

**TESTIMONY OF  
THE COLUMBIA RIVER TREATY TRIBES  
BEFORE PACIFIC FISHERIES MANAGEMENT COUNCIL  
MARCH 6, 2001  
Portland, OR**

Good afternoon Mr. Chairman and members of the Council. My name is Duane Clark. I am a member of the Fish and Wildlife Committee of the Yakama Nation. I am here today to present comments on behalf of the four Columbia River treaty tribes: the Yakama, Warm Springs, Umatilla and Nez Perce tribes.

While the 2001 Spring Creek Hatchery tule chinook forecast is significantly higher this year, the up-river bright forecast is down somewhat. Impacts on Snake River fall chinook will likely limit both in-river fisheries and ocean fisheries.

The forecast for Columbia River coho suggests a much larger return than last year. According to management agreements for upper Columbia River coho, 50% of the upriver coho must be passed to the treaty fishing area upstream of Bonneville Dam. We expect the states to monitor and include **all** sources of non-Indian fishery mortalities in the ocean and the lower river to **ensure** the adequate passage of coho past Bonneville Dam in order for the tribes to have the opportunity to harvest their share of the coho.

The Columbia River tribes continue to question the utility of mass marking and selective fisheries as a long-term recovery strategy. It seems like selective fisheries for coho have advanced from the experimental phase to the full scale implementation phase. Mass marking and selective fisheries for chinook are increasing as well. There are still unresolved technical issues concerning the mass marking and selective fishing for chinook that are far more complicated than for coho, making it difficult to detect the effects on selective harvest on escapement. The idea of selective fishing as a way to address wild stock concerns is seductive because it diverts attention from the real problem: low

wild fish survival. The matter is also complicated in the Columbia River because some mass marked hatchery fish are listed under the ESA. Under current regulations it is legal for sport fishers to retain these listed fish in a selective fishery at higher rates than other listed populations. This is done at the same time the states and federal government argue that one of the main reasons for implementing selective fisheries is to reduce impacts on listed fish. Managers are so interested in figuring out how to mass mark salmon that they haven't stopped to consider the longer term implications. Our experience with steelhead in the Columbia River indicates that mass marking and selective fishing by itself will not restore wild runs. It **is not** prudent to move ahead with mass marking and selective fishing for chinook.

Although the forecast for the Snake River wild fall chinook is not ready, last year's Lower Granite Dam counts were the highest on record. Some of the recent increases in the wild Snake River counts were the results of supplementation that the tribes **successfully** advocated for. The tribes believe that this provides a good foundation for recovery. However, the federal government discounts the value of successful supplementation programs. Other examples of successful supplementation include restoring fall chinook returns to the Umatilla, Yakima, and Klickitat Rivers, spring chinook in the Clearwater and Umatilla Rivers, and coho in the Yakima, Clearwater, and Umatilla Rivers.

Upper Columbia River spring chinook are forecasted to return in the largest numbers since the construction of Bonneville Dam. This is good news. The tribes, states, and Federal government have reached agreement on an interim management plan for winter spring and summer period fisheries in the Columbia River. We hope to have this agreement finalized and entered as a court order in the next few weeks. This Interim agreement allows for a modest increase in harvest rates when run sizes are high. This Interim Agreement will allow the co-managers to focus not only on developing a long term management plan, but more importantly, working on activities that will actually lead to the restoration of our salmon populations.

The Columbia River tribes are **working hard** to contribute to the rebuilding of

upriver salmon and steelhead using the **limited** tools available to us like voluntary restrictions on harvest and working to increase the production of upriver stocks through supplementation. However, it is difficult to expand supplementation when hatchery funding puts a priority on maintaining release levels at the facilities at the expense of proven supplementation programs. It is difficult to find justice in restricting only fisheries while hydropower, ranching, logging, urban development, and agricultural activities continue their unregulated impacts on salmon habitat and survival. The science shows that some Columbia River stocks will recover only if major changes in the hydropower system, such as breaching or drawdown take place. The dams continue to indiscriminately harvest salmon, while the fishermen are left to fight over the crumbs. Only through a combination of efforts in the entire life cycle of the fish can we hope to get fish off the Endangered Species list.

This year, the tribes would like to bring to the Council's attention to a program proposed by the National Marine Fisheries Service that will have adverse impacts on both in-river and ocean fishers. NMFS proposes to use Snake River fall chinook in a study to look at the effects of transportation, the program that has been a failure in the past. The water levels in the Columbia will be among the lowest in the last sixty years. Survival of juvenile migrants will be low no matter what happens. A study which subjects fish to additional stress is not necessary.

The Federal government has the legal obligation under federal law **to restrict other** activities that impact listed species **before** restricting the Columbia River treaty Indian fishery any further. This must be done to **comply** with the conservation principles established in *United States versus Oregon*. **Until everyone**, Indian and non-Indian, can resume fishing at its full potential, we can not forget the work that we have to do **together** to recover all salmon and steelhead runs for our future generations.

It is difficult to recommend specific options at this time. However, due to the ongoing concerns about Snake River fall chinook, the Columbia River tribes ask that the Council to instruct the Salmon Technical Team to include an option with **zero non-Indian** fishing north of Cape Falcon. This would return the

maximum number of Snake River fall fish to the Columbia River and give the greatest flexibility for in-river allocation. The Columbia River tribes also recommend that all options going out for public review meet the ESA guideline for impacts on Snake River fall chinook. As the Council considers various fishery options over the next month, it should consider the following management principles.

Harvest rates must account for **all** sources of mortalities including mortalities in groundfish fisheries and non-harvest mortality and the harvest rates be sustainable and support rebuilding of weak and depressed stocks.

Non-tribal river and ocean fisheries **must** allow sufficient escapement so the tribes can harvest their fair share of the harvestable fish. The allocation between tribal and non-tribal fisheries must include mortalities from all sources, not just fishery mortalities.

**Habitat** protection and restoration and stock supplementation must be a part of the long term solution.

This concludes my statement. Thank You.