



May 6, 2002

The Honorable Ernest F. Hollings
Chairman, Committee on Commerce,
Science, and Transportation
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Thank you for the opportunity to comment on S. 1825, the Pacific Salmon Recovery Act, as introduced. Among other things, S. 1825 authorizes the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainage. The Department of Commerce supports providing funding to the States and tribes for Pacific salmon recovery efforts.

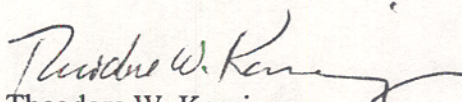
In particular, we support the expansion of this funding to Idaho. As you know, many watersheds within Idaho contain some of the best salmon habitat in the Columbia River Basin. Support for Pacific salmon recovery should be comprehensive and focused on opportunities to provide the greatest benefits to recovery of wild salmon populations, including opportunities for tributary stream habitat access and restoration in Idaho.

This bill is similar to the current authorization for Pacific salmon recovery money to the States and tribes. However, there have been significant changes to the amount allocated, the entities that receive funds, and the requirement of planning, peer review, and public participation in the program. The authorization levels should comport more closely with the President's Budget (i.e., \$90 million for FY 03). Many of the details of the planning, peer review and public participation are already conducted on a voluntary basis by the States and tribes that receive funds. We would be pleased to work with the Committee on changes to the bill to ensure that it incorporates, rather than duplicates, existing State, Tribal and regional frameworks for planning, peer review, and public participation.

We have enclosed a list of detailed comments, grouped by sections. We appreciate your continued interest in Pacific salmon recovery efforts.

The Office of Management and Budget has advised that there is no objection to the submission of this letter from the viewpoint of the Administration's program.

Sincerely,


Theodore W. Kassinger

Enclosure

cc: The Honorable John McCain
Ranking Minority Member

Comments on S.1825

1. Section 2(b): The FY 2000- FY 2003 requests for the Pacific Coastal Salmon Recovery Fund reflected a 90%:10% allocation between the States and tribes. This bill would change the allocation to 85%:15%. We recommend continuation of the 90%:10% allocation between States and tribes. However, within those categories, we recommend that the funds be distributed in proportion to the needs for recovery of salmonids. Within the State and Tribal allocation categories, the National Marine Fisheries Service recommends that the funds be distributed in proportion to the needs for recovery of salmonids. The State apportionment would be based on factors such as numbers of Endangered Species Act listed populations in Washington, Oregon, California, Idaho and Alaska; and areas affected by listed species and populations that are given special protection in Alaska. The same would be true for the Tribal funding. The Secretary of Commerce should be charged with determining a basis for distributing the funds based on a needs assessment conducted in consultation with the States and tribes.

2. Section 3: Any effort to increase accountability of the program through the development of plans should take into account other studies and performance requirements established in relevant biological opinions.

Section 3(b)(1) Salmon Conservation and Restoration Plans should be required by March 31st of the fiscal year after amounts have been allocated to allow for development of comprehensive plans. A similar deadline could also be required for development of Memorandums of Understanding with Tribal governments required in Section 3(c)(1)(B). The current Pacific Coastal Salmon Recovery Fund process will be adequate until spending plans can be developed.

Section 3(i)(1) should be revised to allow the Secretary of Commerce to retain not more than 1% for administrative expenses and not more than an additional 2% for required reporting requirements of Section 7.

3. Section 4: The Department of Commerce supports peer review and science based pre-project evaluation. We are also committed to using the best available science in developing and implementing salmon recovery. However, we feel that the current peer review process described in the bill could be more efficiently managed by the States and Tribal governments receiving funds. Each State Salmon Conservation and Recovery Plan or Tribal Memorandum of Understanding could outline the peer review and project approval process that is to be used when funding projects and programs. These programs would then undergo Secretarial review as part of the overall plan review process. This is how peer review is currently handled.

4. Section 5: Public participation through the development of State citizen advisory committees and the development of State public meetings are necessary and should be included as part of each State's Salmon Conservation and Restoration Plan or Tribal Memorandum of Understanding.

5. Section 6: Revise the language of the second sentence to read "Projects or activities that may affect listed species shall remain subject to applicable provisions of the Endangered Species Act of 1973."
6. Section 8: This section defines "salmon" as including bull trout and Lahontan cutthroat trout in Oregon, and bull trout in Washington and Idaho. The Department believes that any statutory definition of salmon should not include these or any other non-anadromous (sea-run) species. Therefore, we recommend that these species be removed from the definition of salmon in the bill.
7. Section 9: This bill changes the authorization level to \$350M for Fiscal Years 2002-2007. We request that the authorization be changed to reflect the amounts in the President's Budget request for FY 2002. This request included \$90M for the Pacific Coastal Salmon Recovery Fund and \$20M for the Pacific Salmon Treaty. However, we do support expansion of the authorization to include Idaho. For FY 2003 and beyond, we request that the authorization include such sums as are necessary to carry out the Act.