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to the  
House Subcommittee on Water & Power

Regarding  
***Assessing the Impacts of the Central Valley Project Improvement Act***  
Fresno, California  
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Good morning, Mr. Chairman and members of the Subcommittee on Water & Power. Thank you for the opportunity to provide testimony here today from the perspective of the fishing industry on the impacts of the Central Valley Project Improvement Act.

As you will note from the brief biographical material I have provided the Subcommittee, the Pacific Coast Federation of Fishermen's Associations (PCFFA), which I have worked for over the past 30 years, has been deeply involved with the protection and restoration of salmon resources. Since most of the individuals belonging to PCFFA's member groups are engaged in the commercial salmon fishery, PCFFA has had no choice but to fight on behalf of this fishery resource that supports the livelihoods of numerous fishing men and women and helps sustain many of our coastal communities.

Because salmon are an anadromous fish – that is, they spawn and spend part of their life in fresh water while spending their adult lives at sea – PCFFA has had to be engaged in those issues related to in-river habitat protection and maintaining flows sufficient to support abundant fish populations in salmon bearing streams. This has included working to restore salmon populations to habitats where these fish had been extirpated and restoring flows to rivers and streams that have been dewatered.

No federal statute has been more important in the past 50 years for California's salmon fishery than the 1992 passage of the Central Valley Project Improvement Act. The Central Valley river system – the Sacramento and San Joaquin and their tributaries - is the second most important salmon producing system in the lower 48 states – second only to the Columbia-Snake River system. It is one of the five top producing river systems of chinook, the king of the six (counting steelhead) species of Pacific salmon in the world. Central Valley salmon stocks account for as much as 90 percent – more in recent years – of the state's ocean salmon harvest and constitute a majority of the salmon harvested offshore Oregon and Washington as well.

In a series of reports to the California Legislature in the early 1970's the California Advisory Committee on Salmon & Steelhead Trout found that only 300 miles remained of more than 6,000 miles historically of salmon spawning and rearing habitat in the Central Valley river system. It was clear to the members of that Legislatively-created body and to many of us who followed that to ensure the survival and secure a future for the state's salmon fishery that something had to be done to halt the decline of salmon populations in the Central Valley and begin work to make the available habitat more productive, open up areas where salmon migration had been blocked and reallocate water back to those rivers and streams where flows were insufficient or non-existent to support salmon populations.

Recognizing the importance of salmon to communities that depended on these fish for food production, employment, recreation and historic tribal uses, the California Legislature passed and Governor George Deukmejian signed into law a statute making it state policy to protect and restore California's salmon resources, setting as a goal the doubling of natural spawning salmon populations.

To carry out this state policy, however, it was clear that something had to be done to fix the operations of the federal Central Valley Project. The project had, after all, permanently cut off salmon migration and access to habitat in the upper Sacramento River (Shasta Dam), the upper San Joaquin (Friant Dam), the American (Folsom Dam) as well as diverting substantial amounts of water from the Trinity creating problems for this tributary of the Klamath River. Not only had the project caused substantial losses of habitat – only partially mitigated by hatchery operations, but its operations from the Red Bluff Diversion Dam to pumping during critical migration periods through the Delta, were all taking a substantial toll on the state's salmon resources and its fishery.

It was obvious to us something had to be done. In the late 1980's our organization along with other fishing groups, conservation and some business organizations began calling for reforms in the operation of the Central Valley Project.

First and foremost we felt the purpose of the project had to be changed to allow for the protection of fish and wildlife. This

had always been a source of frustration when asking the Bureau to take some measure to help fish only to get the reply, "sorry, we'd like to help, but fish protection is not one of the project's purposes." It was only as a result of enforcement of the Endangered Species Act, following the listing of the Sacramento winter-run chinook salmon, that we were able to force the Bureau of Reclamation to make changes in operations or fix some long standing problems such as cold water releases from Shasta Dam. But clearly, reliance on the Endangered Species Act was not an answer for protecting and restoring salmon stocks, particularly since most were not ESA-listed, nor did we want their listing. A change in project purpose was therefore needed.

Second, we felt a block of water was needed to provide for fish flows and critical fresh water inflow essential for the estuarine function of the Bay and Delta. That water is not "wasted to the sea" but provides the critical mix with salt water to create the rich brackish conditions so important for salmon as they prepare to go to sea and for spawning and nursery habitat for many other commercially important species from Dungeness crab to herring.

The State Water Resources Control Board, following a year of quasi-judicial scientific hearings in 1986 issued a draft order in 1988 that found the Bay and Delta required an additional 1.6 million acre-feet of fresh water inflow. Since the CVP was the largest water project in the basin and, indeed, was offering to sell at that time just about the same amount of water called for in the draft order, it appeared the project could be the source of these badly needed flows. Congress, as you know, later decided to split the baby in half and made the CVP responsible for half that amount – 800,000 acre-feet annually for fish and wildlife purposes in the CVPIA.

Third, we felt it was important that the federal law was consistent with state law on a fish rebuilding plan. To that end, we sought a federal doubling goal for anadromous fish within the Central Valley.

There were other issues, too, we felt important to reforming the west's largest reclamation project. The Trinity was in need of a fix, where the CVP at one point was diverting as much as 80 percent of the flow into the river, decimating one of the west's premiere salmon runs that supported the Hoopa Valley Tribe and a large in-river sport fishery. Money was needed from the project to carry out many of the fixes. And, something had to be done about the San Joaquin, where project had been in violation of state law for over 60 years failing to provide flows below Friant for fish, resulting in the extinction of a major west coast stock of spring-run chinook salmon.

So, after 13 years, what has been the impact on fisheries from the Central Valley Project Improvement Act? I can say that early on, many of us were frustrated by inaction and the seeming reluctance by the Bureau to implement the changes Congress had called for. There were questions about the accounting of the (b)(2) water – the 800,000 acre-feet and where and how that was being used. And there has been frustration with the Bureau about providing the fish and wildlife flows not just upstream and to the refuges – but through the Delta to the Golden Gate, as we watch key Delta species decline.

On the other hand, we have seen a resurgence in Sacramento River chinook salmon populations, which would have resulted in some of the best seasons ever for our state's commercial and recreational fishermen but for the constraints placed on the ocean fishery by the Klamath. But that river and its reclamation project are the subject for another hearing. I think it's too early to say to what extent the CVPIA has contributed to the recent resurgence in Central Valley salmon populations. Certainly it has helped, along with the enforcement of the Endangered Species Act to protect winter and spring-run chinook populations and the side benefits that protection has provided the abundant fall-run populations that support our ocean fisheries. Good water conditions in the basin, as compared to the Klamath Basin, and good oceanic conditions, contributing to high survival rates of the fish at sea, have all played a role.

Currently I sit on a panel of stakeholders convened by the Bureau of Reclamation, the "CVPIA Program Activity Review," to determine what has been implemented to date, and possibly assess the levels of success. That review should be ready this summer and I think will provide you and other members of Congress a more comprehensive look at the impact of the CVPIA. That said, I do have some brief comments to make at this time prior to the release of the Bureau's assessment being conducted with its stakeholders.

First off, the CVPIA has, I believe, had a positive impact on our state's salmon fishing industry. Yes, we've been disappointed with the delays and resistance among some in the agencies, and do not feel the act has achieved its potential. Nevertheless, it has been beneficial. Keep in mind, prior to the passage of the CVPIA, the project was operated solely for the benefit of CVP contractors. This ignored, and harmed the environment, fisheries, drinking water quality, North Coast communities, indeed, most of California. The CVPIA represented a modest attempt to restore some balance to the system. The changes in the CVPIA have strengthened the California economy. And, I feel, they have been fair.

Second, the CVPIA reformed policy, adding the environment and fisheries to the project purpose, and dedicated water and funding to help repair the damage cause by the CVP to wetlands and waterfowl, fisheries and the environment. It was,

and is, a fair program.

Third, the act's Restoration Fund has helped to implement critically-needed fisheries restoration programs, for example on the Merced River and on Clear Creek. It has helped to pay for fish screens and the Shasta Temperature Control Device. All of this work has been designed to help mitigate for the impacts of the CVP.

While we recognize no one likes to pay fees or taxes, we should all be paying our fair share – particularly for the benefits we directly receive. Keep in mind, the American taxpayer has paid for the vast majority of the CVP, through interest-free loans worth billions of dollars. They have the right to ask that the project serve the public interest. In the fishery we fully expect to pay for the benefits we receive and to be held accountable for our liabilities; we expect the same from others. It is premature to be talking now about eliminating CVPIA fees with so much left undone. Remember, even with Restoration Fund charges, CVP water is still highly subsidized.

Fourth, the CVPIA helped to lead to the CALFED Bay-Delta Program, the Bay-Delta Accord and a series of water bonds (204, 13, and 50). All of these programs were broadly supported and provided benefits for everyone in the water community – agriculture and urban.

Fifth, the CVPIA is a major reason, perhaps THE major reason why the Central Valley Project is not operated like the Klamath River. That river has been operated in a manner that is disastrous for fishermen, the environment, tribes and coastal economies. Even agriculture has been harmed by promises of more water than the project can legally deliver. There are signs that the management of the CVP is moving in this direction. We urge Interior to change course. These signs are:

- The collapse of Delta fisheries.
- The weakening of the CVPIA B2 requirement, which took hundreds of thousands of acre feet of water away from fisheries.
- The collapse of CALFED's protections for the Delta.
- The renewal of CVP contracts that contain water totals far above the ability of the project to deliver.
- The weakening of salmon temperature and carry-over storage protections on the Sacramento River. The State of California has expressed concern that these rollbacks could lead to damage to salmon populations in dry years....just as has happened on the Klamath.
- The NMFS OCAP BO, in which the Commerce Inspector General found that political interference undermined good science.
- The joint State-federal proposal to increase Delta pumping (SDIP)
- Backroom deals, like the Napa Agreement, that have helped lead to the collapse of the CALFED program.

Finally, the work of the CVPIA is still not done. Consider the following:

- The Trinity River has not been restored yet.
- The Delta has collapsed, with more species as candidates for listing.
- The state is concerned about dry year impacts to Sacramento River salmon.
- Battle Creek has not been restored.

Moreover, the maintenance of abundant fish protections, like liberty, requires constant vigilance. Just because we've made some progress is no excuse now to pack up and go home. If we are to maintain a strong salmon fishery in this state and ensure the benefits that fishery provides our coastal communities, tribes, economy and food production we must fulfill the purpose of the CVPIA - which is not simply attaining some of its goals, but maintaining for posterity all of its aims.

Thank you again for this opportunity to testify. I will be happy to answer any questions from members of the Subcommittee.