the Salmon Recovery Funding Board using funds from the Pacific Salmon Recovery Fund. Most projects are not likely to adversely affect ESA-listed stocks and Section 7 consultation for those projects is addressed informally by the National Marine Fisheries Service as the federal funding agency. Section 7 consultations for projects that require federal permits and may have temporary adverse effects on ESA-listed stocks are addressed by the federal permitting agency. All projects that receive funding have been carefully evaluated through the SRFB's process for their benefit to ESA-listed stocks and to broader salmon recovery.

A copy of Washington's reports on the specific projects funded is available on request. See also *www.wa.gov/iac/salmonmain.html*.

Assessments and Studies—The assessments and studies funded by the Salmon Recovery Funding Board do not require additional ESA compliance procedures. The assessments and studies provide critical information needed to evaluate the feasibility, benefits and priority of potential habitat acquisition and restoration projects. The resulting projects, when funded and implemented will contribute to meeting ESA requirements and making progress toward salmon recovery.

Forests and Fish—The funds for Forests and Fish are used to implement the Forests and Fish Report, an agreement to modify forest practices and restore forests to meet the habitat needs of fish, particularly ESA-listed fish. The actions to implement Forests and Fish are in the process of being recognized as meeting ESA requirements by the National Marine Fisheries Service. A Habitat Conservation Plan is being developed for long-term recognition of ESA compliance for Forests and Fish. Implementation of Forests and Fish is a major factor in meeting ESA requirements and ensuring continuing progress in salmon recovery.

Regional Recovery—Federal funds have been provided by the Salmon Recovery Funding Board to 5 regional organizations within Washington. These funds are being used to develop regional salmon recovery plans that meet ESA requirements and can be used by the federal agencies as recovery plans under ESA Section 4(f). Implementation of these plans will be the primary local mechanism for ensuring progress toward recovering salmon stocks.

Instream Flows—Half of the supplemental federal funds in 2001 ($6 million) were passed through the Salmon Recovery Funding Board to the WA Department of Ecology for work to restore stream flows for fish. Determining and restoring adequate stream flows for fish is critical to meet ESA requirements and recover salmon stocks

in many river basins. The Department of Ecology is using these funds to: help local groups in priority river basins evaluate flow needs for fish; provide state assistance to determine flow needs and implement local recommendations to restore flows; acquire water rights to restore flows for fish in critical basins; monitor flows in basins that need critical stream flow data; and help selected irrigation districts develop pilot water management plans for restoring stream flows.

Question 4. What is the relationship of ESA Section 6 agreements, if any, and the Pacific Salmon Recovery Fund in Washington.

Answer. For NMFS-administered Pacific Salmon funds to the Washington Salmon Recovery Funding Board, we have to date relied on the Memo of Understanding along with Sec. 7 consultations and the dedicated resource within NMFS, discussed in Question 2, above. The MOU incorporates the SRFB's commitment to ESA compliance and to efficiency and coordination of efforts for salmon restoration projects and programs.

USF&WS has awarded a number of Sec. 6 grants to other entities to assist in development of HCPs (Habitat Conservation Plans), HCP land acquisition, and land acquisition to assist in the recovery of USF&WS listed species. These USF&WS grants support upland game and plant species as well as fish resources such as bull trout, and do not necessarily focus on addressing Pacific salmon. The grants have provided valuable assistance for such state-federal cooperative efforts, but may not, in all cases, be integrated with the full range of other related salmon restoration activities. It is recognized that the complex overlay of funding sources and regulatory requirements is an area for fruitful future coordination. SRFB and its partners are undertaking coordination efforts in this regard, for example through work under the Monitoring Strategy program and in cooperation with the regional recovery boards now under development.

Question 5. How are the 4 H's, needed for effective restoration (habitat, harvest, hatcheries and hydropower), being addressed in Washington?

Answer. Washington State's strategic approach to salmon recovery includes three geographic levels of implementation: local watershed management, statewide initiatives, and regional salmon recovery efforts. It is through these three levels of implementation that the 4 H's of salmon recovery are being addressed.

Local watershed management efforts focus primarily on habitat—habitat restoration projects, habitat acquisition, regulatory protection as well as the habitat assessments and monitoring needed to prioritize and evaluate the success of recovery efforts. Many statewide initiatives also focus on habitat by providing a framework and support for local watershed management; establishing consistent approaches for different land use practices (*e.g.*, Forest and Fish Agreement, Growth Management); and developing guidance for habitat assessments and monitoring.

Salmon recovery hydropower issues in the Columbia-Snake Basin are dealt with through Washington's participation in the NW Power Planning Council and through the Governor's Office, in collaboration with state agencies and other constituencies. Outside the Columbia-Snake Basin, existing re-licensing processes (FERC, CWA) are used to address salmon recovery hydropower issues for larger dams while smaller dam habitat related issues are addressed at the watershed level.

Hatchery and harvest recovery measures are being developed mainly by tribal and state agency fishery co-managers and will be integrated with habitat/hydro related elements at both the watershed and regional scale. The SRFB's administrative office also administers the federally-created Hatchery Review Board, which is charged with researching and recommending improvements to hatcheries.

Regional recovery groups will compile/integrate regional and watershed actions across the 4 H's into regional recovery plans that meet regional recovery goals and ESA recovery planning requirements. The regional recovery groups are locally driven and self initiated in collaboration with the tribes, the state, and federal services.

Question 6. Please explain the prospects and timetable for recovery of Pacific Salmon to sustainable, harvestable levels and specifically how the State of WA will track recovery and report progress to Congress.

Answer. The Technical Recovery Teams commissioned by NOAA/NMFS have drafted population viability criteria, *i.e.* recovery goals, to signal criteria that would be used in de-listing decisions for salmon populations that have been listed under ESA. At present, these draft criteria propose that 20 years is a minimum timeframe for measuring whether the number of adult and juvenile salmon is growing at a rate that represents an acceptable risk of extinction in the next 100 years.

The SRFB reports on an annual basis through NMFS on its uses of Pacific Coastal Salmon Recovery funds, and also prepares similar reports to the state legislature and governor. On-line access to SRFB project records is available on the Internet. Grant funds are issued only on a reimbursement basis, and projects are tracked via

a sophisticated computer system that notes project timelines, fiscal disbursements, and other control and tracking mechanisms. Project-level monitoring is required in most cases; larger scale monitoring efforts are already in place or will be adjusted to meet recommendations of the state's Monitoring Strategy project, due for completion by the end of 2002. Regular state audits are performed, and all records are also maintained for federal audits as needed.

The Governor's Salmon Recovery Office helps coordinate the state's actions and recovery plan, *Extinction Is Not An Option.* To achieve measurable improvements and progress toward salmon recovery the Washington Joint Natural Resources Cabinet produced in May 2000 the Salmon Recovery Scorecard. It is being used to monitor and evaluate the implementation of the State Agencies' Action Plan, and to report state actions for recovery. For further information, see *http://www.governor.wa.gov/esa/strategy/summary.htm.*

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ERNEST F. HOLLINGS TO FRANK RUE

Question 1. The Committee requires documentation* of all Pacific salmon-related projects or programs funded by NMFS (including but not limited to funds from the Pacific Salmon Recovery Fund) for FY 2000–2002; including project name, location, principal investigator contact information, the approximate starting and end dates of each project, the goals and results of each project and the amount of funding received through NMFS for each year.

Answer. The enclosed document, "Response to U.S. Senate Committee on Commerce, Science and Transportation, Management of Pacific Salmon and S. 1825," lists all of the program and project specific information requested in this question. Briefly, these programs and projects are vital to the State of Alaska, its salmon, its salmon fishermen, and its fishing communities. Much of Alaska's economy is supported by fishing: commercial, recreational, and subsistence. Fishing accounts for 47 percent of the private sector industry jobs in Alaska. In addition, the recreational and subsistence fisheries provide food for many of the people of Alaska. Total federal funding through NMFS in Fiscal Years 2000 to 2002 supported nine programs totaling $85,692,277.

These funds support four major areas of salmon and salmon fisheries in Alaska: (1) U.S./Canada Pacific Salmon Treaty Agreement and Amendments (Pacific Salmon Treaty, Chinook Letter of Agreement, Anadromous Salmon Research, and Transboundary Rivers Enhancement); (2) sustainable salmon and sustainable salmon fisheries (Pacific Coastal Salmon Recovery Fund, and Pacific Salmon Recovery Initiative); (3) fisheries disaster declarations (Western Alaska and Norton Sound); and (4) international cooperation on the management of Yukon River salmon (Yukon River salmon).

1. *Pacific Salmon Treaty Implementation*

a. *Pacific Salmon Treaty Funding*—The Pacific Salmon Treaty (PST) was signed in 1985 (Pub.L. 99–5, March 1985) after many years of discussion between the U.S. and Canada. It was a particularly difficult agreement involving, Alaska, Washington, Oregon, Idaho, the Treaty Tribes of the Pacific Northwest, and Canada. The PST is complex and requires many technical meetings, research, and fisheries management projects for effective implementation. PST funding supports participation on the Pacific Salmon Commission and related committees, technical and fisheries management projects primarily for chinook salmon.

b. *Chinook Salmon Assessment Letter of Agreement Funding*—Chinook salmon are at the heart of the PST. Of all the fisheries stocks covered by the PST, only chinook stocks are shared by all. These funds were provided as a result of the signing of the Letter of Agreement Regarding an Abundance-Based Approach to Managing Chinook Salmon Fisheries in Southeast Alaska (the LOA) by Pacific Northwest states and Alaska. NMFS appropriates $1,800,000 to the U.S. Section of the PSC each year. The Chinook Technical Committee (CTC) of the PSC solicits, reviews, and ranks proposals for work on chinook stocks that are beneficial for the LOA. The money may be used to work on any U.S. chinook stocks that contribute to PST fisheries, and the money is distributed according to the benefits of the project. Alaska's portion of these funds has been approximately 20 percent.

c. *Anadromous Salmon Research Funding*—This program supports important research on the management of the commercial salmon fisheries in Southeast Alaska. Many of the fisheries in Southeast Alaska are managed according to plans de-

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*The information referred to has been retained in Committee files.

veloped within the Pacific Salmon Commission (PSC), the implementing body for PST.

d. *Transboundary Rivers Enhancement Funding*—Transboundary rivers are those western rivers that flow from Canada through the U.S. which have both Canadian and U.S., salmon fisheries occur on them. Three rivers Stikine, Taku, and Alsek, located in Southeast Alaska are covered under the transboundary rivers provision of the PST. This program supports salmon enhancement projects that benefit the fishermen of both countries. For U.S. fishermen, the enhancement projects provide a replacement for fish that were formerly caught solely by the U.S., but are now shared as a part of the PST.

2. *Sustainable Salmon and Sustainable Salmon Fisheries*

a. *Pacific Coastal Salmon Recovery Funding*—This program supports funding for several program areas including, salmon habitat stewardship and restoration, salmon research and monitoring, salmon enhancement and other methods of increasing economic opportunity for salmon fishermen and communities in Southeast Alaska, and implementation of the Pacific Salmon Treaty. No salmon that spawn in Alaska are listed as threatened or endangered under the Endangered Species Act (ESA), and ADF&G uses these funds to help ensure that continues to be the case. A more detailed discussion of this program was provided in ADF&G's letter to the Committee of August 8, 2002.

b. *Pacific Salmon Recovery Initiative Funding*—This program provides for Alaska's participation in the monitoring of the Columbia River hydrosystem management and Pacific Northwest ESA listed salmon recovery issues; Alaska's participation in discussions concerning the Habitat Annex of the PST; ADF&G oversight of Alaska's portion of Pacific Coastal Salmon Recovery funding; and, development of sustainable salmon plans in several areas of the state to ensure that Alaska salmon remain healthy and sustainable. As NMFS reassesses the ESA listed salmon and recovery needs of salmon in the Pacific Northwest states, the State of Alaska participates in these discussions to ensure the Alaskan position is adequately represented.

3. *Fisheries Disaster Declarations*

a. *Norton Sound Disaster Funding*—In fall of 2000 the Norton Sound salmon fisheries were declared a disaster due to acute salmon run failure. The salmon failure was believed to be in part due to changing ocean survival conditions, but several questions remain as to the exact causes of the salmon shortages and the potential for restored productivity. These funds support research initiatives that seek to advance understanding of the factors involved in Norton Sound salmon production through studies of juvenile salmon and freshwater environmental conditions.

Many of the large questions that remain unanswered regarding Norton Sound salmon production depend upon a better understanding of the marine phase of the salmon life cycle. Biological and environmental monitoring and research of the nearshore and offshore marine ecosystem relative to Norton Sound salmon is a large, expensive undertaking, and we have moved in this direction with federal funding.

b. *Western Alaska Disaster*—In the fall of 2001 Western Alaska salmon fisheries were declared a disaster as salmon runs failed. These funds support the goal of understanding the mechanisms that control or affect the annual abundance of salmon returning to Western Alaska and are used to develop monitoring programs and management systems that can be used to ensure sustainable populations and harvests.

The salmon failure was believed to be in part due to changing climatic and ocean conditions. While climate change is beyond our control there are things government, as stewards of the resource, can do to restore fisheries, to anticipate changes in production, and to prepare those dependent upon the salmon resource for those changes. These funds support a long-term research program to address the responsiveness of the state's harvest management and stock monitoring programs to changes in productivity.

4. *Yukon River Salmon Funding*

Yukon River Salmon—Salmon stocks originating from the Yukon River in Canada have long been harvested by fishermen in Canada and the United States. After 16 years of deliberation between the U.S. and Canada, negotiators reached an agreement on catch shares and conservation measures for Canadian-origin salmon that are harvested by U.S. and Canadian fishers. This program supports work and studies to: develop coordinated conservation and management plans for chinook and fall chum salmon; understand the composition of stocks in the various

Yukon River fisheries and determine the status of the salmon stocks; assess and inventory wild stocks to maintain, restore, and enhance the salmon runs; and, develop effective management techniques based on precautionary management approaches.

Question 2. Is there a cooperative agreement or memorandum of understanding regarding the funds from the Pacific Salmon Recovery Fund between the Agency and the State of Alaska? Please provide the Committee with a copy.* If there is no such agreement, please explain.

Answer. Attached are copies of the original MOU, signed in 2000, and the revised MOU under review by NMFS. The original MOU describes the State of Alaska's strategy for the efficient allocation of funds for projects and activities, and describes the selection process used to disburse the Pacific Coastal Salmon Recovery Program funds as directed in the Conference Report (H.R. 106–479). These funds are to be used for salmon habitat, research, enhancement, and implementation of the 1999 Pacific Salmon Treaty Agreement in and outside of Alaska. The MOU is being revised to address procedures appropriate to projects and programs specifically identified for funding by Congress.

The MOU outlines the State of Alaska's dual purpose for these funds: to support both sustainable salmon and their habitat, and a sustainable salmon industry in Southeast Alaska. This dual purpose differs from the use of Pacific Coastal Salmon Recovery funds outside of Alaska where some salmon stocks are listed under the Endangered Species Act and habitat restoration is pivotal in the recovery of salmon.

The State of Alaska is using these funds in Southeast Alaska to continue and improve sustainable salmon fisheries management and improve habitat stewardship, in order to prevent salmon from ever being listed. For Alaska, the Congressional emphasis on Pacific Salmon Treaty implementation is addressed by funding salmon monitoring projects as well as those that increase economic opportunity.

Question 3. Please explain how the State of Alaska determines which projects or programs receive funding from the Alaska portion of the Pacific Coastal Salmon Recovery Fund.

Answer. The State of Alaska provided the Senate and House Committees on Appropriations and the Senate Committee on Commerce, Science, and Transportation with a copy of the progress report on Pacific Coastal Salmon Recovery Program on September 1, 2000 (attached). This document includes language from Congress, the Alaska State Legislature, the 1999 Pacific Salmon Treaty Annex, and Alaska's Sustainable Salmon Fisheries Policy directing the use of the funds. It also describes the Pacific Coastal Salmon Recovery Program in Southeast Alaska: its vision, mission, goals, and framework.

In December 2000, the Alaska Department of Fish and Game brought together agency scientists and managers in the Divisions of Habitat and Restoration, Sport Fish, and Commercial Fisheries to determine the priorities for funding salmon habitat stewardship and restoration projects, and salmon research and monitoring projects in Southeast Alaska. A written description showing the process the department used to determine funding priorities in these categories is attached.

Of the funding provided to the State of Alaska for Pacific Coastal Salmon Recovery in FFY00, approximately two-thirds was allocated by the State to salmon habitat, research and monitoring, and the remaining one-third was allocated to increasing economic opportunity for salmon fishermen and communities. The State developed a Stakeholder Advisory Panel in December 2000, to review all proposed projects and clarify program funding areas to increase economic opportunities for Southeast Alaska salmon fishermen and communities.

The Stakeholder Advisory Panel recommended the majority of the "economic opportunity" funding should support salmon enhancement projects, with additional funding for salmon marketing, education and infrastructure projects. Requests for project descriptions were publicized, then the Stakeholder Advisory Panel reviewed and recommended projects to the Commissioner of Fish and Game, who made final selections and authorized funding. Included in the attachments are the requests for project descriptions that were advertised.

A similar process has been followed with FFY01 and FFY02 funding, with the significant change of the addition of an active Science Coordination Panel, involving several state and federal agencies, the University of Alaska, the Exxon Valdez Oil Spill Trustees Council, and non-governmental organizations. The Science Coordination Panel identifies the priority information needs/issues for salmon habitat stewardship and restoration, salmon monitoring, research and management, based on a framework and interagency gap analysis. Attached are drafts of the second year

* The information referred to has been retained in Committee files.

(FFY01) Strategy and Gap Analysis developed by the Science Coordination Panel. The Science Panel has identified priority information needs and issues for the third year of federal funding (FFY02) and will be conducting a further gap analysis to identify specific projects that should be funded. This process increases coordination between various state and federal agencies and other entities that fund or conduct salmon research in the Gulf of Alaska. For second year funding, the Stakeholder Advisory Panel has identified several salmon enhancement projects through an open public process. The department is also requesting education proposals and developing a request for proposals to conduct an economic analysis of the salmon fishing industry in Southeast Alaska, in order to identify priority infrastructure and marketing projects. In May 2002, the Stakeholder Advisory Panel and the Science Coordination Panel held a joint meeting. They recommended that additional planning be undertaken in the areas of enhancement, infrastructure, education, and marketing in order to better define goals and be able to measure progress in achieving those goals.

The Department of Fish and Game's web site contains additional information about the Southeast Sustainable Salmon Fund, as the Pacific Coastal Salmon Recovery program is known in Alaska. The web page for the Southeast Sustainable Salmon Fund is found at *www.state.ak.us/adfg*. Further information on the program and projects that have been funded by Pacific Coastal Salmon Recovery funds for all states and tribes can be found in NMFS's April, 2000, document, "Pacific Coastal Salmon Recovery Fund Report on FY2002 and FY2001 Programs" and at the NMFS web site *www.nwr.noaa.gov* under Pacific Salmon Recovery Fund.

Question 4. What progress has been made in recovering salmon stocks with the funds from the Pacific Salmon Recovery Fund? How is the success of individual projects and/or programs tracked and evaluated?

Answer. The State of Alaska maintains a conservation-based management program for both salmon harvest and protection of salmon habitat, in order to ensure sustainable stocks and runs of salmon. No salmon that spawn in Alaska are listed as endangered or threatened under the Endangered Species Act, and Alaska has agreements in place with National Marine Fisheries Service for those listed species of salmon originating from outside of Alaska that are caught incidentally in the harvest of non-listed salmon. Pacific Coastal Salmon Recovery funds are used primarily to protect salmon habitat through good stewardship, to restore damaged habitat, to involve communities in salmon habitat stewardship and restoration, to ensure salmon management continues to provide sustainable salmon runs through monitored harvests and escapement, and to implement the 1999 Pacific Salmon Treaty Agreement.

The success of each project is measured against the objectives of the project as outlined in a Statement of Work. Semi-annual reports are required for each project and these reports are sent to NMFS as part of their ongoing program review. Habitat stewardship and salmon monitoring and research projects all involve the collection, storing and analysis of measurable data. Each enhancement project has a specified measurable objective in adding salmon to the common property resource. The marketing project incorporates performance measures. The Southeast Sustainable Salmon program will be strengthened this year by the development of a strategy for a sustainable salmon industry which in conjunction with the sustainable salmon strategy will lay out the overall goals in a concrete fashion.

During discussions with other states and tribes receiving these funds it was determined that funding must be maintained for multiple life cycles of listed stocks: a minimum of ten years of Pacific Coastal Salmon Recovery funding would providing a basis for measuring recovery because it encompasses two Chinook salmon life-cycles and about three coho life-cycles.

Question 5. Please explain the prospects and timetable for recovery of Pacific Salmon in Alaskan waters to sustainable, harvest-able levels and how the State is tracking that recovery.

Answer. Please recall that in our answer to question 4, we explained that no salmon that spawn in Alaska are listed as endangered or threatened under the Endangered Species Act, and Alaska has agreements in place with NMFS for those listed species of salmon originating from outside of Alaska that are caught incidentally in the harvest of non-listed salmon. Of the hundreds of stocks of salmon in Alaska, all except a few in western Alaska are supporting healthy sustainable fisheries. For those stocks in western Alaska where management concerns have been identified, we believe the prospects for recovery are excellent. Alaska has been fortunate that much of the habitat necessary to maintain healthy populations is intact. What is needed is a program to determine the population dynamics of stocks where we lack this information so that scientific management techniques can be developed

and applied. Many of these studies require a minimum of two salmon life cycles to develop the necessary data and it would likely take several years to implement management programs to provide the sustainable, harvestable levels.
Attachments*

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* The information referred to has been retained in Committee files.