

14 July 2004

The Honorable George W. Bush
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

RE: Request for Disaster Assistance for Pacific Coastal and Tribal Communities Resulting from
2002 Klamath River Salmon Kills

Dear Mr. President:

We are writing to request the immediate preparation and plan for implementation of an economic disaster relief program for the Pacific coast salmon fishery, the affected fishing communities, and the Tribes and businesses along the Klamath River, that will face economic devastation in 2005, and perhaps 2006, as a result of anticipated salmon fishery closures from the Columbia River in Oregon to Monterey Bay in California. These closures will be necessitated by the projected record low levels of Klamath River fall chinook salmon for those years. Based on all available credible evidence, Klamath salmon populations suffered severe losses as a direct result of low flows in the Klamath River during 2002, including a massive kill of downstream migrating juvenile salmon that spring and a large kill of returning spawning adult salmon late that summer (the largest such kill on record) coupled with the poor survival of the progeny of those fish that did spawn in the fall of 2002.

We believe federal disaster relief for the businesses and communities that will be affected by these fishery closures is appropriate. The low flows causing the fish kill were the direct result of actions taken by the federal Klamath Irrigation Project, operated by the Department of Interior's Bureau of Reclamation, which diverted water from the river that year that was needed for fish survival. That low flows were a major factor in the 2002 fish kill has been confirmed in reports by the U.S. Fish & Wildlife Service, the California Department of Fish & Game and every credible scientific investigation of the event.

The Klamath River, including the Trinity River and the other tributaries, is the third largest salmon producing system along the U.S. west coast, following the Columbia –Snake, and Sacramento-San Joaquin systems. Salmon produced in the Klamath include spring and fall-run chinook and coho, along with steelhead. Klamath chinook are harvested along the Pacific Coast, mostly offshore Oregon and northern and central California. These fish support Tribal ceremonial, subsistence and commercial fisheries on the mainstem Klamath and Trinity Rivers and an in-river recreational fishery which is a major source of income that local businesses - including resorts, campgrounds and guides - depend upon. The Klamath fishery generates millions of dollars in revenue for local and state economies and affects and limits access (as explained below) to a Pacific salmon fishery worth hundreds of millions of dollars and employing thousands, at-sea and ashore.

The Pacific salmon fishery in ocean waters is a “mixed stock” fishery where salmon from a number of different river systems mix in the ocean and are harvested together. Ocean harvest of salmon has the advantage of producing the highest quality of salmon over the longest period in a year. However, the management and regulation of the Pacific salmon fishery occurring in ocean waters offshore Washington, Oregon and California, is based, in part, on the health of 4-year old Klamath River fall-run chinook, particularly that area of coast extending from central Oregon to central California (known as the “Klamath Management Zone”) where most Klamath stocks migrate and are harvested.

In mixed stock fisheries, ocean salmon fisheries are based on what is known as “weak stock” management, meaning fishing regulations are set to protect the weakest, or least abundant, salmon populations. This important conservation measure often means forgoing harvests on abundant populations in order to assure adequate spawning escapement of the weakest runs. Weak stock management has prevented any potential overfishing of salmon stocks in the ocean. The Pacific salmon fishery is managed additionally to meet the Klamath in-river Tribal allocation of up to 50 percent of the harvestable Klamath fall-run chinooks, as well as provide for the in-river recreational fishery.

Klamath stocks are not major contributors to the ocean salmon fishery. Depending on the area and time of year they can account for less than one percent and up to 10 percent of the ocean catch (contrasted with Sacramento-origin stocks which account for about 85 to 90 percent of the catch off California and Oregon). However, catch regulations to comply with Klamath in-river allocations and meet natural spawning escapement goals of the fish for that river have caused severe restrictions on the coastal salmon fishery, particularly in southern Oregon and northern California, in the past. Unfortunately there is no good way yet devised to completely avoid the catch of Klamath fish in ocean waters, even though their total contribution to the harvest is small. Thus, when Klamath salmon abundance levels are low, despite the abundance of all other stocks, west coast ocean salmon fisheries are faced with severe regulatory closures.

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Because of the reliance of so many on Klamath stocks - whether it be the fisheries in-river or the indirect affect on the ocean fishery access to abundant salmon populations - Tribes, commercial and recreational fishing groups together with agencies have worked hard to rebuild Klamath and other salmon stocks along the west coast. In recent years we have benefited, too, from unusually good oceanic conditions that have resulted in better at-sea survival of the salmon stocks as well as larger and more robust fish. Although there is still much to be done, salmon populations have rebounded strongly from where they were a decade ago. State and Federal salmon restoration programs, actions taken under the Endangered Species Act and Clean Water Act, the efforts of the tribes and NGOs, and good ocean conditions have all had positive contributions. Even the markets of our Pacific wild salmon have rebounded and our fish are taking back the markets from the imported farm salmon. U.S.-caught wild Pacific salmon are once again being exported to European markets.

All the progress that has been made over the past decade, however, is about to be lost because of the 2002 Klamath fish kill. The projected abundance of this year's 3-year old (the fish affected by the spring kill in 2002) Klamath fall chinook is the second lowest on record. If that projection, made by the National Marine Fisheries Service and the Pacific Fishery Management Council, is accurate, which we should know sometime late this year, it means there will not even be enough fish to meet minimum natural spawning escapement requirements in the Klamath basin. Since the fishery is managed on the basis of the abundance of 4-year olds, this means for 2005 there will likely be a total closure of fishing on the Klamath River and a closure of the ocean salmon fishery that could extend from the Columbia River in the north to Monterey Bay in the south. Moreover, if the evidence is correct that there was poor survival of the progeny (due to stress on the fish from the low flows) of the 2002 fall spawners, a closure of equal magnitude in 2006 is a very real possibility.

It should also be pointed out here that the impending fishery closures are not a result of Endangered Species Act (ESA) implementation. Klamath fall chinook are not listed under the ESA and, until the 2002 fish kill, have been relatively abundant. Klamath River coho are listed under the ESA and their take is prohibited. Since these two species inhabit the same river, however, actions taken under the ESA to protect and recover Klamath coho help the river's chinook populations.

The tragedy of the 2002 fish kill, and the consequent low numbers of 4-year old Klamath fish we are likely to see in 2005 and 2006, is that it all could have been avoided had the Bureau of Reclamation released the water requested by the fishery scientists, California agencies, the Tribes and fishing groups into the river to provide enough flow to help reduce temperatures, increase oxygen, and stop the crowding of the fish and spread of disease. Despite these pleas, the Bureau refused, apparently making a political decision that it would rather placate a few vociferous irrigators than save the communities and economies of those who depend on fish.. Now these communities are faced with an economic disaster, including huge monetary losses for already economically distressed lower river and coastal communities and businesses,

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including the family fishermen our organization represents, all as a direct result of river water mismanagement by a Federal agency.

In January 2004 Secretary of Interior Gail Norton announced a multi-million dollar relief package for Klamath Basin irrigators, but nothing to address the pending impacts that will be felt by the down-river and coastal communities in 2005 and 2006 resulting from the Bureau's water allocation actions in 2002. We are not insensitive to the problems faced by Klamath Basin irrigators as a result of the Klamath Irrigation Project's water delivery curtailments of 2001, but in the middle of the worst drought in 72 years that water simply wasn't there absent a violation of Tribal water rights and public trust obligations to protect the fisheries. However, there was much more water available in 2002 than in 2001. Since the Bureau of Reclamation simply refused to meet the water needs of the fish in 2002, the economic damages that will result to those who depended on those fish for their livelihoods should be met in 2005 and 2006.

We respectfully request the immediate action now by your administration to address the economic devastation that will be likely be visited upon Klamath River Tribes, in-river businesses, coastal fishing communities and fishing men and women throughout much of the west coast unless some form of relief is developed now for implementation in 2005 and beyond in anticipation of what are almost certainly going to be severe salmon fishery closures.

We will be happy to work with members of your administration to develop a plan to address these critical economic problems facing Klamath River Tribes as well as coastal businesses and communities in Oregon and California resulting from the 2002 disaster.

Sincerely,

W. F. "Zeke" Grader, Jr.
Executive Director

WFG:rtd

Cc: The Honorable Arnold Schwarzenegger, Governor of California
The Honorable Ted Kulongoski, Governor of Oregon
The Honorable Donald Evans, Secretary of Commerce
The Honorable Gordon Smith, U.S. Senate
The Honorable Ron Wyden, U.S. Senate
The Honorable Barbara Boxer, U.S. Senate
The Honorable Dianne Feinstein, U.S. Senate
The Honorable Mike Thompson, U.S. House of Representatives

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The Honorable Peter DeFazio
The Honorable Lynn Woolsey
The Honorable Earl Blumenauer
The Honorable Sam Farr
The Honorable Darlene Hooley
The Honorable Anna Eshoo
The Honorable David Wu
The Honorable Lois Capps
The Honorable George Miller
The Honorable Nancy Pelosi

Attachments

Klamath-PresidentLtr-14Jul04.doc

<http://www.mercurynews.com/mld/mercurynews/news/local/states/california/peninsula/8387824.htm>

Posted on Thu, Apr. 08, 2004

Klamath fish kills influence salmon industry two years later

DON THOMPSON
Associated Press

SACRAMENTO - Two years after one of the nation's largest recorded fish kills, federal fisheries managers adopted restrictions Thursday to protect a smaller returning Klamath River salmon population along the coasts of California and Oregon. Salmon fishing also will be reduced along the northern West Coast to compensate for an increased Canadian catch.

At least 32,550 fall run chinook salmon died along the Klamath in what is believed to be the nation's largest such die-off in the fall of 2002, and biologists worry that could be a significant underestimate. It followed two consecutive smaller spring kills, when water diverted to irrigation stranded young salmon that, had they survived, would be returning upriver to spawn.

The projected catch of Klamath River fall chinook this year is down 25 percent from last year's actual catch, said Chuck Tracy, the Pacific Fisheries Management Council's salmon expert. The council regulates sport and commercial fishing in the Pacific.

Other salmon runs are expected to be bountiful, but the catch will have to be restricted to make sure there are enough Klamath River salmon to ensure future generations.

"It's coming back to haunt us, and it will haunt us at least one more year," said Duncan MacLean, a 32-year commercial salmon fisherman from Half Moon Bay who serves as California's salmon troll adviser to the federal council. "It's not just a few communities here. This is affecting the salmon fishing industry from the Mexican border all the way up through Oregon."

The fish kills manifest an ongoing battle between farmers, fishermen and Indian tribes over scarce water in the Klamath River flowing from south central Oregon through northern California. An irrigation shut-off in 2001 led to confrontations between farmers and U.S. marshals, and engaged the White House as the Department of Interior and Bureau of Reclamation continue trying to balance water demands.

MacLean is among fishermen who are bitter at the annual restrictions and billions of dollars spent to improve salmon habitat, "only to see those destroyed in one fell swoop. Fish just can't get along without water. It's just that simple."

But Wade Sinnen, a fisheries biologist with the California Department of Fish and Game, said ocean conditions and many other environmental factors may also be to blame for the lower projected return.

"That's a stretch to say there's a definite link there," Sinnen said. "You can't positively say because of the kill, the numbers are down."

The restrictions the length of the U.S. West Coast come a year after the fisheries council recommended the largest salmon harvests in 15 years.

"Just because they don't get as good a season as they did last year, doesn't mean it's going to be a bad season. I think it's going to be a great season," said California fisheries biologist Melodie Palmer-Zwahlen.

West Coast salmon runs had been steadily increasing the last three years after bottoming out in 1994. The populations by then were so low the council nearly shut down both sport and commercial salmon fishing to keep from wiping out threatened and endangered runs.

To avoid a repeat and make sure Klamath salmon return to spawn, the council increased the size limit from 26 inches to 27 inches beginning July 1, and to 28 inches beginning Sept. 1 north of Point Arena; delayed the season a month in the Fort Bragg area; and imposed a smaller catch in the Crescent City and Eureka area near the mouth of the river. A more complicated system was recommended for Oregon to get similar results.

"Guys will not work on schools of smaller fish that they otherwise would have worked," said David Bitts of Eureka, vice president of the Pacific Coast Federation of Fishermen's Associations, who has fished for salmon for 30 years.

The council also trimmed salmon harvests from northern Oregon through Washington to compensate for an increased Canadian catch of the benchmark species there, Snake River fall chinook. Unlike the last few years, Canada intends to catch its limit this season.

"There won't be as many to go around," Tracy said. When commercial fishermen reach their limit on that species, they'll have to stop the harvest for other salmon as well.

Recreational fisheries will be less affected, with limits generally similar to last year.

In Oregon, the coho fishery will extend to the Oregon-California border instead of to Humbug Mountain, but there will be a smaller quota.

For winter run chinook in California, the 2005 season will begin April 2 with a 20-inch size limit, down from a periodic 24-inch limit this year. Salmon stayed far off the California coast last year, so not as many were caught.

"We're hoping they'll have a little better fishing this year, a more normal catch," Tracy said.

Judge Allows Bureau of Reclamation To Strand Klamath River Salmon

A federal judge issued a virtual death sentence upon juvenile chinook and coho salmon stranded by low flows in the Klamath River when she decided not to order the Bureau of Reclamation to release more water into the Klamath River through May 31.

Coastal commercial salmon fishermen, represented by the Pacific Coast Federation of Fishermen's Associations (PCFFA), were "deeply disappointed" with the decision on May 3 by Federal Judge Sandra Brown Armstrong in U.S. District Court in Oakland. The PCFFA and Institute For Fishery Resources were the lead plaintiffs in a suit seeking an emergency protective order from the court to prevent the Bureau from devastating this year's juvenile salmon by cutting releases from Iron Gate Dam.

The Yurok tribe also supported the suit, handled by the Earthjustice Legal Fund, by filing an "amicus brief."

The lower flows resulted from a decision by the Bush administration to release more water to Klamath Basin farmers this year after they rose up in protest over irrigation water cutoffs last year. US Interior Secretary and Agriculture Secretary Ann Veneman, in a clear case of favoring subsidized agribusiness over downriver fishermen and the Yurok and Hoopa tribes, personally opened the head gates diverting water from the Klamath to the fields in late March.

"The court's ruling was mixed," said Glen Spain, PCFFA Northwest Regional Director. "The judge agreed with the fishermen on all their legal points, but ruled against them on their request for emergency relief at this time. She instead deferred to the agencies to work details out in the still uncompleted National Marine Fisheries Service formal Biological Opinion on the Bureau of Reclamation's proposed 10 year water plan."

However, Spain added that this was only "the first round" in this battle and emphasized that fishermen "will continue to fight for a fair share of water for the survival of the lower river economy."

"The Bureau of Reclamation is trying to write off the lower river and coastal economy, but has forgotten that rivers also run to the sea," said Spain. "All we have ever asked is a fair share of the water. Lower river and coastal fishermen are just as entitled to make a living and to feed their families as farmers, but cannot do so unless enough water is left in the river so that fish can survive."

Spain noted that the lower Klamath River is receiving less water from the Bureau of Reclamation this year than last year, in spite of last year's record drought. The ruling came at a critical time for juvenile salmon and steelhead migrating downriver, when high, cold flows are critical to getting the fish safely to salt water.

"The fish are facing a crisis," stated Troy Fletcher, executive director of the Yurok tribe. "The Bureau of Reclamation dropped the flows to 1300 cfs, less than half of flows of 2700 cfs that outmigrant coho salmon, chinook salmon and steelhead need."

Crews from the Yurok and Karuk tribes, the US Fish and Wildlife Service, the US Forest Service and the DFG have been rescuing stranded fish every day since May 1 from the river around Happy Camp to Iron Gate Dam. Fletcher could not give an exact number of fish stranded in the low flows, but emphasized that the number was in the "low thousands," including many coho salmon.

Because of the diversion of water for agribusiness that has resulted in salmon declines over many decades, the tribe decided to only commercially fish for salmon for 4 out of the last 15 years. "Some years we can't even meet our ceremonial and subsistence needs," he noted. The Karuk tribe supported the Yuroks and commercial fishermen in their efforts to restore flows. "The stranding of fish on the Klamath now may not seem that alarming to some, but the drop in flows has a large, cumulative effect on the fishery," emphasized Leif Hillman, Director of Natural Resources for the Karuk tribe.

Recreational anglers also contested the decision as favoring Klamath Basin farmers over the fish and the tribes, commercial fishermen and recreational anglers that depend upon them. "The court's decision will have a devastating effect on the river's salmon and steelhead populations," said John Beuttler on behalf of the California Sportfishing Protection Alliance. "Sufficient spring flows in the river are absolutely essential to ensure the successful migration of these young fish to the ocean.

Unfortunately, the court's decision allows for flows that could make every year a drought year by not requiring the flows necessary for most of these fish to get to the sea. It's another clear example of why anglers need to support fishery conservation groups fighting for their fisheries." On the other hand, timber and agribusiness-backed wise use advocates were very pleased with the court decision. "It was a sound ruling consistent with the Bureau's decision not to release water," said Russell C. Brooks, the attorney for the Pacific Legal Foundation. "The federal court ruling follows a report by the National Academy of Sciences that determined that shutting off water to farms was not backed by the best available science - and that releasing more water may actually harm fish at times."

The struggle to restore the Klamath and Trinity rivers has resulted in the formation of an unprecedented coalition of commercial fishermen, Indian tribes, recreational anglers and environmental groups, who may disagree on other issues, but agree over the need to restore flows to the Klamath-Trinity system. "The Yurok, Hoopa and Karuk tribes, commercial fishermen, recreational anglers and environmental groups are all on the same page on this issue," said Troy Fletcher. "It's terrible that after last year's decision by the Bush administration to put the fish first, the Bush administration has made a 180 degree turn in the opposite direction to support Klamath Basin farmers. The more that sportsmen support us on this issue, the better it will be for everybody."