



March 11, 2016

The Honorable Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, DC 20510-0504

Dear Senator Feinstein,

The American Sportfishing Association (ASA) wishes to first commend you for your diligence in working through several iterations of federal drought legislation and attempting to balance the interests of numerous stakeholders involved in this issue. Undoubtedly you and your staff invested significant effort into crafting the most recent bill (S. 2533) with the aim of improving the way water is managed, delivered, and allocated. ASA has taken great care in reviewing the document and is concerned that S. 2533 – California Long-Term Provisions for Water Supply and Short-Term Provisions for Emergency Drought Relief Act – would cause irreparable damage to the Central Valley salmon fishery and other sportfish, and therefore we regretfully must oppose the bill. We ask that you reconsider the language in the bill to help make certain that these fisheries are protected and the industries that they support remain viable, especially as California emerges from critical drought years.

ASA is the nation's recreational fishing trade association, representing sportfishing equipment manufacturers, retailers, wholesalers, outdoor media and angler advocacy groups. Our members depend on healthy, abundant fisheries, which are the foundation of 36,000 jobs and \$4.6 billion in annual economic impact in California. There are also 1.7 million anglers in the state that, in addition to salmon, fish for species like striped and largemouth bass. Central Valley salmon contribute \$1.4 billion to the California economy and support 23,000 jobs. This fishery also constitutes 60 percent of Oregon's coastal salmon catch and part of Washington's as well.

We have worked in lock step with our California-based partners and members on this issue for many years, particularly the Golden Gate Salmon Association (GGSA). GGSA completed a thorough analysis of S. 2533 that mirrors ASA's position on the bill. The appended document provides a detailed review. We would, however, like to emphasize a few prominent and problematic components of the bill.

Last year we took the position that S. 1894 – California Emergency Drought Relief Act of 2015 – was the extent of the compromise our industry could accept for the sake of salmon fisheries and fishing jobs. We supported many positive provisions in that legislation, but one of our leading concerns was the targeted eradication of non-native sportfish, which carried over into the new bill, S. 2533. The recreational fishing community believes this action will be minimally effective at recovering salmon relative to addressing other stressors that would be more impactful, economical, and successful. Several of the named bass species have coexisted with salmon without problems since shortly after California achieved statehood. Some predation is a natural part of the ecosystem, and in this case the impacts

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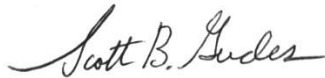
of these interactions on salmon pale in comparison to the larger issues related to lack of water supply. Bass form a robust recreational fishery and, though they have some interactions with salmon, so do many other species, including the native pikeminnow. The eradication program would also set a dangerous precedent by giving federal agencies authority to infringe on state fish and wildlife management jurisdictions.

Another chief concern is that the maximum amount of water would be permitted to be pumped out of the Sacramento-San Joaquin River Delta to other parts of the state, compromising the survival of juvenile salmon at their most critical life stage. Though the fall run of Chinook salmon is not listed as endangered, it benefits from these state and federal environmental protections for the other runs, which could be circumvented according to S. 2533. The Endangered Species Act and biological opinions need to be upheld.

There are many strategies that can be taken to help salmon, and GGSA has laid out a collection of projects for this purpose, but without adequate water flows, temperatures and science based limits on pumping, salmon runs cannot survive, recover, and thrive. In direct correlation to the low survival rate of juvenile salmon in recent years has been the decline in fishing related businesses. Fishermen have sold their boats, marinas are empty, and sales are down, which has broader, negative repercussions on California's coastal economy.

We believe there is room for improving existing protections for salmon without targeting other sportfish in a manner that would not interfere with meeting the needs of other industries and private citizens. Again, we appreciate your efforts in undertaking this hugely important and complex task. Thank you for your consideration.

Sincerely,



Scott Gudes  
Vice President of Government Affairs

Cc: Chairwoman Lisa Murkowski, Ranking Member Maria Cantwell, Senator Boxer

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## ***“The New Voice of Salmon”***

### **Initial Analysis of S. 2533 - Senator Feinstein’s Drought Bill**

This memo summarizes GGSA’s initial analysis of S. 2533, the drought bill introduced by Senator Feinstein. On balance, S. 2533 likely would result in significant harm to salmon and the commercial and recreational salmon industry along the West Coast. GGSA opposes this bill.

**Salmon Need Stronger, Not Weaker, Protections During the Drought:** This is a critical time for Bay-Delta Chinook salmon runs, which, when healthy, support a \$1.4 billion dollar fishery and 23,000 jobs. Sacramento Basin fall run are the backbone of commercial and recreational salmon fishing south of the Columbia River. The fall run is not listed under the ESA, but protections for listed runs benefit the fall run and fishing communities. In addition, fishing is limited to protect listed runs, even though fishing did not cause these declines. Today, Bay-Delta salmon runs are at dangerously low levels.

- The drought and water mismanagement disastrously harmed salmon during 2014 and 2015, including the loss of 95% to 98% of juvenile wild Sacramento River fall and winter run salmon.
- The 2015 salmon season produced poor landings, far below projections. Only 112,400 salmon returned to the Sacramento Valley to spawn in 2015, below the minimum agency target.
- Given the three-year life cycle of salmon, the coming three years may be even more difficult for the salmon industry, as the remnants of more drought-affected year classes return to spawn.
- Fishermen are deeply concerned about a possible repeat of the 2008-2009 closure of the California salmon fishery, which included significant restrictions on the Oregon fishery.
- Federal agencies have stated that fish populations are so low that protections in 2016 must be stronger – not weaker – than during the past two years.
- The closure of the California commercial crab fishery has made the fishing crisis significantly worse, because many commercial fishermen rely on crab and salmon. In the past, healthy crab landings have helped fishermen survive poor salmon seasons.

In short, the coming three years are critical to the long-term health of the West Coast salmon industry.

**Provisions that Would Damage Salmon:** Major concerns regarding S. 2533 include:

- Weakening current federal protections for salmon under the ESA and other laws, such as:
  - Allowing worse flow conditions in the Delta and increased exports. (301(e)(4))
  - Locking in a 1:1 export to inflow ratio on the lower San Joaquin River for water transfers, which is less protective of salmon than current requirements. (302(b)(6))
  - Mandating that the Delta cross-channel gates be kept open “to the maximum extent practicable”, increasing the loss of juvenile salmon to the Delta pumps. (302(b)(1)(A))
  - Allowing higher levels of pumping during peak winter storm runoff, which is critical to moving juvenile salmon through the Delta to areas where they can survive. (303(c))
  - Mandating averaging requirements that could harm salmon. (302(b)(12))

The above approach to regulating impacts on salmon is not supported by science and would be subject to interpretation by an unknown future administration.

- A new mandate to “maximize water supplies”, which conflicts with existing federal law, the “co-equal goals” under state law, and existing protections for salmon. (301, 302)
- Provisions to facilitate authorization, permitting and funding of new dam projects that could harm salmon. The bill conflicts with state law, which prohibits the expansion of Shasta Dam. A review by the USFWS concluded that raising Shasta Dam would harm salmon. (Title 1, Subtitle B, Sec. 506 and 602)
- A permanent guarantee of water deliveries for junior Sacramento Valley water users. (404)

#### Additional Concerns:

- Excluding any consideration of impacts to fall run salmon from decision-making regarding the water operations requirements of the bill. (Multiple sections.)
- Requiring federal agencies to “use”, not just consider, recommendations regarding water operations developed by water districts. (301(b)(2)(C) and 305(1))
- Increased litigation risk regarding salmon protections and existing law. (Multiple sections.)
- Reduced environmental review of water transfers, including for impacts to salmon. (302(b)(9)(B)(i))
- New restrictions on environmental review for undefined “emergency” water projects. (304)
- A predator removal program that is not supported by science and that scientists believe could result in unintended environmental harm. (203) GGSA has developed and is working to implement alternative science-based predation management projects.
- Limiting environmental review for predation projects, including the review of potential harm to salmon. (204(c))
- The conversion of Central Valley Project water contracts to permanent contracts, with potential impacts on salmon. (602(c)(1))
- A pilot program to allow California and other states to assume the lead for NEPA review, without limiting eligible projects or eliminating projects that could harm salmon. (139)
- An open ended sunset provision, as there is no definition in state law for the end of a state drought declaration. Some damaging provisions are exempt from the sunset provision. (702)

#### **Positive Provisions in the Bill:** The bill includes some provisions that could provide modest benefits:

- Investments in habitat improvements and gravel replenishment. However, those investments appear to be limited to the Sacramento River and to listed species. In addition, unlike the provisions above that would harm salmon, these investments would be subject to the uncertainty of the appropriations process. (201)
- Provisions regarding water recycling and efficiency that could help California in future droughts. Like habitat improvements, many of these provisions would be subject to the uncertainty of the appropriations process (Multiple sections.)