

**Statement of Tom Iseman**  
**Deputy Assistant Secretary for Water and Science**  
**U.S. Department of the Interior**  
**Before the**  
**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Subcommittee on Water, Power and Oceans**  
**On**  
**HR 4582 (Rep. Jeff Denham) – The “Save our Salmon Act”**  
**April 20, 2016**

Chairman Fleming, Ranking Member Huffman and members of the Subcommittee, I am Tom Iseman, Deputy Assistant Secretary for Water and Science at the U.S. Department of the Interior (Department). I am pleased to provide the views of the Department on HR 4582, the “Save our Salmon Act”. My statement today will detail technical changes that should be amended into HR 4582 in order to assure that it meets the bill’s stated intent. The issues addressed by HR 4582 are significant, and if amended, the Department could support the enactment of this bill.

The Central Valley Project (CVP) is one of the largest and water management projects in the United States- extending from the Cascade Range in northern California to the semi-arid but fertile plains along the Kern River in the south. Initial features of the project were built primarily to protect the Central Valley from water shortages and floods, but the CVP also improves Sacramento River navigation, supplies municipal and industrial water, generates electricity, conserves fish and wildlife, and creates opportunities for recreation. The CVP serves farms, homes, and industry in California’s Central Valley as well as major urban centers in the San Francisco Bay Area; it is also the primary source of water for much of California’s wetlands.

In October 1992, President George H.W. Bush signed Public Law 102-575, which included Title 34, the Central Valley Project Improvement Act (CVPIA). The CVPIA amends the previous authorizations of the CVP to include fish and wildlife protection and mitigation as project purposes having equal priority with irrigation and domestic uses, and makes fish and wildlife enhancement a project purpose equal to power generation.

Section 3406 of the CVPIA directs the Department to implement a “fish doubling goal” for anadromous fish, and this provision is addressed by HR 4582. Anadromous fish are defined in Section 3403(a) as those stocks of salmon, steelhead, striped bass, sturgeon, and American shad that ascend the Sacramento and San Joaquin rivers and the Sacramento-San Joaquin Delta to reproduce after maturing in San Francisco Bay or the Pacific Ocean. The statute directs that the Department “implement a program which makes all reasonable efforts to ensure that, by the year 2002, natural production of anadromous fish in Central Valley rivers and streams will be sustainable, on a long-term basis, at levels not less than twice the average levels attained during the period of 1967-1991[.]” An Anadromous Fish Restoration Program and associated Restoration Plan guides the implementation of the CVPIA’s fish doubling goal.

Implementation of the CVPIA by Federal agencies and their non-Federal partners has focused on improving populations and habitat for native fish, which are key to a healthy ecosystem. While

the striped bass is an anadromous fish, it is not native to the Sacramento-San Joaquin Bay Delta<sup>1</sup>, and it is actually a predator of native Delta fish species, including Delta smelt (threatened under the Endangered Species Act, or ESA) and various runs of salmon and steelhead. As has been noted in the U.S. Fish and Wildlife Service’s biological opinion for the operation of the CVP, striped bass are likely the primary predator of juvenile and adult delta smelt given their spatial overlap in pelagic habitats.<sup>2</sup> The National Marine Fisheries Service (NMFS) has also noted that striped bass show a strong preference for juvenile salmon in their studies<sup>3</sup>. In testimony before this Subcommittee on February 10, 2016, NMFS detailed the impacts of predation on Pacific coast salmon, including ESA-listed salmon in the Bay-Delta. And a wide body of evidence from the California Department of Fish and Wildlife shows similar findings that point to striped bass as a stressor on fish species that are threatened or endangered under the ESA.

In consideration of the striped bass’s function as a fish that contributes to mortality for listed species and is not native to the Bay-Delta or even California, the Department has no concern with the removal of striped bass from the CVPIA’s fish doubling goals.

However, in order to address the intent of the proposed legislation, there are some technical modifications that are necessary. First, the introduced wording of HR 4582 requires changes to conform to the enacted language of the CVPIA. For example, the bill only amends Section 3406(b)(1) of CVPIA, and makes no change to other relevant subparagraphs such as Sections 3406(b)(18), (19), and (21), which also provide for taking actions to protect and assist “anadromous” fish. Section 3406(b)(18) states that, if requested by the State of California, the Bureau of Reclamation will assist in management measures to restore the striped bass fishery of the Bay-Delta estuary and its tributaries. While no agency has requested that Reclamation perform this action, a change to this subsection would seem to be intended by the language of HR 4582.

In addition, Section 3406(b)(19) requires reevaluation of operational criteria at the CVP’s Sacramento and Trinity River Reservoirs to protect and restore the anadromous fish in accordance with the requirements of 3406(b). Section 3405(b)(21) requires Reclamation to assist the State of California in efforts to develop and implement measures to avoid losses of juvenile anadromous fish resulting from unscreened or inadequately screened diversions. The language in HR 4582 adding the “except striped bass” language to the fish doubling goal does not impact these other provisions, thereby creating an internal conflict in the language of the CVPIA and in the responsibilities of Reclamation toward all anadromous fish. In order to fulfill the legislative intent, the bill should be modified to address these potential conflicts. The Department would be glad to work with the Committee to provide more detail on these recommended changes.

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<sup>1</sup> [www.wildlife.ca.gov/Fishing/Inland/Striped-Bass#35540374-history](http://www.wildlife.ca.gov/Fishing/Inland/Striped-Bass#35540374-history)

<sup>2</sup> Page 183 and throughout, U.S. FWS Biological Opinion for the Proposed Coordinated Operation of the Central Valley Project and State Water Project. 2008. [www.fws.gov/sfbaydelta/documents/SWP-CVP\\_OPs\\_BO\\_12-15\\_final\\_OCR.pdf](http://www.fws.gov/sfbaydelta/documents/SWP-CVP_OPs_BO_12-15_final_OCR.pdf)

<sup>3</sup>Page 147 and throughout, National Marine Fisheries Service Biological Opinion for Proposed Long Term Operations of the Central Valley Project and State Water Project. 2009. [www.westcoast.fisheries.noaa.gov/publications/Central\\_Valley/Water%20Operations/Operations,%20Criteria%20and%20Plan/nmfs\\_biological\\_and\\_conference\\_opinion\\_on\\_the\\_long-term\\_operations\\_of\\_the\\_cvp\\_and\\_swp.pdf](http://www.westcoast.fisheries.noaa.gov/publications/Central_Valley/Water%20Operations/Operations,%20Criteria%20and%20Plan/nmfs_biological_and_conference_opinion_on_the_long-term_operations_of_the_cvp_and_swp.pdf)

In closing, Reclamation and the Department appreciate the interest in reducing threats to the survival of listed fish in the Bay Delta. We believe that the CVPIA provides a useful framework for promoting the recovery of fish species in the Bay Delta, and its tributaries, and with the changes noted above, the Department would be pleased to support the CVPIA amendment provided by HR 4582.

This concludes my written statement. I would be pleased to answer questions at the appropriate time.