Food Researched: Salmon
Focus of Research: Laws and Regulations
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Title
Salmon Protection Laws and Regulations in the Pacific Northwest

Objective
The salmon population of the Pacific Northwest has been an issue since the mid 19th century. As the United States spread westward, it began encroaching on the native people’s land and fishing their rivers, particularly the Columbia River and Snake River Basin. As a result, the salmon population in the region began depleting, and even continues to dwindle today. To stop this trend, laws and regulations protecting these salmon have been passed and enacted. However, many of the acts passed have been unsuccessful, largely due to inadequate and inaccurate information on how to best preserve and restore these salmon populations. In the wake of these ineffective acts, a new bill has arrived in Congress, the Salmon Solutions and Planning Act, which looks to flourish where other bills have fallen short. This research will begin with the Indian Treaties of 1855, and trace the history of laws and regulations protecting salmon in the Pacific Northwest.

Summary of Findings
Declining Salmon Population in the Pacific Northwest

For hundreds of years, Pacific Northwest Native Americans have been harvesting salmon from the Columbia River and the surrounding area (Neunherz, 48). As Americans infringed on their fishing territory in the 19th century, a general trend of decline was seen in the salmon populations, especially after the introduction of hydropower dams in 1905 (see figure 1). Other factors contributing to this decline were increased irrigated agriculture, mining, and pollution that were disrupting the salmon’s habitat (Lichatowich, 467). This decline in salmon population is the central reason for the laws and regulations that have been set up over the past 150 years.

Salmon Protection Laws of the Past

Indian Treaties (1855)
As the United States expanded, issues between whites and the indigenous people began to arise. One main source of conflict was the harvesting of salmon. These salmon played a large cultural role in the lives of the indigenous people, as well as providing them with sustenance. Due to increasing conflicts, the governor of Washington territory, Isaac Stevens, made several treaties in 1855 that, “placed indigenous people on reservations and granted them the right of taking fish at all usual and accustomed places” (Neunherz, 49). In return, the United States was given 40 million acres or territory in the Northwest (Berg).

Many years later, this treaty was upheld in *US v. Oregon* (1969). The Supreme Court ruled that the native people had “a right of taking fish” from the area, upheld by the treaties made nearly one hundred years earlier. This gave the native people 50% of the harvestable fish that came from the designated “usual and accustomed” fishing areas (CRITFC). This deal with the natives is still in practice today (for natives on reservations).

Currently, the regional tribes are still upset with this policy because it is very hard to determine the amount of fish being taken from the area. Another impediment for these tribes is their lack of political organization. They have no lobby, and therefore, no unified voice. As a result, they receive less compensation than they should actually be getting.

Another ongoing controversy in the area is the four lower dams in the Snake River Basin of the Pacific Northwest (Ice Harbor Dam, Lower Monumental, Little Goose, Lower Granite). These dams provide hydroelectric power to the region, but are rapidly decreasing the wild salmon population of the region. The natives obviously want these dams removed, thus reviving the salmon population and their local industries. The United States is stuck between two tough choices here; remove the dams at a costly price (6-12 million dollars), or compensate the tribes if the salmon population is decimated (Neunherz, 51).

*Clean Water Act (1972)*

This act enacted a crackdown on chemical and thermal pollution in the Pacific Northwest. In 1997, the Environmental Protection Agency claimed that the four dams of the Snake River Basin were violating the Clean Water Act and needed to be removed. However, these dams are still present today. Why they continue to exist is an interesting matter of politics.

The four dams produce massive amounts of energy for the region. According to the Bonneville Power Administration, “The four lower Snake River dams produce almost as much annual average megawatts as BPA’s conservation programs have achieved in 27 years – at an investment of more than $2.3 billion” (BPA). These dams also provide emission free renewable energy, saving nearly 4.4 million metric tons of CO2 from reaching the atmosphere (BPA).

The two large benefits from these dams deal with alternative energy forms and conservation of resources. So although the EPA ruled the dams were in direct violation of the Clean Water Act of 1972, it seems that the benefits they are providing in terms of energy efficiency are keeping them alive and running. This demonstrates an interesting power balance between several branches of government. The EPA has blown the whistle on these Snake River dams, but are at a loss because they have no way of enforcing the removal of the dams on their own.
**Endangered Species Act (1973)**

This act was intended to prevent the extinction of endangered species, salmon, and then contribute the necessary resources to revive the population and get it thriving again. This would predominantly be done by instituting harvest ceilings and limiting the amount of salmon being taken out of the rivers. However, this was very difficult to do because of the lack of concrete numbers and figures regarding the depleting salmon populations. This problem is currently being mended by the introduction of the Salmon Solutions and Planning Act that is in Congress now (more on the SSPA later).

**Northwest Power Act (1980)**

This act limited the amount of hydropower the four Snake River dams could produce (Garrity). The goal of this act was to return water temperatures of the Snake River Basin back to a natural, cooler temperature (the water had been warming since the introduction of the dams, causing salmon depletion). The attempt to introduce these dams *and* keep balance with the surrounding natural wildlife once again failed due to the lack of up to date and accurate information regarding the salmon populations.

**Pacific Salmon Treaty (1985)**

This agreement was made by the United States and Canada to prevent over-fishing and ensure that both countries were benefitting from the profitable salmon industry. This was done by limiting fisheries and monitoring the migration paths of the salmon. This agreement came to fruition because the two parties were not receiving equal benefits. The reason being that salmon cross international borders all the time. The salmon are born, swim thousands of miles, and then return to their birthplace to spawn. Therefore, the question of where the salmon belongs is difficult to answer.

This has been revised several times, in 1999 and more recently in 2009. The largest change in 1999 was the creation of negotiated catch ceilings by the fisheries, which helped to even out the amount of salmon each country got, and help to revive the depleting salmon populations. The 2009 agreement focused on creating more science-based conservation and sustainable harvest methods (PCS).

**The Current Salmon Solutions and Planning Act**

*The Purpose of the Salmon Solutions and Planning Act*
The current situation regarding the laws and regulations of the salmon industry comes in the form of the Salmon Solutions and Planning Act (H.R. 2111). This bill, currently being reviewed in Congress, would provide federal agencies with faster and more accurate information to help protect wild salmon and steelhead of the Pacific Northwest, especially in the Columbia and Snake River Basin (McDermott). These are the same salmon and steelhead that were being protected under the Endangered Species Act of 1973.

This bill is a re-introduction of a bill first introduced on July 31, 2009. According to govtrack, a leading source for information regarding current bills in Congress, this bill only has a 1% chance of being enacted. The bill is costly and would take years to enact, but would be beneficial for the salmon population in the long run.

Who is Supporting this Bill?

The interesting notion about this bill is that the main proponent is not anyone in the food industry- it is Patagonia, the outdoor clothing company. Patagonia, along with other outdoor sporting companies, generate huge profits from the sport of salmon fishing. They are aware that if the salmon industry fails, so does their business. In total, there are over 90 commercial companies in support of this bill (Save our Wild Salmon).

Conclusions

What is the Hold Up?

All of these acts attempting to preserve and revive the salmon population in the Pacific Northwest were unsuccessful for the same reason- inadequate and inaccurate information relating to the salmon populations. In theory, the acts should have at least stalled the decline of the salmon populations. Yet, in practice, agencies such as the EPA were not given the necessary information to implement policies to start the recovery of the salmon. This is something that the Salmon Solutions and Planning Act hopes to overcome.

Another reason the acts were unsuccessful is the lack of enforcement power the EPA has. They are able to identify problems, like the declining salmon population, but are unable to begin correcting the problem without support- which they don’t always get. Until other agencies or organizations begin to help enforce some of the EPA standards, we may continue to see the salmon population diminish.

Motives for Legislation

The original motives for the salmon protection acts were to appease the natives of the Pacific Northwest, but it appears that today, these motives have changed. Today’s motives are more culturally driven. On one end of the culture spectrum, there are money-oriented
corporations that want their businesses to thrive, and on the other end, there are people who’s lives revolve around this fish (see Annika Ord).

Another possible motive for the protection of salmon comes from an environmental standpoint. An overall feeling of obligation to protect the earth and other wildlife seems to be flourishing in our current society (see Arielle Koshkin for environmental impacts).

Appendix

Figure 1
Columbia River salmon harvest
Sources


<http://www.govtrack.us/congress/bills/112/hr2111>.


<http://www.psc.org/about_treaty.htm>.


