



California Advisory Committee On Salmon and Steelhead Trout

Good afternoon, Senator Wiggins and members of the Joint Legislative Fisheries and Aquaculture Committee – and our friends from the Department of Fish and Game.

I am Vivian Helliwell. I am a former commercial salmon fisherwoman. I have chaired the California Advisory Committee on Salmon and Steelhead -- the “CAC”, or “Advisory Committee” as it has become known over its many, many years of work to protect and restore California’s native fish resources, since 2005.

I am accompanied today by Tom Weseloh, a member of our Advisory Committee. Tom has been especially diligent for a great number of years concerning the Committee’s statutory responsibilities for assuring the proper prioritization of fish habitat restoration grant funds.

I would like to make two closely-related points clear right up front :

We appreciate very much Senator Wiggins’ willingness to take on the resurrection of the Joint Legislative Fisheries and Aquaculture Committee – we nearly despaired that this 35 year old and vital tradition was going to be lost from the Capitol’s institutional memory, just as so many other useful endeavors have fallen victim to California’s term limit law.

And we especially appreciate that in pulling the Joint Committee together, virtually on the run, that you all were able to work with Senator Wiggins to restore necessary funds to California’s 30 year old fish habitat restoration grant program.

We thank you very much.

As you can see, I am emphasizing just how very long these institutions and programs have been in place in the Capitol and in State government.

What they represent are quite literally tens – if not hundreds of thousands of hours of dedicated volunteer effort by the men and women of California who are determined that our native fish resources shall endure and continue to contribute to our state’s economy.

I have taken the liberty of attaching to my statement here “A Forty Year History of Citizen Activism on Behalf of California’s Native Fish Resources”. It is, for those of us who serve on the Advisory Committee a very proud and, we believe, important history.

The Advisory Committee is a “plural body” of the sort that the California Legislature has used to extend its reach, and to keep in closer touch with constituents and interest groups since the very first days of the State more than 150 years ago. Our Advisory Committee has been around a long time – since 1969. The members participate in the Advisory Committee’s deliberations on their own time. They drive long distances, as they did to meet early this morning at the Wildlife Center near Davis.

What is it that motivates people to work so hard, without compensation, for the purpose of having a modest slice of California’s fish conservation political action – enough to be able to stay informed so that they may share their knowledge and concerns with State officials and the committees of the Legislature ?

I stumbled across the “Bagley-Keene Open Meeting Act” in the California Government Code the other day while looking for something else, and was struck by its down-to-earth introduction:

“11120. It is the public policy of this state that public agencies exist to aid in the conduct of the people’s business and that the proceedings of public agencies be conducted openly so that the public may remain informed

.....

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

California State government is Big Government. It is complex, and to understand it well demands a great deal of time. California legislators must, of necessity, keep their eye on the big ticket issues – education, health, the state’s infrastructure.

Fish – salmon and steelhead – may seem a small-ticket issue. Their conservation is, however, a deeply-rooted need for many, many Californians and California communities – and a right for even those in our society who rarely think of rivers, and wetlands, and the health of coastal environments. Neither we nor they have “yielded our sovereignty”.

Our fishermen have just been through several terribly painful weeks of deliberations with their “public servants” -- to use the Bagley-Keene terminology. The result has been a decision – driven by science, some would say, or by the raw power of our public servants, as some may see it – to shut down all salmon fishing the length of the California coast.

Ironically, the Advisory Committee which I am privileged to chair, was born out of precisely such a dilemma as that which we face this year.

In late summer, 1968, as you will see from the attached “Forty Year History”, then-California Fish and Game Director Walter Shannon summoned fishermen to discuss the findings of his salmon managers that the number of salmon returning to the Sacramento River had dropped suddenly and inexplicably.

It was, according to the old-timers, a dreadfully somber meeting.

Now remember, this was before the 1973 Endangered Species Act. It was before the 1976 Federal Fishery Conservation and Management Act, the “Magnuson Act”, created the four-state regional Pacific Fishery Management Council (PFMC), headquartered in Portland. This was in the rough-and-tumble days when it was just the Fish and Game director staring down his very own fishermen.

What happened that night, I am told, is this : One fishery activist who many of the fishermen looked to for leadership suddenly got up on his feet and bellowed that this was all wrong – that if there were problems confounding Sacramento River salmon production, then let’s get them out in the daylight and do something about them.

Those who were there that night believe that he, Bill Grader of Fort Bragg – Zeke’s father – sensed, perhaps correctly, that one fishless season would lead to another, and another, and another the very same dread that our fishermen have lived with since this January, when the letter from PFMC director Don McIsaac arrived, telling of the precipitous and inexplicable collapse of Sacramento River fall run chinook salmon this time.

Mr Grader and the fishermen came across the street the very next morning and met with Assemblywoman Pauline Davis, then chair of the Assembly Committee on Fish and Wildlife. They shared with Mrs Davis their concerns and their ideas of what was happening to the rivers and the salmon populations that depend on them.

Mrs Davis responded by introducing legislation to create the California Citizens Advisory Committee on Salmon and Steelhead. That was in 1969. The Advisory Committee has been active in one form or another ever since.

It wasn’t until the Advisory Committee was first funded in 1985, however, that it was able to hire its own investigators. One of those Advisory Committee consultants, Dick Hallock, a highly-respected, but retired, California Department of Fish and Game Central Valley salmon management expert revealed – 20 years after the fact – that the collapse of Sacramento River chinook salmon in the late-1960s could be laid to the start-up of operations at the US Bureau of Reclamation’s Red Bluff Diversion Dam in 1964.

The original Red Bluff fish ladders couldn’t pass salmon to the prime spawning grounds above. They were replaced during the 1980s.

The old-timers shake their heads and wonder : would there be any salmon in the river today if Bill Grader had not led the walk-out of the meeting in the Resources Building that evening 40 years ago ?

Shifting gears here a bit – and coming into the home stretch with my comments – the State Water Resources Control Board conducted a two-year Bay Delta water quality/water rights adjudicatory proceeding back in 1986 though 1988. I am told that the hearings piled up something like 40,000 pages of testimony and 14,000 pages of technical exhibits.

The upshot of the State Water Resources Control Board’s 1986-88 Bay Delta hearings was a finding – not a guess, nor a feeling, nor a sense – but a finding, based on the mountain of science before it, that 1.6 million acre-feet of water each year, above-and-beyond that reserved by the State for such purposes in earlier proceedings, was needed to assure safe

passage for juvenile Sacramento River fall run chinook salmon from the river, past the Delta pumps, into the safety of San Francisco Bay and the ocean.

The political fall-out from that 1988 Draft Bay-Delta Decision was predictable, I suppose. The chair of the SWRCB was told that if he wanted his name to remain before the Senate Rules Committee for confirmation (he was up for reappointment) that he would figure out a way to repudiate that 1988 Draft Delta Decision – which he did.

When Congress reauthorized the federal Central Valley Project – the Central Valley Project Improvement Act, or “CVPIA”, of 1992¹ -- it specifically recognized the need for more freshwater outflow through the Delta to assure juvenile chinook salmon survival.

The Act directed the US Department of Interior – the Bureau of Reclamation – to release 800,000 acre-feet of fresh-water from Central Valley Project reservoirs for the purpose, the federal government’s “fair share” of the 1.6 million additional acre-feet of water found necessary by the State Water Board in 1988.

Before that 800,000 acre-feet of water for Sacramento River fall run juvenile chinook salmon could be programmed into the CVP’s operation there was a dramatic leadership overturn in Congress. California returned to water politics-as-usual immediately.

There are many who say that this year’s anticipated Sacramento River chinook salmon stock collapse can be traced directly to the government’s failure to implement the CVPIA’s salmon restoration provisions.

As I said, California is a big place. And with its constant growth come constant growing pains.

If the California Advisory Committee on Salmon and Steelhead has helped over the past 40 years to ease those pains where it comes to protecting our native fish resources, we were only too glad to do it.

If we have served a bit as the eyes and ears of the Joint Legislative Committee on Fisheries and Aquaculture and other interested committees of the California Legislature, then we shall have served our purpose.

Thank you.

Attachment : Forty Year History

¹ Details of how our Advisory Committee’s work, including the inclusion in the California Fish and Game Code of a policy to double the natural production of salmon and steelhead in California over that of the 1980s, set the stage for the CVPIA, its salmon doubling program, and the need for more Delta outflow for salmon, are provided in the attached Forty Year History

A FORTY YEAR HISTORY OF CITIZEN ACTIVISM ON BEHALF OF CALIFORNIA'S NATIVE FISH RESOURCES

1968	July 11, 1968: CDFG Director Walter Shannon issues a letter and report, "Decline in the CV King Salmon Resource"; invites interested parties to an evening meeting to discuss 1969 fishing season prospects; proposes closing the 1969 season. Fishermen follow Fort Bragg fisheries activist Bill Grader in what amounts to a walk-out of the meeting; resolving to seek help for salmon from the Legislature. Grader and the fishermen meet the following morning with Assembly Fish and Game Committee chair Pauline Davis, provide Assemblywoman Davis with draft salmon protection legislation.
1969	Assemblywoman Davis sponsors legislation creating the California Citizens Advisory Committee on Salmon and Steelhead Trout ("CAC"), to provide a voice for salmon conservation and restoration
1969-70	Mr Grader enlists, chairs CAC of commercial and recreational salmon fishing interest group representatives, including charter boats, National Wildlife Federation; Trout Unlimited, Salmon Unlimited, CalTrout; employs Jones & Stokes Associates environmental planning firm founder, former CDFG deputy director Bob Jones to provide staff services to CAC (Grader ends up fund-raising to pay Jones)
1971	CAC issues its first report to the Legislature, DFG Director, and Fish & Game Commission, "An Environmental Tragedy"; seeks legislation to protect key salmon spawning grounds from gravel dredging; improve river flows, improve hatchery production
1972	CAC issues "A Conservation Opportunity" report, seeking partnerships with State and federal resource agencies on salmon and steelhead restoration
1973	Assemblyman Barry Keene convenes first Legislative Fisheries Forum to provide fishermen and others the opportunity to air their concerns, propose actions to protect and improve freshwater and marine fish resources and fisheries. At Keene's request Joint Rules Committee creates Joint Committee on Fisheries and Aquaculture; Forum becomes annual Capitol event followed each year by a seafood reception provided, prepared by fishermen and their wives -- which becomes one of the most popular legislative receptions of each year thereafter
1975	CAC issues "The Time is Now" report of recommendations on eve of Congress' passage of US Senator Magnuson's Federal Fishery Conservation and Management Act, which is directed in large part at ending foreign vessel encroachment on US coastal fish stocks, including salmon
1976-82	CAC takes a breather to participate in implementation of the Magnuson Act, works to gain salmon protections under its federal provisions -- which created, among other things, the Pacific Fishery Management Council
1983	After two particularly poor fishing seasons, Legislature adopts Senate Joint Resolution 19 (re)creating the California Advisory Committee on Salmon and Steelhead Trout ("CAC-2")
1984	With CDFG assistance, the CAC, under the chairmanship of Earl Carpenter (Bodega Bay's "the Captain"), organizes volunteer watershed committees to assess salmon and steelhead conditions in each major salmon watershed/watershed region of the state, and to identify salmon and steelhead restoration priorities. CAC begins to sense need for its own staff. Jt Fisheries Committee members seek appropriation for CAC
1985	At CAC's urging Legislature creates <u>permanent</u> Fisheries Restoration Account in the Fish and Game Preservation Fund, Keene-Nielsen Fisheries Restoration Act of 1985. (Expenditures from the Account are later keyed to the CAC-developed 1988 Fisheries Program; CAC's role in directing, assuring restoration-targeted application of Account funds is specified in Fish and Game Code Section 2762.6)
1986	With \$350,000 appropriated to CDFG, then redirected to Jt Rules Committee, CAC hires former DFG fisheries scientist and long-time CA Legislature staffer Bill Kier, issues report "The Tragedy Continues" with substantial assistance from Assemblyman Bob Campbell's aide, CAC member and fisheries scientist Cindy Deacon Williams
1987	Now with its own staff, CAC accelerates work of regional watershed groups; produces an economic evaluation of potential statewide salmon restoration effects; creates a CA salmon conservation education curricula for four different grade levels; retains University of CA specialists in resource restoration planning, prioritization; CAC member Alan Lufkin publishes UC Press' "California's Salmon and Steelhead : The Struggle to Restore an Imperiled Resource" http://ark.cdlib.org/ark:/13030/ft209nb0qn ; CAC engages additional professional help with outreach and report preparation; produces award-winning video "Salmon and Steelhead : On the Edge".

1988	CAC produces its final major report, "Restoring the Balance"; prepares and advances SB-2261 (Jt Fisheries Committee), California Salmon, Steelhead Trout, and Anadromous Fisheries Program Act, F&G Code Sections 6900 et seq.; SB-2390, to place greater fish-screening responsibilities on large water diverters; SB-1335 (McCorquodale) increasing water quality protection responsibilities on logging operations; and SJR-43 (Jt Fisheries Committee/McCorquodale) calling on the President and Congress to rein in US Bureau of Reclamation's attempts to sell the last of its Central Valley Project water lest it prove needed for Delta fisheries protection. SB-2261 and SJR-43 set the stage for the federal Central Valley Project Improvement Act calling for restoration of fish and wildlife damaged over the years by development and operation of the CVP, by calling CVP water sales practices into question and by establishing State policy to reverse decline and double salmon and steelhead over 1980s levels. CAC tops year off with seafood reception at California Academy of Science's Steinhart Aquarium, "In Celebration of Salmon", and honors nearly 200 California environmental educators present, gifts each with a copy of the "Restoring the Balance" report, "On the Edge" video and an On the Edge-art poster for their classroom
1989	CAC concentrates on CDFG's implementation of the Salmon, Steelhead Trout, and Anadromous Fisheries Program Act, which calls for DFG developing a watershed-scale salmonid restoration plan for each of the identified key salmon watersheds/watershed regions of the state. Proposition 98, adopted by voters the same year guarantees funding for K-12 education, constrains funding available for the new State programs, including DFG's SB-2261 initiative
1990	CA Congressman George Miller, chair of the water and power subcommittee of the House Interior Committee, introduces CAC's legislation to reauthorize Central Valley Project Act to include fish and wildlife conservation as full Project purposes, and to create salmon doubling program to make up for CVP's decades-long damage to Central Valley salmon stocks
1991	CAC and Miller's staff interest US Senator Bill Bradley, chair of the Senate's subcommittee on water and power, in co-authoring what becomes the Central Valley Project Improvement Act (CVPIA)
1992	President George H. W. Bush signs CVPIA (P.L 102-580, Title 34) into law in on 10/31/92, creating Anadromous Fish Restoration Program directing the US Dept of Interior to double the number of salmon in CVP-impacted watersheds over the late-'80s/early-'90s base years period
1997	State Senator Mike Thompson's SB-271 creates permanent funding source (as permanent as anything in dynamic California gets) the Pacific Coastal Salmon Recovery Account, by tying into State's tidewater oil revenues, Public Resources Code Section 6217.1. This legislation affirms CAC's role in guiding expenditures from the Account
1999	Keying off SB-271, Senator Wes Chesbro's SB-291 requires Resources Secretary to report annually through Jt Legislative Budget Cmte how the State is reconciling various fish habitat grant funding sources, including federal Pacific Coastal Salmon Recovery Fund. Bill double-joins with SB-1030 (Sher), which, among other things specifies CAC's role in assuring effectiveness of fish habitat restoration expenditures.
1993-2008	CAC continues its work with Legislature's Jt Fisheries Committee, CDFG, and other responsible agencies to implement California Salmon, Steelhead Trout, and Anadromous Fisheries Program Act, Anadromous Fish Restoration Program, other statutes and programs of interest
2007	Legislature withholds fish habitat restoration funding for the first time since CAC activists first secured it in 1978. Funds become a pawn in debate over Administration's failure to provide sufficient salmon protections in forest practice regulations
2008	Jt Legislative Fisheries Committee chair Senator Patricia Wiggins authors SB-562, restores funding for fish habitat restoration; CAC participates in 35th annual State Capitol Fisheries Forum