

Salmon and Steelhead May Lose Protections

The administration proposes to roll back 'critical habitat' for the ever-declining fish by up to 90%. Developers applaud the plan.

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The Bush administration on Tuesday proposed dramatically rolling back protections for salmon and steelhead trout streams from Southern California to the Canadian border, saying the rare and endangered fish are sufficiently protected in other ways.

The revised plan, which was prompted by a lawsuit from the National Assn. of Homebuilders, could exclude 80% to 90% of the "critical habitat" that the National Marine Fisheries Service designated four years ago as necessary to keep West Coast salmon and steelhead populations from going extinct and to allow their depleted populations to recover.

Streams and rivers at Vandenberg Air Force Base in Santa Barbara County and at Camp Pendleton in San Diego County would be withdrawn as protected habitat because the military argued that the protections would delay training exercises and space launches and diminish military readiness.

In addition, streams that run through millions of acres of national forests stretching from northwestern California through western Oregon and Washington would be excluded as critical habitat for the fish. Federal officials said they did not want to impose another layer of restrictions on areas already subject to protections for the northern spotted owl.

The new plan also drops protections on private land where developers have struck conservation deals with government officials.

By removing all of these areas, "We would get down to excluding around 90% of the critical habitat that had been [previously] identified," said Jim Lecky, an assistant regional administrator for the Fisheries Service.

The new plan, released late Tuesday, was immediately applauded as "a very large improvement" by Christopher Galik, an environmental policy analyst for the National Assn. of Homebuilders.

But environmentalists and fishermen said it failed to meet the agency's own scientific criteria for what is needed for the once-abundant fish to return to healthy population levels.

"None of this is defensible," said Chris Frissell, a fisheries biologist with the Pacific Rivers Council. "There is no way it would come anywhere close to helping these fish recover."

All sides in the battle are predicting more lawsuits over designating critical habitat, arguably the most powerful tool under the federal Endangered Species Act to control development, timber harvesting and farming practices that can degrade healthy streams and rivers.

"That is the one certainty," Lecky said. "More litigation."

The legal battle began in the 1990s after the federal government began a 15-year effort to bring back salmon, as well as steelhead, which are prized by fishermen and seafood lovers.

The Fisheries Service in 2000 designated large areas of the Pacific Coast from Malibu Creek in Los

Angeles County to the tip of Washington state as critical habitat for the ever-declining salmon and steelhead. It extended into the northern reaches of California's Central Valley and included vast areas of the Columbia and Snake river valleys that stretch into Idaho.

Homebuilders feared the habitat restrictions would stall, change or cancel streamside projects. Timber companies worried that the restrictions would curb plans for logging roads and harvesting practices that can muddy streams. Farmers were concerned that they would be prohibited from siphoning water from rivers and streams used by the fish.

The National Assn. of Homebuilders led a list of groups that sued, arguing that the designations were excessive, unduly vague and lacked a required analysis of economic impact.

The federal government withdrew the critical habitat designation for 19 types of salmon and steelhead.

On Tuesday, it reissued substantially modified designations after taking into account the economic costs of its first plan, which federal officials said could run about \$220 million a year in the Pacific Northwest and \$100 million to \$200 million a year in California.

"Clearly, there were some areas where the economic costs of the critical habitat clearly outweighed the biological benefit," Lecky said. Other areas were eliminated, he said, because better mapping and more accurate data allowed federal officials to more precisely pinpoint which streams were used by the fish.

Nicole Cordan, policy and legal director of Save Our Wild Salmon, called the plan "ridiculous" on its face, predicting that eliminating 90% of protected habitat would fail to meet the biological needs of salmon and the legal tests of the Endangered Species Act.

The proposal, she said, falls in line with other administration positions, including one announced Tuesday stating that federal dams do not jeopardize salmon by blocking their migration to and from the ocean.

Salmon, which live as juveniles in rivers and streams, spend most of their adult lives in the ocean and then return to fresh water to spawn.

The Fisheries Service ruled out demolishing eight dams on the lower reaches of the Columbia and Snake rivers, even as a last resort. Instead, it said the endangered fish could be protected by continuing to truck fish around the dams and building a new type of weir that works like a water slide to allow juvenile fish to slide around the obstructions on their way to the ocean.

The administration's plan, which must be approved by a federal judge, is estimated to cost about \$600 million a year.

Earlier this year, the administration proposed counting millions of hatchery-raised fish that are released into the wild as wild fish, undercutting the need to keep fish born in the wild on the list of endangered species.

Federal officials next year will review the status of 26 species of wild salmon that are supplemented with hatchery fish to determine if they should remain protected as endangered or threatened species.

All these actions, Cordan said, "are typical of this administration — ignore science, ignore sound economics and ignore the law."

Glen H. Spain, northwest regional director of the Pacific Coast Federation of Fishermen's Assns., said the administration is making a critical error in its economic analysis by failing to consider the benefits of restored salmon populations — such as helping the struggling salmon fishing industry.

"Conservation makes good economic sense," Spain said, "and we are a perfectly good example of this. Our livelihood is on the line."