

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 9

BY WAYS AND MEANS COMMITTEE

A JOINT MEMORIAL

1
2 TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CON-
3 GRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE
4 STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, TO THE NATIONAL
5 OCEANIC AND ATMOSPHERIC ADMINISTRATION AND TO ITS NATIONAL MARINE FISH-
6 ERY SERVICE DIVISION.

7 We, your Memorialists, the House of Representatives and the Senate of
8 the State of Idaho assembled in the First Regular Session of the Sixty-fifth
9 Idaho Legislature, do hereby respectfully represent that:

10 WHEREAS, all runs of Idaho's wild Steelhead were listed in 1997 as
11 threatened under the Endangered Species Act; and

12 WHEREAS, many conditions originating outside of Idaho have contributed
13 to the decline of Idaho's wild Steelhead; and

14 WHEREAS, in spite of collaborative habitat restoration projects and
15 thoughtful fisheries management within Idaho, these external impacts con-
16 tinue to affect wild Steelhead returns; and

17 WHEREAS, longitudinal scientific research clearly and consistently
18 negates the notion that the operation of the Steelhead fishing season has any
19 appreciable effect on the abundance or recovery of Idaho's wild Steelhead;
20 and

21 WHEREAS, the hatchery Steelhead fishery constitutes a significant part
22 of Idaho's recreational and tribal fishery; and

23 WHEREAS, the Steelhead fishery is a significant contributor to the cul-
24 ture, jobs, tourism, recreation, and economy of Idaho; and

25 WHEREAS, Steelhead fishing by the outfitted and nonoutfitted public on
26 Idaho's rivers is a significant contributor to Idaho's rural economy; and

27 WHEREAS, Idaho submitted its Fisheries Management and Evaluation Plan
28 for review and renewal to the National Oceanic and Atmospheric Administra-
29 tion (NOAA) in 2010, prior to the expiration of the associated permit re-
30 quired for lawful operation of its fisheries; and

31 WHEREAS, NOAA still has not, in the nine years since submission, pro-
32 cessed that plan and renewed Idaho's Incidental Take Permit; and

33 WHEREAS, this has placed the State of Idaho fisheries out of legal com-
34 pliance; and

35 WHEREAS, on December 7, 2018, under threat of a federal lawsuit by six
36 organizations due to Idaho operating its fisheries without a current federal
37 permit, the Idaho Department of Fish and Game (IDFG) Commission decided to
38 suspend the Steelhead fishing season; and

39 WHEREAS, the IDFG Commission's decision of December 7, 2018, to strike
40 a conditional agreement with the litigant coalition forestalled a full clo-
41 sure of the Steelhead season; and

1 WHEREAS, the terms of said agreement are set to expire on March 15, 2019,
2 or upon verified completion of the requisite permit, whichever should occur
3 first; and

4 WHEREAS, we commend the Idaho congressional delegation for its letter
5 to NOAA urging rapid permit renewal and for its influence and support; and

6 WHEREAS, if the permit is not completed by March 15, 2019, it is possi-
7 ble that those areas that have remained open thus far might be closed and that
8 those areas that the December agreement excluded remain closed for the re-
9 mainder of the Steelhead season; and

10 WHEREAS, initial statements made in early December 2018 by NOAA offi-
11 cials projected that the permit would be completed by early-to-mid February;
12 and

13 WHEREAS, the record 35-day shutdown of the federal government, agen-
14 cies, and nonessential employees significantly delayed progress toward
15 completing the permit; and

16 WHEREAS, NOAA officials have now indicated they will attempt to com-
17 plete the permit before March 15, 2019, but they remain unwilling to commit
18 that they will do so in time.

19 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Ses-
20 sion of the Sixty-fifth Idaho Legislature, the House of Representatives and
21 the Senate concurring therein, that we urge NOAA, and specifically the Na-
22 tional Marine Fishery Service division, to practice all expediency toward
23 the completion of the Incidental Take Permit required for the lawful opera-
24 tion of Idaho's Steelhead fishing season.

25 BE IT FURTHER RESOLVED that NOAA is urged to review future Fisheries
26 Management and Evaluation Plans and process permit renewal applications
27 submitted by the State of Idaho in a time frame that does not place the state
28 out of legal compliance and that inherently puts the operation of Idaho's
29 Steelhead fisheries at risk and all that rely upon the fisheries and are oth-
30 erwise ancillary to them.

31 BE IT FURTHER RESOLVED that nothing in this Joint Memorial is intended
32 to conflict with the responsible evaluation, nor to the exclusion and con-
33 sideration of the best available science, of the permit.

34 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
35 tives be, and she is hereby authorized and directed to forward a copy of this
36 Memorial to the President of the Senate and the Speaker of the House of Rep-
37 resentatives of Congress, to the congressional delegation representing the
38 State of Idaho in the Congress of the United States, to NOAA, and to the Na-
39 tional Marine Fishery Service division of NOAA.