

Subject: Fwd: Comment for inclusion in the Briefing Book for the Apr 2010 Council Meeting - Salmon Management
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Fri, 12 Mar 2010 08:55:01 -0800
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

----- Original Message -----

Subject: Comment for inclusion in the Briefing Book for the Apr 2010 Council Meeting - Salmon Management

Date: Tue, 09 Mar 2010 15:24:03 -0800

From: Bill Divens <bill@salmonkinglodge.com>

To: pfmc.comments@noaa.gov

I have serious concerns about any harvest of Sacramento River Fall Run Chinooks in 2010 based on the Sacramento Index Forecast of 245,483 salmon.

Given the predictive model's ability to over-predict by factors of 4, the anomalous return of jacks to the Feather River Hatchery inflating the prediction and lack of historical precedent for a 3 times year over year increase in salmon population, it would be both reckless and potentially devastating to Sacramento River Fall Chinooks to allow any ocean, main stem or upper Sacramento River harvest. To allow a harvest would be to "Manage by Miracles" and, we all know the results of that management style.

While you might expect a person who would gain financially from a 2010 harvest to be overjoyed with this forecast, I am not. Unfortunately, I am doubly cursed with a PhD in Chemistry and 25 years of experience managing Silicon Valley companies. Numbers mean something to me and my business experience has taught me that past poor performance is, unfortunately, a good indicator of future results.

The following forms the basis of my concerns:

Dysfunctional Model

While there is some correlation between salmon abundance and previous year's jack return on the Sacramento, the correlation is tenuous at best. For proof, we need only look at the 2009 Salmon abundance prediction of 122,100 salmon and an actual return of 39,800. More simply, **for every 4 salmon that the model predicted, less than 1 salmon actually materialized.** The 2009 prediction was not an isolated incident. One need only look at the 2005, 2001 and 1998 predictions to see that the model can fail to predict actual returns by hundreds of thousands of fish. If the current prediction is off by the same amount as it was in 2009, we would see less than 82,000 Fall Chinooks – a number far below escapement goals.

Distribution of Jacks Used in the Model

If one were to make the highly optimistic assumption that PFMC has a functional model that would indeed predict 2010 Sacramento Fall Chinook abundance, there is another problem with the data that feeds the model. Jack distribution was strongly skewed toward the Feather River and in particular the Feather River Hatchery. Of the 9,216 jacks counted on the Sacramento, 4,620 were Feather River jacks while only 2,233 were Upper Sacramento jacks. This is important because the Upper Sacramento has historically produced more ocean caught salmon than any other California river sub-system. In the past the Upper Sacramento produced 3 – 5 times the number of salmon produced by the Feather.

Digging a little deeper into the numbers, we find that the 3,723 jacks that returned to the Feather River Hatchery was quite an anomaly. Refer to Table B-2 on page 194 of the Feb 2010 version of the Review of 2009 Ocean Salmon Fishery and you will see that over the past 40 years, only once, in 2004, did the Feather River receive more jacks than in 2009. Even in years preceding good salmon returns, the average number of jacks returning to the Feather River Hatchery was 1/3 – 1/2 of the 2009 return. **In the midst of the Central Valley salmon collapse, doesn't anyone find it odd that the Feather River Hatchery has a near record return of jacks while the Coleman and Nimbus received very low returns of jacks?**

I suspect that there was an anomaly in hatchery operations, timing of release of the 2007 juvenile salmon from the Feather Hatchery or these smolt finding a particularly rich food source upon outmigration that was not found by their Upper Sacramento and American cousins that led to such a high hatchery jack return. Inclusion of these jacks in the model is highly suspect at best. If one were to rightly assume that the Feather jack return is an anomaly and take the median of the 1971 – 2008 jack returns (1,370) as a more reasonable, but probably still high estimate for modeling 2010 returns, you would have to subtract 2,353 jacks from the Sacramento River Index model which would lower the number of jacks used in the model from 9,216 to 6,863. Plugging this number back into the model, you would project a Sacramento Index of 182,809 adult salmon, barely making the upper escapement goal range.

The skewed distribution of jacks toward the Feather and particularly the Feather River Hatchery is important because the Upper Sacramento run of Fall Chinooks is still depleted. Since the Upper Sacramento ecosystem has historically produced the lion's share of California ocean caught salmon, we need to rebuild this run if we are to see strong ocean runs in the future. Any ocean season targeting Sacramento River Fall Run Chinooks will significantly harm these fish and at best delay recovery of the Upper Sacramento stocks.

There is No Historical Precedence for the Sacramento Making Minimum Escapement in 2010

Looking beyond the model, one needs to apply a little common sense when making harvest decisions. For natural systems, historical precedence is a good place to start. With the hand of man involved, we can see record setting declines in fish populations but rarely record setting population increases. When the rare population increases do occur, there is normally some very visible, heroic effort involved.

With just 39,800 salmon in 2009, for the current prediction of 245,483 Fall Run Chinooks in 2010 to be accurate, **we would need see a 6 times increase in salmon abundance over 2009. This has never happened** and most certainly won't this year. We need to then look at what increase over the 2009 return that we need to just make escapement:

Lower End of Escapement – To meet the lower end goal of 122,000 salmon for 2010, we would need to see a year over year increase of a factor of 3. Has this ever happened? Not really. 1995 saw an increase in the Sacramento Index of approx. 2.2 over 1994. Unfortunately that was an anomaly with most year over year increases measured in percent rather than factors of 2 or 3. **In other words with only 39,800 fall Chinooks in 2009, there is no historical precedence that should make us feel comfortable that we could possibly make even minimum escapement in 2010.**

Given all of the above, I would urge the council to manage by fact rather than manage by miracles and to allow no salmon harvest targeting Sacramento River Fall Chinook in 2010.

Best Regards,
Bill Divens
Owner and Guide
Salmon King Lodge
19095 Bonita Rd.
Red Bluff, CA 96080
bill@salmonkinglodge.com
www.salmonkinglodge.com
530-941-2398
IGFA Certified Captain

Subject: Fwd: What happened?

From: "pfmc.comments" <pfmc.comments@noaa.gov>

Date: Fri, 12 Mar 2010 08:55:41 -0800

To: Mike Burner <Mike.Burner@noaa.gov>, Chuck Tracy <Chuck.Tracy@noaa.gov>, Jennifer Gilden <Jennifer.Gilden@noaa.gov>

----- Original Message -----

Subject: What happened?

Date: Thu, 11 Mar 2010 09:36:36 -0800 (PST)

From: Joe Mangiardi <joemangiardi@yahoo.com>

To: pfmc.comments@noaa.gov

Dear folks:

I attended LIU at Southampton in 1971 and earned a BS in Marine Biology. I studied fisheries management under Al Eiper at Cornell, after that, attained a MS degree in Fisheries Genetics from SDSU. I remember well the years fishing for blues and stipers off Montauk and fluke and flounder out of Freeport NY as a kid in the 60's, and the advent of the looming 200 mile limit law which was intended to reduce the amount of foreign fishing vessels working the continental shelves and decimating our near shore fisheries (I believe the US` was 18th in the world catch at that time). When there was discussions of specific fishing areas on the oceans and a marine sport fishing license I thought that was ridiculous. I knew well the CPUE curves and the effects of overfishing like the Monterey sardine, the mysterious demise of Alaska king crab, the effects of lost habitat and pollution as in the great lakes and the Chesapeake, and impact of dammed rivers, and the loss of Eastern salt marshes and estuaries, and the draining of the everglades

Then came the FCMA. Wow, I thought we finally kicked them out! The Magnusen Stevens Act was intended to maintain and preserve the the fisheries resources for future generations and to maintain economic viability of sport and commercial fisheries in the US. This is a tough job folks, I realize that very well. What I do not understand is.... what happened? We all realize that fisheries management at the primary level is a balance of maintaining natal and adult habitat, assessing and managing, where possible, the causes of mortality, fecundity, and in the case of anadromous species, recruitment. I feel that the PFMC has failed miserably in the case of salmon. Who is accountable? The Council is looked up to by all concerned. If the Council is not capable of doing their job, as it was intended, should it not come clean and confess to everyone their failures and limitations? What happened to the returns?? I resent someone who complains without a solution.

I believe from my studies of the problem that loss of FW habitat is the main culprit. I also see little record or discussion of high seas interception. If the Council has no power to access recruitment and fingerling survival then it cannot manage the fishery.

The Bristol Bay story is immense. The Sockeye data records are almost 100 years deep. I worked as fisheries project manager for BBNA in Dillingham and for ADF&G as a fisheries biologist. (I was also senior biologist for the Adirondack Lakes Survey Corporation in New York which did a massive baseline study regarding acid rain and the effects on lotic and lentic biota.) What we see in the Alaska data are huge cycles of returns. The fishery is managed by emergency order throughout the season to assure recruitment numbers in the critical rivers: Nushagak, Igigik, Ugashik, Togiak, and Naknek. They have inside test sites that measure returns during the season. This is a viable and sustainable fishery. Great stuff. Is there some component we could use on the west coast? Augmented with genetically correct hatchery contributions and a specific plan to address spawning and fingerling survival, the fishery can be saved. If the Council cannot do this they should say so.

Joe Mangiardi II

Subject: Fwd: Sacramento River Kings
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Fri, 12 Mar 2010 08:56:10 -0800
To: Chuck Tracy <Chuck.Tracy@noaa.gov>
CC: Jennifer Gilden <Jennifer.Gilden@noaa.gov>

The Council received 5 public comments that were substantively identical to this letter.

----- Original Message -----

Subject: Sacramento River Kings
Date: Fri, 12 Mar 2010 06:48:24 -0800
From: Monty Moncrief <moncrief@uci.net>
To: pfmc.comments@noaa.gov

I am deeply concerned about opening any harvest, especially commercial, that would target the 2010 Fall Run Sacramento Chinooks because I believe the forecast of 245,483 salmon is grossly inflated and that we will be lucky to make minimum escapement. My reasons are as follows:

1. The predictive model that forms the basis for harvest decisions is too deeply flawed to be used when populations are at critically low levels. In 2009 the predictive model failed by more than 300%. Predicted salmon = 122,100 Actual salmon = 39,800. More simply, for every 3 salmon that the model predicted, less than 1 salmon actually materialized. If the model over-predicts to the same level this year, we will have only 82,000 salmon return - or 40,000 below minimum escapement goals.
2. Even if the model were correct, there is a problem with the 2009 jack count that feeds the model. The majority of the jacks were part of an anomalous, near historic return to the Feather River while the Upper Sacramento and American had very low returns of jacks. The Upper Sacramento that historically produced the lion's share of ocean harvested salmon received a very low jack return. Failure to protect depleted Upper Sacramento stocks will lead to disastrous results for future ocean harvests.
3. There is no historical precedent for a year over year increase in salmon abundance of 6 times as would be needed for the 245,483 salmon prediction to come true. The greatest year over year increase in Sacramento Fall Chinooks was 1994 - 1995 when the salmon abundance increased by a factor of 2.2 and even that is rare. Normal increases are measured in percentages, not factors of 2 or 3. Applying the optimistic 2.2 factor to the 2009 returns we can expect a maximum of 87,560 adult salmon in 2010 - a number far below minimum escapement.

In light of the above facts, I would urge the council to apply common sense, rather than numbers from a highly flawed prediction model in making harvest decisions for the 2010 Sacramento Fall Run Chinooks. Given the historically low returns of 2009, a flawed prediction model, anomalously high returns to the Feather Hatchery and lack of historical precedence, the only rational decision is to close the harvest of 2010 Sacramento Fall Run Chinooks. Any other decision will be both reckless and potentially disastrous to this once stellar fishery.

THANK YOU



Subject: Fwd: Comment for Inclusion in the Briefing Book for the Apr 2010 Council Meeting - Salmon Management
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Mon, 15 Mar 2010 10:43:16 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

----- Original Message -----

Subject: Comment for Inclusion in the Briefing Book for the Apr 2010 Council Meeting - Salmon Management

Date: Sat, 13 Mar 2010 09:22:10 -0800

From: Ryan Henderson <ryanhenderson07@gmail.com>

To: pfmc.comments@noaa.gov

Dear Sir or Madam,

I am very troubled by the proposals that are now on the table regarding Fall Run Sacramento Chinook. The precipitous decline that I have personally observed over the last decade leads me to only one conclusion, no harvest or limited sport harvest.

If the projected return were to actually materialize, a 2011 season can be rationally considered. If, however, the continued mis-calculation of run size occurs and a commercial season is had, there will be nothing to discuss in 2011.

My understanding is that roughly 125,000 were predicted in 2009 and under 40,000 actually appeared. I have yet to read any scientific journal that supports a year-to-year positive change in run size as is being presupposed in the plans allowing for commercial harvest in 2010.

2010 is a critical year, if PFMC's estimation for the year are correct we are on the road to recovery. If the estimation fails the same as previous estimates and a commercial season is allowed PFMC will have facilitated the complete collapse of the Fall Run Chinook in the Sacramento River system.

I implore you to use common sense and revise the tabled options to exclude commercial harvest from any of them.

Sincerely,

Ryan A. Henderson, Esq.
(619) 200-1995
ryanhenderson07@gmail.com
3404 Lake Park Ct.
Santa Rosa, CA 95403

Subject: Fwd: Salmon season for California
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Mon, 15 Mar 2010 10:44:07 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

----- Original Message -----

Subject: Salmon season for California
Date: Sun, 14 Mar 2010 22:40:49 -0700 (PDT)
From: dschurr@sbcglobal.net
Reply-To: dschurr@sbcglobal.net
To: pfmc.comments@noaa.gov

After the lowest Salmon return in history, California 2009 (39,000 returned),

It is very irresponsible to even consider a fishing season.

After nearly a decade of continuous fisheries decline, all populations in this region, you need to solve the underlying problem before making a purely political move like this one.

I have fished Salmon for over twenty five years in this state and recognize this as a disaster unfolding.

Continued degradation of these stocks will result in endangered listings.

Please help me save this magnificent species.

David Schurr
dschurr@sbcglobal.net

Dear Sir/Madame,

We are contacting you on behalf of a group of ocean commercial salmon trollers in the State of Oregon. We represent some of the last participants of a severely declined hook and line salmon troll fishery, which provide a high quality product to consumers on the West Coast and beyond.

Everyone can agree that we have some real problems on the West Coast with salmon. Unfortunately commercial salmon harvesters have had to absorb most of the pain associated with salmon recovery. Power generation, dams, and other causes of salmon decline have not shared in the same plight as the harvesters. While our fishing communities have suffered with a 90% decline in salmon harvest since 1975 one would be hard pressed to find another group that has had to bear this type of decline.

During the past 10 years a new method of salmon harvest known as mark-selective fishing was introduced for ocean and some in-river fisheries along our West Coast. In implementation the results have been disastrous to our commercial troll salmon fishery. Scientists and fisheries biologists along with the Pacific Salmon Commission have raised some serious questions about the effectiveness of mark-selective fisheries, and unintended consequences of mass-marking groups of salmon. In August of 2001 in its Review of Salmon Recovery Studies for the Columbia River Basin the Independent Scientific Advisory Board (ISAB) for the Northwest Power and Conservation Council was gravely concerned about the problems of a mass-marked fishery on the Coded Wire Tag program that has been the primary indicator of salmon stock status for more than 3 decades. In a memorandum dated July 29, 2005 the ISAB was increasingly concerned that mortality rates were not fully understood. Some quotes from the ISAB concerning mass-marking and mark-selective fisheries:

“In addition, analytical results increasingly rely upon new assumptions on fishery impacts that are difficult to validate (e.g., assumed values for release and drop off mortality rates, plus mark retention and unmarked recognition error).”

“Despite their “common sense” appeals, mass marking and mark-selective fisheries have not been shown to be an effective management tool to constrain impacts on natural stocks of Chinook and Coho salmon to allowable levels. The effectiveness of mass marking and mark-selective fishing has not been evaluated prior to widespread application, and has instead, been blindly accepted as a matter of faith.”

“Mass marking and mark-selective fisheries increase uncertainty and introduce additional bias in estimates of fishery impacts on unmarked fish due to the necessity to rely upon assumptions (e.g., release mortality rates) that cannot be readily validated.”

“Unfortunately, the selective retention of marked fish violates the fundamental assumption of the coded-wire tag (CWT) program that has been the basis of Chinook and Coho management for the past 25 years. Further, maintaining the viability of the Coded Wire Tag program is a commitment embodied in the Pacific Salmon Treaty.”

“Since the early 1980’s, the CWT system has served as the foundation for Chinook and Coho salmon management in the Pacific Northwest and the scientific basis for the Pacific Salmon Treaty. Concerns over statistical uncertainty, the adequacy of reliance upon hatchery stock surrogates for associated natural stocks, and the impact of mass marking and mark-selective fisheries have been building in recent years. Taken together, these concerns have generated questions regarding the continuing utility of the CWT and

associated sampling regimes and analytical tools that the Pacific Salmon Commission has relied upon for decades. As a result, the ability of the CWT system to continue to serve in that capacity is now very much in doubt.”

I believe it is safe to say that both the scientific community and the fishing community have some serious doubts about the effectiveness of mark-selective fisheries on salmon recovery. The mark-selective fishery is a no-win situation for commercial fishermen, their families, coastal communities, businesses and the tax payers of the West coast states. In the summer of 2009 everyone’s worse fears came true. When the summer Coho season opened sport and commercial fishermen could not help but notice the unusually high catch rate of non-marked Coho. All one would have to do is walk down any dock and talk to the fishermen. Actual mark-rates being experienced in the ocean were reported far lower than the 69-70% figure which is used as a target goal by management. This would correspond to a salmon troller having to catch and handle nearly double the amount of fish in order to obtain their weekly quota, resulting in largely unknown hooking mortality of wild fish.

I quote a December 30, article in the Oregonian:
“Ten years ago, 12 adult Coho returned past Rock Island Dam near Wenatchee, Wash. This year, 19,805 passed the dam. Returns past McNary Dam near Hermiston climbed from 4,736 Coho a decade ago to 33,385 this year -- the most since counting began at the dam in 1954.”

As more success stories such as the one noted above come to fruition it will directly result in lower mark rates encountered in the ocean as more and more unmarked fish mix with the marked population. As one might argue that the reason for the success of the population mentioned above is due to mark selective fishing, there is not one shred of scientific proof that marked fishing for over 12 years has done anything for wild salmon populations. They continue their wild fluctuation of ups and downs and unfortunately the downs seem to push lower even as the marked fishery has expanded.

Continually reducing harvest in attempting to restore salmon runs is not the answer to salmon restoration. In many instances relatively small returns of spawners have created large runs of fish. In years of increased water flows through dams and improved habitat a direct correlation is shown that water flow and quality drives successful salmon populations. In a case study by Washington commercial salmon troller and Washington Troll Association member Joel Kawahara he duly notes:

“It must not be glossed over that the Upper Columbia River Summer Chinook were under escaped yet went on to produce near record runs. There is much to be said about meeting escapements, and it is WTA’s policy that we agree that they should be met with fisheries reductions when necessary. However, without good in-river conditions, adequate escapement is a one-sided contribution from the harvest segment that is not matched by those responsible for in-river habitat and flow. This case study of Upper Columbia River Summer Chinook shows how important in-river conditions are. Even with escapement below the interim MSY goals, developed by NOAA Fisheries and the Chinook Technical Committee of the Pacific Salmon Commission, very large returns have occurred when Ocean Conditions and Increased Flow are provided the Salmon.”

In a letter dated January 5th, 2010 to the Washington Dept. of Fish and Wildlife from Mr. Kawahara’s fisherman association (WTA) stated:

“With the hooking stress and mortality, we are not convinced that the wild Coho runs have really been helped. For the commercial salmon troller, our goal is to have an economically viable opportunity as well as provide fresh local salmon to the market. WTA has found that by retaining only the fin clipped hatchery Coho, our retained catch per unit time is so low that it is not economical for us to target only on hatchery Coho.”

This quote is from a group who once supported the mark-selective fishery. Even

they have now realized this fishery, while well intended, has become an economic disaster, and has provided no improvement in wild salmon populations.

Summarizing the fatal flaws in this system:

1. Increasing wild salmon production paid for directly and indirectly by our citizens' results in more potential mortality of wild fish, in marked selective fisheries. This is counterproductive. The salmon did not spawn; the salmon was not brought to market helping our struggling economy. Middle school level math could calculate that as more non-marked fish (from naturally occurring runs and tribal non-marked hatchery) are introduced to a school of marked fish your chances of catching a marked fish are exponentially reduced. The actual mark rates encountered in the ocean both North and South of Cape Falcon for sport and commercial fishers are far below what would be required to call this a "successful" fishery.
2. The actual mortality rates, and spawning viability being suffered by the released salmon, are largely unknown and based primarily on "blind faith."
3. Mark-selective commercial troll and recreational ocean harvest has never shown a direct correlation in increased salmon returns over the past decade that they have been used, but have had a great affect on the amount of potential fish wastage from releases.
4. Coded wire tag data used in successfully determining stock status of wild runs has been compromised due to no sample pool of unmarked stock being landed. As more and more of the fishing mortality on natural stocks is accounted for by **non-landed catch** (e.g., shaker loss, drop off, release and non-retention), the capacity of the CWT system to provide the data necessary for stock and fishery assessments is being increasingly challenged. Double Index Tagging does NOT accurately account for mortality in specific mark-selective fisheries. The level of uncertainty increases as the magnitude of mark-selective fisheries increases.
5. Forcing increased fishing time to land a fixed amount of fish, promoting unsafe working conditions because of more time needed to sort through fish, and causing waste of fuel, a non-renewable energy.
6. The extremely high cost of maintaining all aspects of marked fisheries, i.e. MATS trailers, wands, employees, maintenance, hatchery changes has created funding cutbacks in other important areas of salmon restoration. The millions of dollars spent on implementation and continuation of marked fishing has been a constant drain on Federal and State budgets with nothing to show for it. This simply cannot continue.

In closing we believe that mark-selective salmon fishing should not be considered as an option for commercial salmon troll seasons. Being told that reverting to an unmarked fishery will result in our harvest rate being cut by up to 70%, as we have been told in the past, is unacceptable. To date there is no proven scientific evidence that mark-selective salmon troll fisheries restores wild salmon populations. If severe harvest cutbacks are necessary for ESA protections it would make sense that hydroelectric power

productions, river level controls, pollution, water spill, and irrigation also be adjusted by 70%, as it is unfair and unconstitutional for the government to decide that one industry is more important than another in the recovery of salmon. We are simply asking to be treated fairly and not be managed in a way that we are not able to provide for a return on investment in this fishery.

Sincerely,

Johnny Alto
Bret Larson
Andy Shortman
Phil Peterson
Hank Bryson
Pacific City Dorymen's Association

Paul Hanneman
Jay Beckman
Steve Krashke
Paul Alexander
Jerry Branch
Rich Goche

L.A. Linker
John Lenty
Darrin Kang

On 3/17/2010 8:57 AM, pfmc.comments wrote:

----- Original Message -----

Subject:2010 Salmon season Calif.

Date:Wed, 17 Mar 2010 08:50:38 -0700 (PDT)

From:Gary Hall <hallhous@sbcglobal.net>

To:pfmc.comments@noaa.gov

To whom it may concern: As a avid sport fishing person I was

pleased to read about the proposed short season for salmon season this year. I hope you will consider using a punch card for all stream and ocean limits with a five fish limit for the season. Let every one be more responsible for our fishery, it all has to start some where why not at the PFMC. Thanks, Gary Hall

--

Chuck Tracy
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384
Voice 503-820-2280
Toll Free 866-806-7204
FAX 503-820-2299
e-mail Chuck.Tracy@noaa.gov
URL www.pcouncil.org
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RECEIVED

MAR 15 2010

PFMC

TIM KLASSEN
6934 SEAVIEW DRIVE
EUREKA, CA 95503
(707) 442-5678

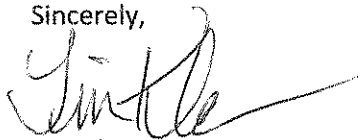
March 2, 2010

PACIFIC FISHERY MANAGEMENT COUNCIL
7700 NE AMBASSADOR PLACE, SUITE 100
PORTLAND, OR 97220-1384

Dear Sirs,

I am the president of Humboldt Area Saltwater Anglers and a charter boat operator in Eureka Ca. Eureka is a salmon fishing port. It is about 20 miles to the nearest rocky reefs. Over the years, our port has suffered many salmon closures and restrictions because of issues on the Klamath River while ports outside of the Klamath Management Zone (KMZ) have enjoyed liberal seasons and limits when fishing for Sacramento River salmon. Last year was different and it appears that this year will be different as well since the Klamath stocks are not the most constraining. As a charter boat owner, I request that you consider allocating enough Sacramento fish to the KMZ to allow the maximum season length possible. It is also important to have a two fish per day bag limit for charter boats to attract customers. Our area has been severely impacted by the recent salmon closures as well as abbreviated rockfish seasons and a poor economy in general. Please give us a season that can help to keep us and other fishing related businesses afloat.

Sincerely,



Tim Klassen

Owner - Reel Steel Sportfishing

Dear Sir/Madame,

We are contacting you on behalf of a group of ocean commercial salmon trollers in the State of Oregon. We represent some of the last participants of a severely declined hook and line salmon troll fishery, which provide a high quality product to consumers on the West Coast and beyond.

Everyone can agree that we have some real problems on the West Coast with salmon. Unfortunately commercial salmon harvesters have had to absorb most of the pain associated with salmon recovery. Power generation, dams, and other causes of salmon decline have not shared in the same plight as the harvesters. While our fishing communities have suffered with a 90% decline in salmon harvest since 1975 one would be hard pressed to find another group that has had to bear this type of decline.

During the past 10 years a new method of salmon harvest known as mark-selective fishing was introduced for ocean and some in-river fisheries along our West Coast. In implementation the results have been disastrous to our commercial troll salmon fishery. Scientists and fisheries biologists along with the Pacific Salmon Commission have raised some serious questions about the effectiveness of mark-selective fisheries, and unintended consequences of mass-marking groups of salmon. In August of 2001 in its Review of Salmon Recovery Studies for the Columbia River Basin the Independent Scientific Advisory Board (ISAB) for the Northwest Power and Conservation Council was gravely concerned about the problems of a mass-marked fishery on the Coded Wire Tag program that has been the primary indicator of salmon stock status for more than 3 decades. In a memorandum dated July 29, 2005 the ISAB was increasingly concerned that mortality rates were not fully understood. Some quotes from the ISAB concerning mass-marking and mark-selective fisheries:

“In addition, analytical results increasingly rely upon new assumptions on fishery impacts that are difficult to validate (e.g., assumed values for release and drop off mortality rates, plus mark retention and unmarked recognition error).”

“Despite their “common sense” appeals, mass marking and mark-selective fisheries have not been shown to be an effective management tool to constrain impacts on natural stocks of Chinook and Coho salmon to allowable levels. The effectiveness of mass marking and mark-selective fishing has not been evaluated prior to widespread application, and has instead, been blindly accepted as a matter of faith.”

“Mass marking and mark-selective fisheries increase uncertainty and introduce additional bias in estimates of fishery impacts on unmarked fish due to the necessity to rely upon assumptions (e.g., release mortality rates) that cannot be readily validated.”

“Unfortunately, the selective retention of marked fish violates the fundamental assumption of the coded-wire tag (CWT) program that has been the basis of Chinook and Coho management for the past 25 years. Further, maintaining the viability of the Coded Wire Tag program is a commitment embodied in the Pacific Salmon Treaty.”

“Since the early 1980’s, the CWT system has served as the foundation for Chinook and Coho salmon management in the Pacific Northwest and the scientific basis for the Pacific Salmon Treaty. Concerns over statistical uncertainty, the adequacy of reliance upon hatchery stock surrogates for associated natural stocks, and the impact of mass marking and mark-selective fisheries have been building in recent years. Taken together, these concerns have generated questions regarding the continuing utility of the CWT and

associated sampling regimes and analytical tools that the Pacific Salmon Commission has relied upon for decades. As a result, the ability of the CWT system to continue to serve in that capacity is now very much in doubt.”

I believe it is safe to say that both the scientific community and the fishing community have some serious doubts about the effectiveness of mark-selective fisheries on salmon recovery. The mark-selective fishery is a no-win situation for commercial fishermen, their families, coastal communities, businesses and the tax payers of the West coast states. In the summer of 2009 everyone’s worse fears came true. When the summer Coho season opened sport and commercial fishermen could not help but notice the unusually high catch rate of non-marked Coho. All one would have to do is walk down any dock and talk to the fishermen. Actual mark-rates being experienced in the ocean were reported far lower than the 69-70% figure which is used as a target goal by management. This would correspond to a salmon troller having to catch and handle nearly double the amount of fish in order to obtain their weekly quota, resulting in largely unknown hooking mortality of wild fish.

I quote a December 30, article in the Oregonian:
“Ten years ago, 12 adult Coho returned past Rock Island Dam near Wenatchee, Wash. This year, 19,805 passed the dam. Returns past McNary Dam near Hermiston climbed from 4,736 Coho a decade ago to 33,385 this year -- the most since counting began at the dam in 1954.”

As more success stories such as the one noted above come to fruition it will directly result in lower mark rates encountered in the ocean as more and more unmarked fish mix with the marked population. As one might argue that the reason for the success of the population mentioned above is due to mark selective fishing, there is not one shred of scientific proof that marked fishing for over 12 years has done anything for wild salmon populations. They continue their wild fluctuation of ups and downs and unfortunately the downs seem to push lower even as the marked fishery has expanded.

Continually reducing harvest in attempting to restore salmon runs is not the answer to salmon restoration. In many instances relatively small returns of spawners have created large runs of fish. In years of increased water flows through dams and improved habitat a direct correlation is shown that water flow and quality drives successful salmon populations. In a letter sent by the Washington Trollers Association (WTA) to Washington Representative Norm Dicks January 11, 2006 appeared the following:

“It must not be glossed over that the Upper Columbia River Summer Chinook were under escaped yet went on to produce near record runs. There is much to be said about meeting escapements, and it is WTA’s policy that we agree that they should be met with fisheries reductions when necessary. However, without good in-river conditions, adequate escapement is a one-sided contribution from the harvest segment that is not matched by those responsible for in-river habitat and flow. This case study of Upper Columbia River Summer Chinook shows how important in-river conditions are. Even with escapement below the interim MSY goals, developed by NOAA Fisheries and the Chinook Technical Committee of the Pacific Salmon Commission, very large returns have occurred when Ocean Conditions and Increased Flow are provided the Salmon.”

In a letter dated January 5th, 2010 to the Washington Dept. of Fish and Wildlife from WTA it was stated:

“With the hooking stress and mortality, we are not convinced that the wild Coho runs have really been helped. For the commercial salmon troller, our goal is to have an economically viable opportunity as well as provide fresh local salmon to the market. WTA has found that by retaining only the fin clipped hatchery Coho, our retained catch per unit time is so low that it is not economical for us to target only on hatchery Coho.”

This quote is from a group who once supported the mark-selective fishery. Even they have now realized this fishery, while well intended, has become an economic disaster, and has provided no improvement in wild salmon populations.

Summarizing the fatal flaws in this system:

1. Increasing wild salmon production paid for directly and indirectly by our citizens' results in more potential mortality of wild fish, in marked selective fisheries. This is counterproductive. The salmon did not spawn; the salmon was not brought to market helping our struggling economy. Middle school level math could calculate that as more non-marked fish (from naturally occurring runs and tribal non-marked hatchery) are introduced to a school of marked fish your chances of catching a marked fish are exponentially reduced. The actual mark rates encountered in the ocean both North and South of Cape Falcon for sport and commercial fishers are far below what would be required to call this a "successful" fishery.
2. The actual mortality rates, and spawning viability being suffered by the released salmon, are largely unknown and based primarily on "blind faith."
3. Mark-selective commercial troll and recreational ocean harvest has never shown a direct correlation in increased salmon returns over the past decade that they have been used, but have had a great affect on the amount of potential fish wastage from releases.
4. Coded wire tag data used in successfully determining stock status of wild runs has been compromised due to no sample pool of unmarked stock being landed. As more and more of the fishing mortality on natural stocks is accounted for by **non-landed catch** (e.g., shaker loss, drop off, release and non-retention), the capacity of the CWT system to provide the data necessary for stock and fishery assessments is being increasingly challenged. Double Index Tagging does NOT accurately account for mortality in specific mark-selective fisheries. The level of uncertainty increases as the magnitude of mark-selective fisheries increases.
5. Forcing increased fishing time to land a fixed amount of fish, promoting unsafe working conditions because of more time needed to sort through fish, and causing waste of fuel, a non-renewable energy.
6. The extremely high cost of maintaining all aspects of marked fisheries, i.e. MATS trailers, wands, employees, maintenance, hatchery changes has created funding cutbacks in other important areas of salmon restoration. The millions of dollars spent on implementation and continuation of marked fishing has been a constant drain on Federal and State budgets with nothing to show for it. This simply cannot continue.

In closing we believe that mark-selective salmon fishing should not be considered as an option for commercial salmon troll seasons. Being told that reverting to an unmarked fishery will result in our harvest rate being cut by up to 70%, as we have been told in the past, is unacceptable. To date there is no proven scientific evidence that mark-selective salmon troll fisheries restores wild salmon populations. If severe harvest

cutbacks are necessary for ESA protections it would make sense that hydroelectric power productions, river level controls, pollution, water spill, and irrigation also be adjusted by 70%, as it is unfair and unconstitutional for the government to decide that one industry is more important than another in the recovery of salmon. We are simply asking to be treated fairly and not be managed in a way that we are not able to provide for a return on investment in this fishery.

Sincerely,

Johnny Alto
Bret Larson
Andy Shortman
Phil Peterson
Hank Bryson
Pacific City Dorymen's Association

Paul Hanneman
Jay Beckman
Steve Krashke
Paul Alexander
Jerry Branch
Rich Goche

L.A. Linker
John Lentz
Darrin Kang

March 23, 2010

**Mr. Chuck Tracy, Staff Officer-STT
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384**

Dear Mr. Tracy

Thank you for your time and consideration in regards to the following comments. I would like this letter to be considered in establishing management guidelines for the 2010 and future sport and commercial salmon seasons. I have a long history as a commercial fisherman and have spent considerable time in the sport fishing industry as well. The fishing industry has been a part of my life since my childhood, as I remember hanging out at Chinook Packing as a first-grader back in 1964. I have fished off all four west coast states and spent fifteen seasons in Alaska. I have owned and operated a salmon troller for the past six seasons fishing off Oregon and Washington.

In this letter I have presented four goals for salmon management. **(p.1)** I have stated five reasons for presenting these goals. **(p.2)** I have presented support for these five reasons. **(p.3-5)** I have restated the four goals I propose for salmon management. **(p.6)** I have written my conclusion showing you why I believe the commercial salmon trollers have been forced to the brink of extinction, and I have suggested another subject for future management discussion. **(p.7)** References **(p.8)**

IT IS MY BELIEF THAT CUTTING FINS OFF OF SALMON AND USING MARKED-SELECTIVE FISHERIES TO HARVEST THEM HAS NOT AND WILL NOT SAVE THE WILD CHINOOK OR COHO. I BELIEVE BOTH PRACTICES ONLY LEAD TO WASTED MONEY, WASTED TIME, AND WASTED RESOURCES.

I PROPOSE THE FOLLOWING FOUR SALMON MANAGEMENT GOALS
FOR 2010 AND BEYOND:

- 1. Put an end to all fin clipping and coded-wire tagging of both chinook and coho salmon**
- 2. Put an end to all fin-clipped selective fisheries**
- 3. Make reporting mandatory by species, size, and markings of all hooked or netted fish, regardless of whether you keep them or not**
- 4. Do an in-depth study of the successful recovery rates of wild naturally-spawning fish experienced in the Wenatchee River**

(1)

FIVE REASONS FOR PROPOSING THESE GOALS:

1. Fin clipping a fish immediately scars a fish for life and leaves it without one of the fins for maneuvering throughout its lifespan. It mutilates fish via the use of amputation.

2. The use of a fin-clipped selective harvest has led to the needless wastes of tens of thousands, possibly hundreds of thousands of non-fin clipped fish. I do not believe this is an exaggeration.

Three things to be considered:

- A. Catch ratios between marked and unmarked fish
- B. Mortality rates for released fish
- C. Multiple second and third hook-ups, and predation after releasing wild fish

3. As wild fish become more prevalent, the chances of both poor catch ratios and hooking mortality are only going to grow more grim.

4. Hatchery clipping salmon has not helped in the recovery of wild salmon.

5. The number of fin-clipped Chinook verses wild Chinook are abysmally low, and using a marked-select fishery for Chinook will only serve to waste even greater amounts of fish than what the marked-selective Coho fishery wasted.

SUPPORT FOR THESE FIVE REASONS:

1. Fin clipping a fish immediately scars a fish for life and leaves it without one of the fins it uses for maneuvering throughout its lifespan. It mutilates a fish by using amputation.

The following quote pretty much sums up why I think cutting a fin off a salmon to manage a fishery should be banned.

“The long-term survival of fin-clipped and unmarked rainbow trout was studied in Castle Lake, California. The results of this study confirmed the generally held belief among fishery workers that fin removal has a serious detrimental effect on fingerling salmonids. Moreover, the relative magnitude of this effect for each of the seven fins that could be removed was determined; viz.: (1) removal of the adipose fin may reduce survival by as much as 50%, (2) removal of a ventral fin may reduce survival by as much as 60 to 70%, (3) removal of a pectoral or dorsal fin may reduce survival by as much as 70 to 80%, and (4) removal of the anal fin may be no worse than removal of the pectoral or dorsal fins, but can have an inconsistent effect.” Nicola, Stephen J. and Cordone, Almo J. *American Fisheries Society Volume 102, Issue 4 (October 1973)*

There are many other published works supporting the fact that clipping any fin leads to higher mortality rates than not clipping fins. There must be better ways to manage a fishery than amputating fish fins. In a very quick search I came upon the following studies by scientist to support this claim:

Hansen, Lars P. 1988. Effects of Carlin tagging and fin clipping on survival of Atlantic salmon (*Salmon salar L.*) released as smolts. *Aquaculture 70(4): 391-394.*

Mears, H. C., and R. W. Hatch. 1976. Overwinter survival of fingerling brook trout with single and multiple fin clips. *Transactions of the American Fisheries Society. 105(6):669-674*

Shetter, D. S. 1967. Effects of jaw tags and fin excision upon the growth, survival, and exploitation of hatchery rainbow trout fingerlings in Michigan. *Transactions of the American Fisheries Society 96(4):394-399.*

Due to the detrimental effects fin-clipping on fingerlings, a valuable resource is being wasted, as well as a tremendous amount of the time and money.

(3)

SUPPORT FOR REASONS (continued)

2. The use of a fin-clipped selective harvest has led to the needless waste of tens of thousands, possibly hundreds of thousands of non-clipped fish. I do not believe this is an exaggeration.

Three things must be considered here.

- A. Catch ratios between marked and unmarked fish
- B. Mortality rates for released fish
- C. Multiple hookings and predation of released fish

A. Catch Ratios: The fishing fleets have not been required to report this data in the past, but many report number that differ greatly from what the state is reporting. At times, I and many other fishermen have had to release as many as eight non-marked fish per one hatchery-marked fish. What this says is that there are a whole lot of unmarked fish out there in comparison to the hatchery-marked fish. This is not uncommon both in the ocean and in the rivers, for both commercial and sport fisheries. To get exact data for this in the future, I think there should be a requirement that all numbers are reported and studied. Past studies do not seem to have enough data to be considered as a healthy control model. With a larger control group and consistent reporting, the fishery departments will have better figures to work with in the future. It is my belief that the catch ratio for non-marked fish verses marked hatchery fish are considerably higher than those being reported. Fin-clipping fish and marked select fisheries do not serve to preserve wild fish.

B. Mortality Rates for released fish: Once again, evidence is not based upon a large, consistent control group. As a harvester, it is disconcerting to be forced by law to release a perfectly harvestable fish, knowing that it is going to die wasted. I have sport and commercially fished for salmon, and in both scenarios I have witnessed what a fish will do to fight its way off the hook. It is my belief that the percentage of mortally wounded fish is much higher than what is actually being reported. When a salmon is hooked deeper than its lips, mortality rates will go up exponentially. Taken with the fact that these fish are fighting for their lives, and it is almost sure death should the hook go beyond the lips or jaw. I have seen the gauntlet these fish must pass to get up to their spawning grounds and frankly, I'm not surprised when I hear the returns are coming in very short of their projections. Fin cutting machines, low water flows, dams, birds and other predators kill tens of millions of smolt, and then they are subjected to a harsh hook and release fishery, where many, many fish are being discarded wastefully.

(4)

SUPPORT FOR REASONS (continued)

C. Multiple second and third hook-ups, and predation after releasing wild fish

The 2nd and 3rd hooking of non-clipped fish is yet another unaccounted-for reason for higher mortality rates. It is obvious that this type of fishery is killing a lot more wild salmon, than if the government would just let all fishermen harvest the first fish they catch.

Have you ever seen a herd of sea lions rafted together? Their abundance is unbelievable. It is disconcerting to be forced by law to release a perfectly edible fish and know that it is going to die, and even more disheartening to watch predators attacking the fish you release. I quote one sport fisherman in response to the fin-clipped fishery: "That regulation is intended to protect the native fish so they can proceed to their spawning areas, perhaps a good intended rule if it were not for the multitude of seals and sea lions waiting for their lunch. In almost every instance, after carefully releasing the fish, it was immediately taken by a seal or sea lion. --Norm McDonell "The Chinook Observer" A5 (2/24/10)

On many occasions throughout the years, I have had to pick my gear and run for over an hour to get away from pesky sea lions. The loss of fish and fishing gear was staggering. Add to this by throwing back wounded fish, and the sea lions and gulls are loving our rules.

3. As wild fish become more prevalent, the chances of both poor catch ratios and hooking mortality are only going to grow more grim. Marked-selective fisheries and fin-cutting will only serve to waste fish, not help them to recover.

4. Hatchery-clipping salmon has not helped in the recovery of wild salmon. The clipping of fins and marked-select fisheries have played a huge part in the destruction and waste of untold numbers of fish. **If** the sport and commercial fishermen were allowed to keep the first fish they catch regardless of hatchery markings, **then** I believe the mortality rates upon wild salmon would be much lower than what we are presently experiencing by both fin-clipping fish and instituting marked-selective fisheries. I suggest ending the fin-clipping industry once-and-for-all. It has been a huge strain on the tax payers with no reward to both fish and fishermen.

5. The percentage of fin-clipped Chinook verses wild Chinook are abysmally low. I and many of the fishermen I know who targeted chinook salmon in 2009 had a marked rate that was more realistically between ten and twenty percent. This is just one more reason that even proposing any marked-select fishery for either coho or Chinook should be banned for good.

(5)

FOUR GOALS RESTATED:

It is my belief that hatchery marking and tagging of salmon is a failed policy, and the selective fisheries have done nothing to help in the recovery of wild stocks or the enhancement of more fishing opportunities. I propose the council consider adopting the following four suggestions for the 2010 season and beyond:

1. Continue with the present options, minus the use of a marked-select fishery by either sport or commercial fishermen. Allow fishermen to harvest their first legal-sized fish, regardless of whether they are fin-clipped or not. I think the results will amaze everyone.
2. Completely eliminate the fin-clipping industry and coded-wire tag industry, and return the money into more hatchery production and modern **(GSI) Genetic Stock Indexing** studies.
3. Make it mandatory that both sport and commercial fishermen report every fish they hook: marked, non-marked, and undersized.
4. Do a further study into the success rates experienced on the Wenatchee River and how those successes can be recreated in other rivers. Please consider the following success story: **Biologists Restore Extinct Columbia Fish Stocks: Coho salmon vanished in the Yakima basin in 1985.** I quote: "Twelve adult coho returned past Rock Island Dam near Wenatchee 10 years ago. This year, 19,805 returned past the dam. An increasing number of returns came from natural spawning,(salmon)... which biologists hope will resurrect self-sustaining wild coho stocks in the future. In central Washington's Yakima River basin, coho were **extinct** by 1985. The goal, obviously is to get a lot more wild fish in the future, but the higher numbers definitely mean a successful year" --Shannon Dininny "Statesman Journal" 4C (Dec. 31, 2009) Associated Press

A big question here: How can biologists now call once extinct runs wild fish? This is a whole topic in itself, which I will briefly touch on at the end of this recommendation.

(6)
CONCLUSION:

In Conclusion, I believe the implementation of fin-clipping for harvesting purposes never planned for the future of the salmon troll industry. I quote a 1995 Pacific Fishing Magazine article: "Others concur that fin-clipping is the only viable way to have a fishery in the future, **but only for sportsmen. We're phasing the troll fishery out.** Our only plan is to use selective fisheries in the sport fishery. It's not all that feasible in the troll fishery." --Lee Blankenship "*Pacific Fishing*" pg. 60, Nov. 1995

Mr. Blankenship is now employed by Northwest Marine Technologies (NMT) as their Director of Biological Services. NMT provides most, if not all services for both coded-wire tags (CWT) and fin-clipping machines and monitors on the West Coast. Something sounds very fishy here, but the pun of it is very frightening considering the dire situation for today's commercial salmon trollers.

I say let's stop wasting untold tens of millions of tax-payer dollars on programs geared for failure, and let's stop the waste of perfectly healthy salmon, a failed experiment. Failure of recovered stocks, Failure of restored fisheries, Failure of promised mitigations, Failure of free enterprise. Put an end to fin-clipping and marked-select fisheries once-and-for-all.

Thank you for all your time.

Sincerely,

Mr. Paul Alexander, Commercial Salmon Troller (WA, OR)

FOR FUTURE MANAGEMENT DISCUSSIONS
WILD FISH--I DON'T THINK SO!

For just a moment consider the BARE facts that nearly every river on the West Coast has been either sluiced by gold miners; scoured by loggings; blasted, concreted, and dammed by power companies; plundered by giant irrigation projects; infiltrated by hatchery stocking over the past 100 years; and over-fished by the masses. Then consider the birds, the seals and sea lions, and non-indigenous fish; and, you could make a very strong case that there really are no wild, old-growth fish left in the Northwest. It is no wonder that I am gravely concerned for my occupation and the future of our industry. Wild Fish! I don't think so. Just a few old fishermen being held captive by the inventions of man.

(7)

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Hansen, Lars P. 1988. Effects of Carlin tagging and fin clipping on survival of Atlantic salmon (*Salmon salar L.*) released as smolts. *"Aquaculture"* 70(4): 391-394.

Mears, H. C., and R. W. Hatch. 1976. Overwinter survival of fingerling brook trout with single and multiple fin clips. *"Transactions of the American Fisheries Society"* 105(6):669-674

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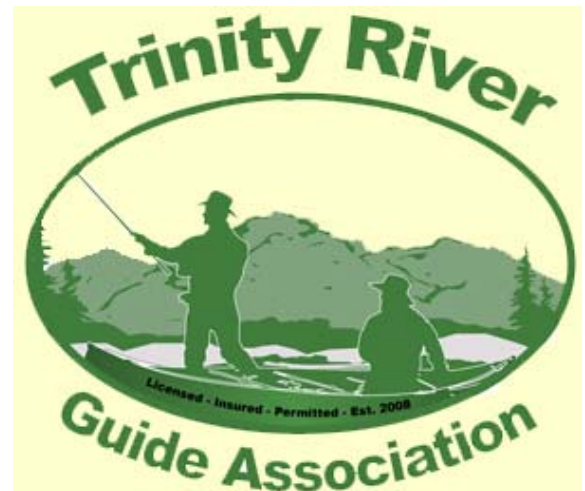
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Shetter, D. S. 1967. Effects of jaw tags and fin excision upon the growth, survival, and exploitation of hatchery rainbow trout fingerlings in Michigan. *"Transactions of the American Fisheries Society"* 96(4):394-399.

Subject: Fwd: T.R.G.A letter
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Wed, 24 Mar 2010 14:42:38 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

----- Original Message -----

Subject: T.R.G.A letter
Date: Wed, 24 Mar 2010 11:46:50 -0700
From: STEVE HUBER GUIDE SERVICE <STEVE@STEVHUBERGUIDESERVICE.COM>
To: pfmc.comments@noaa.gov



PO BOX 327 Douglass City CA 96024

www.Trinityriverguidesassociation.com

The Trinity River Guide Association (TRGA) would like to support option # 2. We would like to see all groups have a salmon season on the Klamath/ Trinity Rivers. Our group does not believe the numbers of salmon returning to the Sacramento Rivers are correct. The Sacramento natural escapement goal should be the highest at 230,000 (option # 3 goals). The goal for the Trinity/Klamath basin should be a sustainable anadromous fishery. The TRGA argues that it would be better to actually reach or exceed escapement, as opposed to the oft-repeated cycle of not enough fish at the end of the season due to unattainable escapement estimates and/or over-allotment of quotas that put too many fish in jeopardy. More fish in the river would benefit every interest in the Trinity/ Klamath basin: in-river sportfishers, tribal fisheries, and ocean commercial and sportfishers. The bottom line is that we need more fish, and if we continue to overharvest the results will be less fish each season, instead of more, and a continual downward spiral that could ultimately lead to a collapse of the entire anadromous fish population on the Trinity River

Respectfully Submitted:

Trinity River Guide Association

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March 25, 2010

Mr. David Ortmann
Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place #101
Portland, OR 97220

Dear Mr. Ortmann

At the March 8, 2010 Council Meeting in Sacramento a number of individuals and groups expressed concern with the 245,000 Fall Run adults that the model projected would return to the Central Valley in the fall of 2010. The abnormal geographical distribution of the 2009 jacks and the very low number give a number of salmon industry participants concern with the model figure.

In my verbal comments, I indicated I believe there is a more positive way to predict the number of adults which will return in 2010. I will outline our analysis in this letter. I would appreciate your forwarding this letter to the Council members as well as the council committees and scientists who should review it.

The scientific work done by the National Marine Fishery Service and the other agencies in the last half decade has identified huge fry and smolt losses which occur from the spawning areas through the Delta. These studies pinpoint many of the locations for these losses and the poor habitat conditions that create them. All of these studies provided the basis for the June 2, 2009 biological opinions for the endangered salmon runs. Further, the reasonable and prudent alternatives spell out where conditions have to change to allow better smolt survival and better migration to the ocean. We accept this data as the best science available. The benefit of this science was not present in the operations of the State and Federal Projects in either 2007 or 2008. The biological opinion did not begin to alter operations for the benefit of salmon until June of 2009. Some of the provisions of the biological opinion help the unlisted fall run fish and some do not.

I believe most scientists agree the knowledge of the freshwater salmon life cycle in the

Sacramento system is now superior to the science in the ocean which attempts to predict adult returns. The conclusions suggest that adult returns are more accurately predicted by smolt freshwater conditions than they are by jack counts. We recommend that the freshwater habitat evidence in 2007 and 2008 be carefully compared as a leading indicator to predict 2010 returns. We believe it is appropriate that the council and the scientists weigh this evidence before the 2010 seasons are set.

In the fall of 2006 and the spring of 2007 there were many adverse conditions in the rivers and Delta which impacted the number of fall run smolts which reached the ocean. When one analyzes those conditions, it is not surprising that only 39,500 fall run adults returned to the upper Sacramento the fall of 2009. In the worst case conditions of high spring export pumping, poor temperatures and the cross channel gates open, the data indicates that only 8% of the smolts survive to reach the ocean. When the NMFS Biological Opinion factors are applied to the 2006/2007 combination of drought conditions, high water temperatures, poor flows and unfavorable Delta operations, they provide strong indicators that survival to the ocean in the spring of 2007 was poor. Unfortunately, in the fall of 2008 and the spring of 2009 most of these same adverse conditions prevailed. When we view this information, we are hesitant to predict that 2010 returns will be all that much different than 2009 returns. Following are some of the factors compared for 2007 and 2008. We suggest these be carefully reviewed by NMFS and the other agencies before 245,000 adult returns serves as the sole basis for a 2010 fishing season.

Freshwater Factors Impacting Smolt Survival to the Ocean

1. River and tributary temperatures at spawning and egg maturation time particularly in the upper Sacramento, Feather and American Rivers.
2. River and tributary flows during egg maturation and fry emergence.
3. State and Federal Delta pumping rates during the time smolts enter the Delta (see attached chart)
4. Walnut Grove cross channel gates open or closed during the time smolts enter the Delta. (50% of the smolts are pulled through the cross channel gates when they are open and virtually all of them perish in the Central Delta or Clifton Court).
5. The total number of hatchery and wild smolts starting in the upper river.
6. The number of hatchery smolts trucked around the Delta and acclimated.

Data Analysis

A. Total Migrating Smolts by Year.	<u>Spring 2007</u>	<u>Spring 2008</u>	<u>Change</u>
Sacramento Hatchery releases	27,070,000	27,400,000	Up 2.5%
Wild Sacramento smolts	41,879,000	14,727,000	Down 65%
San Joaquin Hatchery releases	6,520,000	4,820,000	Down 26%
Wild San Joaquin Smolts	1,259,000	153,000	Down 88%
Total All Smolts	76,728,000	47,440,000	Down 38%%
B. State and Federal Pumping Rates When Smolts are Resident in the Delta	<u>Acre Feet 2007</u>	<u>Acre Feet 2008</u>	<u>Change</u>
January thru May	1,657,023	1,213,018	Down 27%
May (peak fall run month)	81,305	101,954	Up 25%
C. Cross Channel Gates Open/Closed	<u>2007</u>	<u>2008</u>	<u>Change</u>
January	Closed	Closed	None
February	Closed	Closed	None
March	Closed	Closed	None
April	Closed	Closed	None
May	Opened 5/25	Opened 5/23	None
D. Sacramento Red Bluff Temperature during fall run Spawning/ Egg Maturation	<u>2007</u>	<u>2008</u>	<u>Change</u>
September	58.3	60.0	2008 Lethal
October	56.9	58.8	2008 Worse

E. American River Temperature during fall run Spawning and Egg Maturation

	<u>2007</u>	<u>2008</u>	<u>Change</u>
September	64.4	67.8	Both Lethal
October	63.3	64.5	Both Lethal
November	58.2	60.1	2008 Lethal

F. Smolts Trucked Around The Delta

	<u>2007</u>	<u>2008</u>	<u>Change</u>
Sacramento + San Joaquin	8,388,953	19,632,229	Up 134%

G. Acclimation of Trucked Smolts in State of the Art Acclimation Pens

	<u>2007</u>	<u>2008</u>	<u>Change</u>
Degree of acclimation	Fair	Good	Positive

We believe the net combination of these factors indicates we cannot expect a significant change between the fall run adult returns of 2009 and those of 2010. We have therefore recommended a conservative approach by the PFMC in setting fishing seasons in 2010. We also recommend further scientific work on the impact of the factors we have outlined on adult returns. All of this data needs to be included in a life cycle model of the Central Valley salmon runs. A number of organizations have proposed construction of such a model.

Yours Truly,



Richard B. Pool
 Program Manager
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 Concord, CA 94524
 (925) 825-8560

cc. Donald McIsaac, PFMC
 John McCammon, DFG
 Neil Manji, DFG
 Rod McInnis, NMFS

Destructive Pumping Period. 85% of all the salmon smolts migrate through the Delta in this period. If the Pumps are on full and the Cross Channel Gates are open, only 8% of the smolts will make it to the Ocean.

Percent of salmon smolts entering the Delta by month

Safe Delta Pumping Period
July through December
 The only impact is some Fall-Run fish. Impact 15% of total

- █ Fall-Run Smolts
- █ Winter-Run Smolts
- █ Spring-Run Smolts

60 %

50 %

40 %

30 %

20 %

10 %

0 %

Jan

Feb

Mar

Apr

May

June

July

Aug

Sept

Oct

Nov

Dec

Data Source - National Marine Fisheries Science Studies and June 09 Biological Opinion

WFF 02/12/2010