



October 6, 2000

The Honorable John McCain  
Chairman, Committee on Commerce,  
Science and Transportation  
United States Senate  
Washington, D.C. 20510-6125

Dear Mr. Chairman:

Thank you for the opportunity to comment on H.R. 2798, the "Pacific Salmon Recovery Act". The Administration supports providing funding to states and tribes for salmon recovery and thanks Congress for helping to address salmon recovery needs. We have several comments that we believe will improve the bill and our ability to implement it and restore salmon. Please note that the State Department, in a separate letter, has expressed concerns that should also be addressed.

The Administration's "Pacific Coastal Salmon Recovery Fund" initiative focused on coastal states with an emphasis on salmon habitat restoration in areas where other federal program funding was lacking. Coastal salmonid restoration efforts should continue, and the Administration has requested \$100 million for this purpose. However, with a few changes, the bill could allow coastal efforts to continue while expanding restoration opportunities for all Pacific salmon stocks. We recommend \$100 million be dedicated for coastal salmon restoration and any additional funds be allocated to salmon recovery efforts in other areas for Pacific salmon species that are listed under the Endangered Species Act (ESA).

Another concern is that Section 7 of the bill defines "salmon" as including bull trout and Lahontan cutthroat trout in Oregon and bull trout in Washington and Idaho. The Administration believes that any statutory definition of salmon should not include bull trout and Lahontan cutthroat trout or any other species of fish that is not anadromous. Therefore, the Administration recommends removing these species from the definition of salmon in H.R. 2798.

As a technical matter, we are concerned that Section 3(c)(2) may preclude funding for State agencies and should be modified to include state-level projects as well as local and regional projects. The requirement in Section 4(b) for tribes to hold public meetings is inconsistent with the Federal government's trust responsibilities and should be deleted. Also, please be advised that in FY 2000, the National Marine Fisheries Service (NMFS) entered into a Memorandum of Understanding with the Northwest Indian Fisheries Commission on behalf of twenty Washington tribes. The language in Section 3(b)(1) should not prevent us from entering into agreements with inter-tribal organizations representing qualified tribal governments.

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We have concerns with Section 5. As a matter of record, the Administration opposes any exemption to ESA Section 7 consultations. In Fiscal Year 2000, NMFS conducted ESA consultations on recovery programs with no detrimental effects to distribution of funds. This process will ensure that on-the-ground projects do not cause unacceptable impacts to salmon or other listed species, and will provide ESA coverage for project implementers in the form of an incidental take statement or incidental take permit, as needed.

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,

A handwritten signature in black ink, appearing to read "J. Dorskind", written in a cursive style.

James A. Dorskind  
Acting General Counsel

cc: The Honorable Olympia Snowe  
The Honorable John Kerry