

**TESTIMONY OF
THE COLUMBIA RIVER TREATY TRIBES
BEFORE PACIFIC FISHERIES MANAGEMENT COUNCIL
April 15, 2010
Portland, OR**

Good day Mr. Chairman and members of the Council. My name is Virgil Lewis Sr. I am a member of the Fish, Wildlife, and Law and Order Committee of the Yakama Nation and I am a treaty fisherman on the Columbia River. I am here with Rapheal Bill and Herb Jackson 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 begin our statement by assuring everyone that we are not opposed to non-Indian fishing, either sport or commercial fishing. On the contrary, the tribes have been working to restore and rebuild salmon populations to levels that can support full tribal, sport, and commercial fisheries that allow the retention of wild and hatchery fish. We see a future for sport fishing where sportsmen can go fishing and keep and eat all the fish they catch until the fishery limits are reached. But when the states and federal government continue to increase mass marked selective fisheries that do not meet the US/Canada requirements, with a system that we can not say fully monitors and account for impacts in all fisheries, how can we say they are not having a negative impact on the fish we are all trying to so very hard to restore, protect and rebuild?

We have been working aggressively to rebuild all natural stocks, to get them removed from the ESA list so everyone can fish and be certain that we all are getting our fair share of the catch and that treaty rights are protected. The mark selective fishery approach has already had an impact on the 50/50 Treaty/non-Treaty share in *U.S. v. Oregon*. And because of this we have already amended our Management Agreement to keep the allocation at a 50/50 for spring Chinook. The mark selective fishery approach for managing fall Chinook will put the PSC and *U.S. v. Oregon* Management Agreement at risk and we do not believe it will assist in rebuilding the ESA stocks. That is one of the reason we do not understand the NOAA and WDFW approach.

We firmly believe that these mark selective fisheries are designed purely to allow sport fisheries to get increased access to fish while keeping wild fish impacts as high as can be allowed. We see no conservation benefit for this kind of management and have experienced adverse effects on tribal fisheries due to it. We need assurances that we will continue to both meet our escapement needs and provide for upstream and tributary fisheries.

We have asked for direct monitoring of the Area 3 and 4 fisheries. WDFW's response has been that these fisheries only kill small number of fish in June. Our response to this is to ask why would you feel like you need to have a mark selective fishery at all for such a small fishery? From the way the states and NMFS have been pushing for the ocean mark selective fishery and the in-river summer Chinook mark selective fishery where we see no need for it, we can only interpret that when you agreed with us in the *U.S. v. Oregon* process that the recommendations of the HSRG "were a tool, not a rule", that you really meant it to be the other way around.

The Columbia River tribes remind you that we work hard to develop and run hatchery programs that provide fishery benefits to all people and assist in the recovery of salmon and steelhead populations. We limit our fisheries and restrict our fishermen when run sizes are low. We have numerous habitat restoration projects. We have good partnerships with the states and federal government on some of these projects, but we need to improve our efforts to work together on others. We would like to see increased commitment and partnerships with the states and federal government in areas such as the control of predatory bird populations not only in the estuary, but in upstream areas as well.

The tribes remain opposed to the proposed mark selective recreational fisheries in Ocean Areas 1 through 4 in June. Since Monday we have met with WDFW and NMFS. We appreciate the opportunity to share our issues in more detail. We also appreciate WDFW providing us with some reports and data we were interested in. We appreciate seeing drafts of the ocean monitoring plan even though it is in our opinion inadequate. We note that in none of the reports we have seen, including the PFMC Review of Fisheries Documents or the WDFW Ocean Selective Fishery Sampling Reports, do we find actual post season catches for Columbia up-river Chinook and coho stocks. We are beginning to feel like, as the late attorney for the Yakama Nation - Tim Weaver, was fond of saying, that the ocean fishery catch data concerning Columbia River stocks is "a shell game with no pea." We do, however,

look forward to continuing these discussions. We wish to further discuss monitoring and evaluation of ocean fisheries and addressing data needs for management. We also wish to continue to push for barbless hook regulations for in-river selective fisheries. We are willing to meet any time. Face to face meetings will be much more effective in building good working relationships compared to these sorts of public meetings.

We would like to remind the states and NMFS though that there is a quarterly meeting of the *U.S. v. Oregon* Parties scheduled on May 19. The ocean fisheries are connected to the *U.S. v. Oregon* process. At this meeting there is an expectation that the states and NMFS will provide recent year post season ocean catches of Columbia upriver coho and Chinook stocks so we can assess catches relative to the requirements of the *U.S. v. Oregon* Management Agreement. Just so we are clear, we want to know:

1. How many upriver coho are expected to be killed in 2010 ocean fisheries south of the U.S. Canada Border and at Buoy 10 and in lower Columbia River fisheries? We anticipate that you will be able to provide these mortality estimates by marked and unmarked fish.
2. How many upriver fall Chinook are expected to be killed in 2010 ocean fisheries south of the U.S. Canada Border and at Buoy 10 and in lower Columbia River fisheries? We expect this information by stock for the URB, MCB, and BPH stock groups. We also assume that you will be able to provide the mortality estimates by marked and unmarked fish for each group.
3. Additionally, for at least 2008 and 2009, since these two years are included in the current *U.S. v. Oregon* Management Agreement, we expect to be provided with post season catches and release mortality for the same stock groups mentioned above.
4. And finally, since we have raised concerns about ocean fishery impacts on upper Columbia Summer Chinook as mark selective fisheries increase, we expect that the states and NMFS will be able to provide post season catches of upper Columbia Summer Chinook in fisheries south of the U.S./Canada border and projected catches in ocean fisheries for 2010.

We look forward to seeing this information by May 19.

This concludes our statement. Thank You.