

**PRESS RELEASE FROM THE PACIFIC COAST FEDERATION OF
FISHERMEN'S ASSOCIATIONS (PCFFA)**

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3 June 2003

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PCFFA Says, "IT'S THE WATER, STUPID!"

***Clean, Free-Flowing Rivers Are What's Needed to Help
Salmon Fishermen in the Klamath, Not More Denial***

San Francisco, June 3 – “You can’t have salmon without rivers. That’s the way God made them,” was the way veteran Bodega Bay fisherman Chuck Wise, President of the Pacific Coast Federation of Fishermen’s Associations (PCFFA) described the plight of the fish and the fishermen who depend on them in light of recent restrictions imposed because of past fish kills in the Klamath River.

On another front, the property rights advocacy group Pacific Legal Foundation (PLF), which has traditionally represented only land use groups, many who have opposed river flows and federal protections for fish, is planning to sue the National Marine Fisheries Service and its parent agency today over this year’s salmon regulations.

“We certainly welcome PLF’s new-found concern for salmon fishermen, but I fear this suit is too late and is going after the wrong party,” said Dave Bitts, a 30 year-veteran fisherman from Eureka who represents fishermen on the Klamath Fishery Management Council and is a PCFFA Vice-President. “Where was PLF when PCFFA was battling to keep water in the Klamath river? Where was their concern for fishermen then?” In fact, PLF has frequently represented groups struggling to keep water out of the Klamath river rather than put more in to help fish.

Dave Bitts went on to say that, for the suit to have any effect on the season it should have been filed three months ago and is far too late for it to make any changes this year. “Besides,” he said, “the Pacific Council’s regulations were developed in response to the Klamath’s low run size. To avoid this disaster we needed to protect the little fish in the river, but that didn’t happen in 2002 when the water salmon needed was diverted.” In other words, the loss of fish is a biological problem, not a legal one.

California fishermen are mostly tied to the dock this June and their colleagues in Oregon will be faced with similar closures this season as part of the government's effort to protect the remaining stocks of Klamath salmon that suffered devastating fish kills in that Northern California river during 2002. These protections are driven by biological rules rather than fishery management choices, and failure to adequately protect these extremely weak stocks now will simply result in overfishing and stock crashes later. More frustrating is the fact salmon from other river systems are expected at near record levels that fishermen won't be able to catch because Klamath fish mix with those other runs. This is yet another indication that the problems are in the Klamath, suffering from sheer lack of water, and not in fisheries management actions.

Fishermen expect, however, to be busy in June. The PCFFA is among those fishing groups calling on the Pacific Fishery Management Council for a review of its Klamath salmon management to assure seasons are not being overly restricted by attempting to put more fish back in the river than there may be water for. The Pacific Council will meet the week of June 13th in Foster City, California, near San Francisco.

"We fully recognize the need to get enough spawners back to the rivers to ensure the abundance of these fish for the future," said Duncan MacLean, a long-time Half Moon Bay fisherman who serves as an advisor to the regional Pacific Fishery Management Council. We just want to be sure we have the right number and, more importantly, there will be water in the river for these fish when they get back. If there's not much water then all this sacrifice is for nothing!"

MacLean continued, "Fishermen are sick and tired of having to suffer for and fix the actions of government water mismanagement."

Barbara Emley, a San Francisco salmon fisherman, who heads up the Federation's Salmon Strategy Team, said fishermen are hurting and the fleet expects to lose well over half of its season this year. Worse, a northward shift of fish in July when the season reopens north to Point Arena, California, could result in a total bust if the salmon are north of this point where fishing will be closed most of this season.

"We may be suffering, but we're not stupid," said Emley. "We need to set a floor on the minimum amount of water for the Klamath river and the quality of that water, not just for the number of returning fish – and we can't wait 10 years to do it."

Vivian Helliwell, who fished 20 years and now chairs the California Advisory Committee on Salmon & Steelhead Trout, continued, saying, "We can't conserve fish if flows in the Klamath are too low or the water's so bad it kills them. Oscar Hammerstein said it best 'fish gotta swim.' Let's get our priorities right and make sure we have rivers that can accommodate the fish."

Helliwell, who heads up the statewide group created by the Legislature and composed of commercial and sport fishing, Tribal and scientific representatives, said excessive water diversions in the upper Klamath Basin have significantly reduced Klamath river flows while the downstream dams have acted to warm the remaining flow and compromise water quality. This,

more than anything else, has led to massive salmon kills in the lower Klamath River that are driving this year's closures.

The PCFFA, which is calling for additional flows for the Klamath river to prevent similar Klamath-driven closures in the future, has also requested disaster assistance for fishermen and fishing-dependent businesses that rely on the salmon fishery along the coast as well as Tribal and sport fishing businesses on the Klamath. To date, the Governor of Oregon, 37 Congressional Representatives from California and Oregon, and Humboldt and Siskiyou Counties, as well as the Klamath Water Users Association have all voiced support for federal disaster relief.

Monterey fisherman Mike Ricketts, who chairs California's Commercial Salmon Stamp Advisory Committee, a fishermen's group that oversees funding for California State salmon restoration programs, said if PLF and its clients want to do some good they'd join the fishermen fighting to protect the west coast's salmon producing rivers.

"Fishermen depend on natural spawning and hatchery fish. Both natural spawners and hatchery fish need clean, free flowing rivers, and the long term productivity of hatchery fish depends on protection of natural spawners for broodstock," explained Ricketts.

"Right now we need to get the flow problems fixed in the Columbia, we've got to get more and better quality water in the Klamath, we need to restore flows to the San Joaquin and we've got to stop the grab for more Sacramento River diversions in the Delta. If PLF really wants to help fishermen, it should help us get these rivers back," emphasized Ricketts.

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**PLF FILES LAWSUIT TO BLOCK FEDERAL
REGULATION SLASHING FISHING SEASON BY MORE
THAN HALF DESPITE RECORD NUMBERS OF
SALMON**

***Short Season Threatens To Decimate Fishing Industry
From Portland to San Francisco***

EUGENE, OR: June 3, 2005: Two Oregon fishermen's associations and workers and families dependent on the fishing industry today filed suit against the National Marine Fisheries Service, arguing that the agency's decision to slash the 2005 commercial trolling chinook salmon fishing season by more than half violated federal law.

Local fishermen, coastal business owners, and other workers, represented by Pacific Legal Foundation, say that the Fisheries Service ignored the fact that there are record numbers of returning salmon, failed to consider hatchery salmon, and disregarded the severe economic and safety impacts of the regulation. The agency's decision threatens families, businesses, and communities dependent on the fishing industry from Portland to San Francisco, PLF said in a lawsuit filed today in the United States District Court in Eugene.

"Hundreds of fishermen and businesses are facing bankruptcy because the federal government won't let people fish despite the fact the ocean is teeming with salmon," said Russ Brooks, managing attorney for Pacific Legal Foundation's Northwest Center at a press conference today, surrounded by fishermen and their families. "We're bringing this lawsuit to stop the federal government from wreaking economic devastation on fishing communities up and down the Pacific coast for no good reason."

"It's not just a single fishing season that's at stake here, it's the future of thousands of hardworking American families and a way of life that has existed for over 100 years. People employed throughout the fishing industry are going to lose their fishing vessels, their homes, and everything they have, and once that happens, these communities are not going to be able to recover. It's impossible to overstate the seriousness of this situation," Brooks said.

PLF says the harm of the dramatically shortened season goes well beyond the fishermen themselves, and also will have a devastating impact on fishing vessel deckhands, fish plant workers, stores that sell gear and ice to fishermen, seafood processors, seafood market owners, local restaurant owners and restaurant workers.

NMFS' decision to virtually eliminate the 2005 season for salmon fisheries off the coasts of Oregon and California is based in large part on the agency's "selective counting" of only naturally spawned chinook salmon, ignoring the record numbers of chinook that exist when hatchery spawned chinook also are counted. PLF says that federal law does not allow NMFS to treat hatchery and naturally spawned salmon differently or to issue harvest regulations based solely on naturally spawned salmon numbers.

When hatchery fish are included, the 2005 forecasts for chinook returns support a large harvest. In fact, the 2005 findings of the Pacific Fisheries Management Council, which recommends fishery management decisions to NMFS for Pacific salmon fisheries, show that the Central Valley Index (a combination of Sacramento River chinook and Central Valley chinook) forecast is the highest on record and twice the 2004 preseason forecast, and that the Klamath River fall chinook forecast is 1.11 times the 2004 preseason forecast.

PLF's lawsuit also charges NMFS with disregarding the economic and safety impacts of its harvest regulation on commercial chinook salmon fishermen and small businesses dependent on the commercial chinook salmon fishery, as required by federal law. Congress—concerned that conservation measures were threatening the survival of fishing communities—mandated under the Magnuson-Stevens Fisheries Act and the Regulatory Flexibility Act that NMFS must examine the potential economic impacts of regulations on fishing communities, and identify alternatives that minimize those effects.

"Congress made it clear that the Fisheries Service must not put overzealous conservation efforts before the safety and livelihoods of fishermen and fishing communities, but the Service completely disregarded that duty here," Brooks said.

PLF says NMFS's ill-considered policy is just the latest in a long line of needless regulations to protect salmon that are adversely affecting people and businesses on the west coast.

"People and businesses continue to suffer under regulations to protect salmon. Farmers and ranchers have their water shut off, families cannot afford to build homes, businesses close, and now fishermen cannot fish, all to protect salmon that don't need protecting," Brooks said.

In 2001, Mr. Brooks and PLF won a landmark court victory in *Alesea Valley Alliance v. Evans*, 161 F. Supp. 2d 1154 (D. Or. 2001), which invalidated the federal government's illegal exclusion of hatchery salmon in the listing of Oregon coast coho under the Endangered Species Act. The court ruling forced NMFS to develop a new policy for listing salmon throughout the west. NMFS is expected to issue the new policy this month.

About Pacific Legal Foundation

PLF is a nonprofit, public interest legal organization dedicated to defending individual and economic liberty, and private property rights. PLF's Northwest Center is located in Bellevue, Washington. More information about PLF and the lawsuit, including the complaint, is available at www.pacificlegal.org.

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