



GOLDEN WEST WOMEN FLYFISHERS

The Honorable Rodney P. Frelinghuysen, Chairman
House Committee on Appropriations
H- 305, The Capitol
Washington, DC, 20515

The Honorable Nita M. Lowey, Ranking Member
House Committee on Appropriations
H- 305, The Capitol
Washington, DC, 20515

May 16, 2018

Re: **Opposition to Rider Prohibiting Salmon Passage on the Tuolumne River**

Dear Chairman Frelinghuysen and Ranking Member Lowey:

We write in strong opposition to an amendment to the Commerce, Justice, Science and Related Agencies Appropriations Bill that would prohibit the National Marine Fisheries Service (NMFS) from prescribing fish passage on the Tuolumne River in California. This rider would undermine the Federal Power Act (FPA) by preventing implementation of critical sections on one single river. Instead, it would substitute political opinion for the

findings of recognized agency experts. It would also improperly implement a policy decision under the guise of appropriations.¹

FPA Section 18 allows NMFS to prescribe fish passage at hydropower facilities under certain conditions, or to reserve its authority to do so. NMFS has reserved this authority on the Tuolumne River until 2025 based on its analysis of the best available scientific information and the well-being of our nation's marine resources. In addition, the elimination of Section 18 authority in this case would inhibit NMFS participation in habitat expansion settlement agreement discussions, which could be important to relicense hydropower facilities on the Tuolumne.

In other parts of the country, NMFS has accomplished important fish passage projects through use of its authority, usually accompanied by settlement agreements. Numerous river reaches in the Pacific Northwest previously impeded by hydropower dams have seen successful reintroduction of salmon and steelhead, to the great benefit of recreational and commercial fisheries stakeholders. In the Northeast, salmon, shad, striped bass and other species have returned to sections of rivers inaccessible for many decades.

The Tuolumne rider to the CJS Appropriations Bill would prevent restoration of salmon to iconic habitat near Yosemite National Park. It represents a slippery slope that threatens to eliminate Federal Power Act opportunities to restore passage past hydropower dams nationwide. It circumvents agency expertise and regulatory jurisdiction and threatens fish and fisheries. It would also set a precedent that could encourage every hydropower operator to request special legislation for its own issues.

For these reasons, we urge your opposition to the Tuolumne River provision.

Respectfully submitted,



Chris Shutes
CA Sportfishing Protection Alliance



Noah Oppenheim
Pacific Coast Federation of Fishermen's Assns.

¹ The rider reads:

None of the funds made available by this Act shall be used by the Department of Commerce to prepare, finalize, implement, or enforce recommendations, conditions, or prescriptions, or reserve authority related thereto, pursuant to authorities provided to the Department of Commerce under Sections 10 and 18 of the Federal Power Act (16 U.S.C. §§ 803 and 811) as related to the Don Pedro (P-2299-082) and La Grange (P-14581-002) hydroelectric projects along the Tuolumne River, California.



Patrick Koepfe
Tuolumne River Trust



John McManus
Golden Gate Salmon Association



Eric Wesselman
Friends of the River



Scott Gudes
American Sportfishing Association

Cindy Charles
Golden West Women Flyfishers