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TO: Oregon State Legislature
House Energy, Environment &
Water Committee

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PCFFA OPPOSES HB 4101

Taking More Water from the Already Stressed Columbia River Is a Bad Idea That Would Jeopardize the Northwest's Salmon Fishing Industry and Undercut Salmon Recovery Efforts Coastwide

As the largest trade association of commercial fishing families on the west coast, the Pacific Coast Federation of Fishermen's Associations (PCFFA) *must strongly oppose* any additional efforts to divert yet more water from the already over-stressed Columbia River. HB 4101, if passed, sets up a process designed to ultimately allow the permanent diversion of another 450,000 acre-feet of water from the Columbia River when too much water has already been taken from that over-drawn source.

The Columbia River is home to the largest salmon runs in the world today, and is the economic engine for what is still a multi-billion dollar, salmon-based commercial fishing industry employing tens of thousands of people coastwide from Alaska to northern California -- *all* of whose jobs are dependent on the health of Columbia River salmon runs, which make up the bulk of *all* salmon landings on the west coast. Without the productivity of the Columbia River's salmon runs, most commercial salmon fishing in Oregon, Washington, Southeast Alaska as well as parts of northern California would have to be *permanently shut down or severely curtailed* at a huge economic deficit to the region's economy.

More than 40% of the total summer flows of the Columbia River are already diverted annually, and the biologically fragile river system that supports these largest salmon runs in the world has already been severely strained. As a result, much of the fresh-water estuary habitat

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used by juvenile salmon has already been destroyed by highly toxic salt-water intrusions today occurring all the way upriver to Portland, with more habitat losses threatened by additional upriver diversions.

Today nearly every run of salmon in the Columbia is now listed as either threatened or endangered with extinction, under the federal Endangered Species Act (ESA). In addition to fatal salt-water intrusions, another primary cause of the salmon's plight is that too little water in the Columbia results in higher summer water temperatures. Salmon are very much a cold-water dependent species that die in large numbers when water temperatures are too high.

However, excessive water diversions have resulted in much higher than normal water temperatures in the Columbia that are today nearly at the *upper threshold of salmon survival* throughout much of the river during every summer. Less summer water will inevitably mean still higher water temperatures -- and thus far more salmon dying in the river from temperature stress, *wasting literally billions of dollars* in Columbia River salmon restoration investments over the past two decades.

HB 4101, however, is designed to ultimately allow the *permanent* impoundment of another 450,000 acre-feet of Columbia River Water, and so would seriously undercut the Northwest's Columbia River salmon recovery efforts in ways that could devastate the multi-billion dollar commercial coastal salmon fishing industry from Alaska to northern California.

Additional water diversions also jeopardize national Columbia River salmon recovery obligations under the *U.S. - Canada Pacific Salmon Treaty*. That international Treaty requires both states and federal agencies to make every effort to recover damaged Columbia River salmon runs. Passage of HB 4101 would seriously undercut those efforts as well as our national credibility when we next enter into negotiations on renewing that Treaty.

1. Allowing More Diversions From The Columbia Flies Is Opposed By The Science And By Scientists: In 2004, a prestigious national scientific peer review panel of the National Research Council, which is part of the National Academy of Sciences, reviewed prior proposals in Washington State to take more water from the Columbia River and concluded:

"Columbia River salmon today are at a critical point Salmon are more likely to be imperiled during late summer on the Columbia River, as they experience pronounced changes in migratory behavior and survival rates when river flow becomes critically low or water temperature becomes too high. Further decreases in flows or increases in water temperature are likely to reduce survival rates."

"Allowing for additional withdrawals during the critical periods of high demand, low flows, and comparatively high water temperatures identified in this report would increase risks of survivability to listed salmon stocks and would reduce management flexibility during these periods."¹

¹ From *Managing the Columbia River: Instream Flows, Water Withdrawals, and Salmon Survival* (2004), National Research Council of the National Academy of Sciences, pg. 7 (Executive Summary).

This is why the National Marine Fisheries Service, in previous Columbia River salmon restoration "Biological Opinions," has ruled repeatedly that further water diversions from the Columbia River would "jeopardize the future existence" of many of these salmon runs -- in other words, would lead to their extinction.

2. HB 4101 Would Gut Key Protections Of The *Oregon Plan For Salmon And Watersheds* As Well As Undercut Other Important State Salmon Protection Mechanisms: Among other important Oregon State salmon restoration and protection policies that removing more water from the Columbia would undercut or require repeal of include:

- The "Sensitive Stocks" rules that currently limit new water withdrawals from the Columbia (see OAR 690-33) to protect salmon and steelhead.
- All rules that protect fish and prevent water over-appropriation in the Hood, Deschutes, Umatilla, John Day, Grande Ronde and many other important river basins.
- Overturns key portions of the *Oregon Plan for Salmon and Watersheds*, Oregon's landmark salmon restoration effort, including its implementing Executive Order No. EO 99-01 which requires that all state agency actions: (a) "to the maximum extent practicable minimize and mitigate adverse effects of their actions on salmonids or the habitat they depend on," and; (b) "not appreciably reduce the likelihood of the survival and recovery of salmonids in the wild."
- Would ultimately require superseding a number of Oregon water protection policies that currently prevent river over-appropriation and depletion of Oregon's waterways and the destruction of its river-based natural resources.

In addition, this effort undercuts other alternative water supply augmentation efforts, such as the efforts in the Umatilla Basin of water users to use far more abundant winter waters for the Umatilla Basin Aquifer Recovery Project, an effort we do support as a water conservation program that has no effect on salmon flows through the summer.

3. Water Withdrawn From The River Will Have To Be Replaced From Other Sources And Taken From Other Farming Communities: The underlying assumption of this bill that additional water in the Columbia is simply there for the taking, and that there will be no negative consequences from additional diversions is false. In fact, there is no free water and no water to spare from the Columbia, so salmon restoration and ESA-mandated water obligations of the federal government would require that any additional water diverted pursuant to HB 4101 would have to be replaced from somewhere else.

This means replacement water would have to be taken from other Oregon farming communities or from farming communities in Washington and Idaho. This would throw carefully crafted multi-state salmon recovery efforts and water allocation systems into chaos region-wide, and likely result in a complete federal court takeover of the federal Columbia River salmon restoration program -- a threat already voiced by U.S. District Court Judges in ongoing Columbia River salmon restoration litigation.

4. Two Decades Of Columbia River Salmon Restoration Efforts Investing Billions Of Dollars Would Be Wasted: Oregon has now spent nearly 20 years in aggressive salmon restoration

efforts in state waters, and both state and federal agencies have now invested several billion dollars (by their own estimates) in efforts to restore ESA-listed salmon and steelhead in the Columbia River. Many landowners, and every citizen of Oregon, have contributed to that effort in one way or another.

Allowing additional water diversions from the Columbia when it is clear that water supplies in the river have already been heavily tapped simply removes water the Columbia's many ESA-listed salmon populations need to survive and recover. Such a policy threatens to completely undercut the years of work and literally billions of dollars in BPA ratepayer and Oregon taxpayer money that has already gone into reviving those ESA-listed and irreplaceable Columbia basin salmon runs.

Since hatchery fish also need cold water in the river, and suffer from the same water temperature and low flow problems as wild fish, such a policy would also undercut the tens of millions of taxpayer dollars each year going to support Columbia River mitigation hatcheries. Whether wild or from a hatchery, *all* Columbia salmon need high volumes of cold and fast-flowing water in the river to survive.

5. Economic Damages To The Fishing Industry From Columbia River Salmon Collapses Would Far Outweigh Any Agricultural Benefits: Salmon are the heart of the west coast fishing industry, and coastwide contribute billions of dollars to our regional economy annually. *The vast majority of fish commercially harvested throughout the Northwest and in Southeast Alaska, however, come from the Columbia River.* Columbia River salmon stock abundance also effects fishing seasons as far south in northern California as San Francisco and Monterey.

As the scientists have said, so much water has already been diverted from the Columbia that its fragile biological systems have been pushed to near the breaking point. Diverting yet more water from the Columbia River threatens to collapse the entire Columbia River's salmon production -- collapses we have already seen in other similarly stressed rivers such as the Klamath and Sacramento, though on a far smaller scale.

Such a collapse in Columbia River salmon productivity would result in serious and economically devastating commercial salmon season closures from San Francisco to Southeast Alaska, potentially costing the Northwest economy *billions of dollars each year* in lost economic value -- *far more* economic damage than any conceivable benefit from additional irrigation.

The answer to additional irrigation needs is aggressive water conservation, groundwater usage and storage where appropriate, and additional off-stream storage -- all options on the table already and which should be pursued. But taking more water from the already over-drafted Columbia River, and risking what are still the largest and most valuable salmon populations in the world, is not the answer.

Cc: Gov. John Kitzhaber

Sincerely,
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