



## Pacific Fishery Management Council

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Dorothy M. Lowman, Chair | Donald O. McIsaac, Executive Director

September 28, 2015

The Honorable Jared Huffman  
United States House of Representatives  
1630 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Mike Thompson  
231 Cannon Office Building  
Washington, D.C. 20515

Dear Mr. Huffman and Mr. Thompson:

Thank you for your letter of August 20, 2015 requesting Pacific Fishery Management Council's (Pacific Council) analysis and comment on the three drought-related bills currently under consideration (HR 2898: Western Water and American Food Security Act; S 1894: California Emergency Drought Relief Act; and HR 2983/S 1837: Drought Recovery and Resilience Act of 2015). The Pacific Council and its Legislative Committee met September 9-16, 2015 in Sacramento, California and reviewed these bills as well as your request. The Pacific Council would like to express the following general observations and has tasked staff with more detailed analytical review, with the intention to provide additional comments at a later date.

As you know, HR 2898 would override the Endangered Species Act protections for salmon, steelhead, and other species in the Bay-Delta in order to allow increased pumping from the Delta in excess of levels that we do not believe will always provide sufficient remaining water for adequate salmon production. These measures also protect salmon stocks not currently listed under the ESA (and not addressed by the bill), which are a primary source of healthy sport, commercial, and tribal fisheries from Central California to Northern Oregon.

The Pacific Council is concerned that measures in this bill that weaken protections for both ESA-listed and the non-listed salmon stocks could greatly damage the salmon stocks and the West Coast sport and commercial fisheries that depend on them. This includes measures that override California water law, reduce or eliminate review of water storage projects, blur the distinctions between hatchery and wild stocks, and threaten tribal fisheries in the Trinity and Klamath rivers. The water situation in California is exceptionally complicated; adding another layer of complexity and potential litigation reduces the state and Federal agencies' flexibility and authority to take immediate action to protect salmonids.

The California Emergency Drought Relief and the Drought Recovery and Resilience Acts both emphasize water conservation through water recycling and other measures, including

desalinization. Measures such as these have the potential to sustain favorable freshwater conditions for fish stocks that are vital to west coast fisheries and are generally viewed as positive measures. However, the Council is concerned about the marine habitat implications of salt disposal sites for desalinization plants, but has not had sufficient time to complete a thorough analysis of these proposals to see if additional language providing appropriate safeguards is needed. The Council believes that increased communication and coordination between state and Federal agencies regarding water management and its implications for salmon, particularly during the driest years, would be beneficial to the stocks and the communities that depend on them.

The proposed drought legislation is complex, extensive, and substantially different than drought legislation previously reviewed by the Council. The Council intends to further analyze the implications of these drought bills, and provide a more detailed response subsequent to its November 14-19 meeting in Garden Grove, California.

Thank you again for the opportunity to comment on this legislation; please don't hesitate to contact me or Ms. Jennifer Gilden of the Pacific Council office if you have any further questions.

Sincerely,



D. O. McIsaac, Ph.D.  
Executive Director

JDG:kma

Cc: The Honorable Senator Dianne Feinstein  
The Honorable Senator Barbara Boxer  
The Honorable Representative Bob Bishop, Chairman, House Committee on Natural Resource  
The Honorable Lisa Murkowski, Chairman, Senate Committee on Energy and Natural Resources  
Pacific Fishery Management Council Members  
PFMC Habitat Committee  
PFMC Salmon Advisory Subpanel