

September 13, 1995

The Honorable George Miller
Ranking Minority Member
Committee on Resources
1329 Longworth House Office Building
Washington, DC 20515

Dear Congressman Miller:

Thank you for consulting with the Pacific Fishery Management Council (Council) regarding the health of California salmon stocks and the existing and anticipated benefits of implementing the Central Valley Project Improvement Act (CVPIA). As you may be aware, the abundance of chinook salmon off the central coastal area of California was quite high this season.

Council Response to Questions Regarding Central Valley Salmon Stocks

Question #1 - Reasons for Increased Salmon Abundance

The Council, in reviewing possible explanations for the high chinook salmon abundance, has identified several factors which may have contributed to the increase in salmon production.

Ocean productivity along the California coast increased in 1993, returning to more favorable conditions for salmon survival. In addition (as more fully described below), the survival of juvenile Central Valley chinook salmon spawned in 1992 and 1993 benefitted from Central Valley Project flow management actions in 1993 and 1994. These progeny provided much of the increased ocean harvest in 1995 as age-2 and age-3 fish.

Inland chinook salmon habitat conditions are a decisive factor in the survival of juveniles and subsequent adult population sizes. The CVPIA was signed into law in October 1992 and the initial substantial effort to implement provisions of the act occurred in 1993 by the use of the 800,000 acre-feet of Central Valley Project yield for fish and wildlife purposes.

In 1993, the U.S. Fish and Wildlife Service (Service) provided the U.S. Bureau of Reclamation (Bureau) its prescription for the use of the 800,000 acre-feet by requesting springtime pulse flows in the upper and lower Sacramento River, in the Stanislaus River, and in the lower San Joaquin River. The Service also requested springtime restriction on Delta pumping and closure of the Delta Cross Channel gates. The Service further recommended spawning and rearing flow improvements in the upper Sacramento, lower American, and Stanislaus rivers in fall and early winter. The Service's final request for 1993 was to retain a portion of the dedicated yield as carryover storage in New Melones Reservoir as a contingency against

future drought-induced reductions that would adversely affect San Joaquin Basin salmon. The Service's prescriptions for the 800,000 acre-feet were similar in 1994. The 1993 water allocation benefitted the progeny of salmon that spawned in 1992 and the 1994 allocation benefitted the progeny of salmon that spawned in 1993.

Cumulatively, we believe the aforementioned factors, along with effective use of hatchery production, led to the high abundance of salmon during the 1995 season.

Question #2 - Benefit of Making Fish and Wildlife a Project Purpose

The inclusion of fish and wildlife as a project purpose of the Central Valley Project will provide benefits to Central Valley salmon stocks. The inclusion may enable the Secretary of the Interior, the Service, and the Bureau to justify actions which benefit fish and wildlife resources, but probably not beyond actions reasonably expected to be accomplished through the CVPIA Restoration Fund.

The recent Delta Accord and the State Water Resources Control Board's new Delta Water Quality Standards, biological opinions for Delta smelt and winter-run chinook salmon, and elements of the CVPIA must be carefully meshed to help protect and restore Central Valley salmon. Operation of Shasta Dam, installation of the Shasta temperature control device and modified operation of the Red Bluff Diversion Dam are key elements of the CVPIA which could provide substantial benefits for salmon. Those operations and construction projects are also either directly or indirectly required by the National Marine Fisheries Service's biological opinion for winter-run chinook salmon.

Overall, identifying salmon as a project purpose of the Central Valley Project, together with the other regulatory and administrative processes within the Central Valley, are providing, and can be expected to provide, cumulatively higher benefits for salmon than individual actions mandated or required through other legal processes.

Question #3 - Benefits from Dedication of the 800,000 acre-feet to Fish and Wildlife

The Council is cautious about the potential benefits of the future dedication of 800,000 acre-feet of water for the protection and restoration of Central Valley salmon populations. It is our understanding that the Bureau has not given up title to the 800,000 acre-feet and that the Service is not requesting that it receive title. The Bureau and the Service will meet to develop operations so that all water in the Central Valley Project is moved in a manner to provide benefits toward fishery productivity and toward meeting otherwise mandated fishery flows. The 800,000 acre-feet will then be identified for movement through the system to augment flow from water delivery and storage actions. The two agencies agree that the Bay/Delta Water Accord, signed December 15, 1994, makes the commitment that the Central Valley Project share of water contributions to the Delta will come from the 800,000 acre-feet. In addition, if some of the dedicated water can be recaptured after it has served its identified purpose, the Bureau may be free to do so.

It is our understanding that only a portion of the dedicated water will be used to directly benefit salmon. We believe protective measures for endangered species and for Delta outflow to protect other native Delta species will have equal or greater importance in apportioning this water.

Question #4 - Trinity River Flows

The Council confirms that the permanent dedication of not less than 340,000 acre-feet of water in the Trinity River is essential in the rebuilding of Trinity and Klamath salmon populations. We point out, however, that the listing of any Trinity River salmon stocks under the Endangered Species Act may require that major amounts of flow be directed at protecting that particular race or species with potentially no benefit to non-listed salmon. It is our understanding that 340,000 acre-feet for the Trinity River is a minimum value that may be increased pending the completion of the Trinity River instream flow study by the Service. This interim 340,000 acre-feet for flow should not be construed to be the appropriate long-term allocation for salmon.

Question #5 - Emphasis on Natural Stocks

The Council concurs that the primary emphasis in restoring Central Valley salmon populations should be the naturally spawning component. Hatchery contribution in the Sacramento Valley appears to be at the maximum desired level, but additional artificial propagation facilities may be desirable for the San Joaquin basin. The Council understands that the State of California is considering the construction and operation of a small-scale salmon and steelhead hatchery on the Tuolumne River.

Question #6 - Accomplishment of CVPIA Goals

Based on experience in other Pacific Coast states, the Council believes that the most effective method to implement a broad-based restoration program is through State-Federal-nongovernmental partnerships. The Service should be particularly effective in Central Valley Project regulated streams such as the Sacramento, American, and Stanislaus rivers, while the State of California and nongovernmental sponsors can be most effective in implementing restoration measures in the non-Central Valley Project streams such as the Yuba, Feather, Tuolumne, and Merced rivers, and the smaller tributaries.

The California Department of Fish and Game recently issued two relevant reports: *Restoring Central Valley Streams: A Plan For Action* (1993) and *Restoring Central Valley Streams: A Plan for Action, Status of Implementation* (1995). The former report identified nearly 200 actions necessary to protect and restore habitat, and the latter report presented information that substantial progress has been made in initiating successful implementation. In its plan for action, however, the State pointed out that the CVPIA would be a crucial element in successful implementation of their plan.

The Council is aware that the State of California has not identified sources of funds for matches to many of the elements of the CVPIA which require a State contribution and may not have the financial resources necessary to implement the doubling goal of the CVPIA.

Question #7 - Current Legislation to Change the CVPIA

The Council is confident that timely implementation of key provisions of the CVPIA will provide substantial benefits to Central Valley salmon populations. We are aware that few elements of the CVPIA have been implemented to date. For example, the Anadromous Fish Restoration Program (Doubling Program) has been under development but is not yet complete, and only a few restoration actions proposed by the California Department of Fish and Game are being implemented. In addition, the Unscreened Diversions Program of the CVPIA remains under development. We understand that relatively few unscreened diversion problems have been abated by that program, but that there are several hundred unscreened diversions along the Sacramento River and nearly 2,000 unscreened diversions in the Sacramento-San Joaquin Delta that merit attention.

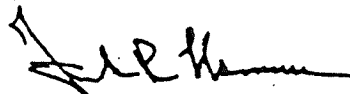
The Council is of the opinion that the CVPIA may require a maturation period of several years before an evaluation regarding its strengths and weaknesses can be fully developed. Suggestions to modify the present CVPIA at this early stage may be premature. We are concerned that changes to the CVPIA may lessen its potential to protect and restore habitats of salmon and reduce its contribution toward doubling the adult salmon population.

Summary

In summary, the Council believes that California has been given a tremendous opportunity through the CVPIA, Delta Accord, and other administrative actions within the Central Valley to greatly improve conditions for chinook salmon. We encourage timely and early implementation of many of the provisions of the CVPIA that will directly benefit salmon.

We are aware that water users, conservation groups, and fishery groups have initiated productive dialogues regarding the proposed Central Valley Project Reform Act of 1995. These meetings have resulted in the identification of areas of concern that can be rectified through administrative remedies. In fact, the Council believes that most areas of concern or dispute within the CVPIA can be successfully resolved through administrative action by the Secretary of the Interior and by the Bureau and Service. In particular, we believe the Department of the Interior has recognized the need to be flexible and to work with its stakeholders to maintain the consensus reached in California last December. The Department of the Interior is fully capable of eliminating the concerns expressed by agricultural water users in its administrative process, and thus eliminate the need for CVPIA reform legislation.

Sincerely,



Frank R. Warrens
Chairman

JCC:sjk

c: Council Members

The Honorable Bruce Babbitt, Secretary of the Interior
The Honorable Ron Brown, Secretary of Commerce