



CONGRESSIONAL HEARING

**UNITED STATES SENATE**  
**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**  
**SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER**

Written Testimony  
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**Introduction**

Mr. Chairman and members of the Subcommittee, on behalf of the Members<sup>1</sup> of Columbia Basin Fish and Wildlife Authority I would like to thank you for the opportunity to testify on the implementation of the National Marine Fisheries Service's 2000 Biological Opinion for listed anadromous fish regarding operation of the Federal Columbia River Power System. The 2000 Biological Opinion is the central document directing anadromous fish recovery efforts in the Columbia River Basin, and it affects the work of all fish and wildlife managers in the basin. Implementation of this Biological Opinion is of great importance to us.

As fish and wildlife managers we expect our efforts to result in recovered, healthy, fishable populations of anadromous fish in the Pacific Northwest, just as we expect as citizens that the lights will illuminate each time a switch is turned on. But the inextricable linkage of fish and wildlife resources and hydropower in the Pacific Northwest complicates our efforts and calls for great collaboration, commitment, and devoted

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<sup>1</sup> The Columbia Basin Fish and Wildlife Authority was established in 1987 to coordinate the efforts of its Members to protect and enhance fish and wildlife resources of the Columbia River Basin through joint planning and action. The Authority provides a forum to facilitate the exchange of information among Members on matters affecting anadromous fish, resident fish, and wildlife resources and their habitat. The Authority Members include: Burns-Paiute Tribe, Coeur d'Alene Tribe, Confederated Salish and Kootenai Tribes of the Flathead Reservation, Confederated Tribes of the Colville Reservation, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Idaho Department of Fish and Game, Kalispel Tribe of Indians, Kootenai Tribe of Idaho, Montana Department of Fish, Wildlife and Parks, National Marine Fisheries Service, Nez Perce Tribe of Idaho, Oregon Department of Fish and Wildlife, Shoshone-Bannock Tribes, Shoshone-Paiute Tribes, Spokane Tribe of the Spokane Reservation- Washington, U.S. Fish and Wildlife Service, Washington Department of Fish and Wildlife, Confederated Tribes and Bands of the Yakama Nation.

implementation in order to progress towards fish and wildlife recovery. We compliment your leadership, Mr. Chairman; in resolving the many issues the region faces planning and implementing recovery actions. Your first-hand knowledge of the people and fish and wildlife resources of the Pacific Northwest is a real asset to resolving the complicated and controversial issues we are addressing today.

My testimony will address a regional, integrated fish and wildlife program and its relationship to the 2000 Biological Opinion. Fish and wildlife management does not divide actions into discrete categories of Biological Opinion implementation versus other mitigation or management actions. The fish and wildlife managers view the Columbia River as “one river”, an ecosystem which must be managed in its entirety. Implementation of the 2000 Biological Opinion, which concerns only ESA-listed anadromous fish, is part of a very large integrated effort to restore all fish and wildlife and the habitats they depend on in the Columbia River Basin. The Northwest Power Planning Council’s (NWPPCC) Fish and Wildlife Program<sup>2</sup> addresses both ESA-listed and unlisted species. Subbasin planning efforts led by the NWPPCC are intended to further integrate federal, state, tribal and private efforts on behalf of fish and wildlife resources.

We believe that satisfactory restoration of Columbia River Basin fish and wildlife resources, with several resource plans functioning simultaneously, requires that the following three conditions be met:

1. action implementers must be better coordinated and be held more accountable for their actions;
2. there must be rigorous monitoring and evaluation protocols in place; and,
3. there must be adequate funding to get the job done appropriately.

I will elaborate on each of these three conditions.

### **Coordination and Accountability**

The fish and wildlife managers are concerned that roles and responsibilities of all appropriate federal agencies involved with implementation of the 2000 Biological Opinion have not been defined, and coordination of activities among all federal agencies has not satisfactorily occurred. Specifically, the roles and responsibilities of U.S. Department of Agriculture agencies do not appear to be adequately coordinated with the 2000 Biological Opinion. Defining the roles and responsibilities of the various 2000 Biological Opinion Action Agencies<sup>3</sup> and other federal agencies is critical to improving coordination and accountability. Clearly defined responsibilities will help accomplish several things:

- defined responsibilities will reduce duplication of efforts among agencies and other action implementers and help assure that no tasks are forgotten,

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<sup>2</sup> Northwest Power Planning Council Columbia River Basin Fish and Wildlife Program. Council Document 2000-19

<sup>3</sup> The Action Agencies are U.S. Bureau of Reclamation, U.S. Army Corps of Engineers, and the Bonneville Power Administration.

- defined responsibilities can serve as standards against which federal agency and other action implementer performances can be evaluated, allowing the region to answer the question, “Are the agencies getting their tasks done?”, and
- defining the responsibilities of all of the implementers will start addressing an important concern of Bonneville Power Administration, that it should not have full responsibility for recovering ESA-listed species and mitigating for fish and wildlife losses in the Columbia River Basin.

NOAA Fisheries has made an important first step in defining responsibilities for ESA-listed anadromous fish in its 2000 Biological Opinion, and is starting the effort to hold the Action Agencies accountable with the 2003, 2005, and 2008 check-ins. The 2000 Biological Opinion also states “*Failure to achieve the population performance standards could trigger a number of options for the Federal Columbia River Power System, including re-consultation and pursuing the dam breach option.*”<sup>4</sup> At a workshop this spring on federal agency budgets hosted by NOAA Fisheries’ Implementation Team, several important federal agencies did not participate, and among those that did, most were unable to provide useable information on how much they had spent or intend to spend on ESA-related work in the basin. A special effort should be made to review federal budgets in order to track spending on Columbia River Basin fish and wildlife recovery. We recommend the initiation of a GAO review of what is being done in the Columbia River Basin by all federal agencies for anadromous fish and other species and the costs associated with those actions.

The Governors of Idaho, Montana, Oregon and Washington (Four Governors) recent recommendations<sup>5</sup> for preserving the benefits of the Columbia River power system make several excellent suggestions for improving accountability and are a start at defining the states’ responsibilities to Columbia River Basin fish and wildlife. The regions states and tribes have their own fish and wildlife responsibilities and plans to meet them. We support the Governors’ commitment to subbasin planning as the means to integrate these state and tribal plans with federal and private fish and wildlife restoration efforts.

### **Monitoring and Evaluation**

From a manager’s perspective, a sound monitoring and evaluation program is necessary to both evaluate the status of the resource being managed and assess the effectiveness of actions implemented to improve the resource. This is especially true for the 2000 Biological Opinion, where a large number of offsite mitigation actions are called on to benefit anadromous fishes in the basin. The Four Governors recommended that a strong,

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<sup>4</sup> Endangered Species Act-Section 7 Consultation, Biological Opinion, Reinitiation of Consultation on Operation of the Federal Columbia River Power System, Including the Juvenile Fish Transportation Program, and 19 Bureau of Reclamation Projects in the Columbia Basin. Consultation Conducted by: National Marine Fisheries Service Northwest Region. Date Issued: December 21, 2000

<sup>5</sup> Recommendations of the Governors of Idaho, Montana, Oregon and Washington for Protecting and Restoring Columbia River Fish and Wildlife and Preserving the Benefits of the Columbia River Power System. Delivered to the President of the United States, June 5, 2003.

integrated monitoring and evaluation program be in place to assure that efforts to restore fish and wildlife are working and are cost-effective. We agree with the Four Governors' recommendation. The Columbia Basin Fish and Wildlife Authority Members have developed a comprehensive plan for collaborative monitoring in the Columbia River Basin. The NWPCC recently recommended this project for funding to the Bonneville Power Administration (BPA), and implementation is being negotiated with BPA and the NWPCC. This project would focus on the issue of system wide monitoring and evaluation of fish status, addressing requirements of NOAA Fisheries and U.S. Fish and Wildlife Service Biological Opinions and Recovery Plans as well as the NWPCC Fish and Wildlife Program.

### **Adequate and Stable Funding**

The fish and wildlife managers need assurances that adequate funding is available and accessible to implement priority actions for restoring and protecting all fish and wildlife resources and their habitats. The NWPCC, under their Fish and Wildlife Program, recently completed a review of all subbasins in the United States portion of the Columbia River Basin. This review included a call for proposals regarding actions necessary to restore and protect fish, wildlife and habitat resources in the basin. Over \$344 million in annual projects that met rigorous scientific, management and public scrutiny were identified. These are opportunities that exist today for recovery of listed species as well as protection and restoration of non-listed species. The NWPCC subbasin planning effort will provide a more definitive estimate of the costs of resource restoration in the basin, costs that are likely to be even larger.

Current funding to implement these projects is insufficient. During federal fiscal year 2003, the BPA has limited spending in the NWPCC Fish and Wildlife Program to less than \$139 million. Considering this funds BPA overhead for \$12 million, subbasin planning for \$10 million and independent science review for \$1 million, less than \$126 million supports for on-the-ground projects that directly benefit fish and wildlife. Confounding this situation is the fact that insufficient funding has been authorized for implementation of the 2000 Biological Opinion. Thus the NWPCC Fish and Wildlife Program, which addresses all fish and wildlife resources in the basin, must now compete against the 2000 Biological Opinion for funds. This creates a situation where funds are shifted from other federal fish and wildlife mitigation obligations to the 2000 Biological Opinion.

It is important to us as fish and wildlife managers that the needs of all species be met. The needs of resident fish and wildlife, particularly in areas blocked by the dams, are not less important than the needs of ESA-listed anadromous species. The first step to meeting these needs is assuring that adequate funding is available to meet the federal mitigation obligations. From 1996 to 2001 funding of Columbia Basin fish and wildlife activities was guided by a Memorandum of Agreement<sup>6</sup> (MOA) among the Federal Parties. That

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<sup>6</sup> Memorandum of Agreement Concerning the Bonneville Power Administration's Financial Commitment for Columbia River Basin Fish and Wildlife Costs. Signed by the Secretaries of Energy, the Army, Commerce, and the Interior on September 13-16, 1996.

MOA resolved policy and procedural issues related to funding federal mitigation obligations. No new MOA was established following expiration of the 1996-2001 MOA, and many of the policy and procedural issues that led to that MOA are now re-appearing.

We believe a new MOA must be negotiated and established so that time, money and energy currently spent on process issues can be redirected to on-the-ground resource enhancement actions. The MOA must resolve key issues such as budgeting procedures, capital expenditure planning, habitat crediting, and the integration of regional budgets with the Congressional appropriations process. Also, the MOA must define the responsibilities of all parties, including the U.S. Government trust and treaty responsibilities to the tribes, and its development must include full consultation with the fish and wildlife managers in the basin.

The establishment of a formal MOA is also supported by the NWPCC. In a recent publication<sup>7</sup>, the NWPCC stated "...the re-establishment of a process to develop formal memoranda of agreement that would specify funding levels for Bonneville rate periods, or some other period of time, would be welcomed in assuring the region's fish and wildlife interests that Bonneville's obligations will be met." We agree with the NWPCC that to ensure adequate funding levels "...a transparent process that involves all regional entities and the public must be established...".

In addition to assurances of meeting the current federal fish and wildlife mitigation obligations, we need assurances that there will be adequate funding to satisfy future needs. As mentioned in our introductory comments, the region is actively engaged in subbasin planning under the NWPCC Fish and Wildlife Program. We are seeing BPA funds that support NWPCC Fish and Wildlife Program activities being diverted to implement the 2000 Biological Opinion. Because of this, there is no certainty that funds will be available to complete development of the subbasin plans, implement the actions that they recommend, and monitor and evaluate the results. We are involving the public and building public trust in the subbasin planning process, and do not wish to see this trust destroyed because lack of a funding-vision brought subbasin planning to an end.

### **Closing Statement**

In closing, Mr. Chairman, I would like to assure you that the fish and wildlife managers fully appreciate the importance and value of anadromous fish to the Pacific Northwest. I am sure you are well aware how in Idaho the improved salmon and steelhead returns in recent years have created and supported both tribal and sport fishing opportunities, and how small local communities have benefited from the economic stimulus provided by the fisheries. That theme was repeated in other areas of the Columbia River basin that salmon and steelhead migrate through or have access to, and we would like to see it extended to all areas of the basin for all species.

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<sup>7</sup> Northwest Power Planning Council Recommendations on the Future Role of Bonneville in Power Supply. December 17, 2002. Council Document 2002-19.

Direct expenditure on fish and wildlife restoration is a very good investment. Many of the dollars go directly into local communities throughout the basin, paying salaries and buying services and products. Economists can apply multipliers to the dollars spent and show how their value increases as they circulate through the local economy. Until recently the intangible number was the interest gained on that investment. Recent surveys<sup>8</sup> have shown us that the return on those investments easily could be in the millions of dollars. Healthy fish and wildlife populations attract people for a variety of reasons. That attraction leads to a redistribution of money to small rural economies. There is a great societal benefit to restoring our natural resources to healthy levels.

We urge you to strive for adequate funding concomitantly for both Biological Opinion implementation (regardless of what Biological Opinion is considered) and existing federal mitigation obligations. Funding should not only be provided through the BPA mitigation for the Federal Columbia River Power System, but by all federal agencies responsible for implementing the 2000 Biological Opinion. Adequate funding is an important step for integrating federal, state, and tribal efforts to restore and protect our fish and wildlife resources. We can manage the Columbia River basin as an ecosystem and achieve basin-wide results only through a fully integrated program.

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<sup>8</sup> For example, the December 2002 report “The Economic Impact of the 2001 Salmon Season in Idaho” prepared by Ben Johnson Associates, Incorporated, for the Idaho Fish and Wildlife Foundation estimated the total economic impact of the 2001 salmon season in Idaho was \$89,880,015.