

**TESTIMONY BY
JOEL KAWAHARA, COMMERCIAL FISHERMAN
BEFORE THE
FISHERIES, WILDLIFE, AND OCEANS SUBCOMMITTEE
OF THE HOUSE NATURAL RESOURCES COMMITTEE**

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Chairwoman Bordallo and members of the subcommittee on Fisheries, Wildlife, and Oceans, thank you for the opportunity to provide this testimony today on “A Perfect Storm: How Faulty Science, River Management, and Ocean Conditions Are Impacting West Coast Salmon Fisheries.” For the record, my name is Joel Kawahara, and I am a commercial salmon troller from Quilcene, Washington. I hold salmon trolling permits from four states: Alaska, Washington, Oregon, and California. I have owned my boat since 1987 and have been fishing salmon commercially since 1971 when I crewed for a friend of my dad’s out of Neah Bay, Washington. In a way, I am a second-generation commercial fisherman because my dad sold fish in Seattle and also worked in a cannery in Alaska prior to World War II. I am here to tell you how the failure of NOAA Fisheries to issue and implement effective, legal, and scientifically-sound biological opinions and recovery plans for salmon in the Columbia-Snake, Klamath, and Sacramento rivers has negatively affected salmon fishermen along the West Coast.

Columbia-Snake River Basin

The Columbia-Snake River Basin was once the largest salmon-producing basin in the world. When Lewis and Clark explored the Western Territory, upwards of 16 million salmon called the Columbia-Snake Basin their home. The Snake River, the largest tributary to the Columbia River, produced more than 50 percent of the total salmon within the Columbia-Snake River Basin and today still holds more than 70 percent of the remaining healthy habitat.

Over the years, due to several impacts – overfishing, habitat destruction, and the construction of dams on the Columbia and Snake rivers – salmon populations in the Columbia Basin plummeted. Until the mid 1970’s, when four federal dams were built on the lower Snake River, Snake River salmon were able to hold their own and allowed for a relatively robust salmon fishery. In fact, in its 1949 Annual Report, the Washington Department of Fisheries stated its strong opposition to the construction of these dams noting that the construction of the lower Snake River dams was “not in the best interest of the over-all economy of the state. Salmon must be protected from the type of unilateral thinking that would harm one major industry to benefit another.” (see attached, “Department of Fisheries Annual Report for 1949.”) Over the state’s objections, these four dams were built in the late 1960s to mid-1970s. Once constructed, the Snake River stocks fell into a precipitous decline. Now 13 salmon populations in the Columbia-Snake Basin are listed for protections under the Endangered Species Act (ESA). All Snake River salmon and steelhead are either already extinct or are listed under the ESA.

In the late 1970s and early 1980s, due to concerns around these low salmon populations, salmon fishing was seriously curtailed. Sport and commercial fishing saw harvest rates decrease by upwards of 70 percent. The economies that had been built around the salmon industry in the

Northwest fell silent. But still, under the circumstances, limiting fishing was the right thing to do. The salmon were in trouble and it was necessary to restore this remarkable and renewable resource by reducing the impacts of harvest.

At the same time, the federal government and private companies built more dams on the Columbia & Snake rivers and their tributaries. As the attached map indicates, the Columbia River Basin is now the most dammed watershed in the nation, with more than 200 large dams.

Today our fisheries remain heavily regulated. As the diagram attached to this testimony indicates, imperiled salmon from the Columbia, Klamath, and Sacramento mix in the ocean environment with healthy salmon populations. As ocean fishermen, we need to be careful not to harm the weakest and most sensitive of these salmon populations. As a result, our fishery is managed to protect the most endangered salmon populations in order to ensure that we are doing as little harm to the listed salmon stocks as possible. Ocean fishing on Columbia-Snake River upper river spring chinook, sockeye and steelhead is non-existent. From the Columbia-Snake Basin, only summer, fall, and lower river spring chinook and coho salmon are harvested in the ocean fisheries.

Ocean Harvest of Columbia-Snake Basin Salmon

Starting in the north, the Southeast Alaska Troll Fishery harvests chinook salmon originating in Alaska, Canada, Washington, Idaho and Oregon. On average, up to 27 percent of the salmon caught in Alaska waters come from the Columbia-Snake River Basin. (Pacific Salmon Commission Joint Chinook Technical Committee Report, TCCHINOOK(05)-3.) Alaska's salmon-bearing rivers are generally in good condition and the biggest issue there is trying to protect those healthy rivers from development and harm. Consequently, what happens south of Alaska in the Columbia-Snake watershed has serious implications for Alaska fishermen.

The harvest of chinook salmon is managed under the Pacific Salmon Treaty, which regulates international catch of salmon from both U.S. and Canadian rivers. The Pacific Salmon Treaty harvest levels for Southeast Alaska are specifically regulated to meet conservation goals for Endangered species Act-listed Columbia and Snake River fall chinook. The stated goal of the Pacific Salmon Treaty in 1985 was to recover Columbia River chinook stocks to allow for a Southeast Alaska troll harvest of 450,000 chinook on an annual basis by 1990.

The 2008 quota for Southeast Alaska troll chinook is 125,000. Based on an average of 14.5 pounds per salmon, and an estimated price of \$7.00 per pound, the failure to recover chinook stocks in the Columbia River to allow the harvest of 450,000 chinook in the Southeast Alaska troll fishery reduces the economic value of that fishery by \$33 million dollars. That's a \$33 million loss to the industry and to the economies of the Northwest.

In the state of Washington (north of Cape Falcon, Oregon), the total harvest of chinook salmon for the period between 1976-1980 was 206,000. (PFMC 2002 Salmon SAFE.) In 1994, 1995 and 1996, the harvest of Chinook salmon was zero; in 2002, the Chinook harvest was 106,000; and the harvest will be 57,000 in 2008. Based on a 12.5 pound dressed average weight, and an average price of \$7.00 per pound, the difference in value from 1976 to 2008 to the troll fleet is \$13 million.

The pre-1980 206,000 chinook level does not represent full recovery, but it is an indication of the potential for harvest with healthy Columbia River fall chinook stocks. \$13 million is therefore the minimum difference between this year's fishery and the economic value of a fishery based on fully recovered chinook stocks in the Columbia River.

Of significant note is the over 90% decrease in coho fishing for both the commercial and recreational fleets north of Cape Falcon, Oregon. The average annual commercial troll harvest of coho for the period 1976-1980 was 717,302. This year, the coho quota for the troll fleet is 24,000. The price per pound in 2007 dollars was \$1.46, and the average size coho is 5.5 pounds. That leaves a loss of \$5.7 million in ex-vessel value.

In the period 1976-1980 fishermen in Washington state fished 44,042 days. In 2007, we worked 2,115 days. In 1978 there were 3,041 boats fishing the Washington coast. In 2007, just 79 boats fished the same waters.

To summarize the situation for Washington, since the late 1970's, chinook salmon harvest has dropped 70% and coho salmon harvest has dropped 97%. The number of fishermen-days worked has dropped 95% and the number of independent troll fishing boats has dropped 97%. The total loss to Northwest economies from the decline in Columbia-Snake River salmon has been at least \$51.7 million annually.

If this were a corporation, the CEO would be asking the board if acquiring Yahoo would save the company from going under. Of course the CEO, board of directors, employees, and shareholders would be very angry that a once-thriving business that still has viable markets cannot produce at more than 5% of its potential.

At the same time, the federal government has not fairly shared the burden of salmon restoration in the Columbia-Snake River Basin. The federal government owns and operates 26 dams in the basin. Of those, 14 comprise the federal hydropower system, collectively known as the Federal Columbia River Power System. This series of dams exacts a huge toll on salmon populations in the basin. In fact, since 1993, soon after the first Columbia-Snake River Basin salmon were listed under the Endangered Species Act, these federal dams have been the subject a series of biological opinions intended to guide their operation to ensure that salmon are not further jeopardized and may someday recover. Since that time, NOAA has released five biological opinions. Three of the last four plans were found illegal by federal courts. The 2004 biological opinion was so ridiculously flawed and devoid of science that it defined the federal dams as immutable parts of the environment – like a mountain – that could not be changed. The 9th Circuit Court of Appeals called this analysis a “sleight of hand” and stated that the ESA “requires a more realistic, common sense examination.”(*NWF v. NMFS*, 481 F. 3d 1224, 1239 (9th Cir. 2007).)

I fear that NOAA's newest biological opinion, released just last week, offers much of the same and as such will likely face a similar fate. This so-called “new” biological opinion has very little new in it. While it does not state that the federal dams cannot be modified, the end result is similar to the 2004 plan and the federal government goes as far to actually include rollbacks in the plan from what salmon are currently experiencing in the river due to judicial oversight. Further, the federal government is still not taking on its fair share of the burden in salmon restoration efforts. Let me give you one very real example of why I say that.

In this newest biological opinion – the 2008 biological opinion – the federal agencies have allowed the federal dams to take – that is to kill – upwards of almost 93 percent of some ESA-listed salmon runs. Ninety-three percent. That is a jaw-dropping figure. Certainly, that is not the case with all of the listed salmon populations in the Columbia-Snake River Basin, but it is the case with some, and all of the Snake River salmon populations have at least about a 40% allowable take associated with the federal dams. That’s incredible.

In contrast, the total impact of sport, commercial and tribal salmon harvest on endangered spring chinook, for example, is less than 10%!

Last year, only four Snake River sockeye salmon returned to the Stanley Basin in Idaho. These fish travel more than 1,900 miles round-trip and climb higher than 6,500 feet in elevation. That’s a distance greater than from Washington, DC, to Tuscon, Arizona, and higher than five Empire State buildings stacked one on top of the other. They are a remarkable fish. They spawn in the wildest and best salmon habitat left in the lower 48 states – Idaho’s Sawtooth Mountains. There is almost no habitat that is more intact and yet, we are watching these fish disappear before our very eyes. While ocean fishing harvest rates are approximately zero for these fish (as it should be under the circumstances), the federal dams are allowed to take upwards of 92% of them. There is something wrong here.

The bottom line is that the federal agencies have not followed the science in their Columbia-Snake River biological opinions. The courts have been clear on this front and have spoken with precise and sharp words. Perhaps the most relevant to this hearing is a statement from Judge James Redden, federal District Court Judge in Oregon. In remanding the 2004 BiOp back to NOAA, Judge Redden said, “The government's inaction appears to some parties to be a strategy intended to avoid making hard choices and offending those who favor the status quo. Without real action from the Action Agencies, the result will be the loss of the wild salmon.”(National Wildlife Federation v. National Marine Fisheries Service, cv-01-640-RE (Oct. 7, 2005) (Opinion and Order of Remand) at 8.)

I am grateful to you, Madam Chairwoman, for beginning the dialogue on this important issue. And for recognizing what is at stake here – our wild salmon in the Pacific Ocean and the communities that depend upon them. Now we need Congress to fully investigate the lack of scientific underpinnings in this latest biological opinion. My job, the job of hundreds of commercial troll fishermen, and the coastal communities that depend on our incomes and our services look forward to that Congressional review.

Klamath & Sacramento Rivers

South of Cape Falcon, Oregon, while Columbia-Snake River salmon are found in those waters, most of the salmon off the southern Oregon and California coasts come from the Klamath and Sacramento rivers. The Sacramento was once the second largest salmon producing river in the lower 48 states and the Klamath was number three. Until this year, the Sacramento was known as the work-horse of the Pacific Ocean – producing a consistent and healthy population of salmon that allowed for a sustainable fishery. Those days are gone.

The Sacramento had actually been recovering until the last two years. As is the case with the Columbia and Snake rivers, the administration's tendency to develop illegal and unscientific biological opinions have sent these more stable fish populations into a tailspin. Columbia and Snake salmon have been in a constant and steady decline for decades, slowly eroding our fishery; Sacramento salmon have disappeared virtually overnight.

Historically, the Klamath produced an estimated 880,000 returning adult salmon. In 2001 and 2002, massive irrigation withdrawals allowed by an illegal biological opinion in conjunction with water quality degraded by four privately-owned hydropower dams contributed to the collapse of Klamath River salmon. Fewer than 35,000 salmon returned to their natural spawning areas in 2004, 2005, and 2006. Commercial fishermen in Oregon and Northern California lost \$50 million in 2005 and \$100 million in 2006 as a result of cancelled fishing seasons caused by these low numbers.

The Sacramento - San Joaquin has been an even bigger salmon producer for West Coast fishermen. When salmon fishing began in the mid-1800's, the Sacramento - San Joaquin produced about two million chinook salmon. From 1997 through 2006, an average of 475,000 adult chinook salmon returned to spawn in the Central Valley. In 2004 and 2005, however, the federal government allowed record amounts of water to be pumped from the Sacramento River system. In 2005 alone, more than half of the natural river flows were diverted, according to the *San Francisco Chronicle*. In 2007, only 90,000 adult salmon returned to the Sacramento River Basin – one of the smallest returns on record. This year's run is expected to dip to just 54,000 salmon and as such, has led to "the worse ever [fishing] season off the West Coast," according to Don McIsaac, Executive Director, Pacific Fisheries Marine Council.

Because of the federal mismanagement of the Sacramento-San Joaquin and the defiance of science in the Sacramento Winter Chinook biological opinion, the commercial salmon fishing season from northern Oregon to the U.S.-Mexico border has been shut down this year. That closure will result in a \$290 million economic impact and the loss of an estimated 4,200 jobs. (*see* Letter from Governors Arnold Schwarzenegger, Theodore R. Kulongoski, & Christine O. Gregoire to the Honorable Nancy Pelosi, Speaker, U.S. House of Representatives (April 21, 2008).) That's similar to the number of jobs lost in the Enron debacle.

This year's Sacramento-driven shutdown would have been difficult enough on its own, but the collapse of the Klamath a couple of years before and the ongoing, decades-long decline of the Columbia-Snake salmon make this closure even more difficult to weather. The Sacramento River and the fish it produced was my industry's safety-net. We relied on it. We built our businesses around it. And we believed that NOAA Fisheries' Office of Sustainable Fisheries would manage it to protect this economic and natural resource. We were wrong.

Defying scientists' calls for more water, this administration released a plan that allowed far too much water to be withdrawn from this river basin. Now, fishermen are paying the price and so are our larger communities.

Conclusion

Let me summarize a very grim picture for my industry. For the entire west coast, in the period 1976-1980, commercial chinook harvest averaged 1,039,878 fish annually. Coho harvest averaged 1,669,299 annually. In 2008, due to the largest salmon fishing closure in West Coast history, the entire harvest of chinook and coho will occur north of Cape Falcon, Oregon. That means only 57,000 and 24,000 of each species, respectively, will be harvested. The drop in chinook harvest is 95 percent and the drop in coho harvest is 99 percent. Employment has obviously also plummeted. For the period between 1976-1980, fishermen averaged about 180,972 boat days. In 2008, we have estimated that there will be about 2,000 boat days, dropping working days by 99 percent.

These are staggering, sobering numbers. We've lost 95-99 percent of our industry because successive administrations have been unwilling to follow the science, follow the law, and care about the people affected by their negligence.

The coast-wide salmon crisis is not the mystery that administration officials claim. It is not because a big monster in the ocean rose from its depths and ate these fish up. Cyclic ocean conditions significantly affect these fish in up and down directions, but the catastrophe I just discussed is largely a consequence of human management, primarily by federal agencies, of the rivers from which salmon come: management which has ignored and even suppressed science, and thereby sacrificed the long-term well-being of wild salmon, fishing families and fishing communities.

Federal judges are now involved in managing the Columbia, Klamath and Sacramento rivers because the federal government, which operates dams and water diversion projects on all three rivers, has produced repetitively illegal biological opinions that have cost literally billions of dollars to generate the 95-99% negative impact I just summarized. In short, the federal government has shown that it would rather waste money on illegal recovery plans and delay tactics than invest in solutions that are vital not only for salmon, but the West Coast's economy. If this performance occurred in the private sector, the company responsible would have been liquidated and its managers fired long ago.

Who are the workers of this failed company? My industry, for one. Who are the shareholders? The American people. The natural resources of this nation are held in trust by the government for the beneficial use of the citizens. The CEO is the Executive Branch of the federal government, including NOAA Fisheries. The Board, the body responsible for reversing and repairing failed management when it occurs, is the U.S. Congress. and it's executive committee on fisheries issues is this Subcommittee.

I speak as a shareholder and a worker. Madam Chairwoman, I suggest that your CEO – in the form of NOAA Fisheries - has failed miserably. In the timeframe of one working career, 1976 to 2008, NOAA Fisheries has overseen a complete collapse of this business -- one that still has markets, still has valuable products to offer, still has high demand from customers, but is no longer able to function. The CEO has failed, and the board must now act.

As Judge James Redden said in Portland, Oregon, “[W]ithout real action from the Action Agencies, the result will be the loss of the wild salmon.” I ask today for real action.

Let's require real action from our CEO and his staff. Let's require real action to protect our wild salmon. Let's require more than status quo in all three of these rivers. And let's require these agencies to follow the science to do what is right for these fish.

The legal and scientific failures of the biological opinions in the Columbia, Klamath and Sacramento rivers have been economically devastating. On behalf of my industry, I ask the U.S. Congress to provide oversight of this disaster, and to begin repairing it.

I was asked to outline the problem today, not focus on solutions. I have tried to comply with that request. But I hope I have made clear that without solutions, quickly, you are looking at a former fisherman who will need to give up the job he loves because it no longer exists. I am one of thousands in all sectors of the salmon economy who is in this sinking industry.

So I will only say that it is clear beyond any plausible challenge that the solutions will not come from the management of this company. Solutions must come from the board - from the U.S. Congress.

Madam Chairwoman, I want to thank you again for beginning this important discussion. It took courage and foresight. It is only with this type of dialogue that we will get to the bottom of the issues in each of these basins and create the necessary climate that ensures science, not politics, guides our biological opinions.

Thank you and the Subcommittee for the opportunity to testify today. I would be pleased to answer any questions you or other members of the Subcommittee may have.