

**SALMON IN THE COLUMBIA RIVER BASIN:  
REVIEW OF THE PROPOSED RECOVERY PLAN**

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**HEARING**

BEFORE THE  
SUBCOMMITTEE ON  
FISHERIES, WILDLIFE, AND DRINKING WATER  
OF THE  
COMMITTEE ON  
ENVIRONMENT AND PUBLIC WORKS  
UNITED STATES SENATE  
ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

ON

THE PROPOSED DECISION BY THE FEDERAL GOVERNMENT TO  
RECOVER ENDANGERED SALMONID STOCKS IN THE COLUMBIA RIVER  
BASIN, AND SPECIFICALLY WITH REFERENCE TO THE "4-H" DOCU-  
MENTS OF THE FEDERAL CAUCUS

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JUNE 23, 1999  
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Printed for the use of the Committee on Environment and Public Works



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# C O N T E N T S

Page

**JUNE 23, 1999**

## OPENING STATEMENTS

Crapo, Hon. Michael, U.S. Senator from the State of Idaho .....	1
Reid, Hon. Harry, U.S. Senator from the State of Nevada .....	53
Wyden, Hon. Ron, U.S. Senator from the State of Washington .....	14

## WITNESSES

Ausman, Lynn, grower, Waitsburg, WA, on behalf of the Washington Association of Wheat Growers and the Washington Barley Commission .....	44
Prepared statement .....	77
Craig, Hon. Larry, U.S. Senator from the State of Idaho .....	13
Dunn, Mark, director of government affairs, J.R. Simplot Company, Boise, ID .....	38
Prepared statement .....	71
Faber, Scott, director, Floodplains Program, American Rivers .....	36
Prepared statement .....	68
Responses to additional questions from Senator Baucus .....	70
Frampton, George, Acting Chair, Council on Environmental Quality .....	16
Prepared statement .....	53
Responses to additional questions from:	
Senator Baucus .....	59
Senator Crapo .....	56
Senator Reid .....	58
Kemphorne, Hon. Dirk, Governor, State of Idaho .....	3
Prepared statement .....	6
Statement, Northwest Power Planning Council .....	8
Lothrop, Robert C., manager for policy development and litigation support, Columbia River Inter-Tribal Fish Commission, Portland, OR .....	33
Prepared statement of Donald Sampson .....	59
Report, executive summary of "Wa-Kan-Ush-Mi Wa-Kish-Wit", Columbia River Inter-Tribal Fish Commission .....	61
Squires, Owen, Pulp and Paperworkers Resource Council, Lewiston, ID .....	40
Prepared statement .....	72
Stearns, Tim, policy director, Save Our Wild Salmon, Seattle, WA .....	41
Prepared statement .....	73

## **SALMON IN THE COLUMBIA RIVER BASIN: REVIEW OF THE PROPOSED RECOVERY PLAN**

**WEDNESDAY, JUNE 23, 1999**

U.S. SENATE,  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,  
SUBCOMMITTEE ON FISHERIES, WILDLIFE,  
AND DRINKING WATER,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 1:30 p.m. in room SD-406, Senate Dirksen Building, Hon. Michael D. Crapo (chairman of the subcommittee) presiding.

Present: Senators Crapo and Wyden.

Also present: Senator Craig.

### **OPENING STATEMENT OF HON. MICHAEL D. CRAPO, U.S. SENATOR FROM THE STATE OF IDAHO**

Senator CRAPO. The hearing will come to order.

This is the hearing of the Subcommittee on Fisheries, Wildlife, and Drinking Water of the Environment and Public Works Committee. Today we will review the 1999 Columbia River Basin salmon recovery decision, and the 4-H Paper.

We would like to welcome Idaho's Governor Kempthorne, the former chairman of this committee, to testify today.

Before we proceed to the testimony, I would like to make a brief opening statement. Today, the Fisheries, Wildlife, and Drinking Water Subcommittee will take up the issue of the Columbia River Basin recovery efforts, the 1999 decision, and the 4-H Paper.

In November 1991, the first Snake River species, the sockeye salmon, was listed as endangered under the Endangered Species Act. It is disheartening that nearly 8 years later 12 stocks of Columbia Basin salmonids are listed and we still have no plan in place for recovering this Pacific Northwest icon. I can say that we have done a good job of creating working groups and methods for analyzing data and engaging in process. In fact, I see an interesting chart here that I think the Governor might talk about relating to that process. But it seems that the process has become the product. One of those processes, the 4-H Paper of the Federal Caucus is the focus of today's hearing.

After I first learned of the 4-H Paper and the efforts of the Federal Caucus, I raised concerns about it at an Energy Committee hearing in Hood River, Oregon. It was astonishing that although we were only months away from the 1999 decision date, a new process had been undertaken, as the National Marine Fisheries

Service Regional Director Will Stelle put it, to ensure that the Federal agencies did their homework in preparing for the decision.

It has been 4 years since the National Marine Fisheries Service issued its Biological Opinion in March 1995 and set out to develop a long-term recovery plan by December 1999. But it isn't the eleventh-hour establishment of this working group that causes me the greatest degree of concern. I have encountered stakeholders from both sides of this debate—tribal officials, State, other Government officials—who have shared their apprehensions about the way in which the Federal Caucus has conducted meetings regarding the 4-H Paper. I understand that these meetings have been in private, that they have declined to share substantive information regarding the development of the approach that is being taken, and, furthermore, that the Federal Caucus has precluded the public from participating in or providing input into the process, and, finally, that there are no plans for independent peer review of this Caucus' activities and its work product.

With so many ongoing processes related to salmon recovery, one might wonder why this particular process would raise so much concern. It has become clear from conversations with Federal Caucus staff that the 4-H Paper is synonymous with the terms of "conceptual recovery plan" and the "Federal consensus." It isn't surprising that these terms like a "conceptual recovery plan" or developing a "Federal consensus" on salmon recovery would create angst among the States, the tribes, and the interest groups, and other people of the Pacific Northwest when they believe they are being excluded from a process that will lay the groundwork for the 1999 decision. This decision will have profound impacts on the entire Pacific Northwest. It is no wonder that the people, the interest groups, and the Governments are so vigilant about their collective future.

That is why today I am submitting a Freedom of Information Act request to all of the Federal agencies involved in the so-called Federal Caucus. There is no doubt that any product resulting from salmon recovery deliberations is going to be contentious, but the Federal Government is setting itself up for failure if the process is not carried out in an open and transparent manner. This is not intended to be a punitive action or a tactic to slow the process. In fact, the purpose of these FOIA requests is quite the contrary. I am confident that by opening up the process now and letting in the light of day on these very important efforts, further delays are going to be averted as we move closer to a decision.

Our citizenry is politically astute and active. The people of the Pacific Northwest want to save the salmon but they will not tolerate being brushed aside as issues of this magnitude are decided. Any salmon recovery plan is only going to be as successful as the amount of public understanding and support that it enjoys. I look forward to hearing how the agencies plan to inform the citizenry of their activities and how they plan to explore the alternatives with the public. I am also interested in hearing from the stakeholders in the region and their suggestions about how to best proceed.

With that, we will now proceed with our first witness. As I indicated, our first witness is Governor Dirk Kempthorne. Dirk, I already called you Senator earlier today when I was referring to you because I have become so accustomed to that. We certainly wel-

come you back here to the Senate and back here to this committee. We would like to ask you to keep your testimony as close as you can to 5 minutes. We welcome you here Governor Dirk Kempthorne and look forward to your testimony.

**STATEMENT OF HON. DIRK KEMPTHORNE,  
GOVERNOR, STATE OF IDAHO**

Governor Kempthorne. Chairman Crapo, thank you very much, and thank you for the invitation to speak before this committee. As you noted, I at one time had the honor of being the chairman of this subcommittee. I have great memories of the friendships I had with those members that served on the subcommittee as well as the staff that support this subcommittee.

Mr. Chairman, I want to say with all sincerity how proud I am that you are the Chairman. You are doing a tremendous job. You serve not only Idaho well, but the entire Nation in this current leadership capacity. I commend you for that.

Senator CRAPO. Thank you.

Governor Kempthorne. I can affirm that this subcommittee confronts some of the toughest issues in the Senate, and the matters before you greatly impact my home State of Idaho and the other States that make up the Pacific Northwest region of our country.

By definition, all of those States are an integral partner in resolving many of the tough fish recovery issues presently being grappled with by the Federal agencies, as you have noted, Mr. Chairman. The States have their role to play in this process, and as I have visited with the other Governors in the Northwest, we are all in agreement that we must work together on salmon recovery.

As you know, the Endangered Species Act consultation process has been ongoing, and soon the work of the Federal resource agencies will be compiled into what is being referred to as the 1999 Decision—the document which will set forth proposed alternatives in dealing with the fish issues in the Columbia River Basin System.

As could be expected, the States have long been preparing for this process.

The Multi-Species Framework, funded by the Bonneville Power Administration, has been working diligently to develop and analyze alternatives from both a biological and human effects perspective. That process is expected to be completed by this fall.

Recently, under the able leadership of Governor Kitzhaber in Oregon, the Columbia River Basin Forum was formed to provide an appropriate setting for the States, the affected Indian tribes, and the Federal agencies to fully discuss the key issues facing them under the Endangered Species Act. I am pleased that Idaho is participating in the Forum, and I look forward to dedicating the necessary resources to help this process succeed.

Notwithstanding the many dollars, the human resources, the effort dedicated to these existing processes, it has come to my attention that the Federal agencies playing a key role in the 1999 Decision have formed what has become known as the Federal Caucus, an interagency working group with a most ambitious agenda.

Headed up by the National Marine Fisheries Service, the Caucus is staffed with senior officials from such agencies as the Bureau of

Reclamation, the Environmental Protection Agency, as well as other key Federal agencies. To its credit, the Caucus has amassed the right people at the right time to begin working on the 1999 Decision.

I am not concerned that the Federal Caucus is moving ahead and getting its work done on the 1999 Decision. Instead, what troubles me about the Federal Caucus is that its work is being done behind closed doors.

In a recent letter I wrote to Secretary of Interior Bruce Babbitt and Commerce Secretary William Daley, I made it clear that the States impacted by the 1999 Decision have assumed from the start that they would be treated as partners by the Federal Government as it attempts to forge a solution to the problem of sustainable salmon and steelhead recovery in the Northwest.

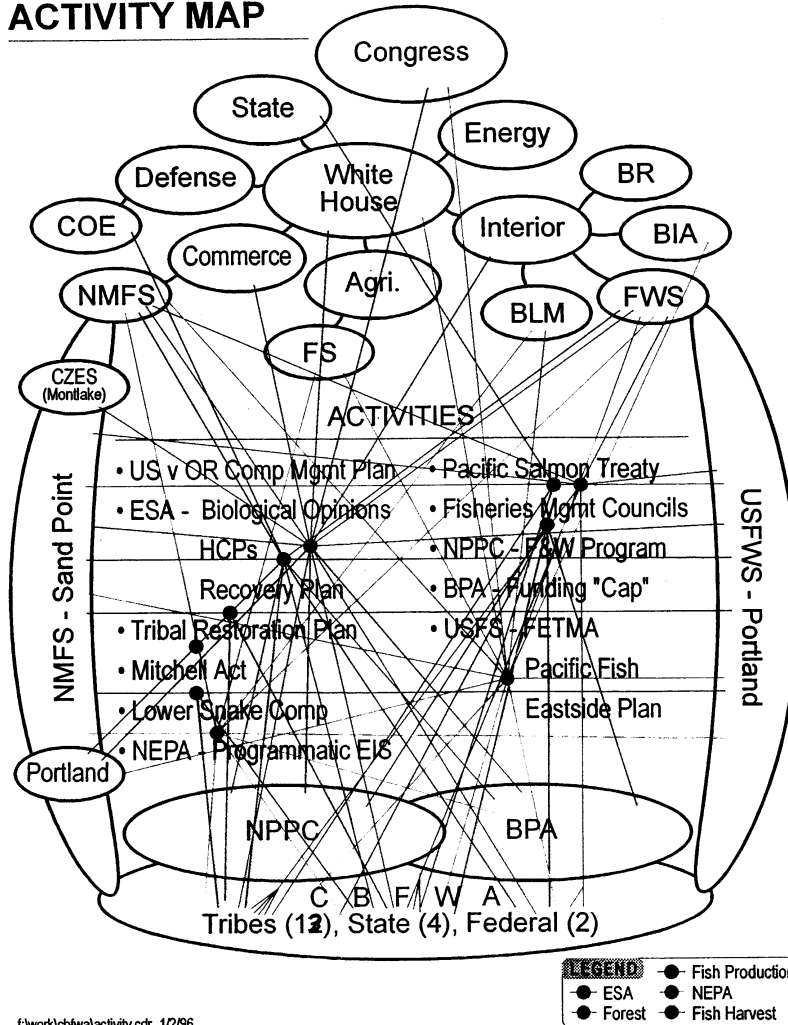
Additionally, I am uncertain that the agencies making up the Federal Caucus are using the most recent research data to make their scientific assumptions. There have been no requests to the State of Idaho by the agencies of the Federal Caucus to submit any of our data or analysis on these issues.

I am not asking that the States intrude upon the deliberations and otherwise impede the progress of the work being performed by the Federal agencies responsible for the 1999 Decision. What I am asking is for the States to be given a seat at the table and the opportunity to be fully involved in the process sooner rather than later.

Let me reference a diagram of all the different agencies that are working on various aspects of salmon recovery. Mr. Chairman, that indicates all of the different agencies. Now there is a new player, and it is called the Federal Caucus.

[The referenced chart follows:]

## FISH & WILDLIFE ACTIVITY MAP



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I hear Federal officials say that the States hold the key to the ultimate solution. Well, curiously, Mr. Chairman, their new approach totally leaves the States out of the picture.

So the question is, when do the States get their legitimate role acknowledged, and when do we become an integral part of this process?

If it is not until after a decision is reached by the Federal agencies, then what role does that leave for the States?

We have assumed that the States, the tribes, the Federal Government were all working together on a Multi-Species Framework process which will help the region come to a common resolution on salmon recovery, only to discover in a February 1999 memo that



the Federal Caucus intends to develop its own 4-H process without any input by the States or the tribes.

Mr. Chairman, I would ask that the entire text of my opening statement be made part of the record. I would also ask that comments that I made to the Northwest Power Planning Council April 7, 1999, be made part of this record as well.

Mr. Chairman, I would conclude by simply saying, and reiterating, time and time again, I have had high ranking Federal officials make it very clear that the States hold the key and that it must be a regional approach. The Governors are ready to work in a regional approach, in a bipartisan approach. Yet this latest effort by the Federal Caucus does not include the States. It doesn't make sense to me. I don't think it will lead to the solution that we're after.

So, again, Mr. Chairman, there is the challenge. I applaud your efforts, as evidenced by this hearing today.

[The prepared statement of Governor Kempthorne and accompanying material follow:]

STATEMENT OF GOVERNOR DIRK KEMPTHORNE, STATE OF IDAHO

Mr. Chairman and members of the committee, it is a pleasure to be back with you today. I have many fond memories of the friendships we established and the work that we accomplished together.

This is the subcommittee I once chaired. I can tell you in all sincerity that this subcommittee is in good hands. I'm proud of my good friend, Mike Crapo. I'm proud to call you Mr. Chairman, and I thank you and all the members of this subcommittee for the work you do.

I can affirm that this subcommittee confronts some of the toughest issues in the Senate, and the matters before you greatly impact my home State and the other States that make up the Pacific Northwest region of our country.

By definition, all of those States are an integral partner in resolving many of the tough fish recovery issues presently being grappled with by the Federal agencies. The States have their role to play in this process, and as I've visited with the other Governors in the Northwest, we are all in agreement that we must all work together on salmon recovery.

As you know, the Endangered Species Act consultation process has been ongoing, and soon, the work of the Federal resource agencies will be compiled into what is being referred to as the "1999 Decision"—the document which will set forth proposed alternatives in dealing with the fish issues in the Columbia River Basin System.

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Recently, under the able leadership of Governor Kitzhaber in Oregon, the Columbia River Basin Forum was formed to provide an appropriate setting for the States, the affected Indian tribes and the Federal agencies to fully discuss the key issues facing them under the Federal Endangered Species Act. I am pleased that Idaho is participating in the Forum and I look forward to dedicating the necessary resources to help this process succeed.

Notwithstanding the many dollars, human resources and effort dedicated to these existing processes, it has come to my attention that the Federal agencies playing a key role in the 1999 Decision have formed what has become known as the "Federal Caucus," an inter-agency working group with a most ambitious agenda.

Headed up by the National Marine Fisheries Service, the Caucus is staffed with senior officials from such agencies as the Bureau of Reclamation and the Environmental Protection Agency, as well as other key Federal agencies. To its credit, the Caucus has amassed the right people at the right time to begin working on the 1999 Decision.

I am not concerned that the Federal Caucus is moving ahead and getting its work done on the 1999 Decision. Instead, what troubles me about the Federal Caucus is that its work is being done behind closed doors.

In a recent letter I wrote to Secretary of Interior Bruce Babbitt and Commerce Secretary William Daley, I made it clear that the States impacted by the 1999 Decision have assumed from the start that they would be treated as partners by the Federal Government as it attempts to forge a solution to the problem of sustainable salmon and steelhead recovery in the Northwest.

Additionally, I am uncertain that the agencies making up the Federal Caucus are using the most recent research data to make their scientific assumptions. There have been no requests to the State of Idaho by the agencies of the Federal Caucus to submit any of our data or analysis on these issues.

I am not asking that the States intrude upon the deliberations and otherwise impede the progress of the work being performed by the Federal agencies responsible for the 1999 Decision.

What I am asking for is the States to be given a seat at the table and the opportunity to be fully involved in the process sooner rather than later.

Let me reference a diagram of all the different agencies that are working on various aspects of salmon recovery. Now, there's a new player, and it's called the Federal Caucus.

I repeatedly hear Federal officials say that the States hold the key to the ultimate solution. Curiously, their new approach totally leaves the States out of it.

So, the question is, when do the States get their legitimate role acknowledged, and when do we become an integral part of this process?

If it is not until after a decision is reached by the Federal agencies, then what role does that leave for the States?

We have assumed that the States, the tribes and the Federal Government were all working together on a Multi-Species Framework process which will help the region come to a common resolution on salmon recovery, only to discover in a February, 1999 memo that the Federal Caucus intends to develop its own "4-H" process without any input by the States or the tribes.

Mr. Chairman and members of the subcommittee, the States and tribes have already invested a great deal of time and money into this process. The Bonneville Power Administration funds the regional fish recovery program, including the Multi-Species Framework, to the tune of \$215 million per year, paid for by the ratepayers and the taxpayers.

Despite that significant investment, we have no assurance that the Federal Caucus intends to utilize the resources of the Multi-Species Framework as it conducts its work on the 1999 decision.

In fact, we may not know what the intention is of the Federal Caucus until after their work product is completed.

In addition to finding out about the progress of the work of the Caucus, we are interested in knowing about the fundamental assumptions for the decisions being made. The following example illustrates my point.

In Idaho, fish hatcheries are playing an important role in the current recovery effort. Will the Caucus develop alternatives based upon recoverable wild fish, or will they take into consideration the many hatchery stocks?

Such an assumption is critical because the continued viability of Idaho's fish hatcheries will be at stake. This will be an important component of the 1999 Decision, and we should have input on the direction being considered by the Federal Caucus.

Mr. Chairman and members, my concern is not that the Federal agencies are working hard on the 1999 Decision.

Rather, I am fearful that given the ambitious goals and objectives of the Caucus, the time and opportunity for meaningful State participation in the process is rapidly waning.

When I left the U.S. Senate to become Governor of Idaho, I wanted to continue to be an active participant in forging regional consensus solutions for fish recovery.

I strongly believe that active State participation is critical to ensuring the success of the 1999 Decision.

Instead, the response from the Federal Government has been just the opposite. I reiterate that I have no desire to invade or impede the progress being made by this interagency working group as they "get their house in order."

But the work of the Federal Government, especially on a decision that will have broad environmental and economic impact on the Pacific Northwest, must be conducted in the spirit of partnership and cooperation. To date, this has not occurred, but I look forward to joining in this process to ensure its ultimate success.

Let me give you a specific example. While this new Federal bureaucracy builds, so does the Caspian tern population on Rice Island—a federally, man-made island in the estuary of the Columbia River that serves as a temporary home for these birds while they feast on millions of endangered salmon smelt.

After meeting with a number of Federal agencies last year, they agreed to move forward on an environmental assessment. Then, almost as soon as the EA was completed, we saw the Federal agencies accusing each other of inaction or impeding another agency's ability to get work completed.

The States are just a pawn in this "hide the ball" scheme which results in no solutions and continual surprises for the Federal agencies and the States.

There is, however, no easy solution to the issue of salmon recovery. If it were easy, it would have been done already. I believe we will only be successful in our efforts to recover fish when we work together to address the causes of mortality.

Mr. Chairman, when the Northwest Power Planning Council recently met in Boise, I discussed a number of broader recovery issues, including predation, harvest, and the elements of river governance. I would ask that my statement to the Council be included as part of the record.

With that, I thank you for the invitation to be with you again and I'd be happy to answer any questions.

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COMMENTS OF GOVERNOR DIRK KEMPTHORNE TO THE NORTHWEST POWER PLANNING COUNCIL, BOISE, IDAHO, APRIL 7, 1999

To all members of the Northwest Power Planning Council, welcome to Idaho. This is the first opportunity that I've had to meet with you since assuming this new role.

I would like to say, Mr. Chairman, we're very proud to have you as the chairman, and with your colleague, Mike Field, again, Idaho is well-served.

I look forward to working with this Council and I applaud you for many of the things you have done. I believe this Council is going to continue to be extremely important to the well-being of the region.

I'd like to acknowledge a few of the items that the Council has certainly been working on recently.

The Council's work in the Lemhi and Clearwater Basins of Idaho, as well as other watersheds in the region, is another example of cooperative regional efforts.

The irrigation consolidations, fish screening, and habitat improvement are very important recovery actions that the Council has contributed to over the years.

The Artificial Production Review process has raised concerns for some, but it is another good example of a regional effort to use our resources wisely and efficiently.

It is important that the region decide how to best use artificial production in the Columbia River Basin for sustainable populations of fish that supports harvest and other resources.

Having served as a United States Senator, I can tell you that solutions to many of the issues you deal with as a Council will not be solved by the U.S. Congress.

States united will provide solutions for education, welfare, corrections, and many natural resource issues including endangered and threatened species.

Let me briefly give you my perspective on ESA. We had the ball on the one-yard line as time ran out on the clock. We were very close to getting real reforms to the ESA that would have helped States and regions deal with this critical issue.

I doubt we will see reforms anytime soon because of the Presidential election and the time needed to reassemble the supportive coalitions.

So, we will need to press ahead as States and regions helping the Federal agencies implement recovery efforts and finding solutions for our threatened and endangered species.

One of the solutions holding promise for dealing with threatened and endangered species is the Multi-species Framework.

The Framework project is an obvious outgrowth of the Northwest Power Act's mandate to enhance, protect, and mitigate fish and wildlife species in the Basin. Council members and Council staff are integrally involved in the Framework, and are helping make it a success.

The Northwest received national attention last month when the Federal Government listed several more species of salmon and steelhead as threatened or endangered. As a result, practically every major watershed in the region is now affected.

We have listings on top of listings, and the National Marine Fisheries Service is on the verge of becoming a one-stop shopping center for all the region's regulatory needs.

Two weeks ago, NMFS and other Federal agencies announced that it wouldn't be wise to deal with each listed species on an individual basis, so they announced their intention to adopt a multi-species approach.

They realized that with so many listed species in the Basin, they would not have the luxury of focusing on each individual species without regard to impacts on other species. Whether they got the idea from the regions Framework process or developed

it on their own, I am glad they finally decided to embrace the multi-species recovery approach.

We must work with the Federal Government, but we can't wait for them to come up with solutions. I think the region has to lead to recovery.

You have heard this time and time again, but I want to say it again with more emphasis, this is a critical time for the region to work together and speak with one voice.

We have to decide as a region what our recovery strategy will be. If we don't have the strength and leadership to do it as a region, Congress will do it for us.

I am committed to working cooperatively with the other Northwest Governors Governor Racicot, Governor Kitzhaber, and Governor Locke—to chart that strategy.

The region has been well-served by these three gentlemen along with my predecessor Governor Batt.

I look forward to continuing this spirit of cooperation and teamwork.

It is important that we put more emphasis on recovery actions that will give some immediate relief to the listed fish stocks.

One example of that is mitigating the impacts of the terns.

The Caspian tern colony on man-made Rice Island are responsible for harvesting upwards of 25 percent of the 100 million smolts that migrated past Rice Island in 1998.

I have been to Rice Island. I went last Fall and saw where crews had combed the sandy beaches of that island in search of pit tags from the smolt we send down to the estuary.

I met with the Army Corps of Engineers and NMFS to address the impacts the terns were having on Idaho's migrating smolt.

They committed to work on a research project that would discourage the terns from nesting on Rice Island by encouraging them to use East Sand Island which lies 15 river miles downstream in an area with a more diverse prey base.

There is no sense in spending 200 million dollars in producing smolts that have survived to the estuary and then allowing terns exclusive feeding rights.

It is my understanding the Corps and cooperating agencies will finish work for the first year's test on the islands this weekend.

I commend the Council for participating in this effort.

But it just continues to amaze me that we make the effort to provide better passage for the smolt only to have up to 25 percent of them consumed as they prepare to enter the ocean.

We must be more aggressive in fixing this problem. We don't need more tests. We don't need more data. We need to get these fish to the ocean, and stop worrying about the social engineering of a non-threatened bird that is consuming our endangered fish.

How serious are we about saving fish when we are reluctant to move a non-threatened bird that are setting up shop on a government-made island and eating our smolt?

Let me remind you, nothing being suggested here would endanger the terns. All we are doing is relocating the birds.

Continuing research on ocean conditions is as important as any of the current programs being funded in the region. There are many unknowns, however, without research we may learn we're spending billions to restore fish in the region only to find they are disappearing in the ocean.

When you ask NMFS what is happening in the ocean, they acknowledge quite candidly that no one knows. It's is a "black box."

At some point, we must have some serious discussions about some of the harvest issues—in the Columbia River Basin and with Canada and Alaska.

Once these magnificent fish have survived 2 to 3 years in the ocean, they face another predator.

Without getting into all the specifics, the Marine Mammal Protection Act has been highly successful. Just this decade, we have seen a sixfold increase in the number of West Coast Sea Lions.

When the Marine Mammal Protection Act was put in place, there were an estimated 7,000 sea lions. Today, there are close to 170,000.

Is that having an effect on our adult salmon attempting to return to Idaho to spawn? Absolutely.

One out of every four adult salmon observed at Lower Granite Dam shows signs of interaction with marine mammals.

This is yet another clear example of a single species management plan that doesn't take into account the fact that the mammals are preying on an endangered species.

Isn't it time that we address the problems created by an increase in the mammals through a multi-species approach?

How serious are we about saving these endangered fish when we allow non-threatened birds and non-threatened mammals to consume endangered fish at both ends of the process?

One solution that came from this region was the concept of advanced hydro turbines.

As we look at some of the longer-term actions and research, it is critical we use our resources wisely and efficiently. One of those actions I am particularly interested in is the minimum gap runner technology.

As you know, when the blades of a traditional Kaplan turbine are slanted at certain angles, gaps are formed that can kill or injure fish.

The minimum gap runner is a runner designed to eliminate the gaps in the turbine blades that fish enter when the turbine is operating.

With existing turbine conditions, estimates of fish survival through the turbines vary from 89 to 94 percent.

With the installation of minimum gap runners, engineers are predicting up to a 4 percent improvement. Even a 4 percent improvement increases the survival range up to 93 to 98 percent. Any improvement multiplied by the number of turbines in the Columbia-Snake dams would be significant.

As we rehabilitate these turbines, it makes good sense that we replace the old runners with minimum gap runners that improve fish passage and in some instances also increase power generation.

As a United States Senator, I was successful in getting Congress to put funds into this promising research for each of the last 4 years, and last year, the Clinton Administration stepped up to the plate and included those in its budget request to Congress.

The President's Committee of Advisors on Science and Technology recommended in their November 1997 report to accelerate R&D to develop advanced hydro turbines and low-head run-of-river turbines. They recommend \$4M in fiscal year 1999, \$8M in fiscal year 2000, \$11M in fiscal years 2001 and 2002, and \$12M in fiscal year 2003.

I would be pleased to join the other Governors of this region and send a joint letter to our congressional delegations stating our endorsement and any enhancement of this recommendation.

At a Senate hearing I conducted on this technology, the Corps of Engineers affirmed to me they will install minimum gap runners in two of the units at Bonneville Dam this year.

After the migration season this year in late summer or early fall one of the units will be tested for effects on fish. Hatchery fish will be used in the test.

We await the results, but we may have the opportunity to improve fish passage and increase generation capacity at the same time.

From your meeting with Dick Fisher of Voith Hydro you heard the same information that I did. The numbers are there. More fish will survive, and we need to be aggressive as a region in replacing these antiquated turbines.

I applaud the Council's effort to help move this program forward.

Now, having said all this, I, like Governor Locke of Washington, don't see a scenario anytime soon where the breaching of dams will occur.

I know you are aware of Karl Dreher's presentation from the Idaho Department of Water Resources that says flow augmentation is not feasible.

Until the region stops focusing on breaching and flow augmentation as the keys to salmon recovery, I don't see serious efforts being made to help the fish right now.

The region must set the standard for helping the fish right now looking at harvest, predation and a multi-species management approach.

There is no easy solution to the issue of salmon recovery. If it were easy, it would have been done already. I believe there are areas where we can make improvements that will have immediate benefits for the fish.

We will only be successful in our efforts to recover fish when we work TOGETHER to address the causes of mortality in all four phases of their life cycle.

Again, welcome to Idaho. I want you to know that I intend to be an advocate for the Northwest Power Planning Council and with the other Governors of the Northwest, we will use the Council to further the region's efforts.

I look forward to working with you.

Senator CRAPO. Thank you very much, Governor Kempthorne.

We expect that Senator Wyden from Oregon and Senator Reid from Nevada will be here. We also may see some of the other Senators from the Pacific Northwest show up. Senator Craig is at a

very important caucus right now and will try to break away to come here. But until they get here, I get to ask questions first, and maybe I will take up their time too.

Governor, the Federal Government in its various forms, the various agencies that we've dealt with in the Pacific Northwest have frequently stated in forums like this that they have to move forward, they cannot change the way they are going about business due to the statutory impositions that they face and the deadlines that they face under statute.

I see Senator Craig has just entered the room. Senator, please feel free to join us. In fact, if you would like, you can make a brief opening statement. We're just barely getting into this.

Senator CRAIG. I don't have any statement at this time.

Senator CRAPO. Governor, as I indicated, the Federal agencies have frequently stated in forums such as this that they can't change the way they're going about business due to statutory deadlines and parameters that they've got to live within. How would you suggest that the Federal Caucus best include the States at the roundtable while maintaining their momentum and moving toward the 1999 Decision?

Governor Kempthorne. Mr. Chairman, the vehicle is there. Again, I think we are all dedicated to the recovery of the salmon. There is nothing—nothing—in statute that would preclude a Federal agency from sitting down and having a good, meaningful discussion with the States. In fact, in all of the things that this subcommittee is going to be dealing with, Mr. Chairman, I believe that when we saw progress it is when we undertook a collaborative process; when you had the Administration working with Congress, when it was bipartisan, and when all of the affected and impacted parties had a place at the table. That is what I'm asking for. Again, that is what I think is a formula that leads us to results and to stop the rhetoric.

Senator CRAPO. Later in the hearing today, we expect to hear from several other interest groups. We have already heard from various tribes and other interest groups, people representing many different aspects of the issues that we face in the Pacific Northwest who also seek a seat at the table, so to speak.

In terms of designing what I call a collaborative process to build a consensus that we can move forward on in the Northwest, when you look at that process, I have no disagreement with you the States should be at the table and in a very big way. What about these other interest groups, the tribes and the other interest groups, some of which are not governmental entities, do you have an opinion or a position on how we should approach their participation in the process?

Governor Kempthorne. Mr. Chairman, I think you see probably listed up there most of the groups that are impacted. Again, if you're impacted, you probably have part of the solution. Again, I think there are certainly ways. We have demonstrated there are models that can be utilized. However, when I hear that a chairman of a subcommittee is filing a Freedom of Information Act request to find out what a Federal Caucus is doing, Federal agencies, about one of the most critical issues of the Northwest—salmon recovery—it suggests to me that we don't have the correct process in place.

Here you have a group of Governors—now, today, I can only represent myself—but I do know the other Governors, in a collaborative effort would love to work with the respective Federal agencies, with other impacted parties. As we reference Multi-Species Framework, the Columbia River Basin Forum, we are together at a variety of times. So let's just have the Federal Government, especially the Federal Caucus, open the doors. I am representing the State of Idaho. We have the resources. We are going to be impacted by this. We want to see the recovery of the salmon. So, again, I am saying to those in the Federal Government that say that we play a critical role and that we are going to be a partner, this partner is ready.

Senator CRAPO. Thank you. I will just ask one more question at this time, and then I am going to turn it over to Senator Craig for any statement that he would like to make as well as questions.

You have indicated that you don't really object to the Federal agencies communicating with each other and seeking to fulfill their statutory obligations as they are obligated to move forward, and as we hope that they will properly move forward, under the statutory requirements that we live with. I don't have that concern either.

The concern that I see is that when we hear and understand that what is happening in the Caucus is the development of a conceptual framework for a recovery plan or that type of activity, it raises a significant level of concern. It seems to be putting the cart before the horse in the sense that if a conceptual recovery plan is identified or created and then the States are brought to the table, it seems to me that the opportunity of the States, or the tribes, or other interest groups is focused only into what has already been predetermined and limits the outcome. To me, that is the concern I am addressing.

I wanted to just get your approach to that. I know you indicated that you were not suggesting that we eliminate the ability of the agencies to communicate. What is it that you see as the problem and what is it that you see as the solution. I know I'm asking for a little bit of repetition there.

Governor Kempthorne. Sure. Chairman Crapo, a slogan that I like is "The best surprise is no surprise." So, with all of the good faith effort by the States of this region that want to bring about the recovery of salmon, if they are not allowed to be part of what ultimately is a recommendation and we are simply to see the final product when it is finally completed without any input, I think we have little recourse but to be surprised by that. Then what posture are we to take? That as sovereign States, well, that's fine, we would have liked to have seen it done otherwise.

But now that the Federal Government has come up with this process of their own without input by the States that are comprising the United States of America, I think it does not bode well and it does not spell out a formula for partnership and for results. We are after results.

If I may, Mr. Chairman, offer a quick example. You referenced the point about Federal agencies communicating together. For the past few years I have been working on the Caspian tern issue. Here we have Rice Island which has been created by the Corps of Engineers by dredging the Columbia so that it is navigable. We

have seen created, therefore, a man-made island, 230 acres. Caspian tern is now located there. It has been established that upwards of 25 million smolt are being consumed by the Caspian tern before these smolt can get to the ocean.

Sitting in your chair, Mr. Chairman, I had received assurances from the Federal agencies that they would communicate, they would collaborate, they would work to get the solutions, and that for this season they would get a Caspian tern population down to 500 to 1,000 nesting pair. Well, the working group now affirms that there is anywhere from 6,500 to 9,000 nesting pair on Rice Island.

Again, I have sat down with these different agencies and they have told me, well, it is not our agency that objects to relocating the birds, it is another agency. Then that agency says, no, we really can't do it without the agreement and sign-off by this other Federal agency, and it goes on and on.

So the fact of the matter is, on a federally-made island you now have a non-threatened, a non-endangered bird consuming an endangered species, a smolt. It just stands to reason, if you can get 25 million smolt to the ocean, you probably have a little bit better chance of getting them back. It is an absolute failure thus far on this Caspian tern. So, how serious is the Federal Government? That's the question I would pose.

Senator CRAPO. Thank you.

Senator Craig, please make any statement and ask any questions you may have.

**OPENING STATEMENT OF HON. LARRY CRAIG,  
U.S. SENATOR FROM THE STATE OF IDAHO**

Senator CRAIG. First of all, Mr. Chairman, let me thank you for holding this hearing. Let me especially thank you for your bold stroke in using FOIA to get at what is a problem for us in the Pacific Northwest delegations. I won't speak for Senator Wyden since he is here, but I can I think speak for those Senators, Democrat and Republican, in the Pacific Northwest and the affected States who have stood with relative unity on this issue. We must be kept aware at all times of the information and the activity concerning this matter.

As you know, Senator Crapo, when Senator Smith hosted our hearing at Hood River, this became an issue. I was frankly frustrated by the cavalier attitude on the part of the Will Stelle: "Gee, we're not keeping any secrets, we're just meeting in private." Well, they don't have that right, bluntly put. That doesn't mean that individual A doesn't have a right to communicate with individual B. When they sit down and discuss frameworks, however, we want to be aware of how that process works. I am not now suggesting, as I was so abrupt as to suggest at that time, that I wanted to intervene, but I certainly want to know.

So now we will know, thanks to your stroke. If it doesn't work, well, I see George Frampton sitting behind the Governor. George, we will call upon you to do what is responsible for you to do at the Council of Environmental Quality. I see Donna Darm and Donna has been before our committee. We have had these rounds before. I hope it has now registered on you that this is one of the most important issues that the Pacific Northwest States and delegations



involved will face in many years. Decisions and plans that will be made could well affect thousands and thousands of people along with the species in question. We simply must know.

It is always a pleasure to have Governor Kempthorne back and to work with him in the role that he has taken on this very important issue. The Governor works very closely with the Idaho congressional delegation so that we all are together on it.

I have no questions, but I wanted to stop by and applaud you for what you are doing. I just came from Interior Appropriations mark-up and I visited with Senator Gorton about this. If this isn't straightforward in coming, we will just tag it on to your money. Get the message. We will be kept informed. We will be a part of the loop. We will not expect surprises. That's the way the public process works. I hope that message is made clear today. Thank you, Mr. Chairman.

Senator CRAPO. Thank you, Senator Craig.

Senator Wyden, Governor Kempthorne has just finished his testimony and we're at questions. Please make any opening statement and then feel free to ask questions.

**OPENING STATEMENT OF HON. RON WYDEN,  
U.S. SENATOR FROM THE STATE OF OREGON**

Senator WYDEN. Thank you very much, Mr. Chairman. I appreciate that. We have an Energy and Natural Resources hearing in a little bit on a Douglas County matter for Oregon, so, like many of our colleagues, I'm trying to be in two places.

I just want to begin by welcoming our good friend Governor Kempthorne. I still wish that we could have gone forward with all of your exceptionally important efforts on the Endangered Species Act in the last Congress. As you know, it tracks very well with the Oregon coastal salmon plan and really takes us where I think we ought to be for the 21st century with respect to endangered species; and that is, encouraging these home-grown, locally-driven kinds of approaches. So, we miss you, Dirk, and know that it will always be good to have your counsel.

Governor Kempthorne. Thank you.

Senator WYDEN. Incidentally, I was in Boise recently with Senator Crapo and we are working hard to try to bring back Amtrak coverage from Portland to Boise. We're encouraged and so we're going to try to rope you into that exercise before long as well.

Mr. Chairman, I just want to make one comment with respect to the principal topic we are delving into today, and that is the question of dams and salmon restoration. I see Mr. Frampton is here. Please accept my apologies as well for not being able to stay.

One of the principal concerns I have this afternoon, based on discussions that I have had with folks in the Pacific Northwest, is the concern that decisionmaking authority is going to be able to stay in the region. I think there is great concern in the Northwest now with all of the various Federal agencies trying to look at ways to evaluate the science and take steps, which are completely appropriate, that this in some way is going to lead to the region losing the authority that is so important to actually make decision that best address the needs of the Pacific Northwest.

As a corollary of that, I want to impress upon Mr. Frampton the need to have all the stakeholders at the table. I know that there are a number of groups that have contacted us, wheat growers and others, that are very concerned that they won't have an opportunity for input. Exports, of course, are an enormous part of the Northwest economy; they create jobs all the way through the Pacific Northwest. I may possibly be able to get back before the end of Mr. Frampton's testimony, but know that those are two concerns raised in the last few weeks that have been important in the region. To ensure that as what has become known as the Federal Caucus, the various agencies that are having discussions about salmon and dams, goes forward, we do want to keep the authority within the region and we do want to make sure that principal stakeholders like wheat growers are not left behind.

With that, Mr. Chairman, I thank you. Possibly I may get back. To Governor Kempthorne, I look forward to working with him. My apologies to Mr. Frampton for having to take off so quickly. Thank you.

Senator CRAPO. Thank you. Did you have any questions for the Governor?

Senator WYDEN. No questions.

Senator CRAPO. Governor Kempthorne, before we release you, I actually had two other questions but one of them was on the Caspian terns and you answered that as a part of the last question. So, really, the last question that I have relates to the Multi-Species Framework. I don't know if we signalled to you that we were going to ask this question, so you may not be prepared to respond, but if you can, I would appreciate your doing so.

The question I have is whether you are satisfied with the work product of the Multi-Species Framework that is underway right now, and whether you believe Idaho's issues are being adequately addressed in that whole part of the process.

Governor Kempthorne. Yes, Mr. Chairman, I would be happy to respond to that. I want to add how much I appreciated Senator Craig's and Senator Wyden's comments. As a member of this subcommittee and the full committee, Senator Wyden was someone that we were able to find good partnership with. So as we look at Federal-State relationships, again, you have a good group of colleagues who can forge some results.

With regard to the Multi-Species Framework, it is multi-faceted. I think you have very talented individuals working on it. The idea is for them to identify the science, the alternatives, the options, and to just lay it before decisionmakers. I have met with leadership of the Multi-Species process and they have said that their intent is to come up with the data so that decisionmakers can then pick and choose what they think makes the most sense for the region in an approach to recover the salmon in balance with the economy of the region. They are moving ahead. I am anxious to see the array of options and information that they provide. But it is in place.

I am supportive of that particular aspect, but it is not comprised of the decisionmakers. It is to lay before those who can make decisions what they think should be the ultimate solution. To me, it provides a great deal of information that in that collaborative proc-

ess I've referenced we would have information that would be of benefit. So, I'm supportive of it at this point.

Senator CRAPO. Thank you. Governor Kempthorne, we also are supportive of your efforts in making sure that the voice of not only the State of Idaho, but the other States in the region be heard in this issue as well as others. Your advocacy for States' rights is one which earned you the support of the people of Idaho as Governor and which will serve them well.

I should tell you before we conclude that there are a number of issues where we would like to see States have a louder voice in managing issues. I note that you have been working very hard in the Superfund arena to try to get Idaho's voice better heard as we face some significant questions in the Silver Valley. Hopefully, possibly we will be able to get this committee or some part of the Environmental and Public Works Committee to come to Idaho and hold some hearings or take at least some action out there to assist you in those efforts as well.

So, unless you have anything further to say, we will conclude your part of the testimony. Thank you once again very much for coming.

Governor Kempthorne. Thank you, Mr. Chairman, and, again, thank you for your leadership. We would welcome any committee activity in the State of Idaho and we would be honored to have you there. Thank you.

Senator CRAPO. Thank you very much.

Senator CRAPO. Our second panel today will be—actually, I'm looking at my agenda here, we didn't even count you as a panel, Governor Kempthorne, we counted you as a special witness. So our first panel is the Honorable George Frampton, the Acting Chair of the Council on Environmental Quality, who will be accompanied by Ms. Donna Darm, with the National Marine Fisheries Services; Mr. Witt Anderson, of the Army Corps of Engineers; and Mr. Stephen Wright, of the Bonneville Power Administration. We welcome all of you.

Mr. Frampton, please feel free to begin your testimony.

**STATEMENT OF GEORGE FRAMPTON, ACTING CHAIR,  
COUNCIL ON ENVIRONMENTAL QUALITY**

Mr. FRAMPTON. Thank you, Mr. Chairman. I am pleased to appear before you today to testify about the Federal role in salmon recovery efforts in the Columbia River Basin. Since the role of CEQ in this effort is largely a strategic one, it is one of making sure that Federal agencies have the resources they need, are working together, the process is working right.

I appreciate the opportunity to represent this panel of regional agencies who are part of the operational effort. Donna Darm is the Assistant Regional Administrator for NMFS in the Northwest, Witt Anderson, is a Fisheries Biologist with the Corps of Engineers in Portland, and Steve Wright is the Vice President, Corporate for Bonneville Power Administration.

We all know that a lot of salmon runs in the Northwest are in deep trouble. Some are near extinction. I think we're all beginning to realize that this is also a bigger issue than just salmon. Salmon are a keystone species, they serve as indicators of the health of wa-

tersheds and clean water. So, although the Endangered Species Act may have pointed the way here in a sense, this is not just an Endangered Species Act issue, and it is not even a salmon issue. It is really, in part, about the vision that people in the region have about their future.

We are committed to salmon restoration and convinced that the restoration of salmon runs, the continued promotion of a vibrant economy in the region, and a fine quality of life are three things that go together; indeed, they probably have to go together. You're not going to have one of those without the other two.

What I would like to do, Mr. Chairman, is just make a few points that I hope will be responsive to the concerns that you have expressed, and Governor Kempthorne expressed, Senator Craig expressed this morning about the process and the Federal Caucus. I hope to clear up those concerns because I think to some extent they are based on a misconception of what it is that the Federal agencies are doing.

There are four points I guess I want to make in my oral testimony, Mr. Chairman.

First, if you recall, going back to 1993 when the Clinton Administration came in, we were faced with a very highly balkanized debate in the Pacific Northwest over forest management. That was in some part because the Federal agencies were really working at cross-purposes. They were self-defeating and there was no discipline for the Federal family to work together. So making sure that the Federal agencies work together has really been a hallmark of this Administration. It was through interagency partnership that we were able to forge a Northwest forest plan that protected forests and provided for a sustainable timber economy.

It is our commitment to try to make sure that that interagency partnership is there on salmon recovery efforts. That is the reason why the Federal Caucus exists. The Federal Caucus really represents our commitment to making sure that the Federal family works together. It's very simple.

Second, the so-called 1999 Decision, which is a decision about the future configuration, operations of the Columbia River Power System and its impact on endangered salmon runs, is necessarily focused on hydropower operations to a large extent. Those good decisions can't be made unless they are seen in the context of all of the four H's—hydropower impacts, habitat protection, hatchery policy and operations, and harvest regimes.

So the 4-H Paper is not so much a piece of paper, as a process or a place where the Federal agencies can talk to each other about this larger context in which the 1999 Decision is going to have to be made. It is a place where strategies and ideas can be shared among the Federal agencies. It is not a decisionmaking process. I see that Governor Kempthorne took his chart down. I'm sorry he did because I thought it was Frampton Exhibit No. 1.

Senator CRAPO. We will have it put back up for you.

Mr. FRAMPTON. Thank you very much. When you look at that, if there isn't one place there where the Federal agencies can talk to each other, we're in trouble. That's really what the 4-H Paper is about.

Third, even though Federal agencies ultimately have statutory responsibilities and operational responsibilities and have to make decisions, I think this Administration has made the point that we believe the best solution—the best strategy for salmon restoration and a healthy economy—has got to be developed in the region. This is not a platitude, it is not a cover for the Feds to go behind doors and make the decisions. Nor is it an abdication of responsibilities which the Federal agencies ultimately have to make decisions that fit into a strategy. It is a recognition that contributions to salmon recovery, if we're to have a successful strategy, have to come from States and local governments and from private interests. Habitat protection on private lands, for example, is going to be a terribly important element of any successful regional program.

So we need the active engagement and the leadership of State governments and local governments and private sector at all levels. Without strong regional public support for such a strategy to create that kind of engagement, we're not going to be able to meet this challenge. So this is a real commitment.

Finally, in order to forge a successful regional strategy, it is clear that we need a robust, open, public debate in the region about the real choices here—the real costs, the real alternatives, the real benefits, the risks of various alternatives. We need a debate without presuppositions, nothing off the table, an honest evaluation of what the science can tell us and what it can't tell us, an honest evaluation of the costs and who are going to bear the costs of various alternatives, and how we cushion those costs or develop transition programs where they are required. The Administration is committed and I am committed to such a debate.

So the Federal Caucus process and the 4-H Paper process is not the Federal agencies going behind closed doors with their cards held close to their chests and making up their minds. It is a place where the Federal agencies together can develop some ideas and then take those ideas and put them into various public processes. For example, the 4-H Paper process is now in the course of being married with the Multi-Species Framework, the Power Planning Council's Multi-Species Framework. They share common sub-committees.

The point of the 4-H Paper process is to get ideas into the Multi-Species Framework context and into the Columbia River Basin Forum process so that all stakeholders can start considering those ideas, developing strategies, and ultimately, in a broader way, getting those proposed strategies and alternatives out for public debate. After all, part of what the Federal agencies have to do, and they are on a very tight time schedule, is to develop these draft documents like the Snake River Feasibility Study, EIS, and scientific assessments and put them out there for public review and for public debate. That is what we're about.

I am very happy to have heard Governor Kempthorne say good things about the Multi-Species Framework process. I think that is a process in which all of the stakeholders are at the table. That is the process in which initially, as I think he pointed out, Mr. Chairman, the alternatives are going to be developed, but the decisions are not even going to be made then. The decisions are going to be made only after a full public debate. What we have to do is make

sure that that debate is made with the best information, and that it is an honest debate that looks at what the information can help tell us and what it can't.

That's my closing thought I guess is that ultimately there aren't going to be any silver bullets here. There aren't going to be any easy choices. Some very difficult choices are going to have to be made. No easy decisions. I don't think that science is going to dictate one decision or another, and I doubt that the economics is going to dictate one decision or another.

Ultimately, we are going to be making some policy choices about the future of the region and those decisions ideally need to be made in the region with strong public support from the region, based on a full understanding of what the real choices are and what our vision is of the future. We're committed to that process.

As I listened to you and the Governor, I understood perfectly well your nervousness about the Feds getting together at the last minute in a closed room someplace and making up the playbook. Well, we may be drawing up some ideas about the playbook, but the game is going to be out on the field. Everybody is going to be involved, and we're committed to that kind of a process.

Thank you very much for having us here today and giving us an opportunity to respond to these concerns. I hope that what you will hear from me and others today will make a lot of people easier about what is going on, the process. The Federal Government and the Administration commit to an open process, to State involvement, and to a very robust public debate before any decisions are made. Thank you.

Senator CRAPO. I appreciate also your appearance here and those who have come with you. I am sure we will have an opportunity to hear from them as questions may elicit responses in which they can assist in providing information.

As a prelude to my questions, let me just elaborate a little further on some of the concerns. I have heard it said, and I've heard this attributed to a number of different people, so I don't know who really said it, but I've heard it said that some prominent political figure has stated "If you give me control of the process, I can control the outcome." I believe that. That is one of the reasons we have such a big concern.

I want you to give us more detail about what actually is going on inside the Federal Caucus and what is happening in the meetings. As you talked about it today, you shared the fact that alternatives were being developed, that it was a location where strategies and ideas are being shared. You did indicate that it is not a decisionmaking process, but, frankly, I find it very hard to understand because just controlling the process can help generate the result. You talked about developing alternatives or sharing strategies and that they will be the framework. Developing the framework for recovery is a term that has been used, not by you today but by others. When those kinds of terms are used, they evoke a question as to whether a framework going to be established. Could you respond to that?

Mr. FRAMPTON. Mr. Chairman, my sense is that the real definition of the range of alternatives is going to occur in the Northwest Power Planning Council's Multi-Species Framework. That's the

forum in which we are trying to develop the alternatives that will be the basis of public debate. I think the Federal Caucus right now is really involved in feeding ideas into the Multi-Species Framework.

I think I would like to ask Donna Darm to talk a little bit more in detail about what is happening in the 4-H Paper process and the relationship between that process and the Multi-Species Framework.

Senator CRAPO. Please.

Ms. DARM. Thank you. I think that Mr. Frampton actually captured it perfectly in saying that the Framework is the place where alternatives are being developed. Keep in mind, when we first started the Federal Caucus in February, it wasn't entirely clear where the Framework would end up. The schedule that they were on had them developing alternatives at the beginning of the summer, which would have then fed well into a draft 4-H Paper and Biological Assessments for Section 7 consultations in the fall.

As it has turned out, our two processes have merged and, in effect, as Mr. Frampton said, the workgroups are one and the same essentially for investigation of all of the different H's in the development of the alternatives. Frankly, the way things have turned out, it is primarily Council staff and Federal agency staff who are staffing those workgroups and doing most of the work.

So there is heavy participation and interaction between the Council and the Federal agencies on the development of those alternatives.

Senator CRAPO. Well, what is it exactly that is happening in the Federal Caucus meetings that is not happening in the other meetings which have more public involvement?

Ms. DARM. You will have a chance to see some of that when you get the documents, which, by the way, we would be happy to provide without a FOIA request.

Senator CRAPO. Good.

Ms. DARM. And you will be bored. There's a lot of discussion about things like what we do after the consultation, do we need to have NEPA documentation, do we need to have records of decision, that sort of thing. There is a lot of discussion about the Clean Water Act and the role of the Clean Water Act in the decision. There is quite a bit of discussion about the alternatives as they are being developed.

The other big area that we have focused on and that I think we all should be focused on, Mr. Frampton alluded to this, is the development of the science. The National Marine Fisheries Service, in particular, views it as one of our jobs to provide for the public debate the best scientific information available on the status of salmon stocks and on the likely impacts of any of the management alternatives on those stocks. So we spent a lot of time in the Caucus workgroup focusing on what sort of analyses are available, how we can get all of the data together necessary, how we can collaborate with the Framework analytical process.

Mr. FRAMPTON. Senator, if I could make an observation about some of the practicalities of this.

Senator CRAPO. Yes. Go ahead.

Mr. FRAMPTON. A little bit perhaps before I came to CEQ, my sense is that the formation of the Federal Caucus and the 4-H Paper helped to accelerate the Multi-Species Framework process and get it moving forward. Now we are finding these things are coming together.

But if you go back 5 or 6 months, if you were a Federal official with responsibility for participating in decisions a year down the road or 15 months down the road and you were totally dependent for the development of alternatives outside of a Federal process doesn't go forward or gets delayed. Then you come to a position in late 1999 as a Federal official in which you are faced with a statutory deadline or a court-ordered deadline and you have not met your statutory responsibilities to prepare for that decision.

That would be a terrible situation for the Federal agencies to be in. They need to start a process, if only as a backup, that guarantees that they are at least diligently moving forward to exercise responsibilities that are going to be triggered a year from now. I think that originally may have played some part in the formation of the Federal Caucus.

Now the more open, more inclusive, more public process is working and the two are dovetailing.

Mr. WRIGHT. Mr. Chairman, could I add to Mr. Frampton's answer?

Senator CRAPO. Yes, please.

Mr. WRIGHT. One other piece. I think it has been our perspective for some time now that it is not important just to develop a plan, but to develop a plan that will be implemented. The only way you are going to get to implementation is if you have some form of regional consensus. For that reason, the States have had difficulty providing adequate funding for the Multi-Species Framework process and have come to us and asked us for funding support. In fact, Bonneville has I believe provided the majority of the funding for the Multi-Species Framework process, excuse me, Bonneville and the Corps.

[Laughter.]

Senator CRAPO. We'll give the Corps its credit.

Mr. WRIGHT. For just that reason, our belief is the only way this can work is if we bring the region along with us as we go along here.

Senator CRAPO. There are a number of questions I want to ask. Let me clear up one little issue first. Donna, you indicated that you would provide the documentation we're asking for without the FOIA request. I appreciate that. But it was my understanding that the Federal agencies had been very closed-mouthed and unresponsive to requests from people or groups in the region as to what was going on or documentation of the meetings. Is that not the case? Have you always been willing to provide this information?

Ms. DARM. Mr. Chairman, I am not aware of any requests we have received for documents that we have produced. We have, however, been participating with the Framework over the last several months, going out to the public and explaining to people what the Federal Caucus is and what its role is in the development of alternatives and so forth. So we have been quite open about what the Caucus is doing.



Senator CRAPO. Well, there seems to be a pretty strong feeling in the region that nobody knows what is going on in these meetings and nobody can really ascertain what it is. But maybe this hearing will help clear up a lot of that.

Let me go back to another line of questioning to try to further plumb the issue of why the concern, and whether the concern is something that we should be worried about or it is just a misunderstanding.

Mr. Frampton, would you agree that it is the Federal agencies under Federal law that will ultimately make the decision?

Mr. FRAMPTON. Well, the Federal agencies have operational and statutory responsibilities that together will result in a decision or series of decisions, that's correct.

Senator CRAPO. That's my understanding. That is the answer I've received to that question when I've asked it at various hearings, although different agencies think that it is other agencies who have more power than they do. We are all, including the Federal agency officials, trying to figure out who really is going to make the decision. Maybe it will be Congress that ultimately makes the decision. I don't know. But the point is that a Federal decisionmaking forum or a Federal agency, either alone or in collaboration in conjunction with other Federal agencies, will make the decision, as the statutes require.

With that understanding in place, there is a big concern about what we are achieving when we seek and ask for public input. Let me explain what I'm getting at here. In one context, one of the concerns that I have about our Federal environmental decisionmaking process which is required by Federal law today is that the public input or the public participation is by statute and by regulation far too often designed to create conflict or to create battlegrounds on which conflict can take place, rather than to build consensus and further collaboration. What I am saying is, far too often Federal agencies, as they operate under their statutory mandates, go through a process of decisionmaking; they make a decision. Then they put out a document in which public comment is invited. They get comments from many people and the various interest groups, and then if a public hearing is held, it becomes a place where competing interest groups, in my opinion, stage their arguments for the hearing officer to try to make sure their arguments are in the record, and often do so hoping that the television cameras and radio stations and newspapers are there to report the eloquence of their arguments to the public. But it doesn't really amount to sitting around a table with the various interest groups and building a collaborative process that should yield some type of effort to find common ground and build consensus.

Whether you agree with me or not on that, that is a perspective that I think is very widely shared in the Pacific Northwest, if not across the country, about the process that we go through. It generates, frankly, quite a bit of cynicism; cynicism because the perception is there that the decision has already been made, cynicism that the public opportunity for input is more of a show than a reality, or that it does not have an impact on the ultimate outcome, and cynicism because of the complicated process and the time delays that occur.

With that kind of perspective, to then find out that the Federal agencies that are making the decision are meeting because they have an impending statutory deadline coming and they've got to get ready for it and they've got to be prepared to make decisions, and they are putting together—Donna, did you say the best way to describe it is that they were developing the framework? What was your wording of what the best description of the Federal Caucus was?

Ms. DARM. Actually, I think it was Mr. Frampton who mentioned it.

Mr. FRAMPTON. I think it was feeding ideas into the Multi-Species Framework process, is the way I think I characterized it.

Senator CRAPO. Is that how you would characterize it?

Ms. DARM. I think that's a good characterization. I generally think of it as the context for the hydropower decision.

Senator CRAPO. Okay. The agencies are putting together the ideas or putting together the framework. A lot of words that have been used here today. In that context, if that is all set up and then the public is invited in to participate, then hasn't a significant part of the decision in fact been made?

Mr. FRAMPTON. Well, Senator, if that's the way this were going to go, we would lose probably the key opportunity for building public support for a workable strategy in the region.

Senator CRAPO. I agree.

Mr. FRAMPTON. Which is why we don't want to go that way. I think you made a very accurate, very general observation about the way most of our Federal environmental laws were structured from the early 1970's, because they are principally designed around Federal decisionmaking.

What we have found in the last few years is that on these big, very difficult regional ecosystem issues, the traditional Federal decisionmaking process, irrespective of public input and NEPA process, is not sufficient to build a regional consensus and develop a successful regional strategy. I've worked on a number of these projects, from the Everglades, which is a State-Federal-local-landowner project, to California water issues.

Each of these requires really an architect-designed, collaborative process. Federal statute didn't create the Multi-Species Framework process. We had to develop it to fit the need for State-private-Federal-tribal collaboration. But we need that process and we need to use that process if we're going to develop a successful strategy.

Because we want to have a successful strategy, we are going to be committed to the process in which the decisions are really shaped is inclusive and beyond that, a public process.

Senator CRAPO. Let me try an analogy. That's always dangerous because I'm not sure I can create an analogy that will work here exactly, so please cut me a little slack on this. To make the point that I'm making, let's analogize it with sports. If there is a group that gets together and decides the rules of the game that will be played. They get to decide, for example, that one of the alternatives will be that the ball is shaped a certain way. If they say that the field will be 100 yards long, it will have to be played outdoors as opposed to indoors on hardwood floors, with goal posts instead of hoops. No one will be surprised that the game will be football rath-

er than a basketball. You change the game by the rules that you decide to apply.

When they invite the participants to play, they can't choose between basketball or football. That has been decided. They might decide what plays to run on the football field, but they won't decide what plays to run on the basketball court. Maybe basketball would have been the better game.

The point I am making is that the ability to control the development of alternatives, the ability to control the rules of the game can dramatically change the direction of the decisionmaking and the participation of those who are ultimately invited to participate. In that context, it seems to me that there is a very real concern.

I am saying that you haven't calmed my concern that there is a real problem here in the decisionmaking. I believe is going on among the Federal agencies without the participation of the States and the tribes and the people in the region. What I am also saying is I don't think we are really yet getting to that collaborative process. Maybe we are moving to one at the tail-end. Like I say, we can collaborate about what plays to run, but it is going to be in a football game, not in a basketball game. That is the concern I have.

Do you not feel that the decisionmaking that the Federal Caucus is engaged in is going to have a dramatic impact on the alternatives and the outcomes that are possible or achievable in the process?

Ms. DARM. Can I jump in on that?

Senator CRAPO. Certainly. Go ahead.

Ms. DARM. Thanks, Mr. Chairman. The alternatives are being developed in the framework and they are being developed in collaboration with everyone who participates. Not all parties participate particularly at the technical level very fully. But it is open to everyone to participate. The alternatives are being vetted throughout the region right now. It is not like there is a huge range of alternatives that are possible. Our decision space isn't that large.

I think maybe what you were driving at earlier, Mr. Chairman, is once these alternatives are all on the table and we know what they are, and the analyses are all on the table and we know which of the alternatives might have a chance of getting you where you want to go, what happens then. When we get to that point, will the Federal agencies have already come to some conclusion about which is the preferred alternative among those alternatives?

To be quite frank about it, we have been grappling with that decision ourselves. In fact, earlier this week a couple of representatives from the Federal agencies met with representatives from the Power Planning Council to talk about whether it would be possible to have a joint public process once everything is on the table. Once all the alternatives are on the table, the analyses are on the table, is there some way for the Power Planning Council, the Forum, the Federal agencies, all of the governmental parties in the region to get together on a joint process so we aren't all off going in some different direction, asking the public to participate in some different process, and essentially competing with one another.

Senator CRAPO. Let me ask you, once the alternatives are on the table and the science has been done and we're at the point of making the decision, what reason is there at that point for a Federal

Caucus to operate unless it is to make decisions? If so, how can they involve the community in the making of that decision?

Ms. DARM. The idea at that point would not be for the Federal Caucus to be the governmental entity that interfaces with the public. It still will be necessary for the Federal agencies to do their homework, to have a place where they can communicate with one another. Whether it is called the Caucus, or a regular meeting of the Federal agencies, or something else, we will still need to talk with one another. But in terms of the public process, in terms of getting input on the alternatives that have been developed, in terms of getting review of the analyses, the scientific, economic, social analyses that have been done, in terms of testing those analyses, that sort of thing, that needs to be a public process.

Senator CRAPO. Are you telling me then, I can have your assurance that the Federal Caucus is not developing alternatives?

Ms. DARM. The Federal Caucus is working—may I elaborate a little bit?

Senator CRAPO. Sure.

Ms. DARM. The way that the Framework process started was a little bit different from the direction we might have gone. They started by soliciting from the region visions of the river—what do you want the river to look like in 20 years. They talked about river as ecosystem, river as machine, those kinds of things. From that process they have distilled seven alternatives essentially.

Senator CRAPO. Who distilled those alternatives, the Caucus?

Ms. DARM. The Framework. No, no, this is all the Framework process.

Senator CRAPO. All right.

Ms. DARM. The Federal agencies have a narrower mandate. We're looking at listed species. The Framework is looking at the entire ecosystem and all species. The Caucus is looking at listed aquatic species. So we have come at it from a little bit different angle, which is people talk about the four-H's—habitat, harvest, hatcheries, hydropower. For each of the four H's there is a limited number of alternatives that you can pursue. You can mix and match those alternatives in different ways. For example, if you don't want to take out dams, is there something you can do in harvest or in habitat to get an increase in survival to make up for the fact that you haven't taken out dams, just to pick an example. You can mix and match those scenarios for each of the H's in different ways than the Framework has developed them.

So our approach, at least through the analytical part of what we're doing, is to try and test the sensitivity of the listed species to various mixes and matches of scenarios. We are doing that through a scientific process. The Framework scientific group is involved in that. We're trading information, we're using the same databases.

Senator CRAPO. If I understand you right, it is a much broader analysis because you're not looking at only listed species. You're looking at an ecosystem approach.

Ms. DARM. The Framework is looking at the entire ecosystem.

Senator CRAPO. So then back to my question. I would interpret your answer to mean that in the context of the question of whether the Caucus is developing alternatives, maybe alternatives isn't the

right word because that's in the context of species recovery, but you are developing I'll use the word approaches to ecosystem management. Is that a fair statement?

Ms. DARM. That isn't quite how I would put it. I would say we are working with the Framework to develop the range of possible actions for each H.

Senator CRAPO. For each agency?

Ms. DARM. Each H—I'm sorry, it's regional jargon—hydropower, harvest, hatcheries, and habitat. The Framework has already decided how it will mix and match those H's in its alternatives. Other combinations are possible and we would like to at least analytically explore the other combinations.

Senator CRAPO. So you're looking at the alternatives that the Framework has generated with the various mixes and matches of the H's.

Ms. DARM. Exactly.

Senator CRAPO. But you are also looking at other mixes and matches of the H's?

Ms. DARM. Yes. Right. Same choices, different mixes and matches.

Senator CRAPO. Now that tells me that you are looking at other alternatives.

Ms. DARM. We're looking at different mixes of the same alternatives.

Senator CRAPO. All right.

Ms. DARM. Alternative scenarios. It gets confusing what you call them. I am not trying to dodge.

Senator CRAPO. I understand. I don't think you're trying to play word games with me.

Ms. DARM. No. I'm trying to be clear.

Senator CRAPO. But you are looking at different mixes of the alternatives than the Framework is?

Ms. DARM. Yes.

Senator CRAPO. Different mixes of the H's than the alternatives that the Framework is using?

Ms. DARM. That's the idea.

Senator CRAPO. Let's assume that one of those different mixes looks pretty good but it is not something that the Framework generated. At that point, nobody in the Pacific Northwest but the Caucus knows that or has been working on that or has had input on that. That, to me, would seem to be a procedural problem, because maybe there is a real serious defect that the Governor of the State of Idaho could have pointed out had he been able to be there to participate in the evaluation of this different mix of the H's.

Ms. DARM. I had mentioned this was an analytical exercise. For the purpose of analysis, we are mixing and matching these H's in different ways. In mid-August we will have completed at least the preliminary exercise of doing that and we will be hosting a regional workshop to display and discuss those mixes and matches of alternative scenarios. In addition, all of the technical staff from the Federal agencies, as I mentioned before, are participating heavily in the Framework workgroups. So there is plenty of opportunity. If we learn something surprising that comes out of this mixing and

matching analytical exercise, there is plenty of opportunity to share it and discuss it regionally.

Senator CRAPO. Let me take this a step further. Analysis is being undertaken of different mixes and matches which can go beyond the mixes and matches that have already been done by the Framework. I would assume that the analysis is going to generate among the Federal Caucus members some mixes and matches that they think aren't very workable, some that they think are workable but have problems, and some that they think are more workable than others. Which begins to be the development of a preference. Will the Federal Caucus determine a preferred mix and match or a preferred alternative?

Ms. DARM. This was a discussion that we had in our conversation with the Power Planning Council earlier this week because the Power Planning Council, in their rulemaking process, will take some subset of the alternatives being looked at in the Framework and proceed to their rulemaking. So we were talking to the Council about what mechanism would make the most sense to narrow the range of alternatives that we should look at.

From our perspective, because we're implementing the Endangered Species Act, we will be most interested in those alternatives that meet the requirements of the Endangered Species Act. The Council has somewhat broader mandates and so we will be looking at other factors as well.

Senator CRAPO. When you say "we," it is the Federal Caucus that you're talking about.

Ms. DARM. I can't remember how I used it in that sentence. It was either the Federal Caucus or the Federal Caucus and the Power Planning Council.

Senator CRAPO. But in any event, it is not the Framework.

Ms. DARM. The Framework was set up to generate alternatives. It is not a decisionmaking exercise.

Senator CRAPO. Okay. But, see, what I'm hearing you say is that the alternatives have now been generated by the Framework and the Caucus is taking it to the next step, which is to analyze the alternatives as well as to mix and match beyond those alternatives with the various options, and then to determine which of those best satisfy the needs of the Endangered Species Act, which, as I understand you, the next step would be those then would be the preferred approaches—maybe that's not the legal terminology—but those will be the approaches that gain the support of the participants in the Federal Caucus as the decision is being made. Have I incorrectly stated the process that you're following?

Ms. DARM. No.

Senator CRAPO. You don't see a problem there? Because, as I see it, that's a problem. The problem is that the Federal Caucus is now evaluating the various four H's, including, but not limited to, the mixes that have been put together by the Framework, going beyond that and looking at other mixes and matches, concluding which of those have the most merit, and then proceeding toward a decision on those. Certainly, at some point I assume you're going to open it up for public comment and public participation. But I'm getting more and more concerned rather than less and less concerned about the process you're describing.

Mr. FRAMPTON. Senator, it seems to me, and I'm listening to some of this detail as a little bit of an outsider as well, but my understanding is that the purpose of this sharpening process is to make sure that the alternatives that go out to the public for broad public debate through the Framework process are the best possible set of alternatives. The proof of the pudding here is whether ideas, better ideas, the best ideas, set of ideas, a broad set of ideas, alternatives, well-documented in the sense of some understanding of the costs and risks of the various alternatives that go out through the Multi-Species process to the public for public debate, if that is a good set of alternatives, that is a broad set of alternatives. That will be the test of this. That is not the endpoint; that is the beginning of public debate.

Senator CRAPO. Oh, I don't think it's the beginning. I think it is pretty well down the road toward the end. That's maybe where we are having our difference of opinion. Let me put it this way. As you determine the best options to put forward for the public participation, options will be rejected and options will be accepted, and the preferred options will be those put forward to the public. But the public has not had the opportunity, the Governor of Idaho, the Governors of the States, the tribes, the other people, have not had an opportunity to participate in a collaborative process to help generate the selection of those options to then put forward.

Mr. FRAMPTON. That is what the Multi-Species Framework accomplishes. To the extent that that is the lead process, that is the process that is going to put forth the alternatives, and that process increasingly becomes completely married to what the Federal Caucus is doing, then you have a completely transparent alternatives process.

Senator CRAPO. I have two comments on that though. First, if the Caucus takes the work product of the Multi-Species Forum—

Ms. DARM. Framework.

Senator CRAPO. Framework. I'll remember that. The Multi-Species Framework and then makes its own independent judgment on which of those alternatives are best, then for some reason you don't have the collaborative process deciding which of the alternatives are best any more, you have got a filter now—the Federal Caucus filtering which ones will go forward. That's my first concern.

The second concern is that, if I understand the testimony correctly here today, the Federal Caucus will go further than that and they will actually evaluate other alternatives, other mixes that were not put forward by the Framework process and either reject or accept some of those and put those forward.

The question I come down to again is, why does it take a closed process in which Federal agencies meet to do that filtering? Why can't we have an open, collaborative process to identify the alternatives? If we need more analysis and more mixes and matches, why can't we have a collaborative, open process? Because I'm very concerned, notwithstanding all of the expertise and wisdom that may reside in the agencies, there is not going to be agreement at the public level, at the level of the States, the tribes, and the community if they believe that the options they are allowed to have public input on at some point have been generated by a closed process.

Ms. DARM. I understand your point. I see what you are saying and it makes sense. I am trying to think how to accommodate those concerns in the timeframe that is available and given some of the constraints we have. I mentioned before that the Federal agencies have, as you said, statutory obligations. Options that lead to extinction of species, it is going to be hard for us to put those forward as real options. What I am concerned about is the Federal agencies, or any process if it is a joint process, which I think would be the ideal, putting out options that ultimately don't have a chance of passing the final test.

Senator CRAPO. I'm not so concerned as to which options come out. I would assume that the collaborative process that I am advocating would also reject options that do not protect the species because I truly believe that there are very few, if any, groups that would support the elimination of a species if there are options for protection of the species that will work.

What I am talking about more so is the process by which those options are created, evaluated, and then filtered and then put forward to the public. It gets back to my stated concern earlier. If the process that we are involved in ultimately is one in which a Federal agency, or in this case Caucus, makes a decision, or maybe several possible decisions, but filters the decision and then puts forward a selected set of alternatives, then the public is invited to give comment or to participate in evaluating those alternatives, then the very purpose of the collaboration, the very option of collaboration has been severely limited. Therefore, the opportunity for developing public support for whatever decision is ultimately put forward is significantly limited. That is the concern I have.

Mr. FRAMPTON. That concern is based on an assumption that the Federal Caucus controls the Multi-Species Framework.

Senator CRAPO. Well, it is based on the assumption that the—

Mr. FRAMPTON. If the Multi-Species Framework process only takes what it gets from the Federal Caucus as opposed to—if the Federal Caucus comes up with a slightly revised version or better idea, feeds it into the Multi-Species Framework process, which then takes it, for whatever it's worth, in the larger, more open and public context—if the Multi-Species Framework of the Power Planning Council stakeholder, public-driven process were circumscribed by what the Federal agencies give it, then it wouldn't be a very useful process even if the Federal Caucus didn't exist if it only could take what the Federal agencies told it to take and consider.

Senator CRAPO. Let me ask a quick question here. Do the Federal agencies have any statutory obligation to follow the recommendations of the Multi-Species Framework?

Mr. WRIGHT. To the extent that the Framework process results in something that would be adopted by the Northwest Power Planning Council, Bonneville at least is required to act consistent with the actions that would come up from the Council.

Could I add to that?

Senator CRAPO. Sure.

Mr. WRIGHT. I would like to add to some of the responses, if I could, Mr. Chairman. A couple of thoughts. First of all, this is an evolving process. As Ms. Darm described, we are having discussions even this week about how to better involve the region and the



Framework process and others in this. I think you're expressing a concern about how this process will evolve, and I think those concerns can be taken into consideration as we develop this process. Of course, we want to because, in the end here, we need a plan that is not thrown out and is rejected by the region out of hand. That doesn't serve our interest, the region's interest, anyone's interest. So we certainly want to accommodate the concerns of those in the region.

But I do want to say that I've sat in hearings before and talked with many folks in the region and the fundamental criticism of the Federal agencies probably a year ago was that you don't speak with one voice; that you come to us and we talk to NMFS and they say one thing, we talk to Bonneville and they say another thing. So in order to address that concern—

Senator CRAPO. I share that concern, by the way.

Mr. WRIGHT. Well, in order to address that concern, we do have meetings where we get together and we seek to resolve our disagreements so that we're not telling people different things. In any process that evolves here, we would continue to have discussions amongst the Federal agencies where we seek to resolve our differences so that we're not sending different signals.

Senator CRAPO. I don't think anybody is saying that the agencies shouldn't communicate, because, believe me, we don't like those kind of charts any better than you don't like those charts. Did I interrupt you? Did you want to say anything more?

Mr. WRIGHT. Just to finish on that. So, we would continue to have those kind of discussions. Our thinking at least has been that we can have those kinds of discussions where we can resolve our disagreements and at the same time work with the Multi-Species Framework process, and that those come together because we will be using the information that we get out of the Multi-Species Framework process in terms of educating our own discussions amongst ourselves about where we want to go.

So we've seen these as processes that to some extent are parallel but also are integrated. You need to have, in fact, both of those going at the same time.

Senator CRAPO. I know that I've been kind of beating this maybe to the point of futility, so I won't belabor this too much longer. But I want to try to maybe just put it in a different perspective. If there was an entity that you were dealing with that was making an important decision about your life, it was a group of different entities or people who were involved who were making that decision, and they agreed that they would allow for public comment and public input on the decision they were going to make, but before they did so they got together in a closed room and kind of decided what approaches to the decision they thought were the workable ones and what ones they didn't think were the workable ones and then they came out and let the public give input on the ones that they had chosen as the options they thought were the preferred approaches, wouldn't you feel a little concerned? Wouldn't you feel like maybe they left one in the room that they didn't bring out on the table that would have been better for you?

Mr. WRIGHT. Since you're looking at me, I'll be happy to take that one.

Senator CRAPO. Go ahead.

Mr. WRIGHT. Certainly. Absolutely, no question about it. That would be a concern. That's the problem that we've got. When we seek to have discussions where we resolve disagreements among ourselves so that we speak with one voice, the concern is, so what's really going on inside that room?

Senator CRAPO. Right.

Mr. WRIGHT. Unfortunately, I think in order to address the criticism of we need to speak together with one voice, there will always be that concern about, so what did you really talk about that you haven't told us about?

Senator CRAPO. Exactly.

Mr. WRIGHT. But the goal here is, again, we see the end game, and the end game is we have to come up with a product that the region finds acceptable. The only way you can do that is by having an awful lot of discussion with folks. In our discussions amongst ourselves, we're talking about what works here for the region. I think the commitment that we can make to you is that that is our goal. We want something that works for the region.

Senator CRAPO. I am just going to make a statement after which I'll be glad to give you, Mr. Frampton, the last word to respond. I believe that you've got to be very attuned to the fact that when the people of the Pacific Northwest say they want input, they're not saying that they want to have the ability to comment on a selected set of alternatives. They are saying they want to be a part of the decision. They want to have their thoughts, their feelings, their economics, their concern for the species and the ecosystem, and their approach to solutions considered and they want to be a part of the discussion. They don't just want to be able to submit comments for a hearing record, whether it be a formal hearing or submitting written testimony or written comments. They want to be a part of the decision.

The reason for that is because there is a very healthy distrust of the Federal agencies. I think there would be the same distrust of the State agencies if they were making the decision, or Congress, or whoever it is. There is a healthy distrust of the decisionmakers, which is I think healthy. It is important that there be a concern by the public in that regard. I'll go back to something that you indicated at the beginning of your testimony, Mr. Frampton, to kind of illustrate my point here.

You indicated in your first point that we have a need for the agencies to coordinate so we can get good public policy. One of the examples that you used was achieving a sustainable timber economy in terms of a timber plan. I'll tell you right now, there is a very big disagreement in the Pacific Northwest as to whether the Federal Government achieved anything close to an acceptable Federal plan with regard to developing a sustainable timber economy. Yet the Federal process that yielded the current situation we have in the timber economy in the Pacific Northwest probably dotted all the i's and crossed all the t's and satisfied the requirement for public input. I believe that there are probably those who participated in the process who believe that they've found the right balance in terms of protecting the forest ecosystems and creating a sustainable timber harvest. But I don't think they did and I think I'm in

the vast majority in terms of the way the public feels in the Pacific Northwest.

That's just one example of how there may be different points of view as to whether the right result got achieved as a result of the process that we followed. It is that that leads to the healthy suspicion of whether a Federal process or any process that does not involve a very open, collaborative system is going to yield a decision that can be accepted. So that's the concern that I raise.

If you would like to add anything further, Mr. Frampton, please feel free to.

Mr. FRAMPTON. Only, Senator, to agree with your stated goal and to say that I think that is the Federal agencies' aspiration also, to have meaningful regional participation in the decisionmaking itself, not something that is mere window-dressing. That is because, as a number of my colleagues have said, to develop a successful regional plan to restore salmon, we are going to have to have strong public support, and participation is probably the best way to get that support.

In my reference to the Northwest forest plan, I was referring really to Oregon and Washington, the west side plan. I think there is very strong public support there for that plan. I realize that east of the mountains we're still struggling.

Senator CRAPO. It's a different picture.

Mr. FRAMPTON. If I could, I'm reminded that I forgot to ask for the record that my written statement be included.

Senator CRAPO. Oh, definitely. It will be.

Mr. FRAMPTON. Thank you.

Senator CRAPO. I forgot I have another question, so I am going to go back and ask one more. One of the issues that has been raised to me is whether the outcome of the Federal Caucus' deliberations is going to be subject to scientific peer review. From your discussion today, I assume that what you're contemplating is that will happen but that it will happen in some subsequent context. Could you, either Mr. Frampton or Donna, could you respond to that?

Ms. DARM. Thank you, Mr. Chairman. I would think that it is fair to say we haven't entirely thought through this. The scientific analysis that we'll be using to evaluate the alternatives will be subjected to peer review. The final decision in terms of what is in the Biological Opinion will be subjected to scientific review as well. The timing of that most likely will be once at least a preliminary decision has been made. But I have to say we really haven't thought through all of the steps that need to take place.

Senator CRAPO. All right. Let me just say, as we conclude with this panel, there are three or four things that I would like to very heavily emphasize. First, you've already answered, at least for NMFS you have, the FOIA request, and we'll get that out today. I would ask that all of the agencies very promptly and thoroughly respond. If there is any problem with that, I would ask that the agencies get to me right away so we can figure out what any problem may be.

Second, I strongly ask that the Federal Caucus stop meetings that are held in private that do not involve the States, the tribes, and the other participants so that we can move toward a collabo-

rative process. I think that's kind of twofold. I'm not saying that the Federal agencies should not have the opportunity to meet and discuss among each other and try to get past some of the complications that are present in the statutory systems within which we operate. But I am saying that the evaluation of alternatives and the development of the mixes and matches and so forth should happen in wide open public view with full participation. I don't see any need for a Federal Caucus there.

I think that part of that encouragement is that the Federal agencies aggressively push for a meaningful collaborative decisionmaking process as we try to achieve exactly what you've described here. I have no problem with what you have described. I just think it needs to be a collaborative process at a much earlier stage; namely, from the outset.

Then, finally, with regard to independent scientific review. I think that any outcomes of this process must be independently reviewed in terms of an independent scientific review.

Again, I appreciate your testimony here today. If you would like to respond to any of those, I will give you the last word right now before we finish.

Mr. FRAMPTON. Thank you, Mr. Chairman.

Senator CRAPO. Thank you all very much. This panel will be excused.

Senator CRAPO. We now go to Panel II. Mr. Robert C. Lothrop, manager of policy development and litigation support of the Columbia River Inter-Tribal Fish Commission, from Portland, Oregon.

Mr. Lothrop, we welcome you today. I am sorry we went on so long but I wanted to get through some questions there with the previous panel. Please proceed with your testimony. Again, I ask you to try to watch the lights and we'll hope to keep the hearing under a time control. Thank you.

**STATEMENT OF ROBERT C. LOTHROP, MANAGER, POLICY DEVELOPMENT AND LITIGATION SUPPORT, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION, PORTLAND, OREGON**

Mr. LOTHROP. Mr. Chairman, the Commission is honored by the invitation to testify here today. Mr. Sampson sends his apologies. He had a death in the family this week and so he was unable to make the hearing today. So I am here in his place.

Senator CRAPO. Please give him our condolences.

Mr. LOTHROP. I will.

As you know, the Commission has four member tribes—Nez Perce, Warm Springs, Yakama, and Umatilla tribes. They are all located in the central Columbia River Basin, in the heart of the salmon territory of the Columbia River Basin, and have fished for thousands of years on the salmon returning to the streams and their homelands.

As I sat and listened to the preceding panel, I heard a lot that struck a chord with the Commission's policies and some new information, and I'm still puzzling through some of that new information. Our testimony to a certain extent addresses the Federal Government's 4-H Paper. We now know that it is a 4-H process. But it is difficult to comment on the substance of that because we haven't seen it. It has been something that has evolved behind

closed doors to date. It appears that the doors are opening, but it seems unsettled as to how they are opening.

As Ms. Darm said, it is at least our impression that the information that is being prepared as part of this 4-H process will, in their words, “help answer whether sufficient survival improvements can be achieved in the hydropower system to contribute to the recovery of listed stocks, or whether large survival improvements must be achieved in other sectors”—or by the other H’s.

The Commission and its member tribes have for a long time recognized that one cannot assess or manage the various mortality sectors, the four H’s in isolation. In fact, the Commission has firmly taken a position that all mortality sectors must be addressed, and we have called this “gravel-to-gravel management.” I learned that when I came to the Commission in 1981.

In order to control the various sources of salmon mortality and manage them to achieve rebuilding, it is necessary to develop goals and objectives for the affected salmon stocks that are consistent with law and based on sound biology. When assembled into a comprehensive package, the measures adopted to achieve these goals and objectives must add up to rebuilt salmon runs.

Over 4 years ago, the Commission and its member tribes published “Wy-Kan-Ush-Mi Wa-Kish-Wit” (The Spirit of the Salmon) plan. The plan encompasses the 4-H and includes quantitative goals and objectives. It uses the best available science and provides for monitoring, evaluation, and adaptive management. I believe it is still the only plan for Columbia River Basin salmon restoration that quantitatively assesses the measures recommended against the adopted goals and objectives and addresses all four H’s in a manner consistent with applicable laws.

For decades, the primary approach to conserving Columbia River Basin salmon has been to constrain harvest. The tribes have not had a commercial fishery on spring chinook since 1977, or summer chinook since 1964, or sockeye since 1988. Despite such restrictions, the runs have continued to decline to where they are now listed as either “threatened” or “endangered.”

To prevent the extinction of Snake River spring/summer chinook, it is essential to develop a plan that addresses all four H’s. Yet, given the Federal Government’s current restrictive policies, particularly with regard to artificial propagation, rebuilding of summer and spring chinook will have to be implemented solely by making significant changes in the hydro system and habitat management policies.

A reasonable 4-H analysis must be firmly grounded in the best available science. The policy of deference to agency expertise does not always foster the use of best available science. We call for independent scientific review. Any 4-H analysis developed by the Federal Government should be subject to thorough independent science review with the input of the scientific views of the tribes and the States.

In closing, we believe that in order to meet its obligations to protect and rebuild salmon, the Federal Government must conduct an analysis of what must be done in each of the four H’s in order to meet reasonable goals and objectives. These goals and objectives must be based on the biological needs of salmon and the Federal

Government's legal obligations. These legal obligations include not only the ESA and treaties with Indian tribes, but a variety of other Federal laws. Thank you, Mr. Chairman.

Senator CRAPO. Thank you, Mr. Lothrop. First of all, I would like to ask if you would be kind enough to send me a copy of your "Spirit of the Salmon" document.

Mr. LOTHROP. Absolutely.

Senator CRAPO. Thank you. I would like to go first into the question of independent scientific review. You were here I assume during the testimony of the Federal officials.

Mr. LOTHROP. Yes.

Senator CRAPO. From what you heard, do you believe that it is necessary that whatever the Federal Caucus process generates needs to be submitted to a rigorous independent scientific review?

Mr. LOTHROP. Yes. Absolutely. Governor Kempthorne's remarks struck a chord with me, too. I think in the course of that scientific review, the States should be able, as well as the tribes and others, to offer their science to that independent review so that all the data is on the table, all the cards are on the table available for scrutiny by independent scientific review.

Senator CRAPO. Thank you. You also I'm sure were here when we had the testimony from them with regard to the process they are following and heard the colloquy that we had. Do you have a concern about whether the tribes' and your interests are going to have the opportunity to participate in the process fully enough, given the understanding that you achieved from what you heard today?

Mr. LOTHROP. Yes. I think Steve Wright said that the process is evolving. I think it is probably highly evolutionary right at this point. That leaves us playing catch-up, quite frankly. It appears that the National Marine Fisheries Service staff and Northwest Power Planning Council staff are moving forward with scientific analyses and have been working on the alternatives. But as this picture comes into focus, for us, I'm concerned that we get to the game on time, so to speak. There's lots of talk about the playing field. The Federal Government has a much bigger team than the tribes do and our ability to interact timely with them is critical.

Senator CRAPO. So, if I understand you right, you are concerned that they are evaluating options that go beyond the Multi-Species Framework process?

Mr. LOTHROP. The tribes have some concerns with the alternatives as they have been currently developed in the Framework process. We are making our concerns known to the Framework process. But, ultimately, I believe the tribes will test the output of the Framework against "Wy-Kan-Ush-Mi Wa-Kish-Wit" and whether it can achieve the goals and objectives that are in the tribal plan.

I sensed a little maybe dichotomy between Governor Kempthorne's perception of the Framework, which I think is generally shared by the tribes. It is something to put the information on the table. It is not the decisionmaking process. The Federal Government was focusing more attention on the Framework not as a decisionmaking process, but an input process for decisionmaking. That is still a little bit unclear to me, and I am concerned about that.

Senator CRAPO. Did you have any concern about the testimony that the Federal Caucus is putting together various mixes and matches of the four H's and the science that we see on those that go beyond what has been generated by the Framework?

Mr. LOTHROP. The tribes are greatly concerned by finding the appropriate mix of the four H's. Having the Federal Government do that in isolation from the tribes is troubling. Governor Kempthorne said he knows of no law, and I know of no law, that prevents the Federal Government from sitting down with the tribes and having an honest conversation about the four H's and what is needed to recover salmon.

Senator CRAPO. So what I hear you saying is that in this extended analysis of the four H's and what mixes and matches will work, you feel the tribes have something to add and you would like to be at the table in a position to add it.

Mr. LOTHROP. Absolutely.

Senator CRAPO. All right. Thank you. I have no further questions. We appreciate your testimony here with us today.

Mr. LOTHROP. Thank you, Mr. Chairman.

Senator CRAPO. We will now go to Panel III. Mr. Scott Faber, the Director of Floodplains Programs, American Rivers, Washington, D.C.; Mr. Mark Dunn, the Director of Government Affairs of the J.R. Simplot Company, from Boise, Idaho; Mr. Owen Squires, the Pulp and Paperworkers Resource Council, from Lewiston, Idaho; Mr. Tim Stearns, the Policy Director of Save Our Wild Salmon, from Seattle; and Mr. Lynn Ausman, a grower from Waitsburg, Washington, on behalf of the Washington Association of Wheat Growers, and Washington Barley Commission.

Gentlemen, we would like to ask you to proceed in that order. This is the last panel. We are running a little later here. I apologize I spent so much time on the other panel. But I do want to hear your testimony. I would like to ask you to try your best to keep your oral testimony to the 5 minutes, as indicated by the lights, and then we will have a chance to have some colloquy afterwards.

Mr. Faber?

**STATEMENT OF SCOTT FABER, DIRECTOR, FLOODPLAINS PROGRAM, AMERICAN RIVERS**

Mr. FABER. Thank you, Mr. Chairman, and thank you for the opportunity to testify today. My name is Scott Faber and I am Director of Floodplain Programs for American Rivers. With me today is Justin Hayes, Associate Director for Public Policy for American Rivers.

Let me just start by saying that I am not an expert on Snake River salmon but I may be of more value to this particular hearing because I've spent the last 6 years working with the Corps of Engineers to reform the management of the Mississippi and Missouri Rivers. I believe that many of the lessons that we've learned on those rivers could be applied to the Columbia and Snake.

Like you, 6 years ago we were very frustrated by the Corps' decisionmaking process. Rather than working with stakeholder groups and States to develop consensus, the Corps conducted studies and developed management alternatives in isolation, all of which probably sounds familiar to you now, and, after spending years and mil-

lions of dollars, mechanically sought our input through public hearings which provided wonderful theater but really very little more.

But in the Midwest, we have pursued a different course that you might consider in the Pacific Northwest. We persuaded the Corps and other Federal agencies to develop a wide range of science-based management alternatives and then simply ask the public to decide the fate of our rivers. On the Upper Mississippi River, for example, which stretches from St. Paul to St. Louis, the Corps worked with American Rivers and Mark 2000, which represents waterway users and farmers, to create the Upper Mississippi River Summit, which is an annual forum of farmers, conservation groups, and waterway users, and asked them to set management goals for the river together. Rather than having States or the Corps run that process, I run that process with my colleague who represents the navigation industry.

On the Missouri River, the Corps' held public workshops on a wide range of management alternatives that were selected in part by the public, and then asked river stakeholders to seek consensus on how the river's dams should be managed. In both cases, the Corps provided sound science-based information and then got out of the way and asked the public to make the tough calls.

It has not been easy and it has not been perfect, but it has dramatically changed river management on the Mississippi and Missouri Rivers for the better and, for the first time, brought the rivers' economic and environmental interests together.

This model could be applied to the Columbia and Snake. But I believe there is one problem, which is that the Corps has not developed all of the information that people need in order to make a real choice, as Mr. Frampton said earlier. In particular, the Corps has failed to really anticipate the social and economic impacts of dam removal and propose measures that could offset those impacts. Obviously as an outsider, it is clear to me that the decision to remove Snake River dams is a difficult decision and one that will not be made lightly. But the Corps I think is not allowing you to make a real choice because they have not developed plans and put those plans before you that would mitigate the impacts of dam removal on waterway users. There is, obviously, no question that removing dams and doing nothing more would increase transportation costs.

But I think we can do more. We will not be able to really make that choice, that real choice until the Corps works with stakeholder groups to develop a transportation mitigation alternative or a series of potential alternatives. It is clear to us that wheat farmers and other waterway users cannot shoulder the burden, and should not shoulder the burden, of salmon recovery alone.

That's why American Rivers recently hired Dr. Edward Dickey, the former Assistant Secretary to the Army for Civil Works under the Bush Administration and an expert on the transport of commodities, like wheat, to develop a transportation mitigation plan for the Snake. Although Dr. Dickey's proposal is not yet complete, options might include enhanced rail and road infrastructure, additional rail cars, additional facilities to store or transfer grain, and other investments designed to reduce transportation costs. Obviously, there will be other beneficiaries, not just waterway users, from these sorts of investments.



I am sure you know that building consensus about any river, and particularly the Snake River, is not an easy task. Right now, river interests are polarized, unwilling to consider management alternatives that both save salmon and meet the needs of waterway users. But I think this committee can help partly by holding field hearings to encourage discussion about transportation mitigation alternatives, by directing the Corps to develop those mitigation alternatives as part of their DEIS, and by directing the Corps to hold workshops designed to build consensus between groups like American Rivers and the American Farm Bureau Federation and others.

Of course, it is absolutely critical that the Corps use the best science and economic information available. I think right now there is some reason to be concerned that they are not doing that. Let me just give you one quick example before I finish up.

Recently, the Corps has conducted surveys in California to gauge likely interest in Snake River fishing and recreation if dams were removed. But the Corps ultimately refused to include the potential benefits of recreation from those people originating in California when they ultimately calculated the economic benefits of dam removal. They also ignored the relatively greater economic value of tourists who come from out of State and assumed that local communities like Lewiston wouldn't try to capture that new recreation by building boat ramps and trails and other things designed to attract tourists and other kinds of visitors.

Let me just finish by saying that 6 years ago no one believed that Mississippi River stakeholders could put aside our differences and develop a vision for the river. But we did that and we're now working together, farmers and environmentalists, to implement our vision. Thank you, Mr. Chairman.

Senator CRAPO. Thank you very much, Mr. Faber.

Mr. Dunn?

**STATEMENT OF MARK DUNN, DIRECTOR OF GOVERNMENT AFFAIRS, J.R. SIMPLOT COMPANY, BOISE, IDAHO**

Mr. DUNN. Thank you, Chairman Crapo. My name is Mark Dunn. I am Director of Governmental Affairs for the J.R. Simplot Company. I am here primarily today, however, in my capacity as Chairman of the Government Affairs Committee of the Northwest Food Processors Association, which is a regional trade association representing the \$6 billion fruit and vegetable processing industry in Idaho, Oregon, and Washington.

Thank you for the opportunity to testify today on a topic that is of critical concern to our industry and, in fact, the entire Pacific Northwest. Protecting and recovering endangered salmon and maintaining the economic viability of the Northwest are not mutually exclusive, in our opinion. In fact, the recovery of salmon is dependent on industries such as food processing.

Food processing is the largest manufacturing employer in the State of Idaho and the second largest in the States of Oregon and Washington. Our companies provide the tax revenues and economic stability the region requires to focus on such an enormous task. However, to be successful, the region must have a common vision, a vision that is shared by all parties, including the Federal agencies.

The Federal Caucus does not currently seem to be a part of that shared vision for the Northwest. They continue to send conflicting messages and have failed to coordinate with critical regional initiatives. This uncertainty leads to increased conflict in the region and to decreased effectiveness of the regional process. As you can imagine, it is hard to motivate business leaders to participate in a process that, in the end, means nothing because NMFS or one of the other agencies decides to go a different direction.

In my written testimony, I provided a couple of examples. The first one was the 4-H Paper that I think you've discussed, so I am going to skip over that, and just mention the second example, which shows our concern for what appears to be extremely serious coordination issues among the Federal agencies.

The Bonneville Power Administration is currently in the middle of a controversial rate case that will have long-term impacts on the Pacific Northwest. In September 1998, after nearly a year long public process, Vice President Gore announced a set of "Fish and Wildlife Funding Principles" which would be incorporated into the new BPA rate case. These principles were formally incorporated into BPA's Record of Decision for the Power Subscription Strategy issued in December 1998.

Last month, we learned that three Federal bureaucrats from NMFS, U.S. Fish and Wildlife, and EPA, each of whom are members of the Federal Caucus, had drafted a 17-page memo titled "Preliminary Cost Estimates for Two Fish and Wildlife Alternatives." This memo, which was circulated to key Administration officials, attempts to make a case for further rate increases for BPA from 10 to 22 percent in the 2002 to 2006 period. This is on top of the excessive reserves BPA already plans to accumulate using its adopted "Fish Funding Principles."

While the contents of this memo are of critical concern to the region's industry, possibly the most shocking part of this incident is that the memo was never shown to the officials at the Bonneville Power Administration prior to being circulated among top Administration officials.

If the Caucus cannot or will not coordinate such an important initiative, how can we as economic stakeholders hope to work with them? How can we trust their statements, and, even more concerning, what is coming next?

The future of the Northwest will be shaped by the decisions that are made within the next few years. With so much on the line, we cannot afford to have Federal bureaucrats pursuing their personal agendas outside of the accountability of the formal regional process.

Regional elected officials, leaders, and stakeholders are forging a vision for the future of the Northwest. This leadership I believe was clearly articulated by Governor Kempthorne today. It is a vision that includes protecting and restoring salmon runs while continuing to support the economic engine that makes it all possible. It is a vision that will focus on a balanced, cost effective, and scientifically sound recovery measures.

The Federal agencies, obviously, will play a major role in implementing and influencing these measures. However, it is not appropriate for them to attempt to circumvent the will of the region. I urge you, on behalf of all Northwest economic interests, to continue

to press the Federal agencies to cooperate with the region and make sure they are supporting the implementation of regionally-based solutions.

In closing, I would like to personally thank you, Senator Crapo. This hearing is typical of your desire to reach out and bring people together to solve problems. We want you to know that we appreciate your leadership on this critical issue.

Senator CRAPO. Thank you, Mr. Dunn.

Mr. Squires?

**STATEMENT OF OWEN SQUIRES, PULP AND PAPERWORKERS  
RESOURCE COUNCIL, LEWISTON, IDAHO**

Mr. SQUIRES. Thank you, Senator Crapo. Mr. Chairman and members of the committee, my name is Owen Squires. I am the Rocky Mountain Regional Director of the PPRC, the Pulp and Paperworkers Resource Council. We are an organization of 300,000 members across the United States deeply committed to the conservation of our natural resources. I will be glad to be able to go home today and tell my fellow Union members and brothers and sisters that an analytical mix and match of the four H's by the Federal Government, and I can also tell the 1,200 shut down mills and 40,000 out of work timber workers, that Mr. Frampton says it is all under control. It scares us to death to tell you the truth.

As an example of the Federal family left alone to their own devices, an example of that is what they have done with the PATH process. They are using 20-year old data—it isn't current data, it isn't new data, it isn't pit-tag data—to make a case for dam breaching. In their "spread the risk" policy, the National Marine Fisheries Service told the Corps of Engineers to drive super saturation levels out of Lower Granite Dam to the maximum, 130 percent. That kills fish. We know it kills fish, they know it kills fish, the Corps of Engineers knows it kills fish.

On June 9, the Army Corps of Engineers agreed with the request of KBTB, a national NBC affiliate out of Boise, to have Mr. John McKern interviewed to talk about dams, fish, and fish survival. The day before they showed up, Mr. McKern wasn't available. John McKern is probably one of the most honest people I know and we couldn't get a reason out of him why he wasn't available to be there.

I represent labor—working people of this country. We are scared that they will do to us in this issue what they did to us in the timber issue. Our State has been devastated. We are torn apart. If the Government does not work in the open democratic process, we have no chance. We need to be there, labor, all of us.

Out where I come from in Idaho we say that 35 years ago the "suits" showed up and they built the dams. We protested it. We talked about it. We talked about the very issues that we are talking about here today—anadromous fish. We were told by the Government they had the solution. Now the suits are back, different faces, different haircuts, but they are back again and this time they have the solution again, with no input from us.

We are the people that pay the bills. We are labor. We will ultimately pay the sacrifice and bear the burden. We must have a place there. We must be there, the tribes must be there, scientists

must be there, all of us there to seek a balanced solution to this problem. Because it is not just the economy of the Northwest, it is anadromous fish. We work with local area high schools and we planted over 100,000 to teach children the wonders of God's magnificent creatures.

We have to find a solution. But we can't find that solution if the Government conducts their hearings behind closed doors. We must be there. They must be in the open or this thing will not work. I thank you, Senator, for your time.

Senator CRAPO. Thank you, Mr. Squires.

Mr. Stearns?

**STATEMENT OF TIM STEARNS, POLICY DIRECTOR, SAVE OUR WILD SALMON, SEATTLE, WASHINGTON**

Mr. STEARNS. Senator Crapo, thank you again for holding this hearing. In the last few years, you have done the region a great service by continuing to pull us all together into a mid-course correction on process. I think today you've obviously talked about how we define the field, and that's what I am particularly interested in here.

My name is Tim Stearns and I am the Policy Director of Save Our Wild Salmon. For the last 8 years I've sought to help the region the region adapt to salmon recovery and to force the decisions to do that. I could go on at length about my frustrations with State, Federal agencies, but I won't. I don't really believe that there is a conspiracy theory here. What I think is really a problem is that there hasn't been a clear goal and a clear set of political guts to go towards that goal.

We have spent a long time dealing with this issue. Declining salmon are not new. Dams in this region cut off thousands of miles of habitat once and for all. It is clear the dams have problems—passage, flow, cumulative effects problems. We tried one fix in 1980 with the Northwest Power Act. It didn't work. The ESA has kicked in in 1991. The Northwest Power Planning Council and the region tried a regional fix in 1994. We didn't implement it. We've lost control of it. It has gone to the Feds.

Unfortunately, the Feds have had to step in. I certainly wouldn't agree that they've done a particularly good job. They don't implement their Biological Opinions, they don't necessarily enforce them, they haven't met their flow targets, they haven't modified projects they pledged to. They have had a difficult time with competing priorities. Unfortunately, the previous Administration and this Administration both under-estimated the challenge. They didn't really establish a framework to make decisions. They didn't really put together the analytical capabilities they needed to work through these issues. They have never given us clear time lines. There has been ambiguity from the beginning.

We had a process called the PATH process which was inclusive. It included absolutely every interest, from the States, the Feds, and the tribes. Yet, NMFS put out a Fish Appendix that they rewrote. There is a problem.

I think a bigger problem though is that our Biological Opinions have been inconsistent, they haven't been coordinated, they haven't been enforced. During this whole process the science has changed.

The scientific paradigm that we're working on is different than it was in 1980, different even than it was in 1991. Fish need rivers, they need watershed processes. We need to use technology to work with those issues.

The court reluctantly approved the Federal plan in 1995 because the Clinton Administration committed to making long-term decisions in 1999. We want to hold them to that set of decisions. Now, one of the key elements of that process was a Corps EIS. It is about 6 months behind. It is clearly too limited to one H, the hydro system. It doesn't look at the full Columbia. It hasn't consulted with all the interested parties from Alaska to California and throughout the region. They have had a difficult time on when and how to release information. So the Corps clearly has a series of analytical problems.

We also have put a lot of faith and hope in this ill-defined Framework process. We are full participants in the Framework but I caution anyone from putting too many eggs in that basket. I would also suggest that this process is not funded by Bonneville. It is funded by ratepayers, which is all of us. It is not funded by the Corps. It is funded by ratepayers who pay those bills. So let's not over dramatize that Federal agencies are the ones carrying this ball. It is everybody in the region who has an interest here.

The Federal 4-H Paper, I think there are three reasons for it, and they are pretty good reasons. It is clear the Corps EIS is way too limited and too narrow.

The second reason is the Biological Opinions we are operating under are incomparable, inconsistent, they are not coordinated. Let me just give you an example. Under the 94-98 Hydro Biological Opinion, we allow the hydro system to kill 99 percent of migrating smolts and over 60 percent of migrating adults. Under the Harvest Biological Opinion, we allow only the harvest of 24 percent—60 percent versus 24 percent. I think the tribes have a pretty strong case to say it is not equitable, it does not meet the Federal test. We don't even define the habitat and hatchery problem in those Biological Opinions. Until we get them all on the same page, we have got a problem.

The third main reason, the Feds do not speak with one voice. It would be great if we could get George Frampton to be the sole representative of the Federal Government. The practical effect is he is not going to be there. We're going to need all the Federal agencies. The Federal agencies need to talk. I normally am an absolute critic of openness and want openness. But, frankly, if we open this process up so that we have to go and monitor each and every Federal meeting when they talk to each other anywhere and everywhere, you can look at your own diagram, we're exhausted with the excess of process. So it is not really a big win for the region if you go and say let's open up every single meeting.

What the Feds really need to do is to finally put their options on the table. They need to take comment, they need to respond, they need to hold hearings around the region. Each and every option that is viable needs to go through the same scientific and economic filter. What we can no longer have is anecdotal recovery plans—it's the ocean, it's the turns, it's the Alaska fishermen, it's

the dams. What we have to do is have a rigorous disciplined process to go through.

At the same time, we have been asked to approve a credible financing plan, a financing plan for the future of salmon recovery. Right now, it is going to pit salmon recovery versus treasury repayment. I have a 7-year-old. Today I save for his college. I am not sure he's going to go to college, I'm not sure what college he's going to go to, but I want to be ready for each and every option. We know that in the next 10 years salmon recovery is going to cost money and, at least for this transition period, it is going to cost a substantial amount of money. The sooner we save for that inevitable rainy day, the better off we're going to be.

Let me close with what I think are five things that this committee can continue to do for us. We need one set of hearings. We need them before Thanksgiving or after the first of the year; we don't need them in the holiday season and ruin the holiday for us. This process ruins the holiday for us already. But it has got to talk about the Corps EIS, it has got to talk about the draft Biological Opinions, it has got to talk about the 4-H Paper, it has got to put the Framework on the table. But one set of hearings that go from Alaska to California and throughout the region.

We need to lay out all of our alternatives and take them to PATH, take them to the ISAB, take them to the IEAB, take them to the Framework. We ought to peer review this thing to death.

The second major thing is we have got to make decisions prior to the migration. We fear nothing more than this will become an election football again and we will put off decisions. Not making decisions makes this a disaster for everybody in the region.

Third, the Feds should make no binding decisions before they fully consult, meet their obligations to consult with the States and tribes. But they also have to do that within two very narrow parameters. It has got to follow the law, it has got to meet the scientific tests.

Fourthly, we need to keep our options open. Dam removal is an uncomfortable thing to advocate. But the science says it makes some sense. What we can't do is take any option off the table right now. We have to send them through the same scientific and economic filter.

Finally, whatever we do, in the words of my 86 year-old father, he's seen a lot of changes in his life and he's been against every single one of them, change is going to hurt. We have to deal with the people who have to change and build real transition plans. I guess I would just close by saying change is overdue in this system. Change is inevitable. It is better for us to embrace change and move on together.

I would like to thank you again for at least getting the Federal agencies here at the beginning of the hearing. It is always a frustration when we're here to listen to them and then they go away.

Senator CRAPO. I notice a couple of them stayed in the audience. I hope that they will have a transcript of this. We'll make sure they do have one.

Mr. STEARNS. Just a final remark. Ted Strong, who used to run the Columbia River Inter-Tribal Fish Commission, suggested that we've had a lot of thunder and a lot of rain dances, but we haven't

had much rain. It is time that we make this system rain. Thank you.

Senator CRAPO. Thank you, Mr. Stearns.  
Mr. Ausman?

**STATEMENT OF LYNN AUSMAN, GROWER, WAITSBURG, WASHINGTON, ON BEHALF OF THE WASHINGTON ASSOCIATION OF WHEAT GROWERS, AND THE WASHINGTON BARLEY COMMISSION**

Mr. AUSMAN. Thank you, Mr. Chairman. On behalf of the Washington Association of Wheat Growers and the Washington Barley Commission, it gives me great pleasure to talk to you this afternoon on these important issues.

I am a barley grower and wheat grower in Asotin County in the State of Washington. Asotin County is bordered on the north by the Snake River and Lower Granite dam is the first of four dams that we've heard much about. There are four grain receiving stations in Lewis Clark Valley.

As the Governor put it, "The salmon fisheries of this State have, in the past, been wonderfully productive. Of late, however, evidence of a decrease in the run is apparent, and all are agreed that something ought to be done to prevent the final extinction of a great industry." This Governor was John R. Rogers, not our present Governor Gary Locke, and he said it in 1899, not 1999.

Our Association thinks this puts salmon restoration problems in the proper perspective as we deal with it today. In our area there is strong support to increase the salmon runs in our river system. There is also almost total agreement that breaching the lower Snake River dams will not be the answer to the problem.

The members of our association are growing increasingly frustrated as we have watched the ongoing analysis of salmon restoration in the Snake River system focus almost solely on dam breaching. We were told from the beginning that there would be four H's to be considered—habitat, hydropower, harvest, and hatchery management. However, it has become increasingly clear that the Federal agencies are not focusing on these other H's.

In the past few year of watching the process of salmon recovery efforts, it has become apparent to us that this problem is one of more complex issues of scores of years. It starts with the very definition of salmon species to continue on to include the variance of ocean temperatures. A marine biologist expressed the belief that there weren't ten reasons for fish run declines or even a hundred, but he thought a thousand reasons would be more in the ballpark. I would submit to you that the problems we have with fish population is not what we think we know but the many things we need to learn.

A computer model called PATH, which stands for Plan for Analyzing and Testing Hypotheses, is held up as a reason for dam removal. It is important to note that there is no empirical data to prove that destroying the four dams would lead to recovery of the salmon. It is simply a computer model. This model makes some assumptions that do not follow known facts. For example, according to the recent salmon tag studies, over 50 percent of the smolts moving in the Snake River reach salt water. However, one PATH

model predicts only 20 percent, and other PATH model predicts only 30 percent. Therefore, I would hate to base a decision as monumental as dam removal on such hypotheses. There are questions.

The environmental effects of breaching are another matter. The Corps of Engineers estimates that there are 100 to 150 million cubic yards of sediment behind the four dams. This would create 30,000 acres of mud flats. With dam removal, this material would move down stream for several years and this would cause much harm to the existing habitats as they are today. The use of this river system is also environmental choice because of emissions. Navigating the river system will use 40 percent less fuel per ton mile than rail, assuming there would be cars and power units available, which we highly question. Compared to trucks, the Snake River system will use 110 percent less fuel per ton mile. According to the Washington Wheat Commission, if grain barge traffic was halted, the industry would have to locate 120,000 additional grain cars, and 700,000 semi-trucks. This is an enormous cost of building of the roads and rail necessary for infrastructure. All this will affect our grain industry by raising costs to the industry that is already suffering economic depression.

So, what should we do to increase the fish runs in our Snake River system?

Continue to improve the transportation of smolt. Address and solve the predator harvest problems. Modify hatcheries to improve their contribution to an overall solution. Look into commercial fishing harvest to better understand their impact on the fish. Modify turbine gaps, turbine blades, blade coatings, and hydraulic conditions into and out of the turbines. Add surface collectors to move smolt around the dams. Continue to pursue technological alternatives that are scientifically sound.

If we can get by the unfortunate notion that breaching of the lower Snake River dams is a possible solution to the problem at hand, we can then work together to solve the problem. Thank you.

Senator CRAPO. Thank you, Mr. Ausman.

I have a couple of specific questions to members of the panel, and then I would like to toss out some questions in general and just ask all the members of the panel if they would like to respond to them.

First, Mr. Faber. I realize that your experience in the collaborative process is not in the Pacific Northwest but I think it is illustrative of what can be done. As you heard the discussion and the testimony that took place today with the Federal officials, did it raise concerns to you? I guess I would just like you to comment on what you heard in terms of us seeking to achieve what you've done in the area where you work.

Mr. FABER. I would be happy to share some thoughts. In fact, I found myself sharing your frustrations quite a bit. Six years ago, when we first began working on the Missouri and Mississippi Rivers, we faced the same sort of problem: agency officials deciding what alternatives should be considered, putting them before the public and asking for perfunctory comments. They were surprised to find out that nobody liked the alternatives they were coming up with. In fact, they themselves became so frustrated that they said, "Okay, why don't you American Rivers, and you the navigation industry, and you the corn growers association tell us what alter-



natives you think we should be looking at." It strikes me that this is a process that has been led too much by the agencies and not enough by the public.

We certainly don't agree on everything on the Mississippi and Missouri Rivers, but what we have been able to do is find areas of commonality. That in turn has given agencies like the Corps a sense of where consensus lies and how to change their river management decisions to reflect that consensus.

Senator CRAPO. We face very serious timeline pressures here. There is strong concern about, first of all, there are statutory requirements that we make prompt decisions, and then, second, there are strong concerns that if we don't make prompt decisions and if they're not the right ones, that it could have very severe consequences for the saving of the species.

First of all, was that present in your circumstance? Second, given that dynamic, do we have time for a collaborative process?

Mr. FABER. We certainly have the same certain time issues on the Missouri, where we have federally listed endangered species and a court waiting to intervene if necessary. I think the way to look at it is you can go down two paths right now, and I'm not referring to the acronym. One is the Corps and NMFS and the other agencies continue to put together alternatives that none of us, whether it is Mr. Ausman or Mr. Faber, particularly like and the whole thing ends up before Judge Marsh and maybe in 5 years we have a decision from the court, of all places. That's not an alternative I think any of us particularly want.

Another alternative is to try and quickly create a collaborative process perhaps led by a conservation group and a farm group, or a navigation industry group, to really begin to seek consensus. The role I think the agencies play is by providing information, information that is requested by the public. For example, I know Mr. Ausman was talking about some of the information he feels the Corps hasn't developed sufficiently. We certainly feel that they haven't developed realistic transportation mitigation alternatives. Just as an example, what we found on the Missouri River was that when the Corps, at the urging of Senator Kerrey, developed more information about a split navigation season which would have suspended navigation in the summertime, it turned out that the industry was actually not as opposed to that as we would have thought.

So when you let the public lead these processes, sometimes you wind up with a better outcome.

Senator CRAPO. Now it seems to me that you have been able in the Mississippi arena to achieve a circumstance in which the actual decision is made by the collaborators. Who is it led by?

Mr. FABER. In Mississippi, it is led by American Rivers and Mark 2000, which represents the navigation industry and farm groups, everyone from—

Senator CRAPO. So constituency or interest groups in the region are leading the collaborative effort.

Mr. FABER. Exactly.

Senator CRAPO. Are the decisions of the collaborative group binding?

Mr. FABER. They are not binding because that would be creating a sort of a Basin Commission. Yet, we have found that when we have reached consensus on dam operations on the Mississippi River, for example, the Corps of Engineers jumps for joy. They finally could implement a hydrologic regime and change their dam operations to meet the needs of nature and navigation and could stop shooting in the dark, trying to guess what consensus looks like.

Senator CRAPO. One last quick question to you in this context. If it were possible for us to modify the Federal law to allow statutorily for the creation of this type of entity and give it binding decisionmaking authority, would you think that's a positive move?

Mr. FABER. I think that's a terrific step in the right direction, but it also has to be accompanied by the Corps' willingness to develop the right information.

Senator CRAPO. At that point, the agencies, instead of becoming the decisionmakers as they are now, supply the expertise and become the support group, if you will, for the collaborators.

Mr. FABER. That's right. We have found it's not a perfect process but what it has done is allowed us to identify common ground and then allow the agencies in turn to implement those recommendations on the Mississippi. I would be happy to share this with your staff.

Senator CRAPO. The agencies provide the support and implementation in the model we're talking about here. They are not the decisionmakers.

Mr. FABER. That's right. Ultimately, they are taking their cue from the consensus that is developed through the Upper Mississippi River Summit. Agencies have varied in terms of their compliance. Frankly, the Corps has been the most responsive of all the agencies. The Department of Interior has been somewhat less responsive. In general, agencies have been happy that the stakeholders, who oftentimes show up at public hearings to entertain one another with their rhetoric, have finally sat down and really gotten down to brass tacks.

Senator CRAPO. One last question. I realize that we're talking about something we would like to see created in Federal law. What you have been able to create de facto in your region. But do you think we would have a shot at that in the Pacific Northwest?

Mr. FABER. There's no reason you can't. I'm an outsider and I have to say there is probably a little bit more sensibility to folks in the Midwest than maybe anywhere else in the country. But it seems to me that the Corps now has the authority to go ahead and invite private groups to lead that process. They don't need you to act through WRDA or some other mechanism. But what they could probably use is some direction, whether that's in a letter or in some other means, that says here's a process that has worked on the upper Mississippi River, why don't you give this a try on the Snake and see where it goes.

I will add one thing. I don't want to lecture the law to someone who has probably practiced law longer than I have been alive.

Senator CRAPO. I welcome it.

Mr. FABER. But one problem with the process is the way the Corps has interpreted NEPA. They often do a scope of work and

do all of their alternatives and run those alternatives before the public is even invited to provide comment. If NEPA were changed, or the Corps interpreted NEPA to require them to bring the public in early in the scoping process, then a lot of the problems that we're seeing here today wouldn't be happening I think.

Senator CRAPO. That's exactly the point that I was trying to make with the Federal officials here today. Do you agree from what you heard today that that's the dynamic we're seeing develop?

Mr. FABER. Absolutely. I think it is a matter of bad law and bad habit. Some agencies—and I think it is changing in different parts of the country—do not see the public as a collaborator but merely as the end of the process. I'll just end with this anecdote. My father was in the Corps of Engineers in the 1950's, and he said that in the 1950's we didn't care what the public thought, we just did what we wanted and what Congress wanted. When we started 6 years ago the Corps said, well, if everybody is unhappy, we must be doing something right. Now I think, at least in our part of the country, the Corps is saying keeping everyone unhappy is not a good way of doing business and we've got to figure out how to bring the public into this decisionmaking process here.

Senator CRAPO. All right. Thank you.

I am going to give each of you an opportunity to discuss this concept. But before I do, I had a couple of specific questions for Mr. Stearns.

You had indicated that you're not as concerned with the Federal Caucus developments that we've had discussed here for several reasons. I understand your point. In fact, one of your points was that we don't want to have that chart magnified by having to open every single meeting that the Federal agencies have to public participation, and I certainly don't want to see that happen either.

In one of your five recommendations at the end, No. 3 it was, you wanted to see no binding decisions made before there is consultation with the public and the public is involved. The question I have is, don't you have a concern that if the decisionmaking, and officials in this case, the Federal officials, even if they haven't made a binding decision, if they have been in a closed room making tentative decisions or evaluating the options and starting to reach conclusions, not making it binding, but then come out for public input, don't you believe that is a little bit late in the game for the public input?

Mr. STEARNS. Recognize that all of us have access to all of the Federal agencies all the time. What they don't do is if they don't get together and come up with their own vision of where they are headed as an administration, they basically aren't responsive on anything. Frankly, they give us multiple stories. It is much better, and it is long overdue, for them to speak with one voice on this issue. I look at the Federal problem on this river is that they have not formally and informally got together and come up with a common vision.

All I am suggesting is that I just don't think that it is a reasonable standard to suggest that the Federal agencies can't meet together and figure out their administration program and put it out on the table. I think all of us at this table are fully capable of

shooting down every stupid idea they come up with. We do it over and over and over again.

Let me just describe one frustration. This Framework process, we had a big regional confab in November, there were 28 different alternatives put into it; we put in one, the State of Oregon put in three, the State of Idaho didn't put in one, the Federal Government didn't put in one. It was an absolute frustration that the Federal Government would say everybody else come to the party and put your ideas on the table but we're not even going to bring what we think. My goal here is to smoke them out. Get them thinking. Get them to put their ideas on the table and have it go through a process.

Senator CRAPO. I certainly agree with the objective, and I think most people would, that the Federal Government should speak more with one voice, not with this kind of process and non-voice, and also that we don't want to slow the process down by creating a multiplication of difficult processes and creating even more difficult problems for the Federal agencies who do have the requirement under the statutes to act. So I understand your point.

Let me just go to the whole panel now and ask, in the context of what you have heard today in the testimony from the Federal officials who testified, and from what you now understand about their explanation for what the Federal Caucus is and what it is doing, what your reaction to that is? Have your concerns been satisfied, or have they been increased, or do you have a comment on it?

I guess, Mr. Faber, we have really already gone through that with you. I am going to pass you this time, and we'll go right to you Mr. Dunn for any comments you might have.

Mr. DUNN. Just briefly, to say, unfortunately, our concerns were not alleviated by their comments today. We would encourage you and other members of this committee to continue to pursue them being open in their Federal Caucus process.

Senator CRAPO. Thank you. Mr. Squires?

Mr. SQUIRES. Senator, before I came to this hearing I had some concerns. Now I'm scared. This is probably, when I listened to them here today talk, it was probably the most frustrating thing I've done since we tried to talk to them about the chicken complex fire which raged in Idaho. I do not believe that this agency has a clue. Our biggest fear is that the anadromous fish problem in the Pacific Northwest will be politically driven, not fish driven. I think that they proved that here today. Thank you.

Senator CRAPO. Thank you. Mr. Stearns?

Mr. STEARNS. Well, I won't say that I don't share concerns. I think I would agree with Mr. Squires that I'm still scared. What I think is more important though is that Mr. Frampton suggested that the administration recognizes that they have a strategic role to play here, that there is both an economic set of decisions and a scientific set of decisions, and that they feel that the Federal Government needs to speak with one voice. I would have to admit that I am somewhat reassured by that.

I am not overly sanctimonious about any Federal agencies. I have dealt with them my entire career and they have Congress pushing them, they have their constituencies pushing them, they

have the press pushing them; they respond to pressures. But I guess what I would say more than anything is we were relieved when they said they were getting together because we thought they were 2 or 3 years behind. Now that they've said that they are doing something, we certainly ought to mistrust what they're doing and make them put it on the table. But whether I am more alarmed after this, I don't know.

Senator CRAPO. All right. Mr. Ausman?

Mr. AUSMAN. I am very concerned with the closed door concept. But I think in listening to you I feel better about it. I feel with people like you here that helps. But I am concerned with the closed door concept.

Senator CRAPO. All right. Let me just conclude with another question which I would like everyone on the panel to talk about. Again, Mr. Faber, if you want to pitch in, feel welcome to do so, but I really want to get the feeling of the panel with regard to the idea that I've already explored with you. The question is on the broader question of moving to a system of environmental decision-making in which we have a collaborative process in which the collaborators actually make decisions and are empowered to do so, preferably by law, in my opinion, but whether it is by law or by de facto arrangement.

I would like to know what the panel thinks about that arrangement in terms of both salmon recovery in the Pacific Northwest and in terms of environmental policy in general in this country. Anybody want to go first?

Mr. Dunn?

Mr. DUNN. Well, Mr. Chairman, I think that is something that we could certainly support in the Pacific Northwest. I think that process would guarantee that regional interests would be included. I think it has been a frustration that, for example, Northwest Power Planning Council has been charged with some oversight yet has been given no authority to really do much in terms of river operation or other environmental policy. So I think that is an avenue fruit processors would definitely support.

Senator CRAPO. Thank you. Mr. Squires?

Mr. SQUIRES. I think it is something that is long overdue, if it can be achieved. PPRC in our model, as you know, we're seeking balance. We have got to get both sides to the table here and get something that will work and find a balanced solution for these problems. I think that would be the answer ultimately. I would like to see the Federal Government take that role, as Mr. Faber said, somebody that would give information, somebody that would be a clearinghouse, but without an agenda, to help bind this thing together and find a solution for the fish and for the region. I think that is something that could be done.

Senator CRAPO. Thank you. Mr. Stearns?

Mr. STEARNS. Senator Crapo, with all due respect, I think one of the wisest things a legislator can do is not legislate. This is one of those situations where I don't think we necessarily need it in Federal law. We certainly could use your push and your help. It is not to say for an instant that we don't need these kinds of collaborations.

I want to tell you that I have participated in a number of them, some successful, some frustrations. We have successfully relicensed the projects in the Skagit with Seattle City Light. We are going to successfully relicense projects owned by two of the three mid-Columbia utilities, Chelan County PUD and Douglas County PUD. No gun to anybody's head. We all showed up, agreed we wanted a solution. We felt that they had something to protect and worth valuing. They said we'll put a checkbook on the table but we're not signing it until we have a deal. I just don't want us to go and try to put guns to anybody's head.

What I would suggest though is that there are three things that make a collaboration work. One is that you agree that you're going to comply within the law and within treaties. Second, that you're going to work only on solutions that are within the boundaries of science. Third, that you go and commit a finite time period to come to a deal. The ones that fail are the ones that string out on and on and on. So, clearly, we are open.

Frankly, I think dam removal is something that has to be on the table. Is it the only recovery package that is going to work here? No. I think if we're willing to make some other really significant situations, we could do that. But I think people also have to come to the table with an open mind of what the possibilities are and work through them.

Let me close with one thing. Bill Ruckleshaus is working on a process that is based primarily in the Puget Sound area, but he went and described that the Federal agencies and the States weren't talking particularly well and we needed a new Federal official. Very quickly the press and some politicians jumped on it and said "Bill Ruckleshaus calls for a salmon czar." The last thing we need is a salmon czar. What we need is a salmon shuttle diplomat; somebody who goes around and doesn't try to impose solutions but listens to everybody, gets them to listen to everybody, and work for commonalities.

I want workers that have living wage jobs, I want food on my table, and a healthy rural eastern economy. I think these guys want salmon. I think there are solutions here. But, clearly, we all have our blinders. I just think that if we live within the law, we live within the science, we agree to disagree and do it in a timely fashion, we can get somewhere.

Senator CRAPO. Mr. Ausman?

Mr. AUSMAN. Being a farmer, back to the grassroots. The farming community in eastern Washington is working with the salmon recovery. We have a couple of different model watersheds. We feel that we're not getting recognized for what we are contributing to the situation right now is one of our problems, our frustrations.

Senator CRAPO. Good. Did you want to say something, Mr. Faber?

Mr. FABER. Just to add that I think Mr. Stearns has made an important point, especially in your context, which is the timing. In this case, what you might think about, and then I'll go back to the Midwest where I can do more harm probably, is to say let's have a process that is led by stakeholders like the ones right in front of you, give it X amount of time to work, in this case we're talking about months, obviously, not years. If that doesn't work and these

folks can't find consensus, at least we can say we've tried. Ultimately, I think all of us would prefer to be making that decision, the public would prefer to make that decision rather than to allow the Government or, God forbid, a judge make that decision for us. That creates a lot of pressure.

Senator CRAPO. Those are good comments.

I really appreciate the effort that all of you have gone through to come here and testify. I know you've sat through the whole hearing, so you get the special "at-a-boys" for perseverance today. I appreciate your insight. Obviously, this is a difficult issue and there are a lot of very valid points of view that need to be brought together.

My objective in this hearing was to focus on what I think is a very serious process error that is underway right now. Frankly, before the hearing, I thought that there may be a chance that we could get it resolved, that maybe our concerns would be alleviated. But I don't think that that has happened. I think that the concerns I had before the hearing are still concerns, and I know that a lot of you share those concerns as well. I know the Federal agency officials are sincerely trying to work this out from their perspective. We're going to continue from our perspective to try to push this in the right direction, both on the specifics of salmon and steelhead recovery, and on the general issue of how we approach environmental decisionmaking.

I agree with you, by the way, Mr. Stearns, that there certainly is a question as to whether Congress can improve or screw things up worse in terms of trying to take a good idea and make it work. But there is also the question of whether the Federal laws are already fouled up and we may need to improve them somewhat or at least correct them in ways that have been suggested.

So on both a specific level and on a general level, I think there are some ideas that have been generated by this hearing. I hope that the Federal agencies who were invited to be here and who will receive the FOIA requests will take off their blinders to the extent possible and try to find a way forward. I hope for a way forward that is very consistent with what Mr. Faber has identified as a way that we can without statutory changes at this point, because we don't have the time, maybe de facto, find a way forward in terms of a collaborative model that will work.

Once again, I thank all of you for your time and effort and your ideas and your comments.

Mr. Stearns, did you want to say something?

Mr. STEARNS. Mr. Chairman, just a final point. I hope nobody holds it against you that you agreed with me on something. But more importantly, the Framework is a process that I think right now is once again one that is being agency and bureaucrat-driven and there is a possibility of getting more stakeholders, make it more stakeholder-driven. I would suggest that immense pressure from a highly influential Senator would be a good step.

Finally, in the last hearing on this issue Congressman Weldon suggested that if you wanted the people in the plane crash at the end, then you better get them on at the take-off. I thought it was an interesting malapropism in how we should go forward. Thank you.

Senator CRAPO. That's a good analogy. But we will make this plane land safely if we can do it.

Thank you all very much for coming.

This hearing is adjourned.

[Whereupon, at 4:18 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

[Additional statements submitted for the record follow:]

STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM THE STATE OF NEVADA

Good afternoon, Mr. Chairman. Thank you for holding this important hearing on one of the most complicated and controversial wildlife issues in the Northwest, if not in the entire country.

It is due to the very complexity of the issues involved that I think this hearing is so important. Rather than focusing on the issues themselves (there will be plenty of time for that later), we are going to take a look at the processes being employed by the federal government, in particular, in setting out a plan for recovering the many species of salmon in the Northwest.

In reading through the testimony for today's hearing, it seems that most of the stakeholders in the Northwest agree on two things (and maybe not a lot else) when it comes to the salmon.

First, everyone agrees that what we are doing now to protect and recover the salmon is not working. That cannot continue. By examining all of the possibilities and leaving no stone unturned, it is our obligation to future generations to make sure that salmon not only survive, but thrive in the Northwest.

Secondly, everyone seems concerned that the federal caucus of nine agencies and departments is going off to work out a federal solution behind closed doors.

I read all of the testimony last night from what I believe to be a relatively well-balanced panel and was surprised at the level of consistency I found across interested parties.

From the Tribal witness: "Since the federal government is developing its 4-H paper behind closed doors, it is somewhat difficult for us to comment on the substance of it."

From the agri-business witness: "[The Corps] send[s] conflicting messages and has failed to coordinate with regional initiatives."

American Rivers: (speaking about similar efforts on the Missouri and Mississippi): ". . . Corp conducted studies and developed management alternatives in isolation and, after spending years and tens of millions of dollars, mechanically sought our input through public hearings which provide wonderful theater but little more."

While I do not endorse some of the more overblown rhetoric that is sprinkled throughout some of the testimony, I am concerned that the nine federal agencies that are participating in this process as members of the "Federal Caucus" are making a key blunder if they are not planning to take advantage of every opportunity to involve the public in both the process and substance of this undertaking.

I encourage each of the agencies individually and as a group to make their findings available for substantive public comment and peer review, and to make their final decisions in the open.

Whatever findings result from this process, and I am in no way prejudging any options or series of options, will be controversial.

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STATEMENT OF GEORGE T. FRAMPTON, JR., ACTING CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY, EXECUTIVE OFFICE OF THE PRESIDENT

Mr. Chairman, Senator Reid and Members of the Subcommittee: I am pleased to appear before you today to testify about the Federal role in salmon recovery efforts in the Columbia River Basin, particularly long-term decisions regarding the Federal Columbia River Power System. I have invited senior representatives from the regional agencies which are providing the lead role in this effort.

I am pleased to be accompanied today by senior agency representatives from the region who are providing the lead role in this effort: Donna Darm, Assistant Regional Administrator of the National Marine Fisheries Service and Witt Anderson, Fisheries Biologist in the U.S. Army Corps of Engineers Portland of rice and by Steve Wright, Vice President, Corporate of the Bonneville Power Administration. They are key members of the Administration's northwest salmon recovery team and here to respond to your questions.



Before delving into the specifics of the Columbia Basin, let me first provide several points of context.

Many salmon and steelhead runs in the Pacific Northwest and California are in deep trouble. Several runs are, according to our fishery scientists, at serious risk of extinction. From Puget Sound to Central California, these runs need our help if we are to pass this important legacy to our children and to future generations. Extinction is not an option. This Administration, along with the people of the Northwest, is firmly committed to doing what we must to restore our precious salmon runs.

Salmon are a keystone species which serve as an important indicator of the health of our streams and river systems overall. Healthy salmon runs require clean, healthy river and stream systems, which define our Northwest landscape.

Healthy, productive landscapes and a strong economy go hand in hand. The Pacific Northwest, and the nation as a whole, is reaping the benefits of a glowing and expanding economy that is unprecedented in our time. Jobs, wages, and opportunity are bounding forward, hand in hand with a growing commitment to protecting our environment. The people insist upon both, and they are right. We reject the false choice of protecting either the economy or the environment: we have proven that we can do both.

The salmon challenge poses special opportunities upon which we should act. While the Federal Endangered Species Act has served as a call to arms in the salmon effort, the solutions lie greatly in the realm of state and local commitments. Healthy streams and rivers are the keys to salmon recovery, since it is in those streams and rivers that the salmon are born and to which they return to continue their cycle of life. State, tribal and local authorities are instrumental in managing the many activities which affect clean water and healthy streams. We are therefore committed to building partnerships with state, tribal and local governments and the private sector to enlist the full range of capabilities and experience in getting the job done. Accordingly, that is why this Administration has entered into precedent-setting efforts with California Oregon, Washington and local governments to craft solutions to the salmon challenge. And that is why this Administration has proposed a \$100 million dollar Pacific Coastal Salmon Fund to assist the states and tribes in recovery efforts outside the Columbia and Snake Rivers for the coming fiscal year. We urge your support for this important effort.

You have heard much discussion of the "Four H's" which have been the principal human causes of the declines in salmon runs the last half of this century. They are: habitat, hydropower, hatcheries and harvest. Regarding the issue of harvest, I would urge you and your colleagues in the strongest possible terms to embrace the historic agreement we recently brokered with Canada under the auspices of the Pacific Salmon Treaty and the leadership of the state and tribal governments. This agreement, which is dependent upon your support and Federal dollars, is essential to solving the harvest side of the problem, which in turn is essential to salmon recovery along the coast. Please do not let this opportunity slip by. Help us seize the moment.

Next, allow me to turn to the matter of the Federal Columbia River Power System and its role in both the recovery of salmon stocks in the Columbia and Snake system, and the Four H recovery strategy.

The genesis of the so-called "99 Decision" is the requirement under the Endangered Species Act that Federal agencies avoid actions that jeopardize the continued existence of threatened and endangered species. In 1995, the National Marine Fisheries Service (NMFS) consulted with the Bonneville Power Administration (BPA), the Army Corps of Engineers (Corps) and the Bureau of Reclamation on the impacts of the Federal Columbia River Power System on three runs of Snake River salmon listed as threatened or endangered under the Endangered Species Act. At that time, NMFS concluded it needed more information to be able to give its scientific opinion on whether the Snake River salmon runs could recover under various long-term operations and configurations of the Power System. NMFS said it would revisit that question in 1999 after it had gathered more information and pursued, with the operating agencies, an aggressive program to improve salmon survivals in the interim and generate better information about longer-term remedies.

In 1999, the situation is different than it was in 1995. There are now 12 runs of salmon and steelhead stocks as well as sturgeon, bull trout, and snails in the Columbia River Basin that are listed under the Act. The operation and configuration of the Federal power system affects all of these runs—some significantly, others less so. Federal agencies are now examining the impacts of the system not just on Snake River salmon, but on all listed species. In short, it is no longer simply a question of the Snake River stocks, it is a multispecies recovery effort.

For a number of important reasons, the NMFS and the other Federal agencies believe it is important to view the effects of the Federal dams in the context of all human activities that affect the fish. First, they will have to judge whether the fish are likely to survive and recover with the impacts from the Federal dams together with all other impacts. To make this judgment, they will need to estimate what is likely to happen to the fish in the other areas of their life cycle; in harvest, hatcheries and habitat. For the fish to survive and recover there must be firm and reliable improvements in their survival across their extraordinary lifecycle. Improvements in survival through the Federal power system are essential. So too are improvements in the productivity of the river and stream systems in which the young salmon grow and to which the adults return. Substantial reforms in harvest management and improvements in the hatchery practices throughout the Basin are essential.

Second, creating this Four-H context helps remind people that there is no silver bullet that will solve the salmon crisis. The action-by-action consultation approach of the ESA promotes the tendency of people to believe there is a single solution to a very complex problem. The Federal hydropower system is a major source of mortality for salmon, and the debate about dam operation and configuration creates an understandable opportunity for controversy and polarization. By creating a Four-H context, the Federal agencies aim to remind everyone that it is the entire range of human activity that got the fish into trouble, and it will take work in that entire range of human activity to get them out of trouble.

Are we prepared to address the issue of harvest? I am heartened to report that the answer is yes, if we implement the necessary agreements under the Salmon Treaty now before you. Are we prepared to address the issue of hatcheries? Again, my reply is yes. Are we developing a long-term plan for reducing predation by Caspian terns in the estuary? Of course. And what about the all-encompassing issue of healthy streams and tributaries, the crucial link in the salmon lifecycle? Frankly, the issue is open, and it depends in part on state, local and tribal commitments to protect and restore that habitat.

We believe a home-grown regional solution is best if it is scientifically sound. We have directed the federal agencies with disparate missions to work together and with the region to develop a solution to the salmon challenge. The Federal agencies have been meeting for several months now to do their homework on these issues, and have been working closely with the states and tribes through the Multispecies Framework Project to develop alternative solutions to the salmon challenge. These alternatives include a broad range of strategies, from improving the hydropower system with all dams in place, to removing one or more projects. We support a regional strategy, and will continue to emphasize that it must be biologically sound to stand the test of time.

We expect the results of regional analyses of the alternatives to be available in the fall. It will be especially instructive to have completed the biological analyses that gives us an indication of whether threatened and endangered fish can be expected to recover under different sets of alternatives. Both the Federal agencies and the Multispecies Framework Project are coordinating on the scientific analysis. Economic analysis is being conducted both through the Corps' EIS on Snake River drawdown and through the Multispecies Framework Project. We also hope to have information on opportunities to mitigate economic impacts on local communities. Through this regional coordination on the analytical tools, we can develop a common understanding of the biological and economic impacts of the choices.

The Federal agencies have committed to share their analyses and their ideas with the other governments of the Region through the Columbia River Basin Forum, and we stand by that commitment. Once we have the initial results of the biological and economic analyses this fall, the region can decide what alternatives it would like to explore further both in terms of biological effects and economic impacts. No final Federal decisions relating to the future operation or configuration of the Federal Power System will be made by Federal agencies until after the issues are raised and discussed with the other governments through the Forum and other mechanisms.

In conclusion, Mr. Chairman, I would urge that all of us allow the region to work through these issues. From an Administration perspective, that is our approach and preference. This fall the Framework will lay the options in front of the Region, and no doubt lively debate will ensue. The Administration will pay close attention to that debate, and will ensure that the Regional agencies are fully engaged. But we will not prejudge the outcome, nor try to steer it in a particular direction.

This Administration is proud of its record of protecting the environment and promoting a strong economy in the Pacific Northwest. We bring the same principles to this very complex issue and are committed to finding outcomes that strengthen the fabric of this region.

In closing, let me reiterate my strong request for your support for the Salmon Treaty agreement, for the Pacific Salmon Fund, and for regional decision making. Thank you for the opportunity to discuss these important matters with you today. My colleagues and I are happy to answer any questions you might have.

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RESPONSES OF GEORGE FRAMPTON TO ADDITIONAL QUESTIONS FROM SENATOR CRAPO

*Question 1.* Uncertainty with respect to future measures for salmon recovery makes economic investment decisions in the region more difficult. What period of time will the 4-H paper cover?

Response. The 4-H paper will cover hydropower system actions, tributary habitat and hatchery approaches, and harvest programs for the next 20-25 years.

*Question 2.* You didn't mention ocean conditions in your testimony. Isn't it true that scientists are increasing focusing on the impact of ocean conditions on the health and survival of salmon? As I understand, NMFS' own scientists, as well as many others, recognize oceans as part of the problem. Will oceans be analyzed or considered as part of the "H for Habitat" of the 4-H process?

Response. We will take into account the role of future ocean conditions on the future biological performance of the fish, considering a range from continuing poor conditions to a return to good conditions. It is important to recognize the overall role of ocean conditions in influencing salmon survival. While ocean conditions can have a serious effect on salmon survival—good or bad—they are but one of a multitude of variables which, taken as a whole, bear on salmon recovery.

*Question 3.* Federal decisions of the magnitude being discussed for the Lower Snake require a record to be developed and a National Environmental Policy Act (NEPA) strategy in order to withstand court challenge. It appears that the COE EIS is focused only on the questions of the Lower Snake Dams. Is an EIS being prepared which covers all 4-H's, and if not, will the Federal agencies only have a limited array of choices (i.e., dam breaching or not) to choose from in a manner which is sustainable in court?

Response. Yes, the COE EIS is limited to the Lower Snake projects. The Interior Columbia Basin Ecosystem Management Project (ICBEMP) focuses only on Bureau of Land Management and Forest Service administration Federal of land within the Basin. (The ICBEMP is a comprehensive, land management strategy designed to not only address anadromous fish, but also the forest and rangeland health and socio-economic issues facing the interior basin.) The Administration expects the NWPPC and the NMFS to recommend mitigation and recovery actions that are beyond the scope of these documents. Many of those recommendations will undoubtedly fall to Bonneville Power Administration (BPA) for funding. Actions that are not covered by the COE or ICBEMP EIS's, or other existing EIS's, will need additional NEPA review—i.e. a new EIS.

Given BPA's role in implementation, BPA is initiating a Regional Fish and Wildlife Policy EIS. This EIS will cover a broad range of alternatives that embrace the alternatives generated in the Framework and the 4-H paper. The new Policy EIS will show decisionmakers the relative merits of the options available for mitigating and recovering fish and wildlife in the Columbia River Basin.

*Question 4.* The focus of the Federal Caucus discussions has always appeared to be on salmon and steelhead. Yet there are many resident fish that are affected by upper basin reserves operations, including the Kootenai sturgeon in north Idaho. Will the 4-H paper integrate the impact on nonanadromous species? If so, where is the data being gathered to provide the environmental evaluation and how will the people in the affected areas be given a chance to provide their views?

Response. As you indicated in your question, upper basin reservoir operations impact resident fish and other aquatic species such as the Snake River listed snails. The 4-H paper will address the biological requirements of resident fish and other aquatic species affected by the hydrosystem by establishing goals, objectives, and strategies to ensure their long-term persistence and by integrating actions into the alternatives packages that specifically address the needs of resident fish and other aquatic species. Members of the Federal Caucus have been participating in meetings of the multi-species Framework Hydro Group to ensure that alternatives are crafted that include hydro actions that benefit resident fish and other aquatic species, as well as salmon and steelhead.

Data on the needs of resident fish and other aquatic species for the environmental evaluation are being gathered through the Framework and the Federal Caucus. Under the Federal Caucus field biologists from the U.S. Fish and Wildlife Service (USFWS) and other Federal agencies are collecting the data on resident fish and

other aquatic species for the environmental evaluation. In most cases this is information that has been generated through studies conducted by state fish and wildlife agencies and Indian Tribes. For example, USFWS is relying heavily on flow studies by the Montana Department of Fish, Wildlife and Parks to define the needs of bull trout in the Kootenai River below Libby Dam. The draft 4-H paper will be provided for public review in the fall of 1999, and we intend to hold meetings in Idaho and Montana to discuss the contents and to provide opportunities for comment.

*Question 5.* The alternatives in the current COE' EIS would suggest that the only choices are to breach the four Lower Snake dams, increase transportation, or retain the status quo. If the Administration proposes dam breaching, it seems clear that the obvious questions will be what could be accomplished by changing practices in hydro, harvest, hatcheries, but short of dam breaching. It would be unfortunate if the response was that we do not have adequate information in the other 3-H's to make this decision. We hope that as a result of this hearing, we will not be confronted with this problem a year from now.

Response. The Federal agencies are examining the same range of alternatives as the NWPPC Framework process. These include a total of seven alternatives, including four nonbreaching alternatives. We have recommended to the Framework that its range include an alternative that has a very aggressive program in all H's, short of breaching. The purpose of the 4-H paper is to consolidate known data in all four "H's" to produce life-cycle recovery options that constitute the most complete picture we have been able to produce to date. Of course, salmon science is incomplete across a range of factors. There is much about salmon we simply do not know. That is why monitoring and evaluation, and basic biological research, are such an important part of our ongoing efforts. The more we study the species down to the sub-basin level, the greater confidence we will have in developing effective recovery measures.

*Question 6.* Will there be an independent science review of the alternatives developed by the Federal Caucus?

Response. Yes, there will be independent scientific review of our scientific analysis of alternatives, as well as of our final recommendations, in accordance with standard National Academy of Sciences guidelines.

*Question 7.* Are you developing a nonbreaching alternative? If so, how far along is it?

Response. Yes. As mentioned above, the Federal agencies are examining the same range of alternatives as the Framework. These include nonbreaching alternatives. We have recommended to the Framework that the range include an alternative that has a very aggressive program in all H's, short of breaching. The Federal 4-H analysis, which is designed to analyze recovery alternatives encompassing the entire salmon life cycle, should be available in preliminary form by early Fall 1999. We will provide this information to the Framework, the NWPPC, and the Northwest Governors' Columbia River Basin Forum and the public.

*Question 8.* The memo announcing the formation of the Federal Caucus indicated work products would be completed by this time. Are these products done, and if not, what is the current schedule?

Response. The draft Federal Caucus products planned for May and June of this year will be available in the fall of 1999. After the memo you reference was issued, the Federal Caucus initiated much closer coordination with the Framework products and schedules. Since the draft Framework analysis and alternatives were due in the fall, the Federal Caucus revised its schedule so that the products from the Federal Caucus would be able to consider and incorporate the Framework alternatives.

*Question 9.* When will the COE' EIS and draft BA and draft 4-H Paper be released for public review?

Response. The drafts of the COE' EIS, the BA, and the 4-H paper are all scheduled for release in fall of 1999.

*Question 10.* What is the relationship of Interior Columbia Basin Ecosystem Management Plan to the 4-H Paper?

Response. ICBEMP is a long-term, comprehensive strategy for managing Bureau of Land Management and Forest Service administered lands in the Interior Columbia River Basin; addressing broad-scale issues such as forest and rangeland health, socio-economics, and anadromous fish. The public lands included in the Project area provide critical habitat for salmon and steelhead listed under the Endangered Species Act (ESA), and make up the federal habitat portion of the 4-H's. The National Marine Fisheries Service, U.S. Fish and Wildlife Service, and Environmental Protection Agency have been full partners in the development of the ICBEMP strategy, and integral to the development of the Project's aquatic health measures, especially as they relate to ESA listed salmon and steelhead. The 4-H paper will incorporate

the aquatic results of ICBEMP which apply to salmon and steelhead habitat on Bureau of Land Management and Forest Service-administered lands.

*Question 11.* What is the relationship of the Pacific Salmon Treaty and the U.S. v Oregon harvest management plans related to the 4-H Paper?

Response. At a minimum, the 4-H paper will incorporate harvest improvements derived from the Pacific Salmon Treaty, and any such improvement negotiated within the U.S. v. Oregon structure. In addition, both the Framework process and the 4-H paper may provide opportunity to analyze impacts of different harvest and hatchery strategies in combination with different habitat and hydro strategies, which in turn may provide standards or goals for Treaty negotiators to work toward.

*Question 12.* What processes will the Federal government use to consider hatchery practices in the region?

Response. Each hatchery within the critical habitat of a listed species will pass through the ESA consultation or permitting processes under section 7 and section 10, respectively. Hatchery analyses and strategies are being developed jointly and on a coordinated basis within the NWPPC's Framework and Artificial Propagation Review processes, the Federal 4-H Paper, and the U.S. v. Oregon process. On a policy level, NMFS' goal is to ensure the debate in each of these forums is coordinated, resulting in a set of hatchery reforms that can pass through an ESA screen while addressing other legal mandates on a consistent and complimentary basis.

*Question 13.* Can you guarantee that if the four Lower Snake dams were breached that no water would be taken anywhere else in Idaho?

Response. No. Studies show that the primary benefits of breaching four Lower Snake River dams would be improved spawning habitat and decreased travel time from spawning areas to the estuaries. Regardless of breaching, water temperatures, water quality, and quantity of flows to facilitate travel time and keep spawning areas watered still pose real issues for salmon recovery. Therefore, it is not reasonable at this time to rule out the possibility that in some years flow augmentation from Dworshak and the Upper Snake might continue to be important.

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RESPONSES OF GEORGE FRAMPTON TO ADDITIONAL QUESTIONS FROM SENATOR REID

*Question 1.* Federal Agencies and the Administration are working hard to make long-term salmon decisions by early 2000. The Committee is concerned that in your haste to assemble the scientific information you need to make the decisions, you are neglecting to study the means of minimizing the negative human impacts of these decisions. Will you describe the work underway to address these concerns? And, will you commit to crafting mitigation and transition proposals to minimize these impacts in a timely manner so that they can be considered by the region during the decisionmaking process? How do you propose to do this?

Response. The Federal agencies and other regional entities involved in salmon recovery efforts are very concerned with potential impacts of their decisions on the people of the region. The Lower Snake River Juvenile Salmon Migration Feasibility Study is examining three main alternatives for configuration and operation of the four lower Snake River dams for improved salmon passage. A Drawdown Regional Economic Workgroup (DREW) of economists, social scientists and other professionals have been tasked to analyze and describe social and economic effects associated with alternative recovery measures. The potential for negative human impacts is being evaluated in the study, both on a national and on a local level. The U.S. Army Corps of Engineers (COE) has done some broad analysis of possible compensation/mitigation actions that could be taken in the event of dam breaching for parties negatively affected by dam removal. If the preferred alternative identified in the draft Environmental Impact Statement (EIS) includes dam breaching, a more defined plan for compensation would be included in the final EIS.

In addition, the regional Multi-Species Framework Project (Framework) is currently initiating a mitigation and transition study to describe alternative paths and tools that lead to long-term economic adjustment. It would focus on mitigation programs to facilitate transition to economic and social recovery under the seven Framework alternatives. This information will be available in the fall to help the region understand the range of mitigation response tools that may be available.

*Question 2.* Please describe the relationship between the Federal Caucus and the Northwest Power Planning Council's (NWPPC) Multi-Species Framework. Will the alternatives that the Framework is crafting be officially incorporated into the range of alternatives that the Administration (be that National Marine Fisheries Service (NMFS) or COE) considers when choosing a preferred management alternative?

Response. The attached letter, dated June 22, 1999, from the Federal Caucus and the Framework describes how the various processes and products will be coordinated in the salmon decision. The Framework is developing the fundamental options and outcomes that will be needed to make informed management decisions. The Federal Caucus will work with the Framework so that the alternatives that the Framework develops and analyzes can be incorporated into the 4-H paper the Federal Caucus is preparing. The Framework and Federal Caucus are working on the development of alternative hydropower system actions and alternative tributary habitat and hatchery approaches that both processes can use.

*Question 3.* The public has a need to be informed and involved in salmon decision. Please assure the Committee that the COE and the other Federal agencies will create a single public involvement process that encompasses the various Federal forums.

Response. The Federal agencies initiated the Federal Caucus to ensure coordination of issues and processes among the COE Snake River EIS, the Interior Columbia Basin Ecosystem Management Project (ICBEMP), and the 1999 decision for salmon recovery. We have successfully negotiated with each other to have all of these draft products available in October for public dialogue. We are actively exploring coordination of public involvement meetings for the combination of these issues, including meetings throughout the region, in the October through January timeframe. We are also in discussion with the Forum and Council to see if further coordination of public involvement is possible.

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RESPONSES OF GEORGE FRAMPTON TO ADDITIONAL QUESTIONS FROM SENATOR BAUCUS

*Question 1.* Please explain the role of the stakeholder groups in the COE' DREW process. Is the COE currently utilizing the stakeholder workgroups—especially the recreation workgroup—to review and comment on the studies prior to the release of preliminary and draft documents?

Response. Early in the study process, DREW invited participation by all interested parties. Representatives from industry associations, irrigators, other water users, Columbia River tribes and representative tribal associations, environmental groups, regional Federal and State agencies and others responded and have participated in the study. The participants helped develop the methodology and shape the analysis, provide input and “reality checks,” and review and provide comment on preliminary and draft reports. They have identified shortcomings in the analysis and provided feedback on whether the results were reasonable. The products prepared by DREW are being incorporated into the final EIS.

*Question 2.* There is uncertainty about how the various Federal and non-Federal salmon forums and processes merge together and contribute to making decisions regarding the long-term recovery plan for salmon. Will you please provide the committee with a “roadmap”—with time lines—that explains the expected “output” of each process, how these processes relate to each other and how these products and processes will be integrated to produce a single decision?

Response. The attached letter from the Framework and the Federal Caucus, dated June 22, 1999, describes the various processes to develop a long-term recovery plan for salmon, the products of these processes, and how the processes relate to one another. Also attached is a draft timeline that gives a roadmap for how they will be produced. Following public comment on drafts of these products, they will be finalized in the winter of 1999. The NMFS will use the analysis, findings, and decisions reflected in these products to issue its final Biological Opinion on hydropower in the spring of 2000.

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STATEMENT OF DONALD SAMPSON, EXECUTIVE DIRECTOR, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

Thank you for this opportunity to provide testimony on the “4-H” paper being developed by the federal agencies with management authority over Columbia River basin salmon listed pursuant to the federal Endangered Species Act.

Since the federal government is developing its “4-H” paper behind closed doors, it is somewhat difficult for us to comment on the substance of it. However, it is our understanding that the “4-H” paper is intended to provide a “context” or “backdrop” for the federal government’s decision regarding the future of the Federal Columbia River Power System.

It is well recognized that the hydrosystem causes significant impacts on salmon. In fact, the incidental take permit that NMFS has granted the hydrosystem operators allows the hydrosystem to take 24% to 86% of the juvenile Snake River spring/summer chinook and 21% of the adult spring/summer chinook. Similarly, the hydrosystem is allowed to take 62% to 100% of the juvenile Snake River fall chinook and 39% of the adult fall chinook. The National Marine Fisheries Service's biological opinion on the hydro-system states that the existing operation of the hydrosystem does jeopardize the continued existence of Snake River salmon. This "state of jeopardy" is allowed on a temporary basis so that the federal government could gather the information it needs to make an informed decision regarding the proper configuration of the hydrosystem. Under the biological opinion, this information gathering and analysis process will culminate in a final decision in late 1999.

NMFS' biological opinion recognizes that it is important to quantify the level of mortality imposed by the hydrosystem. This information "will help answer whether sufficient survival improvements can be achieved in the hydropower system to contribute to the recovery of the listed stocks, or whether large survival improvements must be achieved in other sectors."

The Commission and its member tribes have long recognized that one cannot assess or manage the various mortality sectors, the "4-H's," in isolation. Hence, the Commission's member tribes have long advocated for "gravel-to-gravel" management. This requires addressing the entire lifecycle of the salmon. To ensure that a species will rebuild all sources of mortality must be addressed. In order to control the various sources of salmon mortality and manage them to achieve rebuilding, it is necessary to develop goals and objectives for the affected salmon stocks that are consistent with law and based on sound biology. When assembled into a comprehensive package, the measures adopted to achieve these goals and objectives must add up to rebuilt salmon runs.

Over four years ago, the Commission and its member tribes published a salmon restoration plan entitled Wy-Kan-Ush-Mi Wa-Kish-Wit (The Spirit of the Salmon). This plan encompasses the "4-H's" and includes quantitative goals and objectives. It uses the best available science and provides for monitoring, evaluation, and adaptive management. This is still the only plan for Columbia River basin salmon recovery that quantitatively assesses the measures recommended against the adopted goals and objectives and addresses all 4 "H's" of salmon management in a manner consistent with applicable laws.

The federal government is the biggest dam operator, land owner, and hatchery manager in the Columbia River basin. It also has significant harvest management authorities. The federal government can and must set the tone for salmon rebuilding. The federal government cannot meet its legal obligations simply by complying with the Endangered Species Act. The ESA is only one of the laws that governs federal actions affecting fish. Other critically important laws governing federal action include the Clean Water Act, the National Forest Management Act, the Pacific Northwest Electric Power Planning and Conservation Act, the Magnuson-Stevens Fishery Conservation and Management Act, the Pacific Salmon Treaty, and treaties with Indian tribes. Most of these laws contemplate salmon population and harvest levels considerably higher than the "survival" and/or "recovery" levels that NMFS believes meet the requirements of the ESA. The federal government is legally obligated to use all of its authorities to ensure that Columbia basin salmon runs are rebuilt to support salmon harvest both within the Columbia River and in the ocean.

For decades, the primary approach to conserving Columbia basin salmon has been to constrain harvest. This has not been effective. For example, hardly any spring or summer chinook are harvested in fisheries above Bonneville Dam. In fact, the tribes have not had a commercial fishery on spring chinook since 1977 or on summer chinook since 1964. Despite these severe restrictions, these runs have continued to decline to the point where Snake River spring/summer chinook are now endangered. Clearly, to prevent the extinction of Snake River spring/summer chinook, it is essential to develop a plan that addresses all 4 "H's." Yet, given the federal government's current restrictive policies on the use of artificial propagation, rebuilding of spring/summer chinook will have to be implemented solely by making significant changes in the hydrosystem and habitat management policies.

It has been frustrating for the tribes to watch the great salmon debate proceed with no real links to legal obligations and sound biological objectives. Instead, the focus is more on whether dam breaching is on the table or off the table or whether the Bonneville Power Administration will manage its finances so that salmon, taxpayers, and ratepayers are all given a fair shake. While these are important issues, one cannot reach a reasonable judgment about them unless they are placed in the context of legal obligations and sound biological objectives. Neither the tribes nor probably anyone else would suggest breaching any dams unless it is necessary to

meet legal obligations and sound biological objectives. A reasonable “4-H” analysis should delineate all legal obligations and biological objectives so that one can clearly see what actions are needed.

A reasonable “4-H” analysis must be firmly grounded in the best available science. The policy of deference to agency expertise does not always foster the use of the best available science nor does it foster acceptance and support by affected interests. The federal government and its scientists have been making the decisions about what salmon protection measures are implemented in the hydrosystem, in hatcheries, and on federal lands. While non-federal entities can provide comments or make recommendations, the final decisions have continued to rest with federal scientists and policy-makers. We see the fruits of their “expertise” in the empty waters and degraded streams in the basin.

Any “4-H” analysis developed by the federal government must be subject to thorough review by independent scientists. For example, the PATH process is a scientifically rigorous and independent process for reaching scientific conclusions. In contrast, NMFS scientists at the Coastal Zone and Estuarine Services in Seattle have too often rushed to broadcast their results before undergoing any external peer review process. We are very concerned that the federal government will develop its “4-H” paper without reasonable and necessary scientific peer review. We are not talking some sort of public comment process. The federal government has ignored our comments, to the detriment of salmon and the region, too many times. We suggest that, to the greatest extent possible, the federal government employ existing, thorough-going peer review processes such as the PATH or ISAB as a means of developing and reviewing scientific judgments.

In closing, we believe that in order to meet its obligations to protect and rebuild salmon, the federal government must conduct an analysis of what must be done in each of the 4 “H’s” in order to meet reasonable goals and objectives. These goals and objectives must be based on the biological needs of salmon and the federal government’s legal obligations. These legal obligations include not only the ESA, but also the Clean Water Act and treaties with Indian tribes. In evaluating the efficacy of various actions for each of the 4 “H’s,” the federal government must be guided by the best available science. In addition, the federal government must submit its scientific determinations to rigorous independent review.

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#### WY-KAN-USH-MI WA-KISH-WIT

#### SPIRIT OF THE SALMON

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#### THE COLUMBIA RIVER ANADROMOUS FISH RESTORATION PLAN OF THE NEZ PERCE, UMATILLA, WARM SPRINGS, AND YAKAMA TRIBES

#### DEDICATION

This work is dedicated to all life on this earth, before our time and long after we are gone.

We did not inherit this earth or its natural resources from our ancestors, we are only borrowing them from our children’s children; therefore, we are duty bound and obligated to protect them and use them wisely until such time that they get here, and then they will have the same obligations.

—EUGENE GREENE, SR., *Chairman Columbia River Inter-Tribal Fish Commission*

#### PREFACE

The salmon’s spirit—Wy-Kan-Ush-Mi Wa-Kish-Wit—is sacred life. The salmon was provided a perfect world in which to enjoy its existence. For thousands of years, the salmon unselfishly gave of itself for the physical and spiritual sustenance of humans. The salmon’s spirit has not changed; the human spirit has.

Today the perfect world of the salmon is in total disarray. Even its very existence and worth are being debated. Human arrogance has brought the salmon to the brink of extinction.

Rather than a dignified cultural icon, the salmon is being redefined as a problem, as something that makes unacceptable the human laws designed to protect the environment. In spite of the state of crisis, crude science and perilous politics have reduced the salmon and its habitat to a struggling species living in a polluted and life-threatening home.



The four Columbia River treaty tribes, who are keepers of ancient truths and laws of nature, employ the depths of their hearts and the expanse of their minds to save the salmon.

Respect and reverence for this perfect creation are the foundation for this plan.

#### EXECUTIVE SUMMARY

The Indians of the Columbia River Inter-Tribal Fish Commission, recognize that our fisheries are a basic and important natural resource and of vital concern to the Indians of these states and that the conservation of this resource is dependent upon effective and progressive management. And it is further recognized that Federal court decisions have specifically established that the tribes have treaty rights to an equitable share of the Columbia Basin fishery resource. We further believe that by unity of action we can best accomplish these things, not only for the benefit of our own people but for all the people of the Pacific Northwest.

—*Preamble to the Constitution and Bylaws of the Columbia River Inter-Tribal Fish Commission*

The Columbia River Watershed is world renowned for its salmon populations. Historical estimates of average annual salmon runs exceeded 5–11 million fish in the portion of the watershed now above Bonneville Dam. When Lewis and Clark reached the Columbia River, they were amazed by the abundance of the salmon. Yet today, fewer than 500,000 fish return above Bonneville and approximately 80 percent of these are produced in hatcheries. Some stocks have already been lost, three have been listed as endangered under the Endangered Species Act by the National Marine Fisheries Service, and the majority of the remaining stocks are declining. These reduced runs of salmon are surely cause enough for alarm, yet the issue comprises far more than salmon. Tribal culture, the identity of all the people, and many of the species that constitute the Pacific Northwest—essentially the integrity of the entire Columbia River Watershed—are at stake.

If salmon are to survive in the Columbia River Watershed, we must face the challenges before us with our goals clearly in mind, in heart, and in spirit. We must now begin to respect, to reestablish, and to restore the balances that once enabled this watershed to perform so magnificently.

*Wy-Kan-Ush-Mi Wa-Kish-Wit:* The Columbia River Anadromous Fish Restoration Plan of the Nez Perce, Umatilla, Warm Springs and Yakama Tribes provides a framework to restore the Columbia River salmon, simply stated: put the fish back into the rivers. Yet making this happen has become increasingly difficult because of the decades of poorly guided and deeply entrenched fish management policies. More than science and its limits, the problems have almost always involved people and their institutions— whether government, business or otherwise.

Much of what is recommended to benefit salmon is what has been needed and known for a long time. More than 50 years ago, Federal biologists warned that the consequences of continued habitat degradation and additional hydroelectric development would be devastating to salmon populations. They were joined by tribal leaders and through the years, by government commissions and citizen groups.

However, until the enactment of the Pacific Northwest Power Planning and Conservation Act of 1980 and its fish and wildlife program, there was no comprehensive salmon restoration program for the Columbia Basin. Had the Northwest Power Planning Council's salmon plan been implemented, the people of the Northwest would not be today facing a salmon crisis.

It was known that the passage conditions in the mainstem Columbia River were inhospitable to salmon. Yet changes in river operation were minute, especially given the prevailing drought conditions. It was also known that many salmon runs and stocks had declined to such an extent that their best hope was the application of artificial propagation strategies. But hatcheries were eschewed without regard to the best available science. Instead some of the stocks that might have been helped by enactment of the fish program measures became listed under the Endangered Species Act. And it was known that many environmental laws have been ignored, exacerbating the crisis in the Columbia River Watershed.

*Wy-Kan-Ush-Mi Wa-Kish-Wit* is the culmination of the leadership and wisdom of the Nez Perce, Umatilla, Warm Springs and Yakama fish and wildlife committees and the technical work of reservation fisheries and the Columbia River Inter-Tribal Fish Commission staffs. This tribal salmon restoration plan outlines the cultural, biological, legal, institutional and economic context within which the region's salmon restoration efforts are taking place. This long-term plan addresses virtually all causes of salmon decline and roadblocks to salmon restoration for all anadromous fish stocks: chinook, coho, sockeye, steelhead, chum, eels (Pacific lamprey) and sturgeon, above Bonneville Dam. This area, encompassing about three quarters of the

Columbia River Basin, is where most of the tribes' treaty-reserved fishing places and fish resources are located.

The Columbia River treaty tribes take a holistic "gravel-to-gravel" approach to the management of the salmon, which differs from approaches of many other groups in a variety of respects. This approach focuses on the tributary, mainstem, estuary, and ocean ecosystems and habitats where anadromous fish live. This focus on passage, habitat, harvest and production requires substantial changes in current practices and specific actions to recover from historical destructive impacts.

Wy-Kan-Ush-Mi Wa-Kish-Wit integrates this gravel-to-gravel approach into an adaptive management framework. The tribes agree with others who advocate an adaptive approach that requires action even in the face of uncertainty. According to adaptive management principles, that action must be carefully monitored and evaluated so that natural resource managers learn and change their actions on the basis of what they have learned. Using an adaptive framework, this plan identifies the survival changes in current water, land and fish management needed to produce the necessary survival rates. The actions endorsed in this plan are designed to measure whether or not survival levels are being achieved. Should the recommended measures not attain sufficient rates of survival, the plan calls for modifications and additional actions.

This plan goes far beyond those plans currently offered by other sovereign governments—the Federal plan for endangered Snake River salmon by the National Marine Fisheries Service and the Idaho, Montana, Oregon, and Washington fish and wildlife mitigation plan by the Northwest Power Planning Council (NPPC). The plan not only makes recommendations, but more importantly begins to provide a context for decisionmaking: scientific and legal justifications, directions for implementation, and analyses of expected outcomes are provided.

Unlike other plans, this plan establishes a foundation for the United States and its citizens to honor their treaty and trust obligations to the four tribes. If implemented, it would at least begin to meet ceremonial, subsistence, and commercial needs of tribal members and to return fish to many of the tribes' usual and accustomed fishing places, as guaranteed in the 1855 treaties. If these obligations were met, the non-Indian public would be a beneficiary, enjoying its legal allotment of harvestable salmon and sharing a healthier, more natural river system.

What often sets policy development apart from other decisionmaking is the tribal conviction that not all societal decisions can be properly weighed in terms of costs and economics. The costs of restoration must be at least equated with the value of restoration. That value includes the spirit of the salmon (Wy-Kan-Ush-Mi Wa-Kish-Wit). Tribal peoples can feel the yearning of salmon to serve its life purpose. There is no model that can factor in spirituality nor the ultimate value of living creatures.

The tribes would hope that those who read, study and use this plan, consider it a work-in-progress and invite readers to join in refining it. The tribes believe that the plan's approach can help give direction to a region whose salmon recovery is floundering without real political vision and genuine scientific guidance.

If the reader can reconcile the truths of the past with the dreams for tomorrow, then today's work can be found. This plan calls on the collective human spirit to bring cultured and hereditary strengths to bear upon the need for salmon restoration.

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#### GOALS AND OBJECTIVES OF TRIBAL FISH RESTORATION

##### PUT THE FISH BACK INTO THE RIVERS!

##### GOALS

Restore anadromous fishes to the rivers and streams that support the historical cultural and economic practices of the tribes. (These are generally areas above Bonneville Dam.)

Emphasize strategies that rely on natural production and healthy river systems to achieve this goal.

Protect tribal sovereignty and treaty rights.

Reclaim the anadromous fish resource and the environment on which it depends for future generations.

##### OBJECTIVES

Within 7 years, halt the declining trends in salmon, sturgeon, and lamprey populations originating upstream of Bonneville Dam.

Within 25 years, increase the total adult salmon returns of stocks originating above Bonneville Dam to 4 million annually and in a manner that sustains natural production to support tribal commercial as well as ceremonial and subsistence harvests.

Within 25 years, increase sturgeon and lamprey populations to naturally sustainable levels that also support tribal harvest opportunities.

Restore anadromous fishes to historical abundance in perpetuity.

#### *Specific Contents of the Plan*

If the actions outlined in the plan are taken, the four tribes believe the salmon decline can be halted within 7 years and salmon populations rebuilt to annual run sizes of four million above Bonneville Dam within 25 years. Interim adult return goals for each subbasin and species are listed in Table 1.1 and in Volume II of this plan. Allowing for additional escapement needs and anticipated passage losses, about two million salmon will be available for harvest in mainstem fisheries. Longer-term goals will depend in part on the success of the proposed actions. Habitat-based methods indicate the possibility of achieving larger adult returns over the long term. Goals in this plan will be reviewed periodically as part of the adaptive management process.

To accomplish these objectives, the first volume of the plan sets out 10 proposals for institutional change, along with 13 scientific hypotheses and the recommended actions associated with each. The second volume contains subbasin-by-subbasin return goals and the restoration actions that must be undertaken to achieve them.

#### *Tribal Culture and History*

To understand the approach the four Columbia River tribes have taken to anadromous fish restoration, key aspects of tribal culture and history are described, including the importance of salmon, tribal governmental structures and the traditional tribal management philosophies that continue to guide the tribes as they have since ancient times.

#### *Biological Perspective*

Outlined in this section are the survival requirements for salmon and measures to improve survival of Pacific lamprey and white sturgeon. While their requirements, such as cool, clean water and complex stream systems, remain virtually the same as they have for hundreds of years, the conditions under which these anadromous fish must now live have been dramatically altered in a relatively short time. These changes and their consequences are summarized here and are the bases for many of the recommendations presented in this plan. The tribes have set survival standards by life history stage required to meet restoration goals for spring and fall chinook (Table 1.2).

#### *Legal and Institutional Context*

The tribes in the Northwest have a unique place in the legal and regulatory scheme of natural resource management. To provide some understanding of why this is so, tribal sovereignty, treaty-reserved rights, trust responsibility and other legal matters pertaining to the governmental status of the tribes are explained. This section also describes the institutional structures already in place which recognize the tribes as resource co-managers and that can serve as the framework for accomplishing most restoration actions. An analysis of the successes and failures of these institutions and of numerous legislative initiatives is offered.

Table 1.1. Interim adult return goal to each subbasin within the next 25 years. Most goals represent a combination of spawning needs plus tributary harvest opportunities; exceptions are footnoted.

Subbasin	Chinook			Coho	Sockeye	Steelhead		Total
	Spring	Summer	Fall			Summer	Winter	
LOWER COLUMBIA RIVER MAINSTEM (Bonneville Dam → McNary Dam)								
Wind River <sup>1</sup>	5,000			200		2,000	200	7,400
Little White River <sup>1</sup>	2,000		200	200				2,400
Big White River <sup>1</sup>	500		100	100		4,800	800	6,300
Klickitat River <sup>2</sup>	20,000		40,000	50,000		25,000		135,000
Hood River <sup>2</sup>	1,700					8,000	5,000	14,700
Deschutes River <sup>2</sup>	10,250		11,000		5,000	19,000		45,250
Fifteen Mile Creek <sup>3</sup>							300	300

Subbasin	Chinook			Coho	Sockeye	Steelhead		Total
	Spring	Summer	Fall			Summer	Winter	
John Day River <sup>2</sup>	7,000					45,000		52,000
MID-COLUMBIA RIVER MAINSTEM (McNary Dam → Chief Joseph Dam)								
Umatilla River <sup>2</sup>	11,000		21,000	6,000		9,670		47,670
Hanford Reach <sup>3</sup>			40,000					40,000
Walla Walla River <sup>2</sup>	5,000					11,000		16,000
Yakima River <sup>2</sup>	26,300	12,000	4,700	5,000		29,700		77,700
Wenatchee River <sup>2</sup>	21,000	10,000			35,000	6,410		72,410
Entiat River <sup>1</sup>	750					3,000		3,750
Methow River <sup>1</sup>	2,000	3,000				10,000		15,000
Okanogan River <sup>1</sup>	1,000	2,000			15,000	10,000		28,000
LOWER-SNAKE RIVER MAINSTEM (Ice Harbor Dam → Hells Canyon Dam)								
Snake River <sup>2</sup>			18,300					18,300
Tucannon River <sup>2</sup>	3,000	2,000				2,200		7,200
Clearwater River <sup>2</sup>	60,000	50,000	50,000	14,000		93,100		267,100
Grande Ronde River <sup>2</sup>	16,000		10,000	3,500	2,500	27,500		59,500
Salmon River <sup>2</sup>	128,000	60,200	5,000	20,000	44,500	192,900		450,600
Imnaha River <sup>1</sup>	5,740		3,000			4,315		13,055
<b>TOTAL</b>	<b>326,240</b>	<b>140,200</b>	<b>202,300</b>	<b>99,000</b>	<b>102,000</b>	<b>503,595</b>	<b>6,300</b>	<b>1,379,635</b>

<sup>1</sup> Harvest goal only

<sup>2</sup> Harvest and spawning goal

<sup>3</sup> Spawning goal only

**Table 1.2. Survival rates of Snake River spring and fall chinook under NMFS and Tribal restoration plans. From Table 5C.2.**

LIFE HISTORY STAGE OR MORTALITY SOURCE	SPRING CHINOOK		FALL CHINOOK	
	NMFS 1995 Plan	Tribal 25-yr Strategy Option 3	NMFS 1995 Plan	Tribal 25-yr Strategy Option 3
Egg → Smolt	.045	.10	.50	.50
Juvenile Passage	.24	.71	.19	.36
Early Ocean	.16	.16	.20	.20
Ocean Natural	.50	.50	.50	.50
Ocean Harvest	1.00	1.00	.79	.85
In-river Harvest	.90	.61	.85	.28
Adult Passage	.70	.91	.55	.83
Pre-spawning	.85	.85	1.00	1.00
Lifetime Total (*10 <sup>-3</sup> )	.46	2.69	3.51	3.56
Spawner/Spawner Ratio	1.16	6.74	6.04	6.13

### *Tribal Recommendations*

The tribal plan generally offers three types of actions within the recommendations section: institutional, technical, and watershed- or subbasin-specific. Recommendation descriptions and highlights follow.

#### *Institutional*

The tribal salmon restoration plan urges that existing institutional frameworks be used to manage and achieve anadromous fish restoration. The framework provided by the Columbia River Fish Management Plan, Pacific Salmon Treaty, Northwest Power Planning Act, and the Federal Energy Regulatory Commission provides the structure for the sovereign governments of the Northwest to plan, coordinate and direct major restoration actions. The tribes contend that the failure of these existing mechanisms is a failure to act by responsible parties. The success of these existing institutional frameworks requires true co-management by the tribes instead of unilateral decisions by the state and Federal Governments.

The institutional recommendations propose, for the most part, modest changes to the procedures adopted under the authority of U.S. v. Oregon and the Pacific Northwest Electric Power Planning and Conservation Act to improve harvest and production management and to coordinate policies and resolve disputes, particularly for hydro operations, public lands management and research. The recommendations attempt to join accountability with responsibility for fish restoration by shifting the funding prioritization process to the tribes and agencies and transferring certain federally funded hatcheries to the tribes. The recommendations seek to limit policy barriers to the use of artificial propagation as a tool for restoration. The institutional changes also address private land management by recommending support for watershed initiatives and for enforcement of environmental laws.

#### *Institutional Recommendations*

1. Rather than create a new Federal bureaucracy, use the Columbia River Fish Management Plan, the Northwest Power Planning Council's Fish and Wildlife Program, and orders of the Federal Energy Regulatory Commission as a basis for management.
2. Plan and implement production called for in the Columbia River Fish Management Plan.
3. For public lands and water project management, implement a dispute resolution process similar to Columbia River Fish Management Plan and Federal Energy Regulatory Commission processes.
4. Establish a new state and tribal fish and wildlife entity using Bonneville Power Administration funding.
5. Support ongoing and implement new subbasin planning through a Columbia Basin watershed trust program.
6. Base Endangered Species Act listing on the status of species throughout a significant portion of its spawning and rearing range. In the absence of scientific proof, the National Marine Fisheries Service should withdraw its Evolutionarily Significant Unit (ESU) interim policy as a basis for Endangered Species Act listings.
7. Transfer federally funded hatcheries located on reservations and at other upriver sites to tribal control.
8. State, tribal and Federal fish agencies coordinate and set priorities for research, monitoring and evaluation programs.
9. Continue development of and make research and monitoring data available through a coordinated information system.
10. Update provisions of the Pacific Salmon Treaty and the Columbia River Fish Management Plan based on the latest survival rate and catch level information.
11. Continue coordinated harvest law enforce 12 meet; develop habitat protection law enforcement.

#### *Technical Recommendations*

1. Begin improving in-channel stream conditions for anadromous fish by improving or eliminating land-use practices that de Technical grade watershed quality.
2. Protect and increase instream flows by limiting additional consumptive water withdrawals, using the most efficient irrigation methods, preventing soil compaction and riparian vegetation removal and wetland destruction; where necessary, restore soil, restore riparian vegetation and re-create wetlands.
3. Actively restore watersheds where salmon populations are in imminent danger of extirpation. Use "Coarse Screening Process" to develop demonstration projects.
4. Use supplementation to help rebuild salmon populations at high demographic risk of extirpation.
5. Use supplementation to reintroduce salmon to watersheds from which they have been extirpated.
6. Use flow, spill, drawdowns<sup>1</sup>, peak efficiency turbine operation, new turbine technology, and predator control projects to improve inriver juvenile salmon survival; avoid fluctuations caused by power peaking operations.
7. Protect and restore critical estuary habitat.
8. Establish Alaskan and Canadian ocean fisheries based on chinook abundance.
9. Use stored cold water, additional ladders, ladder improvements and ladder maintenance to enhance mainstem adult passage; incorporate 24-hour video fish counting.

<sup>1</sup>Short term: Draw down John Day to minimum operating pool and Lower Granite to 705' mean sea level; Long term:

Option 1: John Day and Lower Granite to natural river level:

Option 2: John Day to spillway crest: Ice Harbor and Lower Monumental to natural level:

Option 3: John Day and four lower Snake dams to natural river level.

10. Improve water quality by eliminating sources of toxic pollution that accumulates in fish tissue and by reducing discharges of other contaminants to meet water quality criteria for anadromous fish.

11. Closely monitor tributary production and escapement to improve management.

12. Conduct research on Pacific lamprey and design artificial propagation strategies to supplement natural production.

13. Develop artificial propagation and management strategies for white sturgeon populations above Bonneville Dam.

#### *Technical*

The tribal technical recommendations are presented in sets of hypothesis statements that summarize various restoration problems. The hypotheses are organized by salmon life cycle stages. Individually, they propose near- and long-term actions, identify expected results and name the institutional and decisional processes required to carry out the recommended actions.

#### *Habitat Restoration*

To protect and recover tributary habitat, the plan proposes that land and water users and managers meet a series of habitat conditions associated with survival rates, for example, 10 percent egg-to-smolt survival for Snake River spring and summer chinook. The use of the "Coarse Screening Process," where applicable, will determine the allowable level of watershed impacts. This process requires Federal and state land and water managers to maintain or improve fish habitat. If they do not meet the habitat standards—for example, water temperatures can be no higher than 60 F—land and water managers must take action that will achieve compliance. Other important Coarse Screening standards include limits on the amount of sediment in spawning habitat and in streams generally, and the establishment of riparian reserves to protect vegetation and soils. So that anadromous fish are able to again thrive in their natural environment, other necessary measures are recommended, including reconnecting habitat areas that support salmon. Badly degraded habitat may be directly downstream or upstream of salmon-supporting habitat. As migratory fish, salmon require decent habitat throughout their life-cycle range.

#### *Production*

The tribal goal to put fish back in the rivers means literally putting the fish back. To do that requires returning more of the basin's fish production to the rivers and streams where they come from. Young salmon, if released at the proper time and manner, will return as adults to spawn in the same area they were released as juveniles. Rather than continuing current hatchery rearing and release methods, the plan outlines the development of new propagation strategies to reestablish naturally spawning salmon runs. With so many Columbia basin stocks at such low numbers, supplementation, which is what the tribes call their propagation proposal, is now an indispensable part of any restoration plan. While accounting for genetic concerns, the tribal plan asserts that increasing likelihood of further extirpations is in fact the far greater genetic risk.

#### *Passage*

In the mainstem Columbia and Snake rivers where more than a dozen massive dams dominate riparian habitat, the plan also calls for putting the fish back in the river: Young migrating salmon are now being transported in trucks and barges. Stop collecting them for transport, the plan urges, and let them swim down the river to the ocean on their own. To support anadromous fish, mainstem habitat must be returned to natural conditions which are linked to a 71 percent downstream passage survival rate, closer to those that existed prior to construction of the dams. This can be done by providing additional spill and water flows, among other measures. The plan recommends actions that can begin restoration of mainstem habitat, including provisions to address toxic pollution as well as provisions for additional spill and water flows. The plan also addresses estuary and ocean problems.

#### *Harvest*

Plan recommendations include proposals for reducing chinook mortalities in North Pacific fisheries and the adoption of abundance-based salmon management in ocean fisheries. The plan addresses the problem of incidental mortalities and other harvest issues.

#### *Watershed Actions*

In Volume II of this plan, the subbasin plans that were part of the earlier Northwest Power Planning Council fish and wildlife program have been updated and are

included as a key part of this plan. Detailed recommendations are provided for 23 major watersheds above Bonneville Dam. The measures focus on habitat protection and rehabilitation and on returning fish to these streams using supplementation techniques. It is envisioned that these actions will be accomplished through a watershed restoration trust fund, under the leadership of the Columbia River treaty tribes.

*Economic Context*

In this section, the tribes' plan acknowledges the cost of salmon restoration but provides a different look at valuation. The tribes contend that the people of the Northwest can afford salmon restoration and that calculating foregone hydro-electric cost is not the only measure of the salmon's worth. The annual costs of salmon restoration measures are estimated to be half a percent of the region's annual personal income. The loss of salmon has also meant the loss of revenue for tribal economies historically dependent on salmon with an estimated loss for tribal economies of billions of dollars so far. The estimated annual cost of the plan, \$195-\$325 million, is similar to the cost range of the Northwest Power Planning Council's Columbia Basin Fish and Wildlife Program and the National Marine Fisheries Service's Snake River Recovery Plan.

In conclusion, the tribes urge the region to adopt a single plan for Columbia Basin anadromous fish—one that is mutually acceptable to the four tribes, the United States and the states of Washington, Oregon and Idaho. The tribes ask citizens and their government representatives and officials to use this plan and its framework as the basis for salmon restoration.

BPA energy-related subsidies. From Table 6.1

BPA DISCOUNTS	ANNUAL SUBSIDY (1994)
Bureau of Reclamation irrigation pumping.	\$32. million
Private irrigation pumping .....	\$13.5 million
Direct Service Industries (primarily aluminum smelting).	\$179. million
Residential loads of Investor-Owned Utilities.	\$210 million

STATEMENT OF SCOTT FABER, DIRECTOR OF FLOODPLAINS, AMERICAN RIVERS

Mr. Chairman, thank you for the opportunity to testify.

My name is Scott Faber, and I am Director of Floodplain Programs for American Rivers. For the past six years, I have worked daily with my colleagues at the Corps of Engineers to reform our management of the Missouri River, the nation's longest river, and the Mississippi River from the Twin Cities to Saint Louis. Many of the lessons we have learned could be applied to the Columbia and Snake.

The parallels to the Snake and Columbia Rivers are striking. The Missouri, Mississippi, Columbia and Snake Rivers all support commercial barge traffic, generate hydroelectric power, and serve as important recreational resources. Changes made to support barge traffic on each river have placed native species on state and federal watch lists. On the Missouri, more than 100 species are in trouble; on the Mississippi, more than 50 species are in trouble, and, of course, Snake River salmon are on the verge of extinction.

Like my colleagues in the Northwest, we were frustrated by the Corps' decision-making process. Rather than working with stakeholders to develop consensus about the management of our natural resources, the Corps conducted studies and developed management alternatives in isolation and, after spending years and tens of millions of dollars, mechanically sought our input through public hearings which provide wonderful theater but little more.

It seems to me that this is exactly the opposite of what the Corps should do—and, indeed, the opposite of what Congress sought when you passed the National Environmental Policy Act of 1969. In the Midwest, we persuaded the Corps that agencies must do more than simply consider the impacts of proposed actions—they must "use all practicable means", to balance our human needs with the needs of our

natural resources.<sup>1</sup> Instead, the Corps should develop science-based management alternatives and ask the public to decide the fate of our natural resources.

On the Upper Mississippi River, for example, the Corps worked with American Rivers and MARC 2000, a navigation industry trade association, to create the Upper Mississippi River Summit, which brings farmers, conservation groups, waterway users together to set management goals for the river. On the Missouri River, the Corps has held public workshops that provided information on a wide range of management alternatives for the Missouri's dams, and then asked the stakeholders, led by basin states, to seek consensus.

In both cases, the Corps provided sound, science-based information and asked river stakeholders to make the tough calls. It's not easy. But, it has dramatically changed river management for the better, and brought the river's economic and environmental interests together.

This model could be applied to the Columbia and Snake Rivers as well. But, the Corps has not developed the right information, and has not shown a willingness to let the public decide the fate of our public resources. The Corps is rushing headlong into making a decision without anticipating or preparing to mitigate the social and economic impacts of this decision—the human impacts of dam removal. Rather than simply measuring the likely effects of dam removal, the Corps should also anticipate social and economic impacts and propose measures that could offset these impacts.

This committee can fix this problem, I believe, by the doing the following:

1) First, the Committee should direct the Corps to develop a wide range of transportation mitigation alternatives.

Whether we should remove four dams from the Snake River will force the nation to make a difficult choice. But, in reality, the Corps' current decision-making process will not allow us to make a choice at all—because they have not developed a plan to mitigate the impacts of dam removal on waterway users. There is no question that removing dams and doing nothing more—will increase transportation costs. If we are going to be able to make a real choice, the Corps must help stakeholders develop a transportation mitigation plan that would accompany dam removal. Directing the Corps to develop transportation mitigation alternatives is not the same as directing the Corps to remove dams. Rather, directing the Corps to develop transportation mitigation alternatives will help all river stakeholders make better decisions. The committee should instruct the Corps to work with the U.S. Department of Transportation and state and local officials to quickly develop a variety of transportation mitigation alternatives.

Wheat farmers and other waterway users must not shoulder the burden of salmon recovery alone. That's why American Rivers recently hired Dr. Edward Dickey, former Assistant Secretary of the Army for Civil Works under the Bush Administration and an expert on transport of commodities like wheat, to develop a transportation mitigation plan for the Snake River. Although Dr. Dickey's proposal is not yet complete, options might include enhanced rail and road infrastructure, additional rail cars, additional facilities to store or transfer grain, and other investments designed to reduce transportation costs. In addition to current waterway users, these investments will benefit other businesses that rely upon transportation.

2) Second, the Committee should hold field hearings on transportation mitigation alternatives.

Building consensus about the future of the Snake River will not be easy. Right now, river interests are polarized, unwilling to consider management alternatives that save salmon and meet the needs of current waterway users. Following the development of transportation mitigation alternatives, the Committee should hold field hearings to encourage debate and discussion, and direct the Corps to hold workshops designed to build consensus between groups like American Rivers and the American Farm Bureau Federation.

3) Third, the Committee should direct the Corps to use sound science and credible economic analyses.

It is absolutely critical that decisions be based on the best available scientific and economic information. Currently, the Corps' is relying upon documents that are incomplete, insufficient or analytically flawed.

Let me give you two examples. Currently, the Corps' DEIS is disproportionately based upon the life histories on two of the five types of Snake River salmon listed as endangered species. Of course, salmon have very different life histories, and management decisions must reflect these differences. Or consider another example—after creating economic workgroups to review economic studies, the Corps has not allowed members of these workgroups to review and comment on preliminary reports.

<sup>1</sup> 42 U.S.C. 433



Perhaps the best example is the Corps' failure to properly measure the potential value of recreation following dam removal. The Corps has conducted surveys in California to gauge public interest in Snake River fishing and recreation. However, the Corps does not want to include information about the reported economic value of vacationing and fishing Californians in its study. So the Corps released its own report, without consulting the workgroups, which questioned the validity of the California numbers and offers an analysis excluding Californians. The Corps also ignored the relatively greater economic value of tourists who originate from cities and counties that do not border the Snake, and assumed that local communities would not build new boat ramps and other facilities to capture the economic benefits of increased tourism and recreation. This sort of unjustifiable, ad hoc action calls the Corps' entire study into question.

4) Finally, the Committee should direct the Corps to craft a citizen-led, consensus building process.

Holding field hearings on transportation mitigation alternatives could jump-start a citizen-led process to build a consensus vision for the Snake River. Six years ago, no one believed that Mississippi River stakeholders could put aside long-held antagonisms and develop a vision for the river that meets our economic and environmental needs. But, we did, and now we are working together, farmers and environmentalists, to implement our vision.

This sort of vision could also be developed for the Snake. But, unless the Corps develops the information necessary to support this process, I expect that the future of the Snake will be no less polarized than it is today. The Committee should direct the Corps to support this process by using sound science and economics to support a range of management alternatives, including transportation mitigation alternatives. The Corps should also clarify the roles of current workgroups and forums, and work with their federal partners to make certain that these workgroups and forums support informed decision-making by the public.

Right now, few local residents understand how the myriad workgroups, forums, studies and other processes fit together, or whether they fit together at all. It would be too complicated to simply collapse these existing processes, given the number of agencies involved and their conflicting mandates. What is needed is better coordination, including an interagency communication and public involvement plan. We are anxious to work with the Committee to ensure that the federal agencies provide a sensible and timely roadmap to their decision-making processes.

Thank you for the opportunity to testify.

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#### RESPONSES OF SCOTT FABER TO ADDITIONAL QUESTIONS FROM SENATOR BAUCUS

*Question 1:* The Administration is preparing to make major salmon recovery decisions by the end of this year. Do you think there is time to study the mitigation and transition issues that you are proposing?

Response. I do not believe that the Administration and Congress can actually make informed decisions without this information. Similarly, if the Corps and the other Federal agencies move ahead and make their decisions without providing the people of the region with credible proposals to deal with the negative impacts, the decisions will be virtually unimplementable. We need decisions that work for the fish and that work for the people. The Corps is capable of providing the needed information within the time constraints of the upcoming decision. However, they need to begin this work with earnest.

The Corps needs to investigate the human impacts that might result from both dam removal and the non-dam removal options. For instance, if the dams stay, it is likely that more Idaho water will be called for in an attempt to improve downstream river conditions—if another 1 million acre feet of water is called for from Idaho irrigation reservoirs, this will have a tremendous human impact. The Corps needs to look at this and propose a means of mitigating or minimizing these impacts. The same types of proposals must be made regarding possible impacts on sport and commercial fishing, timber and mining if these activities are greatly curtailed as part of a recovery plan. Conversely, if the dams are removed, there will be an impact on those that currently use the waterway to ship commodities. This impact needs to be investigated and a proposal developed to minimize this impact. Proposals for minimizing the negative, human impacts need to be developed for all options being considered.

Additionally, the various Federal and state processes moving forward in the region (Corps DEIS, NMFS Bi-Op, the 4-H paper and the Framework) need to be coordinated and integrated so that information provided in one study can be brought to bear on questions raised in another. And finally, there needs to be a formal, ro-

bust public participation process undertaken throughout the effected area to provide the public with the information they need, and to solicit their input and concerns. The people of the Northwest need to be substantively involved in these decisions.

*Question 2:* In your testimony you expressed concerns about the Corps' economic study on recreation. How can we address your concerns?

Response. I am concerned with the economic analyses being conducted through the he Corps of Engineers' Drawdown Regional Economic Workgroup (DREW).

The DREW was established to ensure a balanced, thorough economic analysis addressing all significant issues. It consists of Federal, state, tribal, and interested party participants who have been jointly working toward this end. Early on, DREW participants agreed to a process for expert oversight by the Independent Economic Advisory Board (IEAB) and refinement of each analysis by the individual workgroups responsible for discrete issues, such as recreation or power supply. Unfortunately, major sections of the appendix, including the commodity transportation, recreation, regional, and social analyses, have not been provided to non-Corps DREW participants or the IEAB for review and critique.

This short-circuiting of the proper review process for the analysis creates the very real possibility that key decisions on Snake River salmon and steelhead recovery may be based on inaccurate and incomplete economic information.

I urge your Committee to take the following steps to ensure that the best economic information is presented in a timely fashion. First, all unreviewed or incomplete draft reports should be reviewed immediately by the designated DREW workgroups to identify necessary revisions. Second, the preliminary draft economic appendix and any subsequent drafts should be provided to all DREW participants and the IEAB for review at the same time they are distributed to the Federal agencies. This will ensure that a thorough review by all key players takes place as early as possible, providing the Army Corps with the information and time it will need to prepare a high-quality economic appendix for inclusion in the DEIS.

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STATEMENT OF MARK DUNN, DIRECTOR OF GOVERNMENTAL AFFAIRS, J.R. SIMPLOT COMPANY

Chairman Crapo and distinguished members of the committee, my name is Mark Dunn. I am Director of Governmental Affairs for the J.R. Simplot Company in Boise, Idaho, a diversified agribusiness, headquartered in the Northwest and operating in 23 states. I am here today primarily in my capacity as Chairman of the Government Affairs Committee of the Northwest Food Processors Association, a regional trade association representing the \$6 billion fruit and vegetable processing industry in Idaho, Oregon and Washington.

Thank you for the opportunity to testify today on a topic that is of critical interest to our industry and the entire Pacific Northwest. I would like to focus my comments today on the role of the federal Caucus in developing salmon recovery efforts in the Northwest.

Protecting and recovering endangered salmon and maintaining the economic viability of the Northwest are not mutually exclusive. In fact, the recovery of salmon is dependent on industries like food processing.

Food processing is the largest manufacturing employer in the state of Idaho and the second largest in the states of Oregon and Washington. Our companies provide the tax revenues and economic stability the region requires to focus on such an enormous task. However, to be successful, the region must have a common vision. A vision that is shared by all parties, including the federal agencies.

The federal caucus does not currently seem to be a part of that shared vision for the Northwest. They continue to send conflicting messages and have failed to coordinate with critical regional initiatives. This uncertainty leads to increased conflict in the region and to decreased effectiveness of the regional process. It is hard to motivate business leaders to participate in a process that, in the end, means nothing because NMFS or one of the other agencies decides to go its own direction. I will give you a couple of examples.

At this time last year, the Northwest Food Processors Association, as a part of a comprehensive coalition of Northwest economic interests, agreed to support and participate in the Northwest Power Planning Council's Framework process. As you know, the purpose of the Framework is to assess a number of potential recovery alternatives for the Columbia/Snake system. We agreed to participate because the Framework was to include all of the affected parties; tribes, economic interests, federal agencies and environmental groups, in a process that would be open, fair and scientifically valid.

The federal caucus supported and encouraged the Framework process. Danny Consenstein, Columbia Basin Coordinator for NMFS, serves as one of the executive management team members for the Framework. However, once the project was funded and well under way, the federal caucus announced that they would be developing a separate vision for recovery, commonly referred to as the 4-H paper. This process is happening behind closed doors, with no outside involvement. The agencies are still participating in the Framework, but how can the process have any chance for success when the federal agencies that hold the regulatory hammer are developing their own separate vision for the region?

A second example shows our concern for what appears to be extremely serious coordination issues among the federal agencies.

The Bonneville Power Administration is currently in the middle of a controversial rate case that will have long term impacts on the Pacific Northwest. On September 21, 1998, after nearly a year long public process, Vice President Gore announced a set of "Fish and Wildlife Funding Principles" which would be incorporated into the BPA rate case. These principles were formally incorporated into BPA's Record of Decision for the Power Subscription Strategy issued in December of 1998.

Last month, we learned that three federal bureaucrats, from NMFS, U.S. Fish and Wildlife and EPA, each of whom are members of the federal caucus, had drafted a seventeen page memo titled "Preliminary Cost Estimates for Two Fish and Wildlife Alternatives." This memo, which was circulated to key Administration officials, attempts to make a case for further rate increases for BPA from 10-22% in the 2002-2006 period. This is on top of the excessive reserves BPA already plans to accumulate using its adopted "Fish Funding Principles."

While the contents of the memo are of critical concern to the region's industry, possibly the most shocking part of this incident is that the memo was never shown to officials at the Bonneville Power Administration prior to being circulated among top Clinton administration officials.

If the caucus cannot or will not coordinate such an important initiative, how can we as economic stakeholders hope to work with them? Can we trust their statements and even more concerning, what is coming next?

The future of the Northwest will be shaped by the decisions that are made in the next few years. With so much on the line, we cannot afford to have federal bureaucrats pursuing their personal agendas outside the accountability of the formal regional process.

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STATEMENT OF OWEN C. SQUIRES, ROCKY MOUNTAIN REGION PRESIDENT, PULP AND PAPERWORKERS RESOURCE COUNCIL, REPRESENTING PAPER, ALLIED-INDUSTRIAL, CHEMICAL, AND ENERGY WORKERS INTERNATIONAL UNION, LOCAL 712

Mr. Chairman, Members of the Committee, ladies and gentlemen, my name is Owen Squires. I am before you today in my capacity as Regional Director of the Rocky Mountain Region of the Pulp and Paperworkers Resource Council or PPRC. Our over-300,000 members across the United States are deeply committed to the conservation of America's natural resources in ways that protect the wild community and benefit people.

I am here to appeal to you to restore credibility to the process of deciding what to do to help our anadromous fish in the Pacific Northwest. Federal officials have once again concluded that the processes of democratic government are just too messy. Their response has been to form a federal commission, a small body of top federal executives who call themselves the Federal Caucus. Their purpose is to blow through the really tough process of working out what to do with our fish. In his letter dated February 16, 1999, Mr. Stelle says he will make an attempt to work with the rest of us. But if that attempt moves too slowly to meet his artificial timeline, he'll move ahead with a decision anyway, right or wrong, good or bad [last sentence on page 3 of the Federal Caucus letter].

That's particularly interesting about this approach, Mr. Chairman, is that these members of the Federal Caucus are the sardine people who have made the rest of us wait forever, time and again, for reasons of their own. What's the rush today?

It appears else answer is that the Federal Caucus has already made up its mind and is moving through a speedy trial to a speedier hanging and American Labor and all working people in the Northwest are the defendants. We have a right to speak in our own defense. But this is not a trial. This is the formulation of public policy, policy that does not affect Mr. Stelle at all in the sense that he doesn't live here and he will not have to live directly with the consequences of his decision.

It's easy to make decisions in small groups behind closed doors. It's not easy to implement those decisions, however The bright light of day is not kind to smoke-

filled rooms. How can Mr. Stelle hope to find solutions if he isn't willing to involve the people?

Those who would be king have told the rest of us not to worry, they have the answers, they'll take care of us. We don't believe it.

Mr. Chairman, we need a seat at the table if this is going to work. The Federal Caucus needs to open the doors and let their light so shine that the truth becomes plain to all of us. They must listen to the expertise in the region and then use that expertise to help solve our common problems. And they must make time. Answers to complex questions do not come quickly or easily. It's not Federal.. they don't happen overnight. And it's not Burger King.. we don't always get it OUt way. We're credible people and it's OK to ask us to participate.

Over thirty five years ago, the United States government told us, over our objections, that if we'd just go along with dam building our lives would improve and our region would prosper. They were right. We have prospered.

We cannot now undo the past without vast consequences for the future.. our future. We are not interested in the settlements of decision brokers and lawyers in the back alleys of government. We are committed to working locally, thinking globally, and finding solutions we can all live with.

Open the federal caucus and make it live for all of us in the refight Columbia River basin.

Thank you. I stand for questions.

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STATEMENT OF TIM STEARNS, POLICY DIRECTOR, SAVE OUR WILD SALMON

Mr. Chairman and members of the committee, thank you for this opportunity to testify.

My name is Tim Stearns. I am the Policy Director of Save Our Wild Salmon. For the past eight years I have sought to help the Northwest adapt to and make decisions about how best to stabilize and restore populations of wild salmon and steelhead on the Snake and Columbia Rivers, and the ecosystems on which they depend. Save Our Wild Salmon is a coalition of sportfishing, commercial fishing, traditional environmental groups and salmon-based businesses. Prior to that I worked on the implementation of the Northwest Power Act, since its passage in 1980, where the Northwest sought to survive the failure to build nuclear plants, implement cost-effective conservation programs and build the power system of the future.

I wanted to offer our observations on problems in the decisionmaking and analytical processes being used to make long term decisions.

Declining salmon is not a new issue. It has existed since the arrival of white settlers. Increasing competition for fish, technological improvements, new people, development and resource use have all contributed to the decline. The Northwest has tried repeated technological interventions to stave off the declines. The single most destructive set of activities on the Snake and Columbia River has been the damming of rivers. In this testimony, I will not focus on the causes, but how to work toward solutions.

Since the mid 1970's and the completion of the Lower Snake dams the Northwest has wrestled with the Endangered Species Act. The Northwest Power Act sought to fix two major problems—first the energy situation—including inefficient energy use, increased demand, huge cost increases from new thermal projects, poor forecasting and closed planning processes. It also sought a fix to declining stocks of anadromous fish, namely salmon and steelhead. The Northwest agreed to protect, mitigate and enhance salmon and steelhead, provide flows of sufficient quality and quantity, provide equitable treatment and defer to agency and tribal experts. The Power Act delayed implementation of the Endangered Species Act until 1991 when it was apparent our efforts were insufficient and probably misguided.

The Northwest Power Planning Council made one last attempt to retain regional control of the issue with its 1994 Fish and Wildlife Program. The new Council, Bonneville Power Administration and Congress treated that program like a cafeteria implementing some measures and ignoring others, the Federal Government never embraced it and implemented measures of their own.

The National Marine Fisheries Service under the Bush administration assured the region and nation it could handle this problem without additional staff or appropriations. Unfortunately, this decision did not allow the administration to develop a strategic approach or the people power necessary to analyze, assess and implement measures. NMFS has proved to be a bottleneck—I would suggest they have since somewhat geared up to take on the challenge since then, but too little too late resulting in bad feeling on the ground. NMFS has not consistently enforced its Biological Opinions. In our view NMFS never developed the independent scientific and

economic tools necessary to work through these issues. NMFS continues to be dependent on the Bonneville Power Administration and Northwest Power Planning Council for hydrosystem economic information. NMFS has involved scientists who designed and study the passage measures at dams and the barging program instead of developing a separate scientific group.

During this time period the science has significantly changed the playing field and our outlook. Until the mid 1990's the region and nation believed we could engineer our way through every salmon problem. In fact we deluded ourselves into believing we could do things better than mother nature. The state of the science was encapsulated in two watershed reports—Upstream by the National Research Council and Return to the River by the Independent Science Advisory Board concluded that salmon convolved with their watersheds and thus, needed restored watersheds processes. The scientists went to great lengths to suggest that human development and technology could be compatible with sustainable salmon runs; however, they did suggest that we need to be increasingly cognizant of the needs of salmon, that technology should be used to complement and recreate watershed processes and that virtually everything we do should be treated, monitored and adapted like an experiment.

After a series of litigation that found the interim recovery measures adopted by NMFS inadequate, NMFS proclaimed to the Federal Court they would make decisions by December of 1999. The Court reluctantly deferred to the discretion of the federal government. NMFS sketchily laid out its decisionmaking and research plan. In the 1995 Biological Opinion NMFS proposed interim flows, a spill program and modification of the John Day dam. Unfortunately, the flow targets have never been met during the summer months and the administration never sought did the Congress approve the John Day modifications. The spill program has improved after relentless prodding. NMFS launched its limited research program and called upon the Corps of Engineers to study the alternative measures for restoring Snake River salmon.

The Corps Lower Snake River Leasability study has been rife with problems: it is over six months behind scheduled; it is limited to three mainstem Snake River options; it does not encompass the broad range of alternatives or impacts throughout the Columbia ecosystem—for instance the future operation and configuration of John Day dam is being addressed in a separate EIS; harvest, hatcheries and habitat are being dealt with in many processes. It does not have a well defined protocol for releasing information—thus officially releases some information and allows other information to be embargoed resulting in charges of leaks, spin control frustration by interested parties and media. Recently participants in the economic analysis have supported open dissemination of final reports creating a more open availability of information and encouraging a more open debate. The Corps has consulted with some parties and affected communities, while ignoring others—the Corps appropriately did a series of meetings with communities near the river that would be directly affected by changing. Unfortunately the Corps did not hold similar meetings with coastal communities or parties who would benefit from either improved fisheries and recreation, or those who implement infrastructure improvements. Finally, the Corps has not focused on how we would solve problem, mitigate damages or implement thoughtful transitions for affected parties.

The states of Idaho, Montana, Oregon, Washington, the 13 tribes adjoining the Snake and Columbia and the federal government have launched an analytical process called the Framework and a discussion forum called the Columbia Basin Regional forum. The Framework is still somewhat undefined as to what its analysis will be and whether it will be available on time. It has its problems and limitations. We are participating and hoping it will provide useful information on which to base decisions. It is certainly not clear whether Council is capable of adopting a scientifically sound program.

The Federal government has launched a parallel process they call the 4 H paper. Some are suspicious of this project. We share the skepticism, but believe it is overdue and necessary. First the Corps EIS is clearly too limited and probably won't comply with the National Environmental Policy Act because of its limited scope and problems. Second the NMFS biological opinions covering harvest, the operation of the Columbia River power system, hatchery system and habitat are incomparable, inconsistent and are not coordinated making them ripe for challenge. For instance the 94-98 hydro biological opinion allows 99% of smolts to die migrating through the hydrosystem, while it allows over 60% of adults to die returning. The harvest bi-op limits harvest on healthy fall chinook to 24% to protect endangered stocks. The inequity is clear. Thirdly, the federal government does not speak with one voice on salmon recovery. It is long overdue for this administration to develop one unified and coordinated policy.

The federal government needs to put its options out for state and tribal consultation and public review. We have called for this openness in this process. We reject the notion that the administration should not meet privately to develop its positions. The administration has the legal obligation to implement the Endangered Species Act, Clean Water Act, tribal treaties, Forest Land Management Act and the U.S.-Canada treaty.

I understand the suspicions of the federal government and share the frustration and usually champion openness; however, it is vitally important and long overdue that the administration get its act together and puts its alternatives and proposals on the table and leads a public discussion. We have urged and many members of Congress have urged that proposals go through the same set of economic and scientific analytical filters to ensure the region and nation can understand the trade-offs, consequences and transition opportunities.

The Bonneville Power Administration is about to enter into its rate setting process to establish electric rates from 2001 to 2006. The Administration adopted Fish Funding Principles to ensure that adequate dollars would be available to implement recovery measures. Unfortunately the rate proposal by BPA puts too much risk on fish recovery and could require a substantial rate increase in 2007. This could have easily been avoided. The Senate has adopted language to prevent the establishment of a recovery fund to be used in a future rate period. Bad water years, changes in market conditions and economic downturn could create a crisis pitting salmon recovery against repaying the Treasury. This will either invite out of region intervention or delay salmon recovery. hope the Administration will revise the proposal so it becomes solid. I am not sure whether my 7 year old son will go to college or where nor how long my retirement will be, but I have started saving so I can ensure that options exists. Salmon recovery will cost money in the next 10 years to modify hatcheries, buy habitat, change fishing practices or modify dams. The Northwest only deserves the benefits of this unique power system if we meet treaty obligations, comply with federal laws and implement public purposes.

With regard to public process, we have urged the administration to hold one set of hearings throughout the region, on the coast and in Washington, DC before Thanksgiving or after the New Year (if information is delayed) on its draft Biological Opinions, 4 H paper, the Lower Snake Feasibility study and other relevant documents. We want to avoid the chaotic holiday season to ensure the discussion is as fruitful and inclusive as possible. We want to ensure that the Framework produce its information for inclusion in the same set of hearings.

This committee can play a vital role to ensure the decisionmaking is done thoughtfully, orderly and on time.

1) Demand that the alternatives being considered by the federal government be submitted to the following entities for review and comment: Process for Analyzing and Testing Hypothesis Independent Science Advisory Board Independent Economic Advisory Board Framework process.

We assume the Corps will discuss it with its Drawdown Regional Economic Workgroup.

2) Urge the Clinton Administration to make its final decisions prior to the 1999 salmon migration as it committed to in Federal Court. Ensure those decisions comply with all applicable federal laws and treaties.

3) Urge the Clinton Administration to fully consult with the affected states and tribes and respond to substantive comments before making decisions.

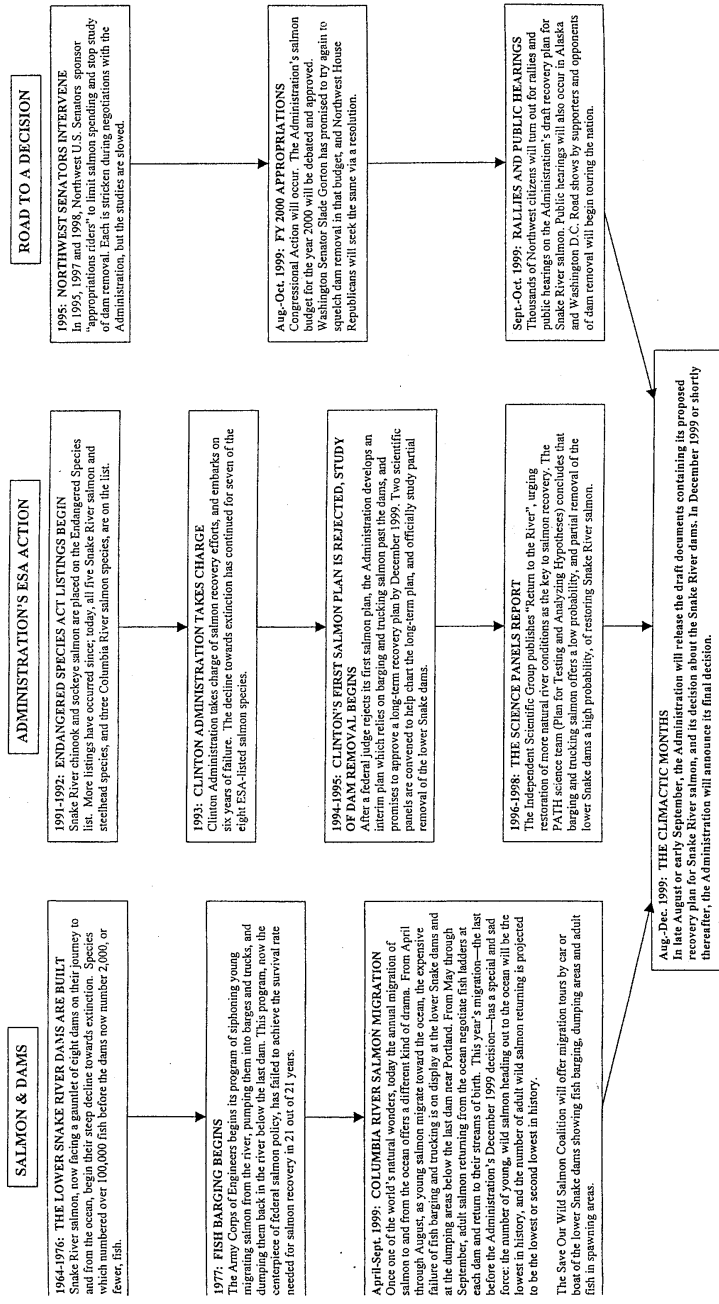
4) Urge all parties in the region to consider all options. It is premature to rule out any option. Opposing dam removal is not a recovery plan. Opposing increased flows is also not a recovery program.

5) Ensure that appropriate mitigation and transition plans are developed so we can ensure that affected parties are dealt with fairly.

Clearly this issue is contentious. The longer we put it off the more difficult and expensive recovery will be. The longer we continue out of compliance of federal laws the more legal, political and congressional pressure we should expect. The longer we wait the longer the uncertainty prevents people from moving forward. The changes needed will be difficult, but we must keep our eyes on the prize—a sustainable economy that works for salmon, people and the future. Together we can work through these changes.

Thank you.

**TIMELINE FOR THE CLINTON ADMINISTRATION'S "DECEMBER 1999 DECISIONS" ON SNAKE/COLUMBIA BASIN SALMON AND DAMS**



**1964-1976: THE LOWER SNAKE RIVER DAMS ARE BUILT**  
Snake River salmon, now facing a gamut of eight dams on their journey to and from the ocean, begin their steep decline towards extinction. Species which numbered over 100,000 fish before the dams now number 2,000, or fewer, fish.

**1977: FISH BARGING BEGINS**  
The Army Corps of Engineers begins its program of siphoning young migrating salmon from the river, pumping them into barges and trucks, and dumping them back in the river below the last dam. This program, now the centerpiece of Federal salmon policy, has failed to achieve the survival rate needed for salmon recovery in 21 out of 21 years.

**April-Sept. 1999: COLUMBIA RIVER SALMON MIGRATION**  
Once one of the world's natural wonders, today the annual migration of salmon to and from the ocean offers a different kind of drama. From April through August, as young salmon migrate toward the ocean, the expensive failure of fish barging and trucking is on display at the lower Snake dams and the empty barges and trucks are a stark reminder of the program's failure. September adults salmon returning from the ocean negotiate fish ladders at each dam and return to their streams of faith. This year's migration—the last before the Administration's December 1999 decision—has a special and sad force: the number of young, wild salmon heading out to the ocean will be the lowest in history, and the number of adult wild salmon returning is projected to be the lowest or second lowest in history.  
  
The Save Our Wild Salmon Coalition will offer migration tours by car or truck to view Snake dams showing fish barging, dumping areas and adult fish in spawning areas.

**1991-1992: ENDANGERED SPECIES ACT LISTINGS BEGIN**  
Snake River chinook and sockeye salmon are placed on the Endangered Species list. More listings have occurred since, today, all five Snake River salmon and steelhead species, and three Columbia River salmon species, are on the list.

**1993: CLINTON ADMINISTRATION TAKES CHARGE**  
Clinton Administration takes charge of salmon recovery efforts, and embarks on six years of failure. The decline towards extinction has continued for seven of the eight ESA-listed salmon species.

**1994-1995: CLINTON'S FIRST SALMON PLAN IS REJECTED, STUDY OF DAMS REMOVAL BEGINS**  
After a federal judge rejects its first salmon plan, the Administration develops an interim plan which relies on barging and trucking salmon past the dams, and promises to approve a long-term recovery plan by December 1999. Two scientific panels are convened to help chart the long-term plan, and officially study partial removal of the lower Snake dams.

**1996-1998: THE SCIENCE PANELS REPORT**  
The Independent Scientific Group publishes "Return to the River", urging the Administration as the key to salmon recovery. The PATH science team (Plan for Testing and Studying the Effectiveness of Barging and Trucking Salmon) offers a low probability, and partial removal of the lower Snake dams a high probability, of restoring Snake River salmon.

**1995: NORTHWEST SENATORS INTERVENE**  
In 1995, 1997 and 1998, Northwest U.S. Senators sponsor "appropriations riders" to limit salmon spending and stop study of dam removal. Each is stricken during negotiations with the Administration, but the studies are slowed.

**Aug.-Oct. 1999: FY 2000 APPROPRIATIONS**  
Congressional Action will occur. The Administration's salmon budget for the year 2000 will be debated and approved. Washington Senator Slade Gorton has promised to try again to speed dam removal in that budget, and Northwest House Republicans will seek the same via a resolution.

**Sept.-Oct. 1999: RALLIES AND PUBLIC HEARINGS**  
Thousands of Northwest citizens will turn out for rallies and public hearings on the Administration's draft recovery plan for Snake River salmon. The largest rally will occur in Astoria, Oregon, and Washington D.C. Road shows will occur in other parts of the nation. Dam removal will begin routing the nation.

**Aug.-Dec. 1999: THE CLIMACTIC MONTHS**  
In late August or early September, the Administration will release the draft documents containing its proposed recovery plan for Snake River salmon, and its decision about the Snake River dams. In December 1999 or shortly thereafter, the Administration will announce its final decision.

STATEMENT OF LYNN AUSMAN, REPRESENTING THE WASHINGTON ASSOCIATION OF  
WHEAT GROWERS AND THE WASHINGTON BARLEY COMMISSION

Thank you Mr. Chairman and members of the subcommittee. On behalf of the Washington Association of Wheat Growers and the Washington Barley Commission, it is a great pleasure to talk with you this afternoon about these important issues.

I am a barley and wheat grower in Asotin county in the state of Washington. Asotin county is bordered on the north by the Snake River and Lower Granite dam is the first of the four Snake River dams we all hear so much about. Four grain receiving elevator have barge loading facilities on the Snake River.

As our governor put it; "The salmon fisheries of this state have, in the past, been wonderfully productive. Of late, however, evidence of a decrease in the run is apparent, and all are agreed that something ought to be done to prevent the final extinction of a great industry." This governor was John R. Rogers not our present governor Gary Locke and he said it in 1899, not 1999. Our Association thinks this puts the salmon restoration problem in the proper perspective, as we deal with it today. In our area there is strong support to increase the fish runs in our river system. There is also almost total agreement the breaching of the four lower Snake River dams will not be the answer to this problem.

The members of our association are growing increasingly frustrated as we have watched the ongoing analysis of salmon restoration in the Snake River System focus almost solely on dam breaching. We were told from the beginning that there were four H's to be considered: habitat, hydropower, harvest, and hatchery management. However, it has become increasingly clear that the federal agencies are only focusing on one of these H's, hydropower.

In the past few years of watching the process of salmon recovery efforts it has become apparent to us that this problem is one of the most complex issues of this score of years. It starts with the very definition of salmon species to continues on to include the variance of ocean temperature. A marine biologist expressed the belief that there weren't ten reasons for fish run declines or even a hundred but he thought a thousand reasons were more in the ballpark. I would submit to you that the problems we have with fish populations is not what we think we know but the many things we need to learn.

A computer model called PATH which stands for Plan for Analyzing and Testing Hypotheses is held up as a reason for dam removable. It is important to note that there is no empirical data to prove that destroying the four dams would lead to recovery of the salmon. It is simply a computer model. This model makes some assumptions that do not follow known facts. For example, according to the recent salmon tag studies, over 50% of the smolts moving in the river system reach salt water. However, one PATH model predicts only 20% and another PATH model predicts only 30%. Therefore, I would hate to base a decision as monumental as dam removal on a set of hypotheses that are in question.

The environmental effects of breaching are another matter. The Corps of Engineers estimates that there are 100-150 million cubic yards of sediment behind the four dams. This would create 30,000 acres of mud flats. With dam removal this material would move down stream for several years and this would cause much harm to the existing habitats as they are today. The use of this river system is also environmental choice because of emissions. Navigating the river system will use 40% less fuel per ton/mile than the rail system (assuming there would cars and power units available, which we highly question). And compared to trucks, the river system will use 110% less fuel per ton/mile. According to the Washington Wheat Commission, if grain barge traffic was halted, the industry would have to locate 120,000 additional grain cars, and some 700,000 semi-trucks. There is also the enormous cost (and environmental impact) of building the roads and rail necessary for infrastructure. All this will affect our grain industry by raising costs to an industry that is already suffering in an economic depression.

So, what should we be doing to increase wild fish runs in our river system? Continue to improve the transportation of smolt

Address and solve the predator harvest problem  
Modify hatcheries to improve there contribution to an overall solution  
Look into the commercial fishing harvest to better understand their impact on the fishery  
Modify turbine gaps, turbine blades, blade coatings, and hydraulic conditions into and out of the turbines  
Add surface collectors to move smolt around the dams  
Continue to pursue other technological alternatives that are scientifically sound

If we can get by the unfortunate notion that breaching of the four lower Snake River Dams is a possible solution to the problem at hand, we can then work together to solve the problem we all want to solve.

Thank you.



78

