



# THE OSPREY

A Newsletter Published by the Steelhead Committee  
Federation of Fly Fishers



Dedicated to the Preservation of Wild Steelhead • Issue No. 52 • SEPTEMBER 2005

## Expert Changes His Mind: Dams Should Come Down

by Rocky Barker

— Idaho Statesman, Boise Idaho —

*The subject of this article by reporter Rocky Barker, Don Chapman, is a long-time fisheries biologist who spent a substantial part of his career as a consultant for utilities and defending the Columbia River basin hydroelectric industry. On August 9, 2005, this article appeared in the Idaho Statesman, surprising many long-time fish advocates. We bring it to readers of The Osprey in its entirety. (The Idaho Statesman Copyright. All rights reserved. Printed with permission.)*

**F**or 25 years, biologist Don Chapman has defended the hydroelectric industry's technological fish bypass systems as adequate to prevent salmon from going extinct. Chapman, a well-respected fisheries biologist and long-time consultant for electric utilities, now says the warming of the Columbia River and its tributaries and potential ocean changes from global warming call for drastic action if Idaho's salmon are to survive or flourish. Chapman says removing four dams will reduce the cumulative

effects on salmon so they can survive the increasingly hazardous migration route.

"Regional warming makes breaching imperative," Chapman, 74, said in an interview at his McCall home.

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*Fisheries biologist  
Don Chapman says  
impacts of global  
warming on the  
region call for drastic  
action if Idaho's  
salmon are to survive.*

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Chapman, called the "guru" of salmon science in the Pacific Northwest, wants to breach the four lower Snake dams in Washington.

Those dams produce less than 5 percent of the region's federal power — enough to meet Seattle's needs — and allow barge shipping of grain and other goods from Lewiston to Portland.

Breaching the dams is necessary, he said, because many residents value salmon and want the fish to survive in harvestable numbers. Salmon represent the region's wild heart and provide food and spiritual sustenance for Native Americans and a fishing industry worth hundreds of millions of dollars.

Six years ago, Chapman led a minority that opposed breaching dams in the face of an overwhelming majority of members of the Idaho Section of the American Fisheries Society that said breaching the dams was necessary for restoring salmon.

Earlier this year, Chapman filed a declaration on behalf of public power companies challenging salmon advocates' plan to spill water over the dams to help the salmon migration. So

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## FROM THE PERCH — EDITOR'S MESSAGE

# Truth and Science

by Jim Yuskavitch

Science is a cornerstone of great and powerful countries, and democracies in particular. Science not only satisfies our curiosity about how the world around us works, but also seeks to harness the resources and tools of that world to make life better for ourselves and for future generations. It provides the information we need to make wise decisions about how we do things, and gives us the technical capabilities to attain our goals as a society. At its most fundamental level, science is the search for pure knowledge, free of the biases of particular religious beliefs or political ideologies. It is, ultimately, the search for truth.

We seem to be living in a time when truth, at least as applied to science, is often regarded as a liability, discomfoting those with predetermined beliefs or interfering with plans that conflict with the facts.

This is no surprise to fish advocates who have battled bad science or no science for years in their quest to save steelhead, salmon and other at-risk species of fish. What has changed is that now anti-science seems to have become institutionalized.

Witness recent news reports suggesting that scientists at a number of federal agencies, most notably at the U.S. Fish and Wildlife Service and NOAA Fisheries, where science staff have complained of their work being modified and even suppressed when their results did not conform to the needs of political and development interests. Perhaps the most well-known example of this was the doctoring of an Environmental Protection Agency report on global warming by a high level employee with former energy industry ties.

In the spirit of truth and science, this issue of *The Osprey* brings you stories of attempts to suppress science by politics, and, after many years, revealing the truth.

In our cover story, former energy industry consultant Don Chapman has come forward in his retirement years to say that to save wild Snake River steelhead and salmon, the four Snake River dams must be breached, after all.

But two disturbing stories also lie within the pages of this issue. One details a political attempt to de-fund an important program that collects and disseminates critical data about anadromous fish runs on the Columbia and Snake Rivers, and another looks at an attempt to 'reform' the venerable and effective Endangered Species Act, first passed in 1973.

Although this anti-science trend is alarming, in the end, truth always rises to the top. "My view, although it may be naive," says Michele DeHart, manager of the Fish Passage Center that is targeted by politicians for elimination, "is that if you want to resolve issues, you need to deal with the truth."

That isn't a naive view at all. It's the truth.



**Will the scientific work of these and other fisheries researchers be ignored in favor of expedient, ideologically-based solutions to conservation issues?**

**Photo by Jim Yuskavitch**

## THE OSPREY



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The Federation of Fly Fishers (FFF) supports conservation of all fish in all waters.

FFF has a long standing commitment to solving fisheries problems at the grass roots. By charter and inclination, FFF is organized from the bottom up; each of its 360+ clubs, all over North America and the world, is a unique and self-directed group. The grass roots focus reflects the reality that most fisheries solutions must come at that local level.





## Fishing and Reflecting on the North Umpqua River with Frank Moore

by Bill Redman

— Steelhead Committee —

**O**n the North Umpqua River of Oregon and among steelhead fly fishers almost anywhere, Frank and Jeanne Moore are living legends. In late August of this year, my wife and I had the unique and thoroughly enjoyable opportunity to spend an afternoon, evening and morning with Frank and Jeanne at their home above this surpassingly beautiful and famed River.

They were the original owners and operators of Steamboat Inn, from the early 1950's into the 1970's. The legend began there with their welcoming and gracious hospitality. We felt at home immediately when we arrived at their place. They are encouraging, upbeat, fun, and unpretentious people, thankful every day for what they are still able to do, which is a lot.

By the mid-1960's, I had heard of the legend, which grew in substantial part based on Franks' on-stream abilities, especially wading and casting. So 40 years later, he and I went fishing. As he now approaches age 83, an age at which most steelhead anglers have retreated to smaller waters and fish, he still fishes, and exceptionally well. He was quite happy to coach me on my casting.

Fishing the North Umpqua requires negotiating steep banks to and from the River and wading a bottom composed of large, irregular, and slippery rocks, including a goodly amount of bed rock. Frank keeps his folding wading staff in a holster on his belt. While my staff was clattering among the rocks, constantly in use, his never left the holster.

After I fished through every piece of water first at his insistence, he would fish. His casts, some of them over 100 feet, seemed almost entirely effortless. We fished about seven of his favorite runs, all beautiful water, in an evening and a morning. We had no strikes, but that's steelheading.

But the fishing doesn't end it. Frank has an inquiring mind, and he is a voracious reader and keen observer of the natural world. It didn't take him long to figure out that good fishing requires taking care of the fish and their habitat.

He was ahead of his time in noticing after the first few years of hatchery plants in the North Umpqua that the hatchery steelhead are inferior to their wild counterparts, not as explosive on the business end of a fly

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*Frank was ahead of his time in noticing that hatchery plants in the North Umpqua were inferior to their wild counterparts.*

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line and in other ways. That meant the future has to be based on the wild fish, which means habitat protection. Frank's conclusion: anglers should harvest hatchery steelhead; get them out of the River to keep them from interbreeding and competing with wild fish.

And he did something about habitat protection, as he explained in the following words, which are his own.

"The heavy logging in our area started in the mid 50's, with some terrible road building and logging practices, with no thoughts for the fishery or other values. It was interesting to note that in most of the smaller spawning tributaries, that one year after major logging along them, the warmer waters allowed the dace, shiners and other trash fish to proliferate, and all but eliminating most of the Salmonids.

"Two great advertising executives, Hal Riney and Dick Snyder, stopped by the Inn on the way to do some filming in British Columbia, Canada. I took them out and showed them what was happening to the streams, fish, and the environment, as a result of the terrible road building and logging practices by the Bureau of Land Management and the Forest Service, as well as the timber industry. I had collected daily water temperatures and other data from every major stream and their tributaries in this entire area for several years.

"Hal and Dick cancelled their BC trip, went back to California, and returned a few days later with a huge amount of film, underwater cameras, regular movie cameras, etc., and proceeded to spend several days filming what had been and was occurring in the area. They then returned to California, where Hal wrote the script and had a famous voice do the narrative, winding up with the award winning, high impact film 'Pass Creek.'

"I then made arrangements to show the finished product to government agencies, clubs, and all kind of groups all over the country, including the halls of Congress, putting a lot of hours on my wonderful Piper Comanche plane. That was the beginning of a change in National as well as State and private logging practices. However, even in recent years many land managers have gone beyond what is good for the fisheries resource."

I first saw "Pass Creek" when Frank showed it at the Federation of Fly Fishers Conclave in Jackson Hole in the late 1960's. The views of large logs being dragged through tributary streams made an indelible impression on me, and obviously many others.

Frank also has opposed for years the presence and operation of Soda Springs Dam just upstream from the prime 31 mile fly fishing

## Don Chapman, Continued from page 1

when the man whose opinion that business and political leaders have rested their cases on for current salmon programs calls for a major reassessment, people listen.

"When Don says it, you kind of stand up and take notice," said Chuck Peven, fisheries program manager for the Chelan Public Utilities District in Washington, which operates dams on the Columbia. "He's only an advocate for the best science."

But Peven and other biologists who work in the utility industry aren't ready to accept Chapman's argument.

"It's a nice story, but there are a lot of linkages here that need to be examined thoroughly," said Al Georgi, a fisheries consultant who took over Chapman's business when he retired seven years ago.

"He's the guru of salmon resource science here in the Pacific Northwest and people must pay attention to what he has to say," Georgi said.

Robert Lohn, Northwest Regional Director of the National Marine Fisheries Service, is intrigued by Chapman's shift.

"I have a great deal of respect for him as a biologist and I would be interested in understanding his reasoning," Lohn said.

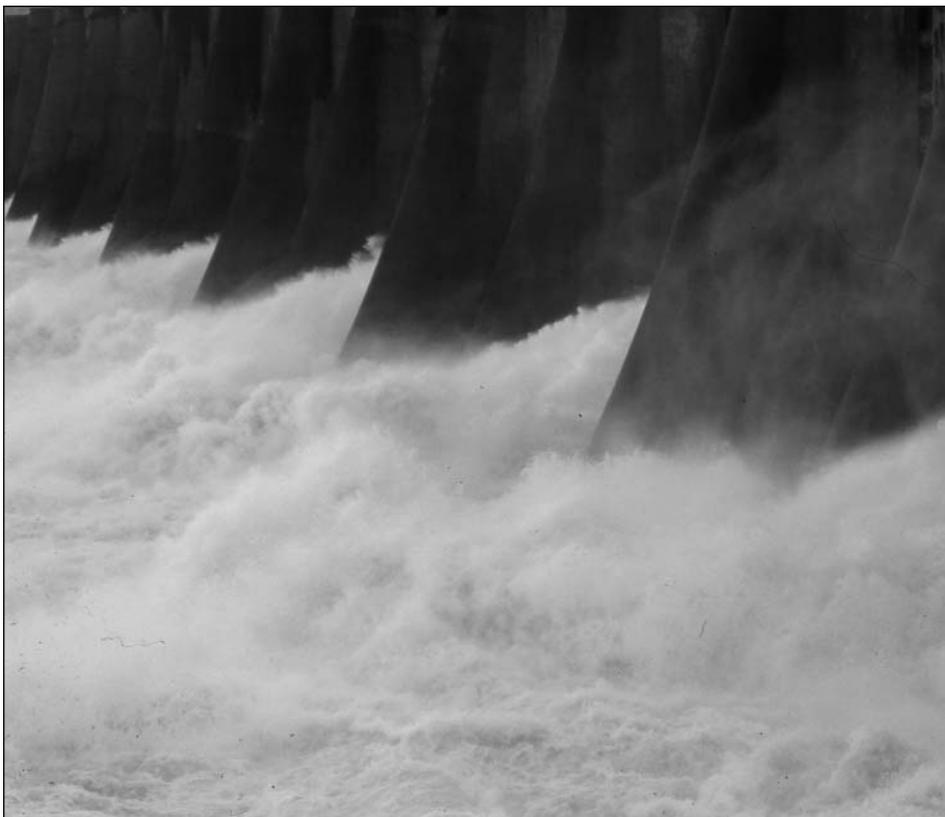
Chapman said his current position is not just based on science but also politics.

"After 50 years in fisheries, I take that privilege," he said.

Chapman said the Bush administration's decision that the dams don't jeopardize the survival of salmon because they were there at the time the fish were listed under the Endangered Species Act "is so contrary to logic and common sense that I feel offended."

## Warming is at the heart of his argument

Data shows the temperature of the Columbia River at Bonneville Dam has increased 1.5 degrees centigrade since 1938. Higher temperatures in the river increase stress, predation and disease, especially in fall chinook that migrate during summer.



Dams are the primary culprit affecting the survival of wild salmon and steelhead throughout the Columbia and Snake river country. Photograph by Jim Yuskavitch.

Sockeye are migrating earlier to avoid the warm water, steelhead split their migration to avoid the warm river.

Also, spring chinook and steelhead will be losing habitat in tributaries that are warming, Chapman predicted, forcing them to move upstream. Finally, some scientists are worried about the collapse of productivity of the North Pacific ecosystem where salmon spend much of their lives.

"With warming, we are going to have to give salmon and steelhead in Idaho every break possible if they are to survive," Chapman said.

The other trigger to his new view was U.S. District Judge James Redden's May decision to strike down the Bush administration's plan for protecting salmon from federal dams. Redden ordered federal dam operators to spill water over the dams at a cost of \$67 million this summer alone. The loss of that hydropower revenue and perhaps even more in the spring, "reduces the hydropower benefit of

the lower Snake dams," Chapman said.

Chapman said Redden was wrong to order the spill, which reduced the number of salmon barged, and forced more to survive the warmer river this summer. Barging fish only benefits salmon in the driest years and not consistently," he said.

Over the long run, dam breaching will be cheaper than making investments in barging, fish bypass facilities and new technologies like removable spillway weirs, Chapman said. Many hatcheries also can be closed once the dams are gone.

## Don't switch to fossil fuels

But before the dams should be breached, he said, railroads should be built to replace barge shipping to reduce the use of fossil fuels.

He advocates the building of nuclear power plants and not natural

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gas or coal plants to offset the lost electric power generation capacity. This would be necessary, he said, because the region continues to grow rapidly.

Advocates of breaching cannot responsibly propose fossil-fuel substitution for lost hydropower," Chapman said. "I especially aim that comment at fish biologists, who are trained in holistic ecology."

Chapman's opinion doesn't sway Owen Squires, director of the Rocky Mountain Region for Pulp and Paperworkers Resource Council, who is active in the Lewiston-based group Save our Dams.

"Breaching those dams is a radical, one-way step," Squires said. "Once we do it, we can't reverse it."

But he agrees with Chapman on nuclear power and fossil fuels.

"If we had four nukes in the desert cranking out that power, part of the argument would be mute," Squires said. "But the same people who want us to breach the dams are the same people who want us to burn natural gas but don't want us to drill for more gas."

Even with breaching, salmon harvest will have to be strictly limited, Chapman said. He advocates a cooperative fishery that allows tribal members to catch hatchery salmon as they return to Bonneville Dam. That would eliminate losses of endangered wild salmon caught in the nets of fishermen targeting more abundant species.

### Less water would be needed from Idaho

One group that would benefit from breaching is southern Idaho's water users, Chapman said. They currently send 427,000 acre-feet of water from southern Idaho reservoirs down the Snake River to aid salmon migration. Less, not more water, would be needed if the four dams were breached, he said.

However, Chapman would like to see some of the water used to irrigate the benches and lands now covered by the reservoirs behind the four dams. The irrigation would be used to anchor the silt with vegetation to

reduce the amount that would be carried downriver.

He would keep those lands in federal ownership as wildlife areas.

John Rosholt, a Twin Falls attorney who represents the major canal companies serving southern Idaho, is a long-time friend of Chapman's who often has called on his consulting services for his clients.

"With Don Chapman now taking this position, certainly, all people concerned with the issue should re-examine the premises on which he's basing it," Rosholt said.

### Why Chapman's opinion is significant

- **Resume.** He is one of the most senior, respected fisheries biologists in the Pacific Northwest. He taught a generation of fisheries biologists at the University of Idaho their trade before becoming a consultant for electric utilities and others.
- **Past position:** Chapman was among the most prominent opponents to breaching the four lower Snake dams

in Washington and one of the strongest supporters for the current fish bypass and collection systems at the dams.

### Why breaching dams is under discussion now

U.S. District Judge James Redden struck down the Bush administration's plan for salmon and dams that ruled out breaching the four dams in Washington. Many scientists say the only way to preserve salmon is to breach some of the dams on the Columbia and Snake rivers.

As Chapman pointed out, Redden's order to spill water over the dams to aid salmon reduced the revenue from the dams by \$67 million this summer alone. He could order even more costly measures to aid salmon migration next spring, which would make dam breaching more attractive economically as a way to preserve the rest of the federal hydroelectric system in the Columbia Basin.



A variety of technical fixes, such as this passage facility at the John Day Dam on the Columbia River, have been unsuccessfully applied over the years to increase the survival of downstream migrating salmon and steelhead smolts .

Photograph by Jim Yuskavitch

# The Saga of Snake River Basin Steelhead and Salmon

by Bert Bowler  
— Idaho Rivers United —

Idaho continues to be a battleground in the war to save wild steelhead and salmon, which, each year, must run the gauntlet of eight Snake and Columbia river dams. In the following article, Bert Bowler, native fisheries director for Idaho Rivers United, gives us an update on what's going on in his part of the steelhead and salmon's world.

He may be reached at [bbowler@idahorivers.org](mailto:bbowler@idahorivers.org).

## Snake River basin, a habitat stronghold

Currently the Snake River drainage supports about 70 percent of the remaining habitat left in the entire Columbia River basin for tributary spawning for spring/summer Chinook salmon and summer steelhead. This is primarily due to the large amounts of high quality habitat in wilderness and roadless areas within the Snake River drainage that do not exist in other parts of the Columbia basin. Tributary drainages like the Clearwater and Salmon rivers in Idaho, the Grande Ronde in Oregon and Washington, the Imnaha in Oregon and the Tucannon in Washington provide adequate habitat to recover the species and remove them from the endangered species list. With the exception of Dworshak Dam on the North Fork of the Clearwater River and the dam at the outlet of Wallowa Lake in Oregon, there are no manmade dams remaining on these drainages.

## Something about the Snake River and its steelhead and salmon

◆ The Snake River is the largest tributary of the Columbia River.



Only six Snake River sockeye salmon returned to Redfish Lake in Idaho's Sawtooth Mountains to spawn in 2005. Photograph by Jim Yuskavitch.

◆ Historically, the Snake supported half of the spring and summer Chinook and summer steelhead production in the entire Columbia River system.

◆ When the Lewis and Clark expedition came through Idaho 200 years ago, 1.5 million spring/summer Chinook were using the Snake drainage. Since the mid 1990s, those numbers have ranged from 2,000 to 38,000 wild salmon. This year it may be in the 10,000 range.

◆ The Salmon River alone contributed 39 percent of the spring Chinook and 45 percent of the summer Chinook that were produced in the entire Columbia Basin. This high-quality habitat helped the salmon hone the adaptations that maximized

their survival within a watershed.

◆ Snake River fall Chinook that spawned in the mainstem Snake up to Shoshone Falls had a unique life history only found in the Snake. Because of favorable, warmer, water temperatures from Thousand Springs, the juveniles grew quickly and migrated as subyearlings [their first year] to the ocean during the spring migration period. The current migration pattern for wild Snake River fall Chinook is to migrate during the summer, similar to their Columbia River cousins. This is another example of salmon making adaptations that maximized their survival within a watershed.

◆ Many of the central Idaho batholith streams are nutrient starved. The

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decomposing salmon carcasses from the saltwater historically brought huge amounts of ocean nutrients [nitrogen and phosphorus compounds] that fueled both aquatic and terrestrial ecosystems including tree growth.

◆ Idaho's Snake River spring/summer Chinook, steelhead and sockeye migrate inland from 500 miles at Lewiston to 900 miles in the upper Salmon River basin, ascending up to 7,000 feet. No other salmon populations in the world migrate this far and at this elevation.

◆ Spring and summer Chinook have an exceptional amount of body energy in the form of oil and fat reserves that allows them to migrate these long distances while not feeding.

◆ Because of their body condition, they were revered by the Native Americans as an essential food source, as well as by the Columbia River commercial fishermen who capitalized on the price. In the fish markets, Snake River spring/summer Chinook brought three to five times the value of their lower river cousins.

### **Why fish advocates are so passionate about Columbia and Snake River wild salmon and steelhead**

The fight to protect and save Columbia and Snake River basin salmon and steelhead has been going on since the first of the federal dams began going up in the 1930s.

Why is there such passion among fish advocates for these fish? It's much more than just their commodity or ecological values. Their remarkable history of development, adaptation and survival over the ages, is a story of perseverance against the odds. This has resulted in a species that has a tremendous impact on the world of nature and humans. Here is just a sampling from their saga of survival, taken from Jim Lichatowich's landmark book "Salmon Without Rivers - A History of the Pacific Salmon Crisis" (Island

Press, 1999), that motivates fish advocates to save this magnificent piece of our natural heritage.

◆ The current fossil record suggests Pacific salmon emerged 10 to 15 million years ago.

◆ These early members of the salmon family survived millions of years of cataclysmic disruption including mountain building, volcanism, river down-cutting, landslides and impassable waterfalls — to name a few.

◆ Mountain building resulted in continuous habitat destruction and cre-

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## *Why is there such passion for these fish? It's more than just their commodity or ecological value.*

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ation. Individual populations become extinct when cut off from habitat - requiring re-colonization and the process of adaptation. Local extinction balanced by re-colonization on an evolutionary time scale has been an important survival mechanism for Pacific salmon.

◆ Genetic analysis of Pacific salmon suggests that modern salmon evolved from three lines about two million years ago, which is coincident with the current watershed patterns in the Northwest.

◆ Those 3 lines are 1) rainbow trout [steelhead], coho and chinook salmon 2) sockeye salmon 3) pink and chum salmon.

◆ There have been more than 10 million years of evolutionary development through which modern salmon have appeared.

◆ As recently as 18,000 years ago — the end of the Wisconsin ice age —

salmon were having to continue to adapt. At this time ice sheets advanced and retreated many times, plugging areas like the Clark Fork River that formed ancient Lake Missoula.

◆ Lake Missoula flooded 40 times between 15,000 and 13,000 years ago — about every 55 years. During those floods, the erosive power of water mixed with ice and boulders, created the channeled scablands of southeastern Washington, stretching from Spokane to the Tri Cities, and carved the Columbia River Gorge. The floods also created Celilo Falls, inundated with the construction of The Dalles Dam on the lower Columbia. It has been estimated that the mouth of the Snake River was covered by 1,000 ft of water during these floods. Salmon likely sought refuge in the Snake River during this turbulent time

◆ A period of rapid warming began about 14,000 years ago followed by a cooling period about 4,000 years ago that created the landscape we see today, enabling forests to grow.

◆ The salmon that survived the last Ice Age in the refugia of the Columbia River Basin re-populated from Alaska to California.

◆ The landscape of the Northwest and its salmon have undergone considerable change over the last several million years. About 3,000 to 5,000 years ago, changing habitat and evolving salmon converged into ecological harmony that produced one of the natural wonders of the world.

◆ To achieve harmony, the salmon had to survive a rough trip through evolutionary time, adapting to a landscape with high levels of spatial and temporal diversity. Not only did the landscape change through time but at any particular period it was composed of a patchwork of diverse geologic, climatic and biotic conditions.

◆ Pacific salmon were honing their skills that maximized survival within a watershed. Pink and chum salmon were adapting their life history

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strategies to spawn in the lower reaches of the mainstems and larger tributaries. Coho salmon utilized smaller headwater tributaries. Spring Chinook salmon were spawning in the cooler headwater tributaries. Summer and fall Chinook salmon made use of the mainstem and larger tributaries lower down in the drainages. Sockeye salmon adapted to the lakes, including Redfish and Payette lakes in Idaho and Wallowa Lake in Oregon.

◆ The diversity in the salmon's life history is fundamental to their legacy of survival and evolution through geologic and climatic events.

◆ Life history diversity is a salmon's response to not putting all of one's eggs in the same basket. Our current management and restoration programs have actually contributed to the loss of that most important life history — diversity.

### Current status of Snake River stocks

Numbers of wild Chinook salmon returning to Idaho and the Snake River basin continued to decline in 2005, sparking concern among biologists that wild Snake River stocks are back on a trajectory toward extinction that sparked Endangered Species Act listings in the early 1990s.

Returns of Snake River sockeye salmon were also dismal this year, with only six of the iconic fish returning to Redfish Lake near Stanley by the end of the traditional migration period in August.

The federal government's failed 2004 salmon plan was based largely on the improved run size of the Snake River wild salmon in 2001, returns that the federal government expected to continue.

In 2001, returns of Snake River wild spring and summer Chinook — the bread and butter fish of sport fishing potential in Idaho —

peaked at 45,000 fish. Their numbers have been declining steadily since then. This year, an estimated 10,000 wild Chinook returned to the basin.

In addition, "jack" salmon numbers counted at Lower Granite Dam this year came in at about 40 percent of the 10-year average, which indicates the adult run of salmon in 2006 will be in further jeopardy. Jack salmon — those that have resided in the ocean for only one year — are an indicator of the strength of the following year's adult run size.



About 70 percent of the remaining salmon and steelhead spawning and rearing habitat within the Columbia River basin can be found in the Snake River drainage. Photograph by Jim Yuskavitch.

What's really disturbing about this picture is that the parental run in 2001 should have produced another large return in 2005 if salmon populations were going to stabilize as the federal government projected.

The current population trends could take us back to return levels of the mid 1990s, when wild Snake River spring and summer Chinook were definitely on a path to extinction.

The six sockeye salmon that returned to Stanley Basin this year were among only 10 that crossed Lower Granite Dam, the last dam on the Snake River before it enters Idaho. According to the Idaho Department of Fish and Game, the survival for this year's sockeye run is only 0.02 percent so far — a long way from the 0.8 percent that occurred

during the 1950s.

Salmon returns are being influenced by downturns in the Pacific Ocean, as well as by obstacles in the Snake and Columbia river migration corridor. When ocean productivity declines, salmon need all the survival advantage they can get in their freshwater environment. The largest obstacles that affect Snake River salmon survival are the eight dams between Lewiston, Idaho and Portland, Oregon. The 2004 federal salmon plan refused to recognize the dams as a significant source of mortality under the Endangered Species Act, and was ruled illegal by James Redden, a federal judge in Portland, Oregon in May of 2005.

Most fishery biologists agree that the freshwater survival of Snake River salmon is strongly influenced by the cumulative stress of having to migrate to the ocean through the four dams and reservoirs on the lower Snake River. Spring Chinook salmon populations migrating to the ocean in the lower Columbia River that encounter four or fewer dams survive at higher rates than the Snake River populations that pass eight

dams.

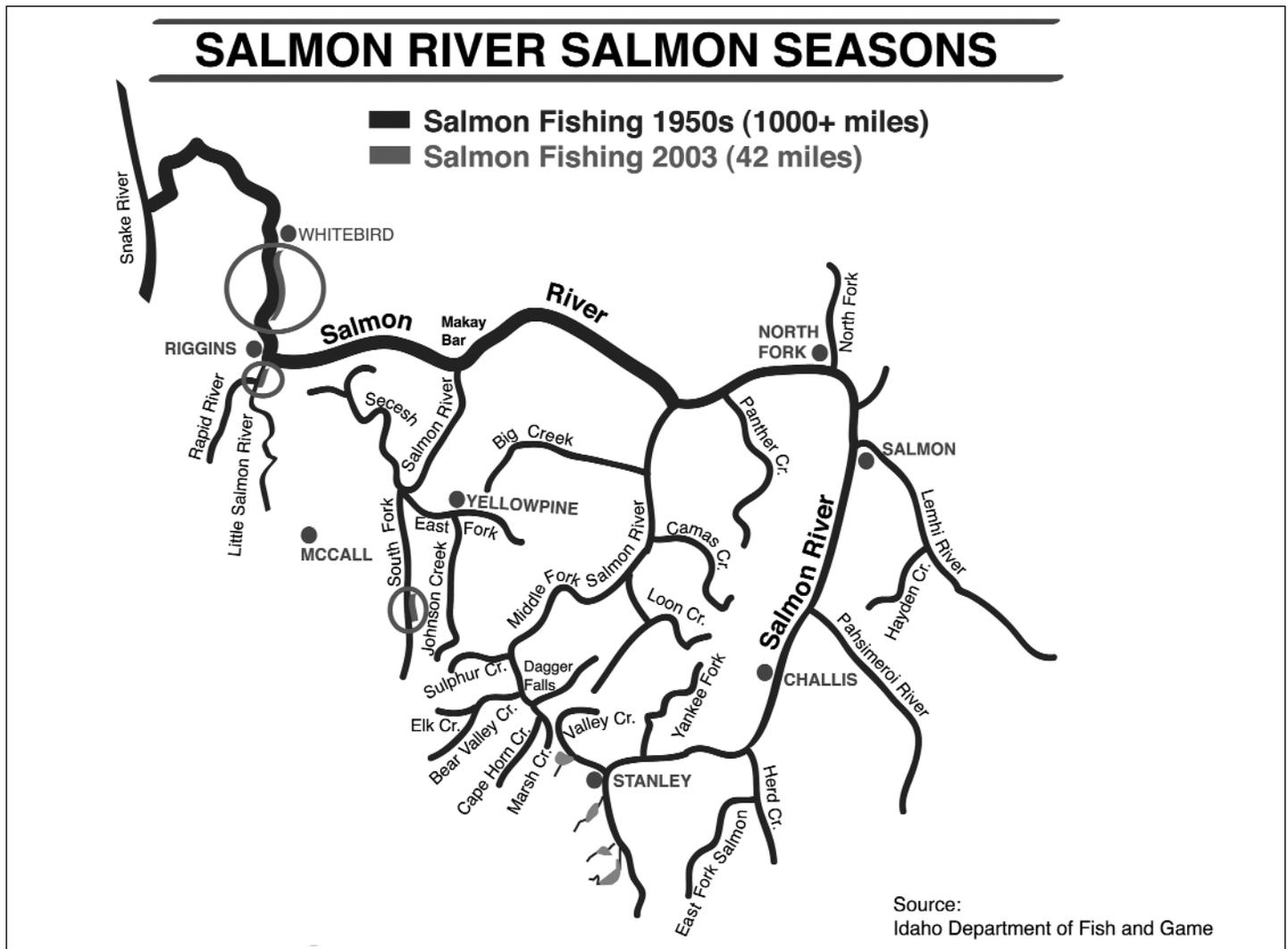
Returns of hatchery-produced fish to Idaho have also been in sharp decline since the peak of 2001, affecting commercial and sport fisheries from Salmon, Riggins and Orofino in Idaho to the Oregon coast.

In 2005, Idaho salmon fishing seasons were cut short by the poor returns.

### How much a restored Idaho salmon and steelhead fishery is worth

A restored salmon and steelhead fishery in Idaho could benefit the states' economy by more than \$544 million, according to a study released in February 2005 by Boise economist

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Dr. Don Reading. Much of the new-found wealth would go to the upper Salmon River communities of Salmon, Challis and Stanley, where there hasn't been a salmon season since 1978.

Anglers rekindled their appetite for salmon fishing in the late 1990s when improved ocean conditions increased hatchery populations enough to allow a fishing season again. The Clearwater, Little Salmon and the South Fork Salmon rivers supported most of the fishing effort from 1997 to 2004.

During Idaho's 2003 salmon season, only 42 miles of river were open to fishing in the entire Salmon River drainage. In the 1950s over 1,000 miles were accessible to anglers. A restored fishery in the mainstem Salmon, South Fork Salmon, Middle Fork Salmon, North

Fork Salmon, Lemhi, Pahsimeroi and East Fork of the Salmon would bring millions of additional dollars into the communities of Salmon, Challis and Stanley.

Why is only a small amount of the Salmon River currently open to salmon fishing? Wild populations have declined to very low numbers, resulting in their listing under the Endangered Species Act. Hatchery salmon are the only ones that can be caught and kept – wild salmon must be released. Since wild and hatchery fish mix together in the river, there can be fishing impacts on the wild fish, especially when they are low in numbers.

Early in 2005, there was optimism that a salmon season could be opened in the upper Salmon River in the Salmon and Stanley areas, but due to the low numbers of fish returning to the Snake River, it looked like a sea-

son was not possible, much to the chagrin of the residents of Salmon, Challis and Stanley.

But by June, summer Chinook destined for the Pahsimeroi Hatchery were abundant enough to allow the Idaho Department of Fish and Game to open the first salmon fishery in the upper Salmon River since 1978. Although the fishery was only in a 19-mile reach of river for a one-month period, anglers participated in 2,300 trips, catching 256 summer Chinook salmon. Overall, salmon anglers were very appreciative to regain some of the lost opportunity that was an Idaho tradition.

If we lose the battle to save Columbia and Snake River wild salmon and steelhead, their saga of survival will disappear along with the very real benefits they provide us.



# Where to from Here?

## Sacramento River Steelhead Protection

by Norm Ploss

— Northern California Council Federation of Fly Fishers —

*Norm Ploss is a Director of the Northern California Council Federation of Fly Fishers and Chair of its Wild Steelhead Committee, a member of the FFF Steelhead Committee and The Osprey Editorial Committee.*

*He may be reached at NDeanPloss@aol.com*

**A** wild steelhead enters the Golden Gate of San Francisco Bay and heads for the Sacramento River. Generations-long homing instincts take this fish some 50 miles into the Bay Delta before making a left turn and heading north into the Sacramento drainage. This fish has numerous choices to make. It can turn up the American or Feather rivers, head up some of the smaller but significant creeks, continue up the main stem Sacramento to Battle Creek or try to find some gravel in the main stem. One choice it doesn't have is to reach most of its historic range. Hundreds of miles have been blocked for decades by daunting barriers including the plumbing and dam system that waters California's population and Central Valley Agriculture.

If this fish were the truly magical creature some of us believe it to be, a stop in Sacramento at the Headquarters of California Department of Fish & Game and at the Resources Agency would be on the travel agenda. Our fish would swim right into the offices of the Director and Secretary and have a talk.

During 2004 and 2005 NOAA Fisheries has conducted a review of the listing status under the Federal Endangered Species Act for steelhead and salmon on the west coast. Its draft review indicated essentially no change in current listing status. Our Sacramento fish is currently listed as "Threatened" with extinction and ten-

tatively to be continued listed as such.

But on November 12, 2004 when our fish may have been in the lower Sacramento River, the Director of California's Department of Fish & Game (CDF&G) sent a letter to NOAA Fisheries recommending "de-listing" of our migratory friend and all its

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### *California political appointees and Governor Arnold Schwarzenegger retreat on steelhead protection.*

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Sacramento River relatives. In a voodoo mix of science and politics, the letter argues that fish numbers above Shasta Dam are numerous — or DF&G thinks they are numerous — and because, as the letter argues, resident rainbows and sea-run steelhead are the same, the Sacramento River portion of the Central Valley Evolutionarily Significant Unit should have its steelhead removed from listing status. Although not part of the discussion here, the Director of California Fish & Game's letter also supported protections for winter run Chinook and for coho salmon.

Scientists and wild steelhead activists have long opined: the inclusion of resident rainbow trout in the Evolutionarily Significant Unit (ESU) would create such an abundance of individuals that ESA listing status is no longer warranted. Science tells us there is likely some minimal overlap between rainbows and steelhead where they co-exist. The body of

knowledge on the biology of wild steelhead is too complex to make them wholly and totally the same as resident rainbows.

Our Sacramento drainage bound wild steelhead is not likely to make the stop at the CDF&G Director's office, but on many of his potential choices of places to mate and spawn, the fish will find fishermen and women in pursuit with all forms of sport angling technique [lures, bait, flies, drift boats, jet sleds etc]. Today there are year round sport fisheries for wild and hatchery origin resident rainbow, salmon, and steelhead. On every major tributary to the Sacramento River drainage, hundreds of miles of historical range are cut off. Despite all the channelization, blockage, human development, and angler pursuit, our wild steelhead has found a secret niche to continue to survive. Some even believe that the hardest amongst the species are those that are left.

The CDF&G letter contains some badly misconstrued concepts of recovery science, illogical conclusions, and spurious reasoning. In short, it does not stand up to scientific scrutiny.

This so disturbed one steelhead advocate that over the months since the letter was written, direct meetings with the Director, later with the California Resources Agency Secretary, and a direct approach to Governor Arnold Schwarzenegger were conducted. The Northern California Council of the Federation of Fly Fishers (NCCFF) orchestrated the action with direct participation by Trout Unlimited and California Trout. The result was predictable — a hardening of the opinion of the political leadership that Sacramento wild steelhead should be de-listed. A brisk look at the numbers doesn't get any-

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one to this opinion. One and a half million or more steelhead existed in the middle 1800's, and now, for the entire Central Valley ESU, including the Sacramento, perhaps 40,000.

Why has CDF&G taken this new tack, a radical departure from past support for ESA protection for Central Valley steelhead? It could be due to local concerns (loss of resident rainbow trout fisheries) or politics of a much higher level. The Schwarzenegger administration may be lining up behind congressional conservatives in efforts to weaken ESA protections for wild salmon and steelhead. California is looking for about 40 percent more water to serve a population careening towards 50,000,000. Whatever the reason, the CDF&G delisting recommendation is clearly a setback for advancing the role of science in ESA decision-making. It has all the earmarks of a shallow attempt to find scientific justification for a pre-conceived objective. This is a cause for grave concern for all of us on both sides of the rainbow trout/steelhead debate and recovery of wild steelhead fisheries.

In his "Chairs Corner" Column of the September 2004 issue of *The Osprey*, Bill Redman made a statement born out by the letter from CDF&G: "The contention that the sea-run and resident forms are the same fish has already been used as partial basis (along with the claim that hatchery and wild fish are the same) for two law suits seeking delisting of ESA listed steelhead. As covered in the May 2003 issue of *The Osprey*, Central Valley California irrigators sued for delisting of Central Valley California steelhead. The judge ruled that the threatened listing should stay in place based on the uncertain science regarding the sea-run/resident relationship. A copycat suit seeking delisting of Lower Columbia, Middle Columbia, and Upper Willamette steelhead is in process. *But if this policy change is finalized by NOAA and validated as consistent with the ESA, all bets are off on steelhead ESA listings.*"

Long before the CDF&G sent its letter to NOAA fisheries, the Northern California Council Federation of Fly Fishers [NCCFFF]

forwarded ESU review comments. Perhaps as an accidental reading of Tarot cards, we're set for battle to save wild fish in clear contrast to the political leadership of the Public Resource Agency in California we should be able to rely upon. Reacting, as usual, to the actions of others. It's beyond the time we should clearly state what we stand for and proceed to get it proactively. Time for a new [or at the very least well stated] vision.

## The Vision

Vigorous support to save and restore wild anadromous steelhead runs throughout their historic range in California waters. With much of this range blocked by daunting barriers, in-stream flows reduced, and watersheds damaged, recognize and understand the difficulty of this task. Promote the significant cultural, historic, scientific, and economic values wild steelhead provide.

## Goals

- ◆ NOAA Fisheries (NMFS) should retain the ESA listing status of wild steelhead and Pacific salmon in their ESU's regardless of the presence of substantial numbers of their hatchery counterparts.
- ◆ Retain the ESA listing status of wild steelhead ESU's separately and regardless of the presence of wild or hatchery resident rainbow trout.
- ◆ Support the ESA to protect habitat necessary to sustain and rebuild wild steelhead populations.
- ◆ Support designation of critical habitat for wild steelhead. Such designations should include habitat above man-made barriers within the historic range of wild steelhead if providing access to that habitat would provide a substantial benefit.
- ◆ Use the best available science for ESA decision-making, and application of the precautionary principle embodied in the ESA to ensure that wild steelhead populations are protected in the face of scientific uncertainty.

- ◆ Develop and fund recovery plans for all ESA listed steelhead populations.

- ◆ Utilize scientifically supported restrictions on wild steelhead harvest necessary to rebuild populations listed under the ESA.

- ◆ Fund NOAA Fisheries to enable it to fully execute its responsibilities under the Endangered Species Act.

Asking well paid political appointees to reverse themselves did not succeed. Perhaps it had to be done directly and face to face. The activity certainly set up an unofficial but very active strategic partnership among NCCFFF, CalTrout and Trout Unlimited. By the time the issue went public the California Sport Fishing Protective Alliance and the Southwest Council, Federation of Fly Fishers joined in. (See details at [www.nccfff.org](http://www.nccfff.org).)

The NOAA final ESU Listing Status review for steelhead has been postponed until early December 2005. This is in response to a late breaking request from the US Fish & Wildlife Service that they exercise final judgment as they have jurisdiction over resident rainbows.

Organizing steelhead supporters around opposition, lobbying, and the courts may still be used. However, in the current well "spun" political climate, new and more challenging approaches to change and steelhead recovery are required. Fighting against those in political control is exhausting. Our new approach requires the clear elaboration of our vision for wild steelhead followed by a set of goals and solutions we promote. Without identifying what we stand for, we are forever caught in the exasperating cycle of reaction.



# U.S. Fish and Wildlife Service to Review Columbia River Hatcheries

By Bill Bakke

— *Native Fish Society* —

*In this article, Bill Bakke, executive director of the Native Fish Society, reports on an upcoming review of the federal government's Columbia River basin hatchery system.*

*He may be reached at [bmbakke@qwest.net](mailto:bmbakke@qwest.net)*

**A** three-year review of Columbia River hatcheries will be conducted for 21 hatcheries operated by the U.S. Fish and Wildlife Service. This review should also include the Lower Snake River Compensation Plan hatcheries funded by the Service but operated by state fish agencies; however, at this time there is a question about whether they will all be included. Tribal hatcheries will not be included in this review even though public funds, federal dollars, are used to construct and operate them.

According to Dan Diggs, assistant regional director for the fisheries program, "Our goal is to ensure that our hatcheries are operated on the best scientific principles..." Releasing over one million unmarked hatchery steelhead in the Snake basin in 2004 cannot be confused with the best science. This will be an internal review that will include NOAA Fisheries and U.S. Geological Survey scientists, but will it be impartial and independent? Since the region has adopted independent scientific review of fish and habitat management, the quality of scientific evaluations has improved and it has given new meaning to the terms "best available science." The managers do not always like the message they get from independent scientific review. For example, NOAA management recently tried to silence an independent review of its hatchery policy that forced the scientists involved to publish their conclusions in the journal *Science*.

The USFWS review will be modeled after the one that took place in Puget Sound, but that review was performed by Service scientists and invited external independent scientists. Their hatchery review on the Columbia River doesn't indicate that

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*At some point, reviews must morph into reform to provide protection for native salmonids called for in the scientific literature.*

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it will be an independent scientific evaluation. The public will have a chance to read the review, but there is no mention of public comment in the review process. I guess USFWS forgot that the public pays for these hatcheries and they are in place for public benefit. However, the agency looks upon these hatcheries as "owned" by the Service, so they alone will determine how they will be used and whether they actually use the best available scientific information.

There is no indication that this review will be based on an earlier one that had many important findings.

In 1994, the U.S. Fish and Wildlife Service wanted a review of their hatchery program and asked the

National Fish and Wildlife Foundation to do the review. A panel was selected and determined the following: 1) the National Fish Hatchery Program needed a fundamental redirection of programs to support ecosystem management in order to restore depleted salmon stocks and recovery of ESA-listed species; 2) the hatchery program needed more and improved assessment and evaluation; and 3) mitigation hatcheries have failed to halt population declines. Therefore a redirection of emphasis is needed to protect habitat of native fish stocks. The panel proposed a new role for hatcheries and a new approach to resource management in which hatcheries would serve a support function to managers, producing only those species and populations that were compatible with ecosystem management plans. Fishery management plans should include genetic and ecological projects for restoration or enhancement, using careful risk assessment. The panel also said that managers should "avoid stocking any non-native strains or species." They

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The USFWS is embarking on a review of their Columbia River basin fish hatcheries. Photograph by Jim Yuskavitch.



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also noted that there is no comprehensive review of resident fish propagation or its impact on resident and sea-run fish, and that any future reviews need to include evaluation for resident fish impacts and develop evaluation criteria.

In 1999, the Scientific Review Team and the Independent Scientific Advisory Board did a review of Columbia River hatcheries and found that three previous reviews reached agreement on several conclusions: hatchery programs failed to meet their objectives (if they had any that could be evaluated), they imparted adverse effects on natural populations, and evaluation of performance was needed. There was further consensus on other issues: 1) hatchery supplementation needed to be linked with habitat improvements; 2) genetic considerations needed more emphasis in hatchery programs; 3) stock transfers and introductions of non-native species should be eliminated; and 4) a new role for hatcheries is needed to develop experimental approaches and use hatcheries as temporary refuges rather than continuing the long-term production of fish for commodity purposes.

In addition to these previous hatchery reviews, there are several on-going ones in the Columbia Basin. The Power Planning and Conservation Council is conducting one, called the "Artificial Production Review." The others involve the defective hatchery policy of NOAA Fisheries and their hatchery and genetic management plans that are being written and revised, but not adopted. What is unclear is whether the USFWS hatchery review will even consider these current as well as past hatchery reviews. At some point, hatchery reviews must morph into hatchery reform to provide the protection for native salmonids called for in the scientific literature. So far hatchery reform has remained a distant aspiration with little to show for it on the ground. Will the USFWS hatchery reform review be any different? The track record on hatchery reform has not been encouraging.



## Sea Ranching Madness

The June 8, 2005 issue of the *Oregonian* newspaper gave front-page attention to the Bush administration's offering to Congress of a bill allowing for "sea ranch" leases in the 3,200 mile Exclusive Economic Zone off the U.S. coast, sites in the open sea. It is anticipated that pens will hold thousands of "roiling snapper, halibut or other fish" to be fed by automatic dispensers. The reporter, Michael Milstein, asked several capable experts to comment, but none mentioned the soft underbelly of this fish-growing scheme. Fish that will bring the top-dollar prices anticipated are all high level carnivores. They are not like seeds that you drill into the ground, which with some tending then grow food for us to harvest. They are not like cattle that walk about between fences eating grass, converting it to food. These fish eat worms, plankton and other fish; that is, they eat meat. They have to be fed protein-rich food that will neither grow in nor flow through open-sea pens in appreciable quantity. Those automatic food dispensers will have to be stocked with meat palatable to, say, snapper or salmon.

Where will the sea ranchers get the tons of meat they will need to barge out to their feed hoppers between storms? Marine worms and plankton are very dispersed, so incredibly expensive to harvest. Ranch suppliers will have to fish on wild stocks of forage fish like herring or anchovy, and maybe on squid or local krill (dietary mainstay of wild fish we now exploit). These will have to be processed at great energy expense and with antioxidant additives, so that they will last in transport and in the hoppers. The scheme will not relieve the strain we place on ocean production and ocean ecology by over-fishing. It will exacerbate it. Huge energy costs will also be incurred in an energy-craving economy. Could the ranchers get meat for fish food from land? Most cattle, poultry and pig by-products are already used: everything but the squeal, as the packers tell us. Should we grow more pigs just to grow fish? Or should we just settle for eating more pigs when we haven't the ecological sense to eat mostly plants?

The Bush administration is an environmental wrecking ball swinging at every last vestige of natural habitat on the planet. Even if one thinks the government should not interfere with sea ranching attempts due to some libertarian leaning, at least it should not lead in promoting them. Is it likely Congress has more ecological good sense? We have to hope so.

— Charles B. Miller  
Professor Emeritus of Oceanography  
Oregon State University



What kind of long-term effects would sea ranching have on the ocean environment? Photograph by Jim Yuskavitch.

# Passing on the Fish Passage Center

By Jim Yuskavitch

— Editor, *The Osprey* —

Last June, Larry Craig, the powerful Republican Senator from Idaho, introduced language into the Senate energy bill that would 'zero-out' funding for a small, 22-year-old Portland, Oregon-based federal program called the Fish Passage Center.

The Fish Passage Center, operating under the umbrella of the Northwest Power and Conservation Council's Fish and Wildlife Program, collects and distributes data on anadromous fish passage over the dams on the Columbia River system.

Why is this agency so important for Columbia River basin fisheries managers and fish advocates and what did the Center do to earn the ire of Senator Craig? In the following article, we look for the answers to those questions.

Author Jim Yuskavitch is the editor of *The Osprey*. He may be reached at [jyusk@bendcable.com](mailto:jyusk@bendcable.com).

It's hard to believe that a small federally-funded program would find itself in the crosshairs for elimination by one of the Northwest's most powerful and influential politicians — Idaho Republican Senator Larry Craig. But that is the case, and if Craig has his way, the Fish Passage Center will vanish from existence in 2006 after more than 22 years of operation.

So what is the Fish Passage Center and why does Craig, and others, want it to go away?

The Fish Passage Center was formed in 1983 as part of the Northwest Power Planning Council's Fish and Wildlife Program and was originally called the Water Budget Center. Later its name was changed to the Fish Passage Center. Its parent agency, the Northwest Power Planning Council (now the Northwest Power and Conservation Council), was created in 1982 and is charged with developing and maintaining "a regional power plan and a fish and



Saving Columbia and Snake river steelhead and salmon will become much more difficult without the passage data collected, analyzed and disseminated by the Fish Passage Center. Photograph by Jim Yuskavitch.

wildlife program to balance the Northwest's environment and energy needs" according to its Web site.

The Center's mission is to provide technical support to state, tribal and federal fishery managers to be used in the decision-making process for managing Columbia River hydropower fisheries programs, as well as providing information to the public.

It has an annual budget of \$1.3 million that comes out of the NWPCC's \$140 million budget, which, in turn, is funded by the Bonneville Power Administration, the federal agency that oversees the Columbia River Basin federal hydroelectric projects.

Based in Portland, the Center has eleven employees, mainly scientists, who are involved in various complex tasks of collecting, analyzing and disseminating data about upstream and downstream passage of

the Columbia River system anadromous fish.

For example, it operates nine fishtrapping sites along the Columbia River where fish passage is monitored on a daily basis. That data is then downloaded from the field via computer to the Center's office to provide constant, up-to-date, real-time information.

"The states, federal agencies and tribes use that information for their day-to-day fish program management and for long-term mitigation decisions," explains Michele DeHart, Fish Passage Center manager. She has been with the program since 1984.

This includes such things as when to increase spill over the dams, development of various fish passage technologies and tracking run strength and survival rates of migrating steelhead, salmon, shad and lamprey.

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For example, data collected and compiled by the Center showed that increased spills over Columbia River dams this summer improved survival rates for salmon smolts compared to previous, lower spill years, by as much as 45 percent. This data gives credence to the idea that spilling water over dams to aid downstream smolt migration may significantly benefit salmon runs.

So if the Fish Passage Center provides such valuable fish management data, what's the problem? The answer to that question may be a very simple one. Some interests — hydropower, agriculture and the river shipping industry, in particular — just don't like what the Fish Passage Center's numbers say, and would prefer that its voice be silenced and the information it collects never sees the light of day.

"The Fish Passage Center is only the messenger," argues Bert Bowler, native fisheries director for Idaho Rivers United. "But kill the messenger and you kill the message."

In the wake of federal Judge James Redden's ruling in May that the federal government's Columbia River system 2004 salmon recovery plan — generally referred to as the 2004 Biological Opinion or BiOp — was illegal (see *The Osprey*, May 2005, Issue #51), Senator Craig inserted language into the Senate version of the energy bill that would de-fund the Fish Passage Center beginning in 2006. The House energy bill does not contain this language.

Some speculate that his motivation is anger over Judge Redden's ruling and the fact that, since the data the Center collects is readily available to the public on its Web site, it is regularly utilized by fish advocates pursuing litigation challenging federal Columbia River hydroelectric system fish management policies.

Senator Craig is on the Energy and Water Appropriations Committee, where he introduced the de-funding language. He is also a long-time friend of energy interests and in 2002 was voted "Legislator of the Year" by the

National Hydropower Association. That same year, according to a 2003 news report in the Tri-City Herald newspaper, he received \$164,236 from power companies, which made up the bulk of his political contributions for 2002.

"Since all of this stuff is on the Web," says DeHart, "anybody can use it. A lot of the data we have there was used in the court proceedings, that we were not involved in." The Fish Passage Center is, by design, a non-partisan, non-advocacy program.

Fish advocates have a similar take. "My perspective," says Joseph Bogaard, West Coast field representative for Save Our Wild Salmon, "is that Craig added the language as a

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*If Senator Craig has his way, this program will vanish along with the critical fish data it provides to fish managers and fish advocates.*

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shot across the bow over Judge Redden's decision on the BiOp."

No one was more surprised by this sudden development than DeHart and her staff.

"The language was a complete surprise to us," she says. "We were never contacted by Larry Craig's staff that there was a problem."

Nevertheless, DeHart is well aware that the Center has its detractors, noting that the utilities and other river industry-related interests do not always like the information it puts out. As a result, the Fish Passage Center has found itself investigated for bias and other improprieties a number of times over the years, including a 1997 audit by an accounting firm.

Says DeHart, "We're probably the only program that has undergone these endless technical reviews. No one has ever come up with an issue."

There have been other attempts in the past to get rid of the Fish Passage Center, including a move to kill the program's funding by vote at a NWPCC committee meeting in the mid-1990s.

Craig has taken a considerable amount of heat for the language, not just from fish conservationists, but also from newspaper editorial boards, governors and state and tribal fish and wildlife agencies. Craig, however, is committed to the language. Some political insiders say that the Bonneville Power Administration and the State of Idaho have always considered the Fish Passage Center to be a thorn in their sides and would be happy to see it disappear.

Part of the argument for eliminating the Fish Passage Center, is that a University of Washington research program called Data Access in Real Time (DART) provides the same information on its Website. A review by the Independent Scientific Review Panel, the science arm of BPA, compared the two programs and found only a small degree of redundancy. In addition the Center provided data and data services that the DART program did not, such as research and monitoring, technical analysis, field inspections and independent data audits.

Since no other agency collects, compiles, analyzes and disseminates the range of information on the Columbia River fish passage that the Center does, its loss would be a significant blow to fishery managers and fish advocates alike.

"As fish advocates," says Bowler, "we depend on the states and tribes and the Fish Passage Center for the information that we utilize. Without the Fish Passage Center it would be very difficult to recover the fish."

SOS's Bogaard agrees. "The Fish Passage Center plays a substantial role in tracking and reporting data and trends in salmon migration and passage in the Columbia River basin," he says. "They report the facts, and the facts are damning to the status quo. The fact is that fish numbers [in the Columbia basin] are in severe decline."

The threat of de-funding is

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serious enough and the consequences of the Center's loss severe enough for fish management and recovery within the basin that it has sparked a flurry of letters to Congressional representatives from affected states' politicians and fish management agencies in support of the Center. Some samples include:

*"As members of the Northwest delegation, we urge the conferees to oppose troubling language now attached to the Senate Energy and Water Appropriations bill (S. Rept. 109-84). Without the Fish Passage Center, the myriad of federal, state and tribal agencies responsible for Pacific salmon recovery efforts would have to make decisions without valuable information provided by the Center on what works, and what does not work, to recover salmon."*

— Adam Smith, Earl Blumenauer, Jim McDermott, Darlene Hooley, Jay Inslee, David Wu, Brian Baird, Rick Larsen, Oregon and Wasginton members of Congress in a letter to the Subcommittee on Energy and Water, July 20, 2005

*"Loss or further diminishment of the Fish Passage Center programs would seriously curtail my agencies (sic) ability to fulfill our stewardship mandate for salmon and steelhead resources of the Columbia basin. We would lose our confidence that ladders and fishways are being operated correctly, access to migration statistics that play a key role in fishery management and hydro management, water quality measurements that help us balance the requirements of the Clean Water Act and Endangered Species Act, and analysis of migration factors on a Columbia basin wide scale."*

— Jeffrey P. Koenings, Director, Washington Department of Fish and Wildlife in a letter to the Northwest Congressional Delegation, June 24, 2005

*"...I remain concerned about how this language would affect the Center. The Center was designed to play a constructive role in the often-heated dis-*

*ussions over the management of the Columbia River by providing useful data and analysis on salmon recovery. ... [the Center] performs a vital role that no other regional participant does ..."*

— Washington Governor Christine O. Gregoire in a letter to Senator Patty Murray, July 15, 2005

*"The plain truth about the prohibition is that it targets the Center because the Center has, to some, become a symbol of the ongoing conflict in our region over management of the Federal Columbia River Power*

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## **The Fish Passage Center is only the messenger. But kill the messenger and you kill the message.**

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*System relative to recovery of fish listed under the Endangered Species Act. Some view the data collection and analysis functions of the Center as a pivot point in that conflict and the ongoing litigation it has generated. Without directly stating so, the amendment reflects the passion and anger that the conflict generates on all sides and how that anger can lead to misguided policies and positions and worse, retribution."*

— Michael Carrier, Natural Resource Policy Director for Oregon Governor Theodore Kulongoski in a letter to Senator Gordon Smith, July 5, 2005

*"... that the Fish Passage Center provides such a service under its current management structure subject to the authority of the co-managers, and that the Fish Passage Center should not be manipulated and constrained based on improper political considerations."*

— Ernest L. Stensgar, President, and

*Norma Jean Louie, Secretary, Affiliated Tribes of Northwest Indians, in a resolution supporting the Fish Passage Center at its 2004 annual conference in Polson, Montana*

From his perspective in Idaho, Bowler sees this issue as symptomatic of a retreat from the commitment the state of Idaho and other government entities made in the 1990s to recover salmon and steelhead in the Columbia basin.

"What's really sad," he says, "is that they are not true advocates for the fish anymore. It's all politicized. They are not standing tall for fish like they did in the 90s."

According to Bowler, most Idaho politicians — with the notable exception of former Governor Cecil Andrus — tend to be affiliated with extractive industries such as mining, logging and grazing rather than fishing and hunting.

"Amenity values like roadless areas and wilderness don't seem to rank very high with any Idaho politicians," says Bowler. That's a red flag for fish advocates.

"If the state doesn't really care, then we don't have much of a chance to save the fish," he says.

From Michele DeHart's vantage point in the hot seat of the Fish Passage Center, a great deal hinges on making decisions based on the sound data that her program provides.

"Society as a whole can't delude itself that we can have it all," she says. "You can't have maximum hydropower and all the natural resources. You have to make a decision. To make that decision you have to deal with the truth."

Whether or not truth prevails in the running battle to save Columbia and Snake river steelhead and salmon remains to be seen.

*Editors Note: As The Osprey went to press, the fate of the Fish Passage Center's funding was still uncertain. You can find out the current status at [www.wildsalmon.org](http://www.wildsalmon.org).*

*You can learn more about the Fish Passage Center and tap into its wealth of information at [www.fpc.org](http://www.fpc.org)*





# Pombo ESA Legislation Analyzed

By Earthjustice

— Washington, D.C. —

During the week of September 26, the U.S. House of Representatives passed H.R. 3824, an ESA 'reform' bill sponsored by Congressman Richard Pombo (R-CA), a long-time foe of the Endangered Species Act. Co-sponsors include Rep. Dennis Cardoza (D-CA), Rep. Greg Walden (R-OR), and Rep. George Radanovich (D-CA).

Although touted as an improvement over the original Endangered Species Act of 1973, many conservationists take a very different view. The following is an analysis of the legislation's major points prepared by Earthjustice, the foremost non-profit public interest environmental law firm in the U.S.

More information about the ESA may be found at [www.savetheact.org](http://www.savetheact.org) and [www.stopextinction.org](http://www.stopextinction.org). The full bill may be seen at <http://resourcescommittee.house.gov/Press/releases/2005/0919TESRA.htm>.

## Section 3(a): Allowing Politicians To Define Best Available Scientific Data.

The Endangered Species Act leaves the decision of what constitutes the "best available scientific data" to the scientific community.

HR 3824 requires a political appointee, the Secretary of the Interior, to issue regulations pre-determining the definition of best science. The proposed new definition of best science also gives greater weight to empirical data – ignoring the importance and integrity of scientific modeling.

## Section 3(c): Redefining Jeopardy.

Endangered Species Act regulations define jeopardy as any action "reduc[ing] appreciably the likelihood of both the survival and recovery of a listed species in the wild."

HR 3824 would change that definition to an "action [that] reasonably would be expected to significantly impede,

directly or indirectly, the conservation in the long-term of the species in the wild." This proposed change puts an emphasis on the long-term, possibly allowing short-term harm to species already on the brink of extinction.

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**Harmful impacts of federal actions would be dramatically underestimated. For example, looking only at one year's operation of a salmon-killing dam as opposed to all its impacts.**

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## Section 4(a)(1)(A)(i): Amending Factors for Listing Threatened and Endangered Species.

One of the five factors for listing under the Endangered Species Act is "the present or threatened destruction, modification, or curtailment of its habitat or range."

HR 3824 adds the following conditions "by human activities, competition from other species, drought, fire, or other catastrophic natural causes." This language could be used to limit consideration of certain types of habitat destruction.

## Section 4(a)(1)(B): Limiting Listing of "Distinct Populations Segments."

The Endangered Species Act currently allows the listing of species, subspecies, and "distinct population segments."

HR 3824 makes it harder to list populations by requiring that it be done only "sparingly," regardless of the on-the-ground need for protection.

**Section 5: Repealing Critical Habitat.** The underlying purpose of the Endangered Species Act is "to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved...."

Critical habitat protects the places threatened and endangered species call home, and its works – species with protected critical habitat are twice as likely to be recovering than species without it. HR 3824 contradicts that purpose by eliminating designation and protection for critical habitat.

## Section 6(a): Requiring More Paperwork for Listing Petitions.

HR 3824 would require needless paperwork by requiring petitioners to supply the agency with documents it already has. It would also require the agency to post all those documents on a website. This would dramatically increase burdensome, unnecessary tasks for government, university, and private scientists, and take time and money away from the vital government function of protecting threatened and endangered species.

## Section 8: Slowing Needed Protection for Threatened Species.

Under the Endangered Species Act, federal agencies are required to issue protective regulations for threatened species. To implement this requirement, the Fish and Wildlife Service issued a national default policy protecting all threatened species from "taking" – killing, harming, or harassing – that the

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agency can then individually modify to fit the needs of particular species. HR 3824 reverses that common-sense approach and requires separate regulations for each threatened species. Not only will this slow down needed protection for threatened species, but there is no deadline for enacting any such protective regulations.

#### **Section 10: Non-Binding Recovery Plans.**

HR 3824 requires completion of recovery plans for newly listed species within two years of listing. For currently listed species, it requires the development of a priority system and tentative schedule to develop plans, but there is no deadline for recovery plan development. These recovery plans are supposed to be the conservation carrot in this bill; however, the recovery plans fall woefully short of what is necessary to actually benefit threatened and endangered species.

HR 3824 recovery plans would identify “specific areas of special value to the conservation of the species,” but the only protection for those areas is to require an estimate of costs for acquiring those lands. Areas previously designated as critical habitat would be treated as “identify specific areas of special value to the conservation of the species” until the recovery plan was issued or revised – small solace for loss of critical habitat protection altogether.

HR 3824 would create recovery teams, with representation “from constituencies with a demonstrated direct interest in the species and its conservation or in the economic and social impacts of its conservation.” It is not clear whether this representation must be from scientists. The Federal Advisory Committee Act will not apply to these recovery teams.

Most importantly, HR 3824 recovery plans are merely non-binding guidance, unless the Secretary enters into an implementation agreement with another federal agency.

For species that occupy more than

one state, HR 3824 recovery plans must identify state-specific criteria for recovery so that a state “may pursue a determination that the portion of the species found in that State may be removed” from protection. This would allow piece-meal, state-by-state removal of protections for wide-ranging species that may still overall be in serious decline.

#### **Section 12: Compromising Federal Agency Consultation.**

The Endangered Species Act requires that Fish and Wildlife Service or National Marine Fisheries Service biologists review all federal actions that may harm listed species. The review is conducted by scientists who are completely independent from the federal agency proposing the action. HR 3824 allows the exemption of individual projects or whole categories of projects from independent review by allowing the creation of undefined alternative procedures. This type of self-consultation removes precisely the independent check meant to be served by ESA consultation.

The Endangered Species Act requires federal agencies to consider all the direct and indirect impacts of their actions. HR 3824 confines the biological review to only those effects that are distinct “from a baseline of all effects ... that have occurred or are occurring.” This “net effects” analysis dramatically underestimates the harmful impacts of federal actions – for instance, looking only at one year’s operation of a salmon-killing dam as opposed to all the impacts from that dam.

HR 3824 also gives the proponent federal agency and the permit/license applicant, but not the public, the ability to comment on a biological opinion.

HR 3824 also adds a requirement that any terms and conditions for a federal project “be roughly proportional” to the impact of the identified incidental taking and be consistent with the objectives of the federal agency and permit/license applicant. Both these requirements unscientifically

limit the ability to prevent harm to threatened and endangered species.

HR 3824 eliminates the Endangered Species Committee, a cabinet level panel with the authority to approve project which would otherwise be prohibited by the Endangered Species Act. While intended to provide a mechanism to overrule species conservation, the God Squad (as it is known) has been a disappointment to development interests because 1) it can only be invoked by a federal agency or state governor; 2) it has rarely been invoked and is always very controversial; and 3) the committee has often sided with the species rather than developers. By eliminating the God Squad, HR 3824 raises the question of whether any actions will now be prohibited by the Act.

#### **Section 13(a): Authorizing Activities that Push Species to Extinction**

HR 3824 would codify the Fish and Wildlife Service’s “No Surprises” policy, eliminating the ability to require an adequate response to changed circumstances threatening listed species’ survival that might arise during the term of an incidental take permit, which can remain in force indefinitely. Permit holders would be authorized to carry out activities that would push species to extinction, unless the government pays the permit holder – or directly retroactively, multiplying the risks to endangered and threatened species.

#### **Section 13(d): Opening Floodgates to Projects that Kill Endangered Species.**

HR 3824 would open the floodgates to activities that kill or harm endangered species. Environmentally destructive actions – including ones that might preclude recovery or push species to extinction – would proceed without restraint unless the Fish and Wildlife Service or National Marine Fisheries Service were able to evaluate them within 90 days and provide a written determination the activities would violate section 9. Since the

*Continued on next page*

**Chair's Corner,  
Continued from page 3**

stretch of the North Umpqua. Again in his own words, "The Soda Springs Dam has collected a huge amount of the smaller gravel above the Dam, preventing the natural migrations of that important factor to downstream spawning beds, which are now mostly cobble too large for trout and steelhead to use."

In addition, the frequent and rapid changes in volume of water released from the Dam repeatedly disrupt the natural rhythms and processes of the River. And the slimy coating of what looks like silt on the River's rocks is actually a coating of dead algae released from the reservoir above the Dam. The algae have clouded the water, reducing what used to be its exceptional clarity. A few years ago, the Steamboaters, the North Umpqua Foundation, and other River advocates made an effort to have the Dam removed and appeared to be making progress toward that goal. But the management of the U. S. Forest Service and other agencies folded, and Soda Springs Dam remains in operation. The wild fish advocates continue to work toward removal of Soda Springs, but so far to no avail. This is dam that should go.

The moral of this story is that steelhead and salmon badly need more anglers like Frank Moore, whose sport leads them into working for the conservation and recovery of these fish and their habitats, from spawning grounds to the North Pacific and back. Responsible politicians and agency managers must be made to listen to anglers, because they know we understand these fish and what they require to prosper. Their failures steal some of our greatest pleasures in life.

We came by this rare opportunity to visit with Frank and Jeanne by making the winning bid on their donation of a night's stay and short day of fishing at the Wild Steelhead Coalition's auction last fall. We paid U. S. dollars for their donation. But as they say in the auction business, "Value: Priceless."

**ESA,  
Continued from page 18**

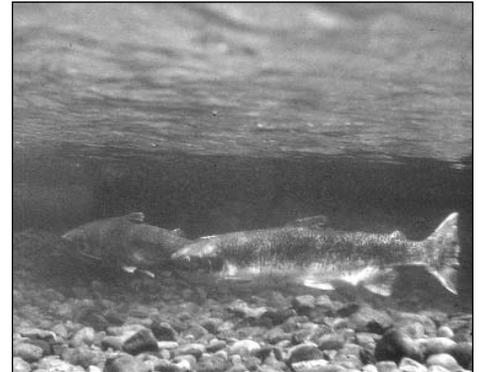
Services already cannot meet existing deadlines, the inevitable result is that the agencies would be completely overwhelmed, allowing myriad destructive projects to slip through unreviewed.

**Section 14: Bankrupting Endangered Species Programs**

HR 3824 requires the federal government to pay businesses or other private parties whenever they identify a proposed activity that would violate ESA section 9's prohibition on taking endangered species. The private party's estimate of what it has "lost" from being prevented from violating the law is presumed correct, with any ambiguities regarding fair market value resolved in the private party's favor.

To demand compensation, it is not necessary that the private party have either the actual capacity to carry out the proposed activity, or that it

have any necessary approvals to do so (such as state or local permits). It is only necessary that the claimant say it proposes to undertake the activity. Moreover, since there is no limitation on how often one can demand such "aid," HR 3824 encourages private parties to drain federal coffers dry by inventing one proposal that violates ESA section 9 after another, getting paid off each time they "forego" plans to violate the law.



**The Pombo ESA legislation threatens to endanger threatened and endangered species. Photograph by Jim Yuskavitch.**



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