

**PACIFIC FISHERY MANAGEMENT COUNCIL**

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April 15, 1994

R. Ted Bottiger, Chairman  
Northwest Power Planning Council  
851 Sixth Avenue, Suite 1100  
Portland, Oregon 97204-1337

Dear Chairman Bottiger:

On April 8, 1994, the Pacific Fishery Management Council adopted the most restrictive ocean salmon fishing season in its 18-year history. Recent weather and ocean habitat anomalies have exacerbated declines in many stocks, some of which have already suffered from the impacts of long-standing habitat degradation, especially at Columbia and Snake river dams. Against that background, the very limited 1994 ocean salmon season protects important salmon stocks which contribute heavily to Pacific Council fisheries, especially natural coho stocks, and will also provide marginal but important protection for critically depressed Columbia River salmon stocks within purview of the Northwest Power Planning Council.

Since passage of the Magnuson Fishery Conservation and Management Act of 1976, the Pacific Council has imposed increasingly severe restrictions on fisheries which impact Columbia River stocks. The purpose of this letter is to urge the Power Council to take aggressive, complementary action in its pending rule making on mainstem Columbia and Snake river fish passage.

Draconian 1994 restrictions on ocean fisheries will have serious adverse impacts on fishers and dependent coastal economies. The attendant human suffering will be for nought unless the Power Council moves quickly to adequately address fish passage losses at mainstem Columbia and Snake river dams. These losses have long been acknowledged as the major source of man-caused mortality on salmon originating in the upper 95 percent of the Columbia Basin above Bonneville Dam. Ocean fishery impacts pale by comparison.

In passing the Pacific Northwest Electric Power Planning and Conservation Act of 1980, Congress declared an "emergency" and gave the Council 90 days to develop a plan to restore salmon stocks critically depleted by construction and operation of the Federal Columbia River Power System. The Act required provision of "...flows of sufficient quality and quantity between (hydroelectric) facilities to improve production, migration, and survival of such fish as necessary to meet sound biological objectives."

After 14 years, the Power Council has not yet taken action to provide these flows as mandated by the Act. Snake River coho are extinct; sockeye are listed as endangered under the Endangered Species Act (ESA) and all Snake River chinook stocks are listed as threatened. ESA petitions have been filed on upper Columbia River stocks.

The failure of the Power Council and others to thus far achieve adequate fish passage prescribed by the Northwest Power Act has jeopardized the resource, created social and economic disruption among tribal and non-tribal commercial, recreational and subsistence fisheries, and driven the public, states and tribes to the federal courts for relief.

On March 28, 1994, Federal District Court Judge Malcolm F. Marsh ruled that National Marine Fisheries Service (NMFS) action under the ESA (which imposes stronger mainstem passage measures than have thus far been required in the Power Council's program):

"...is seriously, 'significantly,' flawed because it is too heavily geared towards a status quo that has allowed all forms of river activity to proceed in a deficit situation -- that is, relatively small steps, minor improvements and adjustments-- when the situation literally cries out for major overhaul. Instead of looking for what can be done to protect the species from jeopardy, NMFS and the action agencies have narrowly focussed their attention on what the establishment is capable of handling with minimal disruption."

Now, 14 years after Congress declared an emergency, the Power Council has entered rulemaking which proposes "to adopt a hypothesis regarding the flow/velocity-survival relationship as a first step..." in resolving "uncertainties." This hypothesis is to be tested as each incremental move away from the status quo is implemented.

The Pacific Council shares Judge Marsh's view that the situation calls for more than what the Power Council proposes. It calls for "major overhaul."

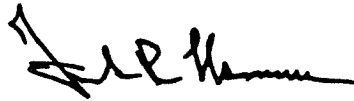
Therefore, we call upon the Power Council to use as the framework of its rulemaking the Detailed Fishery Operating Plan (DFOP), prepared by the Columbia Basin Fish and Wildlife Authority acting in its capacity as the representative agency for Columbia River Indian Tribes and other state and federal fish and wildlife agencies. The DFOP documents the most updated, collective and comprehensive 5-year recommendations for operating the hydrosystem consistent with the goals and objectives of the Power Planning Act of 1980.

Chairman Bottiger, the Pacific Council has taken difficult and responsible actions to fulfill its obligations under the law to protect critically depleted Columbia River salmon stocks. We acknowledge the difficult and complex problems you face. Nevertheless, it is time for the Power Council to do the same.

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We appreciate your recent offer of help in obtaining disaster relief for fishers and coastal communities. However, the Pacific Council believes that the most valuable long-term assistance the Power Council can provide is achievement of fish passage survival levels which will restore the Columbia River chinook stocks. The DFOP provides the framework to achieve this goal. We urge the Power Council to fully implement the measures recommended in the DFOP in your current rulemaking on mainstem passage issues by utilizing the full force and effect of the Power Council's authority.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Warrens", with a stylized flourish at the end.

Frank Warrens  
Chairman

JCC:sjk  
c: Council Members



## RESOLUTION

*WHEREAS, THE PACIFIC FISHERY MANAGEMENT COUNCIL* recognizes the need for proper protection of fishery resources and conservation measures to achieve optimum yield for the United States, and;

*WHEREAS, "CONSERVATION MANAGEMENT"* refers to regulations, conditions, methods and other measures which are required to rebuild, restore, or maintain any fishery resource and its environment, and;

*WHEREAS,* methodologies to manage whole watersheds and watershed habitats on a coastwide basis are needed to protect salmon, and;

*WHEREAS, THE PRESIDENT'S FOREST PLAN* involves federal forest lands, but does not include state and private lands, and;

*WHEREAS, COOPERATION* among federal agencies, states, tribes, local governments, and private landowners, is paramount to salmon recovery, and;

*WHEREAS,* the federal, state, tribal, and local governments, and private landowners in a cooperative, cost-effective, process, need to:

- Identify current, potential, and historic conditions of the habitat,
- Identify physical and biological processes which are impairing habitat quality and production potential, and
- Develop habitat management prescriptions for restoring the habitat and for protecting habitat conditions which are currently at their potential, and;

*WHEREAS, THE PACIFIC FISHERY MANAGEMENT COUNCIL* supports actions by **all** levels of government which will assure timely development of watershed plans, create consistency in conservation management, and assure the ability to share resources and information between and among land-use managers,

### *THEREFORE BE IT RESOLVED THAT*

The Pacific Fishery Management Council respectfully requests, indeed, pleads with **all** federal, state, tribal, and local governments, in cooperation with private landowners, to assure protection and restoration of salmon and salmon habitat by assigning the highest of priorities to developing parameters for, and carrying out, watershed assessments and watershed plans.

