

# HOUSE BILL REPORT

## HJM 4024

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### As Reported By House Committee On:

Natural Resources

**Brief Description:** Requesting the incorporation of salmon restoration demonstration projects.

**Sponsors:** Representatives Delvin, Chandler, Mastin, Blanton, Mielke, Schoesler, Honeyford, Hankins, Sheahan, Crouse, Clements, Grant, Foreman and Padden.

### Brief History:

#### Committee Activity:

Natural Resources: 2/28/95, 3/1/95 [DPS].

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## HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Fuhrman, Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Sheldon; Stevens; B. Thomas and Thompson.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Jacobsen and Romero.

**Staff:** Linda Byers (786-7129).

**Background:** In 1980, federal legislation created the Pacific Northwest Electric Power and Conservation Planning Council. Congress directed the council to undertake two major efforts: preparation and adoption of a regional conservation and electric power plan, and development and adoption of "a program to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, on the Columbia River and its tributaries" (16 USCS 839b). The legislation also directs the administrator of the Bonneville Power Administration and other federal agencies responsible for managing, operating, or regulating hydroelectric facilities on the Columbia River or its tributaries to "exercise such responsibilities, taking into account at each relevant stage of decisionmaking processes to the fullest extent practicable" the council's fish and wildlife program (16 USCS 839b). The council adopted its first Columbia Basin Fish and Wildlife Program in 1982 and has amended the program several times since.

Petitions in 1990 for the listing of three Snake River salmon stocks and one Columbia River stock heightened interest in development of a regional plan to reduce or end the decline in anadromous fish stocks. The council adopted the "Strategy for Salmon" in December 1992. The strategy and the corresponding amendments to the fish and wildlife program were challenged in court by a number of different parties. In September 1994, the Ninth Circuit Court of Appeals found that the council had failed at least two requirements of its enabling legislation; the court also expressed concern that the council may have failed to give proper deference to fishery managers and to fully comply with other criteria for program measures. The court directed the council to reconsider its fish and wildlife program amendments in a manner consistent with the court's opinion.

The council adopted new amendments to its fish and wildlife program in December 1994. The amendments include measures for juvenile salmon migration, adult salmon migration, coordinated salmon production and habitat, and salmon harvest and escapement. The amendments also provide measures for resident fish populations. In submitting comments to the council on its proposed amendments, some parties criticized the council's amendment process and urged delay. Other parties urged the council to proceed without additional postponements.

**Summary of Substitute Bill:** The memorial notes that runs of anadromous fish in the Columbia River are seriously depressed and that Snake River stocks are listed under the Endangered Species Act. It states that there is continuing uncertainty regarding the biological benefits to salmon of flow augmentation by drawing down reservoirs. It points out that a drawdown conducted in 1992 caused the loss of resident fish, altered wildlife habitat, increased the risk of predation, disrupted navigation, and caused property damage. The memorial also finds that developing a new approach to enhance both habitat and fish stock requirements is necessary, and that there are opportunities for demonstration projects related to new hatchery concepts, juvenile salmon migration behavior, and dam bypass facilities. The memorial asks Congress to direct the Northwest Power Planning Council and asks the council itself to overturn the 1994 fish and wildlife program amendments. It states that reconsideration should be given to the costs, effects, and implications of any potential amendments that seek to protect, mitigate, and enhance fish and wildlife. The memorial also states that more time should be allowed for further research, including planning and funding by federal agencies of the demonstration projects by the major Pacific Northwest universities.

**Substitute Bill Compared to Original Bill:** The original memorial asks the federal agencies charged with implementing the 1994 amendments to the fish and wildlife program to refrain from doing so. The substitute is directed at Congress and the council itself, asking for the 1994 amendments to be overturned.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Testimony For:** Drawdowns are dramatic measures. They can result in loss of irrigation water supply. An informal group is proposing demonstration projects to evaluate risk factors associated with the salmon life cycle. This includes development of a statewide statistical model. A cost/benefit analysis for each restoration effort will be a basis for good management decisions. We are looking for common ground for aiding salmon without sacrificing the system as it is currently developed. One way to do this is to look at habitat recruitment and development. There needs to be scientific proof. Problems in the marine environment are beyond our control.

**Testimony Against:** None.

**Testified:** Representative Jerome Delvin, prime sponsor; William Kinsel, Washington State University; and Ernest Brannon, University of Idaho (all in favor).