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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

SUBMITTED FOR THE RECORD OF THE FIELD HEARING ENTITLED "THE NORTHWEST AT RISK: THE ENVIRONMENTALIST'S EFFORT TO DESTROY NAVIGATION, TRANSPORTATION, AND ACCESS TO RELIABLE POWER"

BEFORE THE
HOUSE NATURAL RESOURCES SUBCOMMITTEE ON WATER, WILDLIFE, AND FISHERIES

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Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee, thank you for the opportunity to testify. The National Oceanic and Atmospheric Administration (NOAA) is responsible for the stewardship of the nation's living marine resources and their habitat. NOAA Fisheries provides vital services for the nation: sustainable and productive fisheries, the recovery and conservation of protected species, and healthy ecosystems—backed by sound science and an ecosystem-based approach to management—all in support of a thriving, sustainable ocean economy. The resilience of our marine ecosystems and coastal communities, including inland communities connected by large river systems like the Columbia, depends on healthy marine species, including protected species such as whales, sea turtles, salmon, and corals. Commercial fisheries in the Pacific Northwest landed more than $500 million worth of sustainable seafood, including salmon, in 2021.

We appreciate the Committee's interest in this important, complex, and long-standing matter. NOAA Fisheries recognizes the numerous and diverse interests at stake, and we are committed to working with our state and tribal fishery co-managers, other federal agencies, and a broad range of industry and environmental stakeholders to develop a long-term durable solution that takes into account the important interests across the Columbia River Basin.

NOAA's collaborative fishery conservation and management work in the Columbia Basin is guided by multiple Congressional authorizations, including the Mitchell Act. The Mitchell Act not only authorizes the establishment, operation, and maintenance of hatchery facilities and scientific investigations to facilitate the conservation of the fishery resource, it also authorizes "all other activities necessary for the conservation of fish in the Columbia River Basin in

accordance with law." More broadly, but explicitly applicable to Pacific salmon and steelhead fisheries, the Magnuson-Stevens Fishery Conservation and Management Act (MSA), enacted in 1976 and amended in 1996 and 2007, authorizes NOAA Fisheries to further the conservation and enhancement of essential fish habitat in support of realizing the full potential of the Nation's fishery resources.

NOAA Fisheries, along with the U.S. Fish & Wildlife Service, also administers the Endangered Species Act (ESA). Since the early 1990s, NOAA Fisheries has listed 13 stocks of salmon and steelhead in the Columbia River Basin as either threatened or endangered under the ESA. Despite substantial investments over the last 30 years, none of these listed stocks have been recovered to the point that they can be delisted. However, these efforts have prevented these listed stocks from going extinct, and yielded improvements for some stocks. It is important to note that prior to ESA listing decisions, many stocks of salmon and steelhead had already been extirpated throughout the Columbia Basin,[1] and impassable dams have blocked anadromous fish access to more than 40 percent of the historically available habitat.[2] The current returns of naturally produced salmon and steelhead in the Columbia Basin are less than 10 percent of the historical run sizes.

In addition to NOAA's duties under federal statutes, the US Government has long-standing commitments to Tribal Nations. NOAA takes these treaty and trust responsibilities to Columbia River tribes seriously. The tribes not only have reserved rights to fish, but an expectation that there would always be fish to harvest and a right to a fair share of the harvest. In the face of a changing climate, the urgency to act is greater than ever. The science tells us that it is possible to recover these iconic animals that so many in the region rely upon, and the region tells us that action must address the relevant social, cultural, economic, and ecological considerations.

In July 2020, NOAA Fisheries issued its latest biological opinion under the ESA addressing the ongoing operation and maintenance of the Columbia River System. NOAA Fisheries concluded that the proposed action—the operation, maintenance, and associated non-operational conservation measures for the 14 federal Columbia River System dams for a timeframe of fifteen years—was not likely to jeopardize the continued existence of listed salmon and steelhead or result in the destruction or adverse modification of their designated critical habitat.

As most recently documented in our 2022 ESA 5-year status reviews,[3] we remain concerned about the potential future prospects of ESA-listed salmon and steelhead in the Basin due to continued low abundances and impacts from habitat degradation, hydropower, predation, and other threats. While we may have been able to conclude that the continued operations of the

[1] Allen, Cain. 2003. Columbia River Indian fishing rights and the geography of fisheries mitigation. Oregon Historical Quarterly. Vol. 104, Issue 2.
[2] Northwest Power and Conservation Council, Fish passage at dams
[3] NOAA Fisheries West Coast ESA 5-year Status Reviews

Columbia River System dams are likely to avoid jeopardizing the species under the ESA when paired with non-operational conservation measures like habitat restoration and predator control over the next fifteen years, listed salmon and steelhead generally remain at a high risk of extinction, particularly considering the potential effects of a changing climate.

Despite considerable efforts region-wide to mitigate the risk of extinction, salmon and steelhead in the Columbia River Basin are currently at abundance levels far below those necessary for fully supporting tribal, commercial, and recreational harvest, and are at about 12 percent, in the aggregate, of the Columbia Basin Partnership goals for healthy and harvestable stocks (see below for more on the Partnership and development of these goals). Delisting endangered and threatened species is the ultimate goal under the ESA, but these delisting targets are not necessarily the only endpoint. Broad-sense recovery goals seek salmon and steelhead numbers that contribute fully to the culture, environment, and economy of the region.

NOAA Fisheries' 2020 biological opinion was challenged in court. During preliminary injunction proceedings, the opportunity arose to engage in a dialogue with the parties that could potentially resolve all claims in the litigation. In coordination with the Council on Environmental Quality, all defendant federal agencies agreed to seek a stay of litigation to explore the possibility of developing a long-term durable solution rather than repeating the constant, costly litigation cycle. Pursuant to the court ordered stay in litigation, NOAA and other affected departments and agencies are participating in confidential mediation conducted by the Federal Mediation and Conciliation Service.

Despite the often-contentious issues surrounding Columbia and Snake River salmon and steelhead, NOAA Fisheries has remained deeply committed to working collaboratively with state and tribal fishery co-managers, other federal agencies, and a broad range of stakeholders in conservation and recovery efforts. These collaborations are needed not only to improve the abundance and productivity of salmon and steelhead, but also to deliver the cultural, economic, and ecological benefits that salmon and steelhead provide.

Our past engagements with regional sovereigns and stakeholders provide important context for understanding the genesis and content of NOAA Fisheries' report, *Rebuilding Interior Columbia Basin Salmon and Steelhead* (Report). In 2017, NOAA Fisheries' Marine Fisheries Advisory Committee convened the Columbia Basin Partnership Task Force (Partnership), bringing together diverse representatives from across the Columbia Basin to establish a common vision and goals for the Basin and its salmon and steelhead. The diverse group of parties in the Partnership included Columbia Basin tribes, fishing, agriculture, conservation, river transportation, port, and hydropower interests, as well as the states of Idaho, Montana, Washington, and Oregon. These parties share overlapping and sometimes conflicting values and views about the Columbia River and its salmon and steelhead. In the past, many of the parties have faced each other across a courtroom. The Partnership brought these representatives together

at one table to find common ground and foster a collaborative approach to ensure the long-term persistence of our salmon and steelhead.

The Phase 2 October 2020 Report, released at the conclusion of the Partnership's work, documents that all of these parties want to ensure that healthy runs of salmon and steelhead thrive into the future, and to do so, it sets forth goals beyond ESA delisting that aspire to rebuild healthy and harvestable stocks of salmon and steelhead throughout the Basin. Given that current salmon and steelhead abundance levels are so low (on aggregate about 12 percent of healthy and harvestable goals),the Partnership emphasized the urgency of taking action across the salmon life cycle to restore salmon populations to the point they again support the region's economy, environment, and culture. Achieving the Partnership's goals would go beyond delisting of salmon and steelhead in the Basin to rebuild abundances to a level that could accommodate increased tribal and non-tribal harvest opportunities throughout the Columbia and lower Snake Rivers and in the ocean.

In March 2022, NOAA Fisheries, along with the Department of the Interior, Department of the Army, Department of Energy, and the Council on Environmental Quality, held a Nation-to-Nation consultation with representatives from the Columbia Basin's tribes. In consideration of the messages we heard from the tribes, and in order to inform the discussions regarding what it would take to move beyond simply avoiding species extinction and instead focusing on restoring salmon and steelhead abundances to healthy and harvestable levels in the Basin, NOAA Fisheries, with input and support of the U.S. Fish & Wildlife Service, and input from scientists and fish managers from the Nez Perce Tribe and the State of Oregon, developed the draft Report.

In the draft Report, NOAA Fisheries looked towards the sovereign- and stakeholder-endorsed goals adopted by the Partnership and provided an assessment of the actions with the highest potential to achieve the Partnership's midrange abundance goals. These goals exceed the abundances required to achieve de-listing of ESA-listed salmon and steelhead and represent substantial progress toward healthy and harvestable fish stocks, toward mandates set forth in the MSA and Tribal treaties. NOAA Fisheries identified a comprehensive suite of management actions to achieve these goals. The actions we identified include significant reductions in direct and indirect mortality from mainstem dams, including breaching lower Snake River dams; management of native and non-native predators; systematic and strategic tributary and estuarine habitat restoration and protection; fish passage and reintroduction into priority blocked areas; and focused hatchery and harvest reform.

As the Report focuses on the restoration of salmon and steelhead, NOAA Fisheries sought comments from fishery co-managers throughout the Basin. NOAA Fisheries received comments from the Confederated Tribes and Bands of the Yakama Nation, Upper Snake River Tribes Foundation, Spokane Tribe of Indians, Coeur d'Alene Tribe, Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Colville Reservation,

Burns Paiute Tribe, Columbia River Inter-Tribal Fish Commission, Washington Department of Fish and Wildlife, Oregon Department of Fish and Wildlife, and Idaho Department of Fish and Game.

After considering the comments that we received from state and tribal fishery co-managers, and consistent with commitments the U.S. made to extend the litigation stay, we released the final Report in September 2022. The final Report identifies a comprehensive suite of actions that, based on existing science and our experience and expertise, would have the greatest likelihood of making considerable progress towards restoring stocks of salmon and steelhead to healthy and harvestable levels. The final Report acknowledges scientific uncertainties, and did not include new studies or modeling to precisely quantify the expected benefits of the actions. It did conclude that the existing body of science "robustly supports riverscape-scale process-based stream habitat restoration, dam removal (breaching), and ecosystem-based management, and overwhelmingly supports acting, and acting now" if we are to achieve the higher abundance goals.[4]

The Report does not assess the social and economic impacts of implementing any rebuilding measures nor suggest funding sources, needed authorizations, or regulatory compliance measures required for implementation. NOAA Fisheries recognizes that the critically important social and economic services the lower Snake River dams provide would need to be replaced or otherwise offset before breaching could occur, and we defer to other experts and ongoing regional efforts on how to address these pivotal issues. The US Army Corps of Engineers, which owns and operates the lower Snake River dams, has indicated that breaching the dams would require Congressional authorization.

The regional and national conversations on this subject continue. NOAA Fisheries and other participants are considering a durable long-term strategy to restore salmon and other native fish populations to healthy and abundant levels, while also honoring Federal commitments to Tribal Nations, delivering affordable and reliable clean power, and meeting the resilience needs of stakeholders across the region. The Council on Environmental Quality recently published a request for information that builds upon public listening sessions to ensure all who desire to be heard have a voice in the process. Similarly, elected officials have weighed in with their own concepts and initiatives related to a long-term solution.

We hope to work with the subcommittee, and all the stakeholders here, to shape a future that gets us closer to the vision of "[a] healthy Columbia Basin ecosystem with thriving salmon and steelhead that are indicators of clean and abundant water, reliable and clean energy, a robust

[4] NMFS (National Marine Fisheries Service), *Rebuilding Interior Columbia Basin Salmon and Steelhead* (Sep. 30, 2022)

regional economy, and vibrant cultural and spiritual traditions, all interdependent and existing in harmony."[5]

Conclusion

NOAA Fisheries is proud to continue to lead the world in conducting ocean and fisheries science, serving the nation's coastal communities and industries, and ensuring responsible stewardship of our ocean and coastal resources. We value the opportunity to continue working with this Subcommittee on these important issues. Thank you, Members of the Subcommittee and your staff, for your work to support NOAA Fisheries' mission. I am happy to take your questions.

[5] Columbia Basin Partnership Task Force, *A Vision for Salmon and Steelhead, Goals to Restore Thriving Salmon and Steelhead to the Columbia River Basin, Phase 2 Report of the Columbia Basin Partnership Task Force of the Marine Fisheries Advisory Committee* (October 2020)