

The Honorable Ricardo S. Martinez

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

COLUMBIA RIVERKEEPER, IDAHO)
RIVERS UNITED, SNAKE RIVER)
WATERKEEPER, PACIFIC COAST)
FEDERATION OF FISHERMEN’S)
ASSOCIATIONS, and THE INSTITUTE)
FOR FISHERIES RESOURCES,)
)
Plaintiffs,)
 v.)
)
SCOTT PRUITT, *et al.*)
)
Defendants.)
_____)

No. 2:17-cv-00289-RSM

**DECLARATION OF GLEN H.
SPAIN**

I, GLEN H. SPAIN, state and declare as follows:

1. My name is Glen H. Spain, and I make this declaration based on my own personal knowledge.
2. I am the Northwest Regional Director of the Pacific Coast Federation of Fishermen’s Associations (“PCFFA”). I have served in that capacity since 1992. I direct all of PCFFA’s fishery conservation program efforts in Oregon, Washington, and parts of northern California.
3. PCFFA is by far the largest trade organization of commercial fishing families on the west coast. PCFFA is a federation of 16 smaller commercial fishermen’s associations, vessel

1 owners' associations, port associations, and marketing associations, with member associations in
2 most U.S. ports on the west coast, including in Washington and Oregon States. PCFFA also has
3 fishermen members "at-large" who are unaffiliated with any particular fishermen's association
4 but who have become individual members of PCFFA. Collectively, PCFFA's port and member
5 associations and at-large members represent more than 800 commercial fishing families west
6 coast wide who are small and mid-sized commercial fishing boat owners and operators
7 conducting their own commercial fishing operations. PCFFA's members have a collective
8 investment in those mostly family-owned commercial fishing operations of likely well in excess
9 of \$200 million dollars.

10 4. I am also the Conservation Program Director and Northwest Regional Director of
11 the Institute for Fisheries Resources ("IFR") and have been in these positions since IFR was first
12 organized in 1992. In these positions, I direct all of IFR's Pacific Northwest fisheries
13 conservation programs, in particular its salmon conservation, education, and advocacy programs.

14 5. Originally organized by PCFFA, IFR is a separate non-profit, public interest
15 marine resources protection, research, and conservation organization. IFR is still closely
16 affiliated with PCFFA and has overlapping Board members, general membership, and staff. IFR
17 manages, directs, and helps fund most of PCFFA's fisheries and habitat conservation and public
18 education programs. IFR has approximately 850 supporting members coast wide, most of whom
19 are commercial fishing men or women, or individuals who have a personal interest in protecting
20 fish and fish consumers. IFR works on behalf of PCFFA coastwide, including in Washington and
21 Oregon States, to assure that our west coast commercial fisheries – particularly our salmon
22 fisheries – are abundant, remain sustainable and that the habitat which commercially fished
23 species need for their survival is protected and, where previously damaged, restored.

24 6. PCFFA and IFR advocate on behalf of commercial fishing men and women and

1 healthy fisheries through lobbying, public education, and litigation. We seek to ensure the long-
2 term survival of commercial fishing as a way of life. Much of this work involves efforts to
3 protect and restore the health of commercially fished species, including salmon, wherever they
4 are threatened.

5 7. The Washington commercial seafood harvest is a major component of the west
6 coast fishing industry, and includes marketing these products all over the world. According to the
7 NOAA statistical publication *Fisheries of the United States (2014)*, commercial fisheries
8 landings in Washington State for 2014 were about 86,701 metric tons, with an initial *ex vessel*
9 value of nearly \$326 million. This is more seafood landings than in either Oregon or California
10 for that and most past years.¹ A large portion of these landings are from various species of
11 salmon, including sockeye, coho and Chinook salmon.

12 8. In Washington State, PCFFA's member association, the Coastal Trollers
13 Association, operates in every Washington port and is Washington State's largest and most
14 active organization of commercial salmon troll (i.e., hook and line gear) fishermen, with
15 individual members from all Washington ports. Additionally, several of our other member
16 groups are themselves coastwide associations with their own membership in many Washington
17 and Oregon ports, with members participating in all of Washington's and Oregon's state
18 commercial fisheries, including its salmon fisheries. Most commercial fishermen now have
19 diversified their operations with multiple permits, enabling them to participate in multiple
20 commercial fisheries, often in multiple states.

21 9. The vast majority of the salmon that our Washington members commercially harvest

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23 ¹ See NOAA Commercial Fisheries Statistics for 2014 in Washington State at
24 <http://www.st.nmfs.noaa.gov/commercial-fisheries/commercial-landings/annual-landings/index>.
For general U.S. fishery statistics see *Fisheries of the US (2014)*:
<http://www.st.nmfs.noaa.gov/commercial-fisheries/fus/fus14/index>.

1 come from the Columbia River, which is still the most productive single salmon river system in
2 the world, in spite of decades of declines due to the deterioration of the quality and quantity of
3 spawning and rearing habitat, including the water quality declines complained of in this case. In
4 fact, Columbia Basin-origin salmon are highly migratory, making up a large component of ocean
5 commercial salmon fisheries all the way south to central California, and all the way north into
6 the Southeast Alaskan salmon fishing grounds, where Columbia Basin-origin salmon typically
7 make up as much as 25% of all the salmon harvested offshore Southeast Alaska.

8 10. PCFFA and IFR also both work closely and cooperatively with other commercial
9 fishing organizations who are not formally PCFFA member groups. This includes the Alaska
10 Trollers Association, which operates out of Alaska but whose Alaskan members harvest many
11 salmon originating from the Columbia River and from many Washington rivers and waterways.
12 Both PCFFA and IFR also work with numerous Washington-based river and watershed
13 restoration groups, including the Save Our Wild Salmon Coalition, various Riverkeeper and
14 Coastkeeper groups, and with a number of Washington's Native American Tribes.

15 11. The commercial salmon fishing industry in the Pacific Northwest generates
16 hundreds of millions of dollars of economic activity each year and supports the livelihoods of
17 many members of PCFFA and IFR. Additionally, many of PCFFA's individual member-owned
18 commercial fishing boats hold multiple fishing permits, and thus can harvest salmon in several
19 states, with much of these salmon runs Columbia River Basin in origin.

20 12. Oregon's and Washington's water quality standards, including Clean Water Act
21 temperature protections for Columbia Basin salmon, are crucial to the existence and future of the
22 commercial fishing industry in the Pacific Northwest and Alaska, as well as much of the U.S.
23 west coast. Salmon die when the water they swim in reaches temperatures much above about 70°
24 Fahrenheit. Juvenile salmon are especially temperature sensitive. Without cooler waters during

1 key juvenile salmon rearing times, these young salmon die and disappear from that year's age
2 class. When too many fish disappear in too many year-classes, that salmon run goes extinct
3 forever. This has already happened to many historically abundant Columbia Basin salmon runs,
4 and today nearly all the remaining wild salmon runs in the Columbia Basin have been so
5 damaged that they are classed as either "endangered" or "threatened" under the federal
6 Endangered Species Act (ESA), and thus are federally protected under the ESA. Hatchery-origin
7 salmonids, though most are not protected under the ESA, also die when water temperatures are
8 too high. Poor water quality conditions in the Columbia Basin, particularly lack of cool enough
9 inland waters during key times of their spawning cycle, has been identified by salmon biologists
10 as an important factor in all those Columbia Basin salmonid declines. Unfortunately, Oregon's
11 and Washington's temperature water quality standards are not being met in the Columbia and
12 lower Snake Rivers during warm summer months.

13 13. I have reviewed the U.S. Environmental Protection Agency ("EPA")
14 *Columbia/Snake River Temperature TMDL Preliminary Draft July, 2003*. The stated purposes of
15 the Draft TMDL are to: define temperature targets necessary to meet temperature water quality
16 standards in the Columbia and Lower Snake Rivers; to quantify the temperature problem in the
17 mainstems of those rivers; and to determine the level of improvement in water temperature
18 needed to meet water quality standards. EPA, however, never completed this TMDL.

19 14. I have also reviewed the October 28, 2015, *Memorandum* from Michele DeHart,
20 Fish Passage Center, to Charles Morrill, Erick VanDyke, and Steven Hawley re "Requested data
21 summaries and actions regarding sockeye adult fish passage and water temperature issues in the
22 Columbia and Snake Rivers." There, the Fish Passage Center concluded that elevated water
23 temperatures in the Columbia and Snake rivers is a long-recognized problem that to date remains
24 largely unmitigated. The Fish Passage Center also found that long-term actions to address these

1 temperature issues are necessary for the continued survival of salmon populations.

2 15. The U.S. Environmental Protection Agency's ("EPA") failure to adopt a
3 temperature TMDL standards in the Columbia Basin thus hurts the coastal salmon fishery
4 economy at large, and over much of the west coast. EPA's long delay and continued inaction in
5 adopting TMDL standards for the Columbia Basin is likely costing our industry a great deal of
6 money each year, not to mention many lost fishing industry jobs. For the last 14 years during
7 EPA's inaction, summer temperatures have continued to exceed water quality standards and
8 harm Columbia River basin fish. And during all these years, there has been no temperature
9 TMDL standard in place to start fixing this problem.

10 16. The livelihoods of many PCFFA and IFR members depend upon selling
11 harvestable salmon, and that in turn depends on EPA to make sure Washington and Oregon
12 comply with their legal duties under the Clean Water Act to protect salmon from fatally high
13 water temperatures in the Columbia Basin, which greatly increase their in-river mortalities. In
14 short, higher water temperatures in the Columbia Basin mean a reduced supply of harvestable
15 salmon, which means fewer family-wage jobs for our members and the fishing industry overall,
16 and thus less economic activity in coastal communities that depend upon salmon fishing for their
17 economic livelihoods.

18 17. EPA's delay and failure to prepare a temperature TMDL will continue to harm
19 PCFFA and IFR members, both economically and physically, until EPA formally and finally
20 adopts an adequate temperature TMDL standard for the Columbia and lower Snake Rivers.
21 PCFFA, IFR, and their members have a direct and personal financial interest in the adequate
22 protection of valuable salmon runs in the Columbia Basin from the impacts of excessively high
23 water temperatures. EPA can and should immediately correct this ongoing harm by adopting
24 suitable temperature TMDL standards as necessary to adequately protect the nation's valuable

1 salmon runs throughout the Columbia Basin.

2 18. Because I work within the fishing industry, I too am a frequent consumer of
3 seafood, including Columbia River Basin-origin salmon. I and my family consume ocean caught
4 wild salmon in large quantity at least once weekly, and often more. When I travel (which is
5 frequent, and usually along the west coast), I usually seek out local seafood restaurants and
6 frequently consume salmon dishes for my meals. Most family fishing operations which PCFFA
7 represents are also involved in the salmon fishery, and nearly always harvest salmon for
8 themselves and their own family consumption, as well as for marketing.

9 19. I believe that in the absence of a judgment from the Court that requires EPA to
10 issue a temperature TMDL for the states of Oregon and Washington, PCFFA, IFR, and their
11 members will continue to be harmed by EPA's inaction.

12 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
13 and correct to the best of my knowledge.

14 Executed this 30th day of June, 2017, at Eugene, Oregon.

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16 /s/ Glen H. Spain
17 GLEN H. SPAIN
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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Bryan Hurlbutt
bhurlbutt@advocateswest.org

Richard Adam Smith
richard@smithandlowney.com

Chloe H. Kolman
chloe.kolman@usdoj.gov

Sarah Ann Buckley
sarah.buckley@usdoj.gov

Miles B. Johnson
miles@columbiariverkeeper.org

Dated: August 30, 2017

/s/ Bryan Hurlbutt
BRYAN HURLBUTT