Dear Chairman Lamborn and Ranking Member Huffman:

The Pacific Coast Federation of Fishermen’s Associations is the largest organization of commercial fishermen and women on the West Coast, representing the economic interests of the multi-billion dollar commercial salmon fishery and the tens of thousands of jobs that our industry supports from San Diego to SE Alaska.

We are writing for the record of the 12 October Subcommittee on Water, Power & Oceans Hearing on this bill to express our **STRONG OPPOSITION to H.R. 3144**. Written ostensibly to help promote salmon restoration efforts in the Federal Columbia River Power System (FCRPS), this bill would do just the opposite – it would set back salmon restoration efforts by several years, at a time these economically important salmon runs are facing two past years of major declines and pending federal fishery disaster declarations.

Among other serious flaws of H.R. 3144, this bill would:

- Force federal agencies to ignore all recent and future scientific information, and would legislatively “freeze” all future operations of the FCRPS through at least 30 September, 2022 (and potentially much longer, given the high likelihood of litigation), requiring operations instead to be based solely on an obsolete Biological Opinion (BiOp) dating all the way back to 2008. This 2008 BiOp and its later minor Supplements have already been thrown out of Federal Court as “arbitrary and
capricious” and “not based on the best available science.” Why on Earth would Congress want to mandate that future Columbia Basin salmon restoration efforts be based on obsolete science and an illegal Salmon Plan?

• The federal and other agencies are now well into a Court-ordered and years-overdue full FCRPS reassessment, including a full NEPA process that is intended to create better and more effective salmon restoration mitigations. Yet this bill dramatically interferes with the Court-ordered NEPA review and study process of the federal agencies as they seek to improve our scientific knowledge. Sec. 4 of the bill mandates:

“No structural modification, action, study, or engineering plan that restricts electrical generation at any Federal Columbia Power System hydroelectric dam, or that limits navigation on the Snake River ... shall proceed unless such proposal is specifically and expressly authorized by an Act of Congress enacted after the date of submission to Congress of a proposal for such modification, action, study, or engineering plan, respectively.”

• The FCRPS operations that would be frozen in place destroy salmon and salmon fishing jobs. The coastal economies of Oregon, Washington, Idaho, and Alaska are based in large part on healthy salmon runs originating in the Columbia River and its tributaries. Coastal economies support hundreds of thousands of hardworking families. Their jobs and way of life require smart policy upstream as well as on the ocean. H.R. 3144 would cause severe and lasting hardship to commercial and sport fishermen alike in excess of $350 million in lost economic value and public benefit.

This sweeping prohibition means that Congress itself would henceforth have to micro-manage the entire complex, multi-dam, multi-state FCRPS hydropower and transportation system, and would have to specifically approve each and every future NEPA study plan, engineering modification, scientific study or mitigation measure – even routine or emergency reconstruction or repairs of turbines, locks and spillways could not proceed without first obtaining full Congressional authorization! And this provision does not expire in 2020, but appears to be perpetual.

In short, H.R. 3144 is terrible public policy, and likely to create gridlock and multiple unintended consequences. We urge the Subcommittee on Water, Power & Oceans to reject H.R. 3144 as unworkable and counterproductive. Thank you for the opportunity to express our views.

Sincerely,

Noah Oppenheim
Executive Director

STEWARDS OF THE FISHERIES