October 11, 2017

RE: Please Oppose H.R. 3144 and H.R. 3916

Dear Representative:

On behalf of the National Wildlife Federation and our nearly 6 million members and supporters, I write with concerns about H.R. 3144 and H.R. 3916 which will be heard before the House Natural Resources Committee this week. We strongly oppose H.R. 3144 and have serious concerns about H.R. 3916. Combined, these bills seriously undermine on-going efforts to restore wild salmon and other fish species and will frustrate rather than help federal, state and tribal management agencies.

H.R. 3144

The sad plight of salmon and other anadromous fish species in the Pacific Northwest is well-known and well understood. Since the four dams on the lower Snake River were completed in the 1970’s, wild fish stocks have plummeted and through the 1990’s, 13 salmon and steelhead runs were listed under the Endangered Species Act.

In 1994, the federal district court rejected the first biological opinion prepared under the Endangered Species Act on the impacts of dam operations on listed salmon runs. In 2003, the National Wildlife Federation, other conservation groups, the State of Oregon and the Nez Perce Tribe brought suit against the National Marine Fisheries Service and court opinion since then have found the Columbia River federal agencies – the Corps of Engineers, the Bonneville Power Administration and the National Oceanic and Atmospheric Administration (NOAA) - in more or less continual violation of the ESA. Most recently, in 2016, a new federal judge, Michael Simon, was appointed to the case after Judge James Redden retired. In his opinion, issued in May 2016, Judge Simon reviewed the entire history of federal river management and found the modifications in dam operations had totally failed to reverse the decline in fish populations much less recover threatened runs as the ESA mandates. With this finding, the judge ordered the agencies to examine every option for recovering fish, including dam removal and gave the agencies until 2021 to issue a new plan.

H.R. 3144 would override Judge Simon’s 2016 decision and lock in place until at least 2022 the inadequate and dangerous 2014 Columbia Basin Biological Opinion. Further, the bill would block court-ordered water releases (“spill”) that would aid imperiled juvenile fish in the near-term, and effectively prohibit the relevant agencies from studying increased spill or dam breaching.
One need only look at the recent returns of salmon and steelhead to realize the inadequacy of the 2014 Biological Opinion and the recovery strategy it established. Snake River sockeye salmon runs are less than one percent of peak historical abundance; just 45 fish survived to reach their spawning gravels in the Stanley Basin of central Idaho in 2015. This year, wild adult chinook counts at Lower Granite Dam were only a third of the ten-year average while steelhead returns were so low that the Idaho Department of Fish and Game closed the season for both hatchery and wild fish.

By reversing Judge Simon’s decisions H.R. 3144 would rob salmon and the people who depend upon them of much-needed immediate help, undermine core access to justice principles, and further threaten the precarious status of wild salmon and steelhead.

**H.R. 3916**

NWF also has questions and concerns about H.R. 3916 which would amend the Endangered Species Act to transfer management of numerous fish species from the National Marine Fisheries Service (NMFS) to the Fish and Wildlife Service (FWS). NMFS has longstanding expertise in managing both anadromous species (fish that spawn in fresh waters and migrate to ocean waters) and catadromous species (fish that spawn in ocean waters and migrate to fresh waters). The U.S. Fish and Wildlife Service does not currently have the expertise, history, or resources of NMFS to manage endangered anadromous and catadromous fish. This bill to transfer management of these endangered fish to the Fish and Wildlife Service could disrupt current protections for these species.

These bills undermine ongoing and much-needed protections for imperiled and iconic fish species that are vital to local economies, ecology, and culture on both our coasts. For these reasons and those outlined above, we urge you to oppose H.R. 3144 and to carefully consider our concerns on H.R. 3916.

Sincerely,

Joshua Saks
Legislative Director
National Wildlife Federation