

**TESTIMONY OF THE COLUMBIA RIVER TREATY TRIBES
BEFORE PACIFIC FISHERIES MANAGEMENT COUNCIL
March 13, 2014, Sacramento, CA**

Good day members of the Council. My name is Wilbur Slockish. I am Commissioner with the Columbia River Inter-Tribal Fish Commission and a treaty fisherman on the Columbia River. I am here with Chris Williams, and Herb Jackson and to provide testimony on behalf of the four Columbia River treaty tribes: the Yakama, Warm Springs, Umatilla and Nez Perce tribes.

During the 1850's, Issac Stevens promised that the tribes and our rights to hunt, fish, and gather our sacred foods would be protected. But it was this week back in 1957, that the gates were closed at The Dalles Dam flooding Celilo Falls, our last great mainstem fishing site on the Columbia River. This was done over the objections of the tribes. As one of our elders said at a 1947 Hearing on a proposed moratorium to dam construction, "Other people come to Celilo [and] got the fish to eat, white people and English. They live on the truth [treaty] we got. He [Issac Stevens] says, 'I will protect you from the white people.' Where is it? Where is the buffalo? Where is the deer? Where is the Elk? Where is the moose? Conservation took it all away and today we are left with the last truth we got, fish." Over and over, promises have not been upheld. This has created distrust. Distrust regarding things like promise that mark selective fisheries will not adversely impact our fish and our fishers.

As we have told the Council before, we do not support ocean mark selective fisheries. We have received a copy of the WDFW 2013 Ocean Mark Selective Fishery Sampling Report. We appreciate this report and support this type of evaluation of mark selective fisheries. We would like to see this kind of evaluation done for in-river mark selective fisheries.

There are a couple of things from this report we would like to bring to the Council's attention. The FRAM modeled mark rate in the May-June chinook mark selective fishery was higher than the mark rate actually observed in the fishery. Even though the fishery did not catch as many fish as expected, this indicates that FRAM is under-estimating impacts to wild fish per fish landed in this fishery. This is a serious concern to the tribes and should be a concern to NMFS as well. The on-board observer data indicated a lower proportion of clipped fish than the voluntary trip reports did. This supports our contention that anglers either cannot recall or choose not to report all the unclipped fish they release and that on-board observer programs are needed to accurately gage mark rates.

The tribes continue our opposition to mark selective recreational fisheries, especially the chinook fishery in Ocean Areas 1 through 4. We felt the ocean mark selective fishery proposals were not appropriate in the past four years and continue to believe that they are very in-appropriate. There is too much uncertainty in the impacts of these fisheries. The observed mark rates in this fishery are not very high. A full retention fishery would make more sense. The full retention coho fisheries planned south of cape falcon are a better approach.

Because the ocean and in-river fisheries share impacts on lower river coho and lower river tules, we would like to comment on the in-river fisheries affecting these stocks.

Again we are here to tell you that we do not support and have never supported having a mark selective chinook or coho fishery at Buoy 10. Even though the states use a 19% release mortality rate, we believe the fish may be highly susceptible to handling mortality in the estuary. August temperatures peak at just over 70 degrees in August in the Buoy 10 area.

The in-river recreational mark selective fall season chinook fisheries all have relatively low mark rates, so they are inefficient at harvesting hatchery fish. Many recreational fishers claim they do not even want to catch the clipped hatchery tules in the river. These fisheries complicate the in-river fishery modeling and are difficult to monitor and evaluate. In 2013, the mainstem mark selective chinook sport fishery occurred in a stretch of river where the water temperatures peaked at over 72 degrees in early September. We would like to note that the National Marine Fisheries Service restricts sampling fish for research purposes at Bonneville Dam at 70 degrees and sampling ceases when the temperatures are over 72 degrees because of the associated handling mortality. We wonder why they continue to allow mark selective fisheries to handle and release fish at these high temperatures.

Last fall, the states implemented a mark selective coho tanglenet fishery. We do not agree with the release mortality rate the states chose to use in this fishery. This rate is based on little more than guess work. We also remain concerned that the timing and area of this fishery will have too much impact on the mass marked coho returning to the Klickitat River. The Klickitat River is a very important late season fishery for the Yakama Nation.

This fall, there have been discussions of starting a commercial mark selective fishery as part of the implementation of the Kitzhaber commercial/sport re-allocation plan. WDFW has engaged in a research study to estimate the release mortality for purse and beach seine gear which is something we have asked for. However, the *U.S. v. Oregon* Technical Advisory Committee (TAC) has reviewed the preliminary results of this research, but has not reached consensus on appropriate release mortality rate for chinook and coho. The results are complex, but the core problem is that in order to accept the stock composition estimates from some radio tag work associated with this study, it suggests that our long set of CWT data for fisheries in the study area are not correct. The release mortality rates suggested by WDFW, imply that our CWT data are wrong. We ask that the states not consider implementation of commercial mark selective seine fisheries until the TAC can further consider the results of these studies and try to resolve these apparent inconsistencies in the data.

Mark selective fisheries have direct adverse effects on tribal fisheries such and they adversely affect tribal efforts to appropriately use hatchery fish in our rebuilding efforts. Managing simply for mark selective fisheries just manages for harvest opportunity and does nothing for rebuilding. Since the advent of mark selective fisheries, none of them have ever provided support for rebuilding fish runs.

This concludes our statement. Thank You.