

April 8, 2014 (via email)

The Honorable Penny Pritzker  
Secretary of Commerce  
[TheSec@doc.gov](mailto:TheSec@doc.gov)

Dear Secretary Pritzker

The Golden Gate Salmon Association represents the combined voices of salmon interests working to protect and restore Central Valley chinook salmon populations in the West Coast's second largest salmon producing watershed. Our members include commercial and recreational fishing men and women, charter boat operators and fishing guides, seafood processors and distributors, restaurants and retailers, gear manufacturers and tackle shops, other salmon dependent businesses and a Native American tribe. Central Valley fall-run chinook are the mainstay of salmon fishing communities from Santa Barbara to the Columbia River.

We write asking for your urgent help to protect migrating juvenile salmon working their way downstream through the Sacramento/San Joaquin Delta to San Francisco Bay and the Pacific. Specifically we are requesting adherence to National Marine Fisheries Service's (NMFS) 2009 biological opinion (BiOp), for the ESA-listed winter and spring-run chinook salmon, by other federal and state agencies in order to save these fish migrating through the Delta estuary.

Some of the protections afforded by the Bi-Op were earlier waived to provide for human health and safety during the state's most severe drought in recorded history. Now, however, despite recent rainfall we are witnessing the waivers being extended to allow water contractors to maximize their pumping at a critical stage of migration for the listed fish, as well as the migration of the economically important fall-run chinook. An immediate reduction of Delta pumping to reduce ongoing harm to salmon in the Sacramento/San Joaquin Delta is needed now.

Current losses of salmon pose a major threat to our industry and coastal fishing communities. Right now far more water is being diverted than allowed under the 2009 salmon Bi-Op, killing ESA-listed species as well as the fall run chinook that support our fisheries. The *minimum* protections in the Delta needed to avoid jeopardizing ESA protected winter and spring run king salmon prescribed in the 2009 Bi-Ops are not being met.

The National Marine Fisheries Service has testified in federal court proceedings that the type of waivers being granted to pump water now would do extensive harm to the fish the federal government is required to protect. We were assured by your Sacramento NMFS office in a March 3 meeting that no compromises would be made on the Bi-Op. That's turned out to be wrong and we fear the Sacramento NMFS office was likely overruled.

Many coastal and inland communities and tens of thousands of jobs depend directly on sustainable Central Valley salmon runs to keep their economies healthy. In addition to jobs tied directly to catching, processing fish or guiding fishing trips, we're also talking about jobs related to the boating, tackle and marine industries. Many restaurants and hotels rely on salmon fishermen for a major part of their income. Marinas and harbors are obvious beneficiaries. All of these are now threatened by the excessive water diversions being sanctioned by NMFS.

In the past few months, you, Secretary Jewell, and the President have all travelled to California to meet with water users. However, to date, there have been no secretarial-level meetings with the fishing community. We are writing to remedy this situation. We respectfully and urgently request actions to protect our jobs and salmon communities and a meeting with you.

In meetings with state and federal official and in [formal written protests](#), GGSA has requested that 2009 Bi-Op protections be upheld to no avail. Instead, [NMFS has sanctioned](#) the additional Delta pumping while acknowledging this will cause more take of a federally protected species. Because of NMFS concurrence, California's State Water Resources Control Board is allowing the excessive pumping.

Excessive diversions, as measured by negative flows at Old and Middle Rivers and inflow to export ratio, means the pumps are causing rivers to run backwards and sucking in fish, killing almost all in the process.

In the last several weeks, hundreds of winter run salmon have been taken at the Delta pumps. Although this may not sound like a big number, NMFS states in the 2009 Bi-Op that 60 to 90 percent of the salmon drawn off their natural migratory path and into the interior Delta die before getting to the pumps. This means that for every hundred smolts salvaged at the pumps, 600 to 900 more were killed along the way. With the winter run adult population hovering between 2500 and 6000 the last two years, losing thousands of juvenile salmon because of the pumps is untenable. NMFS has stated publicly it anticipates losing an entire year class of adult winter run due to drought this year and is prepared to take extreme measures upstream to preserve the species. Meanwhile, Delta water diversions are wiping out the juveniles that would be adults in 2016.

As you may be aware, the ocean salmon fisheries, both commercial and sport, were greatly constrained last year due to concern for winter run incidentally taken in these fisheries. Such constraints vary from year to year but low winter run numbers hurt the salmon industry.

Although no one disputes that the Delta pumps take orders of magnitude more winter run than the fisheries, fishing men and women are penalized for losses at the pumps. Indeed, NMFS is currently considering options for a winter-run control rule that would cause the total shut-down of our salmon fishery if winter-run numbers get too low. In fact, they will get that low if something is not done to curtail the pumps and ensure pumping adheres to the provisions of the 2009 Bi-Op.

Survival of winter run is important to the salmon industry not only because of the season-shortening that can occur in low abundance years, but also because fishermen are interested in seeing a fully functioning ecosystem with listed fish species recovered. Winter run are a surrogate or proxy for the damage being done to many other aquatic species that share their

habitat. The entire Delta ecosystem, part of the largest estuary on the West Coast of the Americas, is collapsing right now because of the incredible damage withdrawing the last few drops of water during a drought is doing to it.

No one disputes that increased Delta pumping fails to recover the listed species, something federal agencies are charged with doing. This year it might legally qualify as jeopardizing their existence.

Hatchery fish are being trucked around the deadly drought zone in the river and Delta and this could give a boost to the salmon industry in 2016 when these fish mature. That is, unless we're shut down to avoid more harm to the few winter run that survive being ground up in the Delta right now. We know what shutdown is like. We lived through a shutdown of the fishery in 2008 and 2009, the job and economic losses and the disaster declarations the closure brought on.

Although you'll hear some assign poor ocean conditions as the cause, then, as now, the problem was more about taking too much water from the Delta. The juvenile salmon never even got to sea. Three all-time record high diversions occurred between 2000 and 2006. We're on a path to repeat this with the current water diversions but this doesn't have to be.

The salmon industry notes there are many good people working at NMFS on the West Coast who take their charge to defend the fishery seriously. They would likely agree, if free to speak, that now is a critical time to uphold protections for listed and non-listed king salmon. You might want to confidentially query regional staff yourself on this question.

There's no doubt that many economic sectors in California are hurting because of the drought. There's no doubt pressure is coming from on high to deliver water at any cost to the corporate agricultural organizations south of the Delta. But NMFS' charge and that of the other fish agencies is to do what is necessary to prevent native fish species from going extinct, to protect those fish and recover them.

We are disappointed your regional manager for NMFS' newly consolidated West Coast Region has met extensively with water contractors here in California, but has yet to meet even once with any fishery interests even though, in theory, it is the fisheries, not the water contractors, who are your constituents. We also note that you have met with Silicon Valley business executives, as well as water interests, here in California so a meeting with other Commerce Department constituents is possible. We, therefore, respectfully request a meeting with you at your earliest possible convenience to discuss reducing the Delta pumping and other salmon-related matters. Thank you.

John McManus

Executive Director  
Golden Gate Salmon Association