

**TESTIMONY OF
THE COLUMBIA RIVER TREATY TRIBES
BEFORE PACIFIC FISHERIES MANAGEMENT COUNCIL
MARCH 11, 2010
Sacramento, CA**

Good day Mr. Chairman and members of the Council. My name is Bruce Jim. I am a member of the Fish and Wildlife Committee of the Warm Springs Tribe and a treaty fisherman on the Columbia River. I have been asked to provide Testimony on behalf of the four Columbia River treaty tribes: the Yakama, Warm Springs, Umatilla and Nez Perce tribes.

The Columbia River tribes wish to follow up on our testimony from Monday.

WDFW shared a draft of its 2010 Ocean Sampling Plan with the tribes. We view this plan as in-adequate in several regards. WDFW is relying on voluntary trip reports to estimate the mark rate and the number of fish released in the fishery as well as sub-legal encounters. The plan also indicates that mark rates from other non-selective fisheries such as the treaty troll fishery may be used to estimate mark rate. We do not think this is appropriate since sport and commercial troll fisheries often do not fish in the same locations and may encounter different groups of fish.

The tribes have not seen any multi-year analysis of the coho mark selective fisheries that have been occurring for years. The Washington coastal tribes have asked for these reports a number of times. We want to see this type of analysis of existing mark selective fisheries before we agree to any new mark selective fisheries. We need reports of mortality on marked and unmarked fish as well as reports of mortality by stock. We also want an evaluation of the errors in prediction of the mark rate for coho. The Columbia River tribes have worked hard to develop coho re-introduction programs for coho in the Umatilla, Clearwater, Yakima, and Wenatchee Rivers. We want to ensure that existing mark selective fisheries are not impacting these programs. Our tribes have never been in favor of mark selective fisheries for coho. Lack of thorough evaluation of these fisheries is part of the problem with them.

The states and NMFS have not demonstrated to the tribes that there will be an appropriate method to estimate the post season stock specific mortality for the ocean fisheries on Columbia River fall Chinook. This is necessary to ensure that the states do not exceed 50% of the harvestable surplus.

Our tribes are not convinced that we have appropriate double index tag groups in place for fall Chinook or have in place the evaluation systems to collect and use the information from double index tagging. We need to ensure that all of our evaluation programs are ready prior to the implementation of mark selective fisheries.

We also feel the need to respond to a statement made on Monday by Council member Anderson regarding Mitchell Act funding and whether it would be maintained without mark selective fisheries. The purpose of the Mitchell Act is for mitigation of the Columbia River hydro-system. The mitigation is to be the production of fish that can not be produced naturally because of the adverse effects of construction and operation of the hydro-system. This mitigation responsibility does not go away until the dams go away. It has nothing to do with mark selective fisheries. If WDFW has concerns that there are too many Mitchell Act hatchery fish returning to the lower Columbia River and that is part of why they want mark selective fisheries, then a better solution would be to move the Mitchell Act production upstream from Bonneville Dam where it has belonged in the first place.

We would also like to respond to some comments we heard from NFMS staff regarding controlling the number of hatchery fish on the spawning grounds with mark selective fisheries. This is a common and yet mis-guided notion. In order for a mark selective fishery occurring in a mixed stock area such as the ocean to have any impact on the number of hatchery fish spawning naturally, the mark selective fishery would have to be so incredibly large that it would greatly exceed impact limits on natural stocks. It is important to recognize that mark selective fisheries do have impacts to natural stocks.

We are working to ensure that we get adequate numbers of fish returning to all upstream areas to meet escapement needs and provide for fishing opportunities both in the mainstem and in the tributaries where the tribes live. We need to ensure that ocean fisheries are balanced with the needs of terminal fishers. As an example, the tribes have worked hard to develop a supplementation program for Snake River fall Chinook. Enough progress has been made so that fall Chinook fisheries are once again occurring in the Snake River. Many of the supplementation fish in the Snake River are already adipose fin clipped which makes them susceptible to high harvest rates in mark selective fisheries. We do not want to see ocean mark selective fisheries adversely impact our Snake River supplementation program.

The Columbia River tribes are very disappointed that instead of working together on salmon recovery, we are forced to come before you and argue against non-Indian fishery proposals. We bear no ill will towards commercial or sport fishermen. Many people earn their living catching fish and the tribes recognize the value of this. Our goals have always been to restore salmon populations to levels where all groups can enjoy healthy fisheries along with the economic and social benefits that go along with them. But we need to have fisheries that are appropriately monitored and evaluated so we can share the catches fairly. We also understand the difficulties the states have in structuring reasonable Chinook fisheries because of the status of lower Columbia River tules. However we can not allow the states to structure ocean fisheries in ways that we feel jeopardize tribal fisheries or the treaty fishing right.

We would be much happier if we felt the states and federal government were actually taking the needed actions to restore habitat for tule Chinook in the lower Columbia River tributaries. We would be very pleased to work with others on estuary habitat restoration and on predator control. Birds, primarily cormorants and terns, are responsible for incredible losses of juvenile salmon and steelhead in the Columbia River. If we had taken the appropriate steps years ago to reduce this predation, it is likely that the status of lower river tules would be great enough that the states would not feel the need to propose mark selective fisheries.

Fish habitat in the lower Columbia River is also imperiled by the proposal to develop an LNG terminal at Bradwood Landing. If this project can not be stopped, we strongly believe that it will result in additional fishery constraints for all of us. There is important estuary rearing habitat in the Bradwood area. This habitat will be degraded by the construction and operation of this facility. We need to work together on the real problems facing our fish populations.

The tribes view ourselves as stewards of the resource striving to ensure healthy populations for future generations. We want to see fair utilization of the resource based on the rights the tribes reserved through treaties with the United States Government.

In summary though, the tribes maintain our recommendation that the Council not approve any options for mark selective Chinook fisheries impacting Columbia River fall Chinook.

This concludes my statement. Thank You.