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U.S. House of Representatives
Committee on Resources
Washington, DC 20515

August 27, 2004

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The Honorable Craig Manson
Assistant Secretary for Fish and Wildlife and Parks
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Judge Manson:

As you know, the Oregon and California communities of the Klamath Basin have been greatly impacted by the 1988 listings of the shortnose sucker (*Chasmistes brevirostris*) and the Lost River sucker (*Deltistes lexatus*) as "endangered" under the Endangered Species Act of 1973 (ESA). We thank you for your efforts thus far in helping find solutions to this problem.

Resolving these impacts also continues to be a key focus for the affected congressional delegation ever since the disastrous 2001 water shut-off. In fact, a recent House Resources Committee hearing in Klamath Falls, Oregon highlighted ways to help resolve the complex endangered species issues in the Klamath Basin. The Committee was privileged to hear from a number of varied interests, including the U.S. Fish and Wildlife Service (FWS). Overall, we believe the hearing was successful in airing the legitimate concerns of the Basin communities and advancing resolution on these issues.

Specifically, we were encouraged that every witness supported the need for independent peer review. There is a growing and urgent need to ensure that major decisions made under the guise of the ESA should be subject to truly independent peer review.

As you know, a National Academy of Sciences (NAS) panel peer reviewed the underlying science behind a 2001 FWS Biological Opinion aimed at protecting the endangered sucker species. The resulting NAS report, which was also independently peer reviewed, found that FWS decisions were "poorly based in a scientific sense," according to the Chair of the NAS peer review panel. In light of the report, the consensus over the need for peer review at the field hearing, and other matters, we will continue to support legislation (H.R. 1662) aimed at codifying independent peer review in the ESA decision-making process. While the bill is still pending, we hope that you will administratively require independent peer review on major ESA matters.

The field hearing also included a major discussion over the status of endangered sucker fish populations. All parties in this controversy want to see a genuine recovery and an ultimate delisting of these species, however there are many unresolved questions over the numbers of the current sucker fish populations and how "recovery" is measured for the purposes of delisting. One way toward recovery is to begin a scientifically sound method in developing population estimates of these species. This, among other things, will: 1) provide performance measures of ecosystem restoration efforts; 2) provide for modification of recovery programs through adaptive management; 3) potentially allow for more rapid delisting of species and; 4) allow focus of limited agency resources on the most important recovery programs.

At the field hearing, the FWS Regional Director, Mr. Steve Thompson, indicated that the agency will conduct a five-year status review of the sucker fish populations for the purposes of updating the recovery plan. We strongly believe this status review should include a scientifically sound method in developing species population estimates. This review should also include the amount of sucker larvae recovery resulting from the completion of the "A" Canal fishscreen as well as the effect that exotic/non-native species have on recovery. We also urge that this status review be subject to external and independent peer review. Mr. Thompson has indicated that prior status checks were subject to internal FWS reviews, however, in light of the value of the NAS report, we strongly recommend that a truly external and independent team -- such as the NAS -- examine this status review.

The FWS has an opportunity to bring better and cooperative science into sucker species protection. As such, we request that the FWS promptly assemble biologists affiliated with the affected parties in the Klamath Basin -- such as the irrigators and Native American Tribes -- to develop a methodology based on peer reviewed science and state-of-the-art statistical sampling to begin such a population estimate and status review.

The Honorable Craig Manson
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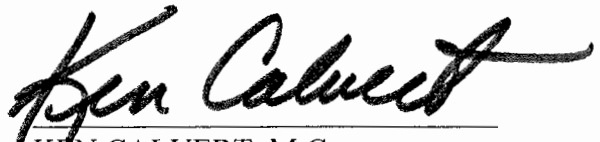
We hope you agree with our requests. As the FWS conducts its status review and assembles a team of biologists from the affected parties, we would appreciate if our staff would be able to observe this initial meeting. We also ask that the FWS keep us and our staff apprised of progress on a monthly basis. We sincerely believe that progress on these matters will help resolve a major controversy in the Klamath Basin.

Thank you in advance for your assistance in this matter.

Sincerely,



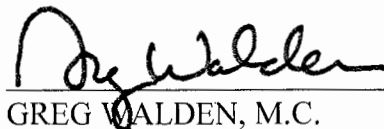
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