June 18, 2018

Chairman John Barrasso  
Environment and Public Works Committee  
U.S. Senate  
410 Dirksen Senate Office Building  
Washington, DC 20510-6175

Ranking Member Tom Carper  
Environment and Public Works Committee  
U.S. Senate  
456 Dirksen Senate Office Building  
Washington, DC 20510-6175

RE: H.R. 3144 (To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time, and for other purposes)

Dear Chairman Barrasso and Ranking Member Carper:

We write to express concern with H.R. 3144 which was introduced by Rep. Cathy McMorris Rogers (R-WA), passed in the House in April, and referred to the Senate Committee on Environment and Public Works. The bill seeks to overturn science-based judicial decisions associated with recovery, and would likely imperil, several important Columbia River Basin anadromous fish populations. H.R. 3144 would also unduly suppress the evaluation of the full range of alternatives available to recovery these fish stocks based on the best available scientific information.

Thirteen stocks of ecologically, economically, recreationally, and ceremonially important Columbia and Snake River salmonids in the Columbia River Basin are either threatened or endangered under the Endangered Species Act. Current fish, water, and power management in the Columbia River Basin is guided by the Biological Opinion developed by NOAA Fisheries. This document specifies how actions of federal agencies in the Columbia Basin affect ESA-listed species and critical habitat as well as the extent of take allowed. It also sets forth reasonable and prudent measures to minimize the impacts from federal actions, and the terms and conditions with which a federal action agency must comply.

In 2016, the U.S. District Court for the District of Oregon invalidated the 2014 Biological Opinion, the most recent version, finding that the mitigation plan focused on habitat restoration
had not resulted in recovery of imperiled stocks and that a new approach, including examination of all available recovery alternatives, was necessary. The court ordered NOAA to develop appropriate mitigation measures to avoid jeopardy, produce a biological opinion that would comply with the ESA and the Administrative Procedures Act, and prepare an Environmental Impact Statement that complies with the National Environmental Policy Act.

H.R. 3144 would unduly suppress the evaluation of the full range of alternatives available for recovery of these fish stocks, legislatively overrule a judicial decision based on the best scientific information available, and circumvent the Endangered Species Act.

The Western Division of the American Fisheries Society (AFS) strenuously objects to H.R. 3144 as it seeks to overturn this court ruling. The bill would prohibit two actions that are key to recovering wild fish stocks to healthy numbers: new planning that would include a review of recovery alternatives for these species including dam removal and legislatively overrule the court injunction that would allow for the spilling of water at dams to aid fish migration beginning this year as an interim tool to aid these populations while a new Biological Opinion is developed.

The Western Division is the largest of four geographic subdivisions of the AFS within North America, representing a tremendous array of 3,500 fisheries professionals involved in all aspects of fisheries. The collective diversity and expertise of our members is the basis of an intimate and unparalleled familiarity with fisheries resources and issues within our geographic region.

Thank you for the opportunity to provide you with our position on H.R. 3144. We would be happy to speak further about this matter should you need additional information.

Sincerely,

Brian Missildine
President, Western Division
American Fisheries Society