



Pacific Fishery Management Council

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David W. Ortmann, Chairman | Donald O. McIsaac, Executive Director

May 19, 2010

Donald R. Glaser, Regional Director
Mid-Pacific Region
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Dear Mr. Glaser:

As you are aware, the Sacramento River fall-run Chinook salmon resource, the backbone of salmon fisheries off the coasts of California and Oregon south of Cape Falcon, has failed despite severe fishing restrictions in recent years. The collapse of this stock, and the resulting curtailment of offshore salmon fishing, has put unprecedented stress on fishing communities up and down the West Coast, resulting in a declaration of economic disaster and subsequent disaster relief funding for West Coast fishing communities. The Pacific Fishery Management Council (Council) is charged with reviewing the status of the essential fish habitat affecting this stock and, as appropriate, providing recommendations for restoration and enhancement measures¹.

Title 34 of Public Law 102-575, the Central Valley Project Improvement Act (CVPIA) of 1992, at Section 3406(b)(2), directs the Secretary of the Interior to dedicate 800,000 acre-feet of Central Valley Project (CVP) water yield to the implementation of the fish and wildlife purposes and measures authorized by the CVPIA. Paramount among the purposes and measures is the rebuilding of Central Valley salmon stocks through a CVPIA Anadromous Fisheries Restoration Program.

In March, the Council received a report from our Habitat Committee that raised the question of whether Reclamation is meeting the intent of Congress concerning the use of Federal Central Valley Project water intended for the rebuilding of California's Central Valley

¹ The Magnuson-Stevens Fishery Conservation and Management Act (MSA) (as amended by the Sustainable Fisheries Act) requires fishery management plans to "describe and identify essential fish habitat..., minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat" (§303(a)(7)). The MSA defines essential fish habitat as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity."

salmon stocks. Because of the depressed condition of Central Valley salmon stocks and their dependent fisheries, we consider this a matter of utmost urgency.

The CVPIA specifically envisioned that this program should double the Valley's salmon runs by 2002, largely by applying the 800,000 acre-feet of CVP water budget yield provided by Section 3406(b)(2) as an aid to juvenile salmon passage on their migration from point of origin through the San Francisco Bay-Delta estuary to the sea. Optimizing downstream passage conditions is key to rebuilding Sacramento fall Chinook, and wise use of dedicated CVPIA storage for this purpose is one of few tools available to managers to provide immediate improvements in survival and rebuilding of this important stock.

In 2006, the White House Office of Management and Budget (OMB) noted the disparity between Congress' Central Valley salmon doubling objective and the actual condition of the Valley's salmon resource. OMB recommended that a comprehensive review of the salmon doubling program be undertaken by the responsible agencies, the Bureau of Reclamation (Reclamation) and the U.S. Fish and Wildlife Service. That review, using a panel of independent scientists, was performed in 2008. One of several troubling aspects of the resulting report, *Listen to the River: an Independent Review of the CVPIA Fisheries Program* (December 2008), is that Reclamation has apparently used up to 400,000 acre-feet of CVP storage for upstream Central Valley salmon restoration measures, but, in each case, withdrew all of that water at the CVP's Delta pumps, rather than using it to assure safe passage for juvenile salmon through the Delta to the sea.

We are concerned Reclamation is not meeting its obligations as directed by Congress. While we understand Reclamation has conducted fish habitat restoration projects, it is unclear whether 800,000 acre-feet of water storage has been actively managed to improve the production of anadromous salmonids. We believe that the lack of a concrete, auditable program to manage this water for the benefit of anadromous fish is contributing to the decline of the Sacramento River fall-run Chinook, with its devastating effects on West Coast fishing communities. In times of conflicting obligations, it is not apparent that Reclamation believes that fish and wildlife protection, restoration, enhancement, and mitigation have equal priority with power generation, irrigation, and domestic water uses. Further, we are uncertain that Reclamation is sufficiently evaluating adult salmon production when determining the success of fish and wildlife programs, despite the fact that this is consistent with the goals of the CVPIA.

The Council would appreciate hearing from Reclamation on the concerns and questions expressed above, towards the goal of working together to address this critical issue in a positive manner. In particular, we would like to know more about the planned and actual use of 800,000 acre-feet of storage water towards the improvement in adult salmonid run sizes since 1992, especially during the past few years. We invite you to send a representative to speak to our Habitat Committee at its next meeting in Foster City, California (San Francisco) in June, or in Boise, Idaho in September. To coordinate, please contact Council staff Jennifer Gilden at Jennifer.Gilden@noaa.gov.

In closing, the Council urges you to review the use of the CVPIA Section 3406(b)(2) water budget with regards to its success in improving the status of Central Valley salmon stocks, and inform us of that review. This action can be a significant step forward in restoring salmon resources in the Central Valley and helping fishing communities move toward economic recovery.

Sincerely,

A handwritten signature in black ink, appearing to read "David Ortmann". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Ortmann
Chair

JDG:rdd

c: Council Members
Habitat Committee
Dr. Donald McIsaac
Ms. Jennifer Gilden