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NORTH CASCADES NATIONAL PARK SERVICE COMPLEX FISH STOCKING

APRIL 10, 2014.—Ordered to be printed

Ms. LANDRIEU, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 1158]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 1158) to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 1158 is to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area in Washington State.

BACKGROUND AND NEED

The North Cascades National Park Service Complex (which includes Ross Lake National Recreation Area and the Lake Chelan Recreational Area) contains over 245 mountain lakes, of which 91 have been historically stocked with fish. In some cases, the stocking of fish in these lakes dates back to the 1800's.

Fishing has been important to the area because of the recreational opportunities it creates. North Cascades National Park Complex estimates that 1,000 people fish in the mountain lakes each year. To allow for this, fish stocking is necessary because the mountain lakes are naturally fish free due to the steep creeks, waterfalls, and rugged nature of the valleys.

There has been an ongoing concern over the issue of fish stocking in the North Cascades National Park Complex. The issue was discussed during congressional hearings on the designation of the park. At that time, verbal comments from the Secretary of the Interior and the Director of the National Park Service (Director) indicated that fishing and fish stocking would continue if the area became a unit of the National Park System. These statements, though captured in the North Cascades Study Report, were never codified in the enabling legislation.

Since the park was designated in 1968, fish stocking continued under various agreements between the National Park Service (NPS) and the State of Washington. Continued stocking was authorized under a policy variance issued by the Director. The variance provided some guidance, but did not address long-term considerations and options which are necessary to best understand and manage the resource.

In 1986, the Director, through the variance, directed North Cascades National Park Complex to study and monitor the issue for its long term planning purposes. In June 2008, the NPS released its Mountain Lakes Fishery Management Plan and Environmental Impact Statement (EIS). The plan and EIS analyzed a range of management actions and alternatives for the mountain lakes.

The plan identified four alternatives. Alternative B, the plan's preferred alternative, recommended the continued stocking of up to 42 of the lakes that have historically been stocked with fish. It also planned for the elimination of some fish populations from certain lakes while allowing reproducing populations to remain in others. Only non-reproducing fish can be stocked under Alternative B in order to minimize the risk of unwanted fish reproduction. Lastly, lakes that currently do not have fish would remain fishless under the preferred alternative.

Legislation is needed to exercise the preferred alternative because the Park Service lacks the authority to implement all of the required management actions. All of the lakes considered in the plan are in a designated wilderness area, and NPS Management Policies prohibit fish stocking in waters that were naturally fishless in such areas. Without legislation, the NPS will implement Alternative D of the plan. Alternative D ceases fish stocking and removes reproducing fish from the mountain lakes, wherever it is feasible to do so, to reestablish fish-free lakes again.

The fish stocking program would be managed by the NPS and the State of Washington. Under the program, fish stocking would occur every 3 to 10 years and be tailored to specific lake conditions. Stocking would be done primarily by volunteers who backpack young fish in plastic containers to the lakes. Lakes that are too remote for backpack stocking, will be stocked using fixed wing aircraft chartered by the Washington Department of Fish and Wildlife.

LEGISLATIVE HISTORY

H.R. 1158, sponsored by Representative Hastings, passed the House of Representatives by a voice vote on June 11, 2013. The Senate Committee on National Parks held a hearing on the measure on July 31st, 2013 (S. Hrg. 113-93). At its business meeting

on December 19, 2013 the Committee ordered H.R. 1158 favorably reported without amendment.

Representative Hastings sponsored similar legislation in the 112th Congress, H.R. 2351. H.R. 2351 passed the House of Representatives by a voice vote on December 7, 2011. No further action was taken in the Senate.

Representative Hastings also sponsored similar legislation in the 111th Congress, H.R. 2430. H.R. 2430 passed the House of Representatives by a voice vote on June 2, 2009. The Subcommittee on National Parks held a hearing on H.R. 2430 on July 22, 2009 and the Committee ordered the bill favorably reported with an amendment in the nature of a substitute at its business meeting on August 5, 2010 (S. Rept. 111–324).

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on December 19, 2013, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1158.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the “North Cascades National Park Complex Fish Stocking Act.”

Section 2 defines key terms used in the bill.

Section 3(a) directs the Secretary of the Interior to authorize the stocking of fish in lakes in the North Cascades National Park Service Complex (collectively the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area), subject to subsection (b).

Subsection (b) provides that the Secretary is authorized to allow stocking of fish in not more than 42 of the 91 lakes in the North Cascade National Park Service Complex that historically have been stocked with fish. The Secretary may only stock fish that are native to the slope on the Cascade Range on which the lake to be stocked is located, and non-reproducing, as identified in Management Alternative B of the referenced June 2008 management plan and environmental impact statement. In making fish stocking decisions, the Secretary is to consider relevant scientific information, including the management plan and research and monitoring data.

Subsection (c) directs the Secretary to continue a program of research and monitoring on the impacts of fish stocking on the resources of the applicable unit of the North Cascades National Park Service Complex and submit a report every 5 years to the Congressional authorizing committees that describes the results of the research and monitoring program.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

H.R. 1158—North Cascades National Park Service Complex Fish Stocking Act

H.R. 1158 would authorize the National Park Service (NPS) to stock fish in lakes in three units of the National Park System in the state of Washington. Based on information provided by the De-

partment of the Interior, CBO estimates that implementing H.R. 1158 would have no significant effect on the federal budget. Under the act, NPS would be responsible for monitoring the impacts of these activities and submit its findings to the Congress every five years. CBO assumes that the expense of stocking fish would be borne by the state or other nonfederal entities as it has been since the three park units were established. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1158 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On May 3, 2013, CBO transmitted a cost estimate for H.R. 1158, the North Cascades National Park Service Complex Fish Stocking Act, as ordered reported by the House Committee on Natural Resources on April 24, 2013. The two pieces of legislation are identical, and the CBO cost estimates are the same.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for the Budget Analysis Division.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1158.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1158, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 1158, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by National Park Service at the July 31, 2013, Subcommittee on National Parks hearing on H.R. 1158 follows:

STATEMENT OF STEPHANIE TOOTHMAN, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, PARTNERSHIPS, AND SCIENCE, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to provide the Department of the Interior's views on H.R. 1158, a bill to direct the Secretary of the Interior to continue stocking fish in certain lakes in North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan Na-

tional Recreation Area (hereafter referred to as “North Cascades Complex”).

The Department does not oppose H.R. 1158 if amended in accordance with this testimony.

The National Park Service collectively manages North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area as North Cascades National Park Service Complex. All of the 245 mountain lakes in the North Cascades Complex area were naturally fishless. Fish stocking in this area began in the late 1800s. During this period, approximately 91 lakes were stocked at one time or another and 154 lakes were never stocked. This fish stocking provided the opportunity to fish in these mountain lakes. The issue of continued fish stocking arose in 1968 when the proposal to create the park was introduced. Although the enabling legislation does reference the requirement for a Washington state fishing license, it is silent regarding fish stocking. Stocking continued after the park was established. However, concerns over the ecological impacts of fish stocking in naturally fish-free waters continued. Soon after the park complex was created, the National Park Service policy regarding fish stocking was revised to provide that fish stocking in naturally fish-free waters should not occur. Fish stocking was phased out in many national parks across the country to restore natural conditions and to preserve native species. In 1988, Congress designated ninety-three percent of the North Cascades as the Stephen Mather Wilderness, and 90 of the 91 lakes that had historically been stocked are within the wilderness area. At the time the wilderness was designated, Congress did not address the issue of stocking the lakes.

The 2006 Management Policies of the National Park Service (NPS) allow for the management of fish populations when necessary to restore resources to their natural state or reestablish a native species that has been extirpated. Stocking of other plants or animals is also allowed under certain circumstances. Specifically, the policies provide that:

In some special situations, the Service may stock native or exotic animals for recreational harvesting purposes, but only when such stocking will not unacceptably impact park natural resources or processes and when:

- the stocking is of fish into constructed large reservoirs or other significantly altered range water bodies and the purpose is to provide for recreational fishing; or
- the intent for stocking is a treaty right or expressed in statute, applicable law, or a House or Senate report accompanying a statute.

The Service will not stock waters that are naturally barren of harvested aquatic species.”

The NPS appreciates the collaborative partnership with the Washington Department of Fish and Wildlife (WDFW) at North Cascades Complex and throughout the State of Washington. Despite this strong working relationship, a number of challenges have historically arisen when trying to reconcile the missions and policies of the WDFW and NPS on this stocking program. However, multiple attempts have been made to negotiate a mutually acceptable outcome on this issue. For example, in 1987 the Assistant Secretary of the Interior, Fish and Wildlife and Parks negotiated an agreement allowing fish stocking to continue in certain lakes while research into the ecological impacts of stocking was conducted. In a 1991 Consent Decree resolving litigation challenging the fish stocking program, NPS agreed to conduct research into the ecological impacts of fish stocking at North Cascades and a National Environmental Policy Act review of the stocking of naturally fish-free lakes.

A decade of research, conducted in the North Cascades Complex through Oregon State University and the USGS Biological Resources Division, documented lakes where fish had been stocked in low numbers and could not reproduce. No statistically significant ecological effects to native aquatic species were detected. However, in self-sustaining populations, non-native trout can have significant effects on native aquatic organisms such as amphibians and zooplankton.

In 2002, the NPS in collaboration with WDFW began development of a comprehensive Mountain Lakes Fishery Management Plan/Environmental Impact Statement (Plan/EIS). The purpose of the planning effort was to apply the results of the research and resolve the longstanding conflict over fish stocking in the mountain lakes.

On November 26, 2008, the NPS issued a Record of Decision for the final Plan/EIS and selected the preferred alternative, which would stop stocking and remove fish from lakes where significant impacts were occurring (49 lakes) but allow stocking of non-reproducing fish at low densities to continue in up to 42 lakes, subject to additional monitoring. The EIS found that such stocking would not unacceptably impact park natural resources or processes in those lakes.

However, the Record of Decision (ROD) also notes that fish stocking in the Stephen T. Mather Wilderness does not meet the minimum requirements analysis conducted under section 4(c) of the Wilderness Act. In addition, the ROD recognizes that the NPS would need legal authority to implement the preferred alternative. The ROD further provides that if such legal authority was not provided to the NPS by July 1, 2009, the NPS, consistent with NPS policy, would discontinue the stocking program in its entirety and work to restore the natural ecology of all the mountain lakes. In the majority of lakes this would be accomplished through continued fishing without further stocking. Over time, natural mortality would remove the

remainder. In lakes where naturally reproducing populations were found, the NPS would work to remove these fish. Realistically, at least ten lakes are so large that no known removal techniques will work and fish populations will remain for the foreseeable future.

The NPS is interested in ensuring that any legislation regarding fish stocking is guided by science and an understanding of the impact that such policy decisions would have on park resources. We note that the bill directs the Secretary to continue monitoring the impacts of fish stocking in order to determine if further adjustments are needed to protect aquatic resources.

Fish stocking has not occurred in any lakes within the North Cascades Complex since 2007. During that time, there have been no requests for additional stocking from either the public or from the WDFW, as they no longer consider fish stocking a priority.

Since non-native fish removal efforts began in 2009, we have seen an almost immediate return of native amphibians, which is an indicator of a more resilient ecosystem. With our improved awareness of the negative resource impacts of climate change, we now understand the importance of eliminating environmental stressors, such as non-native fish species. Thus, we feel that NPS needs the management flexibility to respond to changing environmental conditions, including climate change.

To ensure the NPS has the management flexibility to respond appropriately should monitoring and scientific research indicate negative impacts to resources from fish stocking, we strongly recommend one amendment. We ask that Section 3 (a) be amended to read as follows: "Subject to subsection (b), the Secretary may authorize the stocking of fish in lakes in the North Cascades National Park Service Complex."

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or other members of the Subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by H.R. 1158 as ordered reported.