

Dr. Richard Gierak, Director Interactive Citizens United
5814 Highway 96
Yreka, Ca. 96097
530 475-3212
January 2, 2002

Re: "Sustainable Fisheries in the Pacific Northwest"

Gentlemen;

I would appreciate you taking the time to review this proposal and data in the interests of restoring Northwest fisheries. I have been a member of the FERC Fish Passage Advisory Team and the Hatchery Evaluation Team regarding the Klamath Basin and have presented papers at the Klamath Basin Symposium and the Ninth Annual Hoopa EPA Conference regarding this issue. Your comments would be appreciated and I look forward to continued discussion regarding this important matter. Since the enactment of the ESA in 1972 we have seen a cycle of reduced salmon for both commercial and sport fishing. Through the utilization of "junk science" and biased studies by environmental biologists we have all been led to believe that the reduction in salmonid populations was due to riparian habitat degradation, dams, agricultural runoff, ruralization, point and non-point source pollution and a plethora of other capricious claims. The reality lies within non-biased scientific data that has been collected and it clearly shows that the reduction of salmonids is due to the following factors:

(In all cases see appendix for specific scientific data)

1. Predation by pinnipeds due to overpopulation as a result of the Marine Mammal Protection Act
2. The advent of El Nino warming of the Pacific waters driving salmonids North
3. Deposition of heavy silt loads in lower basin tributaries which are the normal spawning grounds for Coho salmon.
4. The continued slaughter of salmonids by hatcheries

I believe the real question regarding the Salmonid problem rests not with fish passage or historical habitats, but, is to provide sustainable fisheries for the fishing industry, the tribes and the sports fishers.

As a member of the FERC Hatchery Evaluation Team and the FERC Fish Passage Advisory Team I assessed the Iron Gate Hatchery as meeting their mitigated goals of producing 6,00,000 Chinook, 150,000 Steelhead and 75,000 Coho annually. However, in 1997 a historic return of over 4,000 Coho returned to the hatchery and only 200 females and 400 males are required to meet their goals of Coho production. The rest were destroyed without having the opportunity to spawn naturally. In 2000 a historic return of over 71,000 Chinook returned to the hatchery and only 11,436 were required to meet the hatchery quota. In this case over 60,000 Chinook were destroyed without the ability to spawn naturally.

At the Klamath Basin Symposium in May of 2001, held at Humboldt State University, it was noted that Chinook were returning to streams and creeks off of the Klamath that were normally not utilized. This resulted as a failure at the hatchery which forced its fish ladder to be closed for a short time. The clear indication is that if the fish are not allowed to access the hatchery they will find other places to spawn naturally. At our last FPAT meeting in Yreka Mr. Mike Rode of California Fish & Game stated that over 20,000 Chinook spawned in Bogus Creek and that their offspring would be considered wild Chinook. The

argument of genetic degradation will be addressed in the appendix.

Therefore, if we truly wish to create sustainable fisheries in the Northwest then we should consider the following approaches based on the historical data from Iron Gate Hatchery located in the appendix:

1. All hatcheries to operate at full capacity as the cost would be minimal for only the food is a factor since the facilities can handle more than they are producing at this time.
2. Collection of salmonids for hatchery mitigation goals to be collected at various times during the runs and not to exceed more than 10% of their collection goals. Fish ladders would be closed between collections and uncollected salmonids to be allowed to spawn naturally.
3. Corps of Engineers to dredge the entrances to lower basin tributaries to allow fish passage into these streams which are the normal spawning grounds for Coho Salmon.
4. The culling of pinniped populations to reduce the rampant destruction of salmonids. Allow the tribes which traditionally hunted pinnipeds to resume their customs.

I wish to thank you for taking the time to review this proposal and look forward to your comments.

Sincerely;

Dr. Richard Gierak,
Degrees in: Biology, Chemistry and the Healing Arts

APPENDIX

EL NINO EFFECTS ON SALMONID POPULATIONS

1993 Report by NMFS in their Oceanic report states that the El nino of 1983-1985 devastated the Coho Salmon population off the coast of California.

Dr. John Palmisano (He was a Marine mammal biologist for NMFS in Juneau, Alaska, taught fisheries and biology at U of Washington. Also an environmental scientist for a consulting firm in Bellevue, WA. (503 645-5676)) 1997: pg2. "Coastal waters from Mexico all the way to Alaska have gradually warmed since the climate shift of the 1970s and the subsequent, periodic affects of El Nino." "It is estimated that 40 - 80 percent of estuarine habitat along the Pacific Northwest has been diminished or destroyed". "It is clearly not the perceived mismanagement of inland streams and rivers that has caused the recent degradation of the salmonid population".

SALMONID SLAUGHTER BY PINNIPEDS

1989-1990 Mid-Klamath Sub-Basin Spawning Ground Utilization Surveys indicated:

Predation: Both El Nino and the recent drought has been indicated as having an effect on the prey and predator species distribution.

Threatened California sea lions were porking out on threatened salmon.

Efforts to capture and relocate harbor seals exhibiting the same tendency have been unsuccessful in solving the problem.

The (LRP) Ch4, pages 37-39, states that estimates of mortality of anadromous salmonids from natural predators run as high as 98 percent (Fresh in Steward and Bjornn 1990) Yuroks traditionally harvested marine mammals (McEvoy 1987), but today many of these species are protected by the Marine Mammals Protection Act." In the typical logic of fisheries scientists, the report proceeds to ignore its own stated facts in favor of the politically correct.

1998 Report to Congress Prepared by NOAA, NMFS February 1998: pg 11

Conclusions: "California Sea Lions and Pacific Harbor Seals are abundant, increasing, and widely distributed on the West Coast. Many salmonid populations, which are declining due to a host of factors, are being preyed upon by pinnipeds." "Pinnipeds can have a significant negative impact on a salmonid population." Status of Pinnipeds pg 2: "California sea lions, for example, are now found in increasing numbers in northern waters, in inland waters, and upriver in freshwater in many West Coast systems. They are also now found near man-made structures such as dams or fish passage facilities with increasing frequency".

GENETIC STUDIES OF HATCHERY AND NON-HATCHERY FISH

Sept. 10, 2001 Plaintiffs In the ninth District Federal Court argued that the NMFS argument for listing Oregon coastal Coho salmon is that "naturally spawned" and "hatchery spawned" was arbitrary and capricious and thus unlawful under the Administrative Procedures Act 5 U.S.C. 706. The NMFS listing decision, contained at 63 Federal Register 42,587, is declared unlawful and set aside as arbitrary and capricious. United States District Judge, Michael R. Hogan.

The initial statement regarding the controversy between "natural" and "hatchery" fish was made in a report by Busack and Currens in 1995, wherein they stated, "Interbreeding with hatchery fish might reduce fitness and productivity of a natural population". According to Mr. Michael Rode of the California Department of Fish and Game at a Hatchery

Evaluation meeting on September 19 at Iron Gate Hatchery disclosed that less than a 2% genetic survey has been taken to date and no genetic differences have been noted between "hatchery" or "natural" Coho Salmon.

It should be noted that the NMFS listing of Coho Salmon in Northern California and Southern Oregon in 1997, (Federal Register: May 6, 1997 (Volume 62, Number 87, 50 CFR Part 227 [Docket No. 950407093-6298-03; I.D. 012595A]) Page 24588-24609) utilized the same data as in the coastal Oregon Coho listing. This listing also distinguishes "natural coho" from "hatchery coho" and they did not count "hatchery coho" even though there is no biological distinction between the two. Therefore, the listing affecting Northern California and Southern Oregon is also unlawful and should be set aside as arbitrary and capricious.

SEDIMENT DEPOSITION BLOCKS ACCESS TO LOWER BASIN STREAMS

1990-1991 According to Klamath National Forest Planner Jim Anderson, studies indicate that the largest contributions to sediment load in the Klamath Basin are from natural causes, including landslides and erosion after fire.

1991 Marine Fisheries Biologist in report to NMFS indicated floods of 1955 and 1964 on the Klamath River destroyed riparian habitat and salmon spawning beds by depositing from 10 to 30 feet of sediment and debris

TESTIMONY OF DAVID A. VOGEL EXCERPTS

In my opinion, the National Marine Fisheries Service (NMFS) significantly and inappropriately added to the regulatory crisis in the Klamath Basin by calling for higher-than-normal releases from Iron Gate Dam under the auspices of protecting the coho salmon, a "threatened" species, from extinction.

Primary Factors Affecting Coho are in the Tributaries, Not the Mainstem Coho salmon, as a species, prefer smaller tributary habitats, as compared to larger mainstem river habitats.

The following are highly relevant facts ignored by NMFS in the agency's Biological Opinion:

Fry rearing habitat in the upper mainstem Klamath River is not as quantitatively or qualitatively important to the species as is rearing habitat in the Klamath River tributaries.

Numerically and proportionally, very small numbers of coho fry rear in the mainstem downstream of Iron Gate Dam in the reach most influenced by the Klamath Project.

The indirect effects of variable Iron Gate flow on adult coho populations in the Klamath basin are minuscule when compared to other direct factors such as incidental ocean harvest and other harvest of adult fish.

References for Mr. Vogel's testimony before Congress:
CH2M Hill. 1985. Klamath River Basin fisheries resource plan. For U.S. Department of the Interior.
Kier, William M., Associates. 1991. Long range plan for the Klamath River Basin conservation area fishery restoration program. The Klamath River Basin Fisheries Task Force.
Markle, D., L. Grober-Dunsmoor, B. Hayes, and J. Kelly. 1999. Comparisons of habitats and fish communities between Upper Klamath Lake and lower Klamath reservoirs.
Abstract in The Third Klamath Basin Watershed Restoration and Research Conference. March 1999.
U.S. Fish and Wildlife Service. 1988. Final Rule: Endangered and

Threatened Wildlife and Plants;

2 ODFW estimates made by applying relative catch per unit of effort to previous population estimates (Fortune 1986).

3 U.S. Bureau of Reclamation. 2001. Biological Assessment for the Klamath Project.

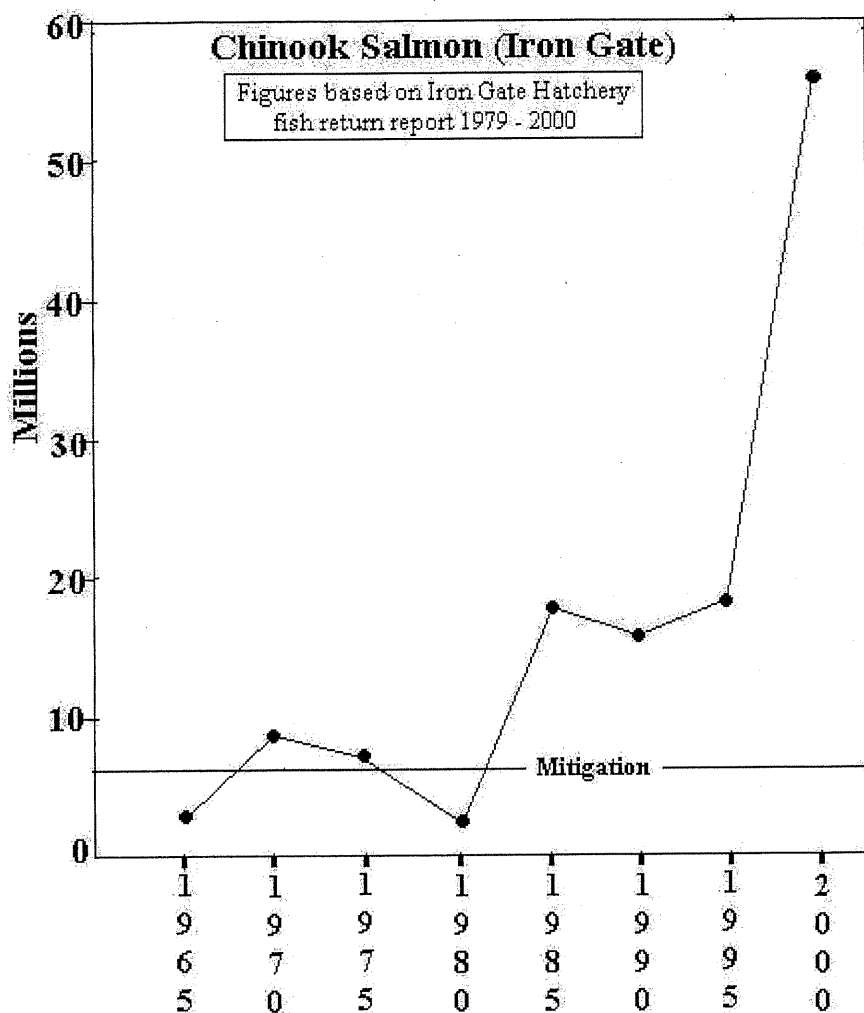


Figure 1

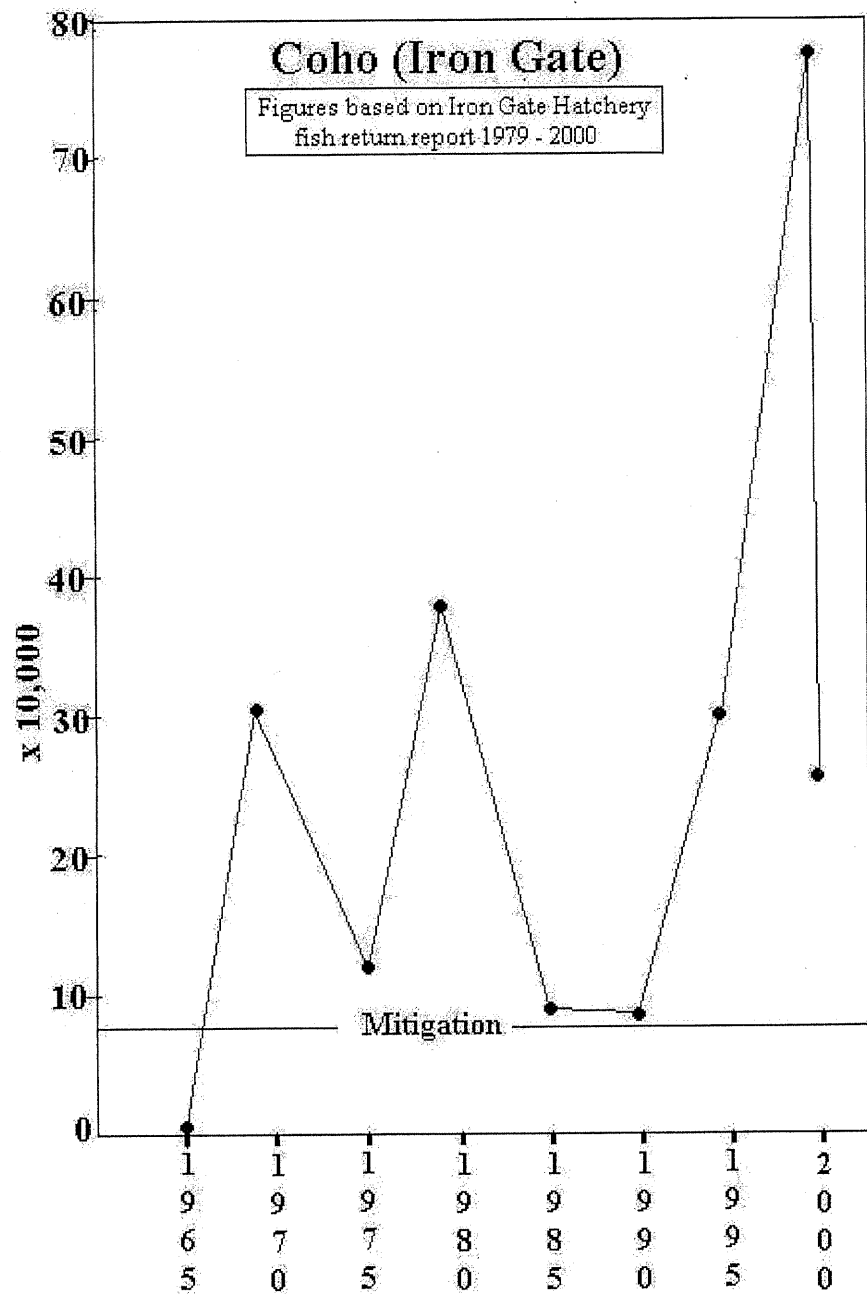


Figure 2

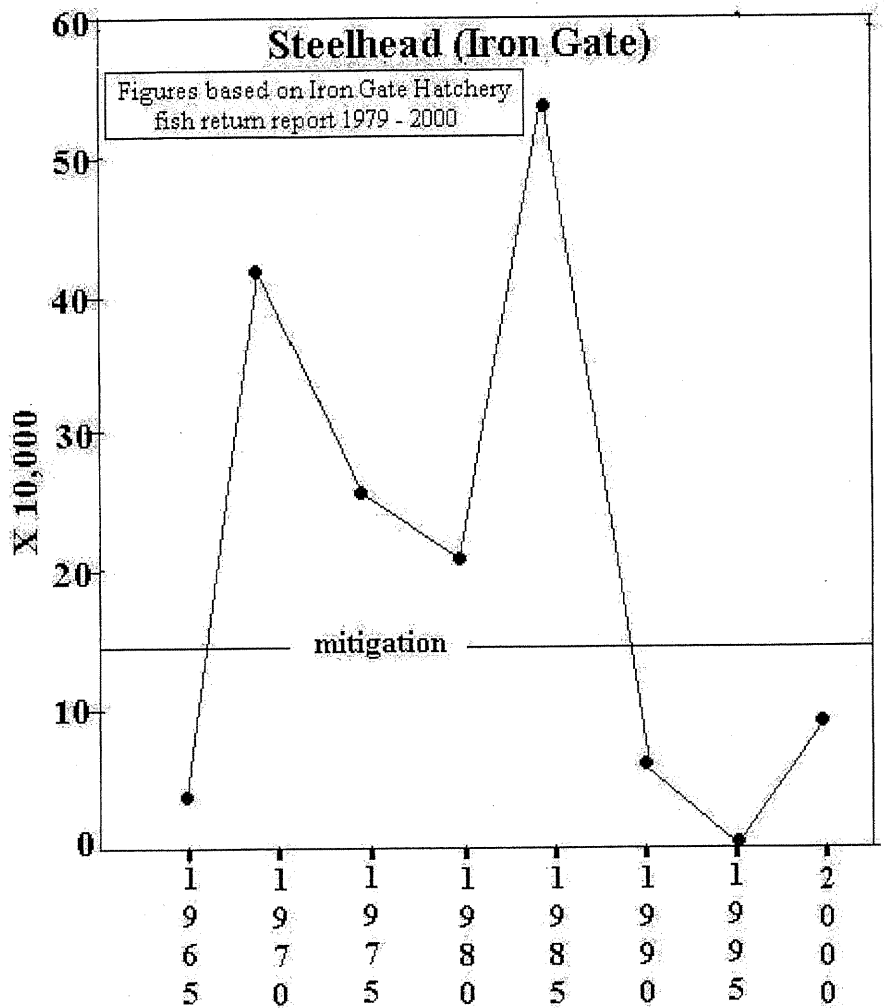


Figure 3

Subject: Sustainable Fisheries 2

Date: Wed, 09 Jan 2002 15:31:13 -0800

From: Richard Gierak <rgierak2@inreach.com>

To: john.coon@noaa.gov

John;

Forgot to attach the most important document and have included it here for the Sustainable Fisheries Proposal.

Richard

IRON GATE HATCHERY REPORT 1965 - 2000

| SPECIES | EGG-COLLECTIONS | MITIGATION GOALS | |
|----------------------------|-----------------|------------------|--|
| Chinook require 7,624 fish | 12,000,000 | 6,000,000 | |
| Coho require 400 fish | 500,000 | 75,000 | |
| Steelhead require 895 fish | 1,000,000 | 150,000 | |

| YEAR | RETURNS | HATCHERY PRODUCTION | POSSIBLE IF LADDER CLOSED ABOVE MITIGATION GOALS |
|------------------|---------|---------------------|--|
| <u>CHINOOK</u> | | | |
| 1965 | 3,000 | 2,360,000 | 0 |
| 1970 | 11,000 | 6,000,000 | 2,668,000 |
| 1975 | 10,000 | 6,000,000 | 1,870,000 |
| 1980 | 2,600 | 2,046,000 | 0 |
| 1985 | 22,000 | 6,000,000 | 11,314,000 |
| 1990 | 12,000 | 6,000,000 | 3,444,000 |
| 1995 | 23,000 | 6,000,000 | 12,100,900 |
| 2000 | 72,000 | 6,000,000 | 50,664,000 |
| <u>COHO</u> | | | |
| 1965 | 5 | 375 | 0 |
| 1970 | 1,600 | 75,000 | 234,000 |
| 1975 | 600 | 75,000 | 37,400 |
| 1980 | 2,000 | 75,000 | 300,000 |
| 1985 | 1,000 | 75,000 | 11,220 |
| 1990 | 425 | 75,000 | 4,675 |
| 1995 | 1,600 | 75,000 | 224,000 |
| 1997 | 4,100 | 75,000 | 691,900 |
| 2000 | 1,300 | 75,000 | 168,300 |
| <u>STEELHEAD</u> | | | |
| 1965 | 225 | 37,800 | 0 |
| 1970 | 2,400 | 150,000 | 262,850 |
| 1975 | 1,500 | 150,000 | 101,640 |
| 1980 | 1,200 | 150,000 | 51,240 |
| 1985 | 3,200 | 150,000 | 387,240 |
| 1990 | 300 | 50,400 | 0 |
| 1995 | 12 | 2,016 | 0 |
| 2000 | 500 | 84,000 | 0 |

These figures were compiled by California Department of Fish and Game and Pacific Power and Light Company in the Appendix Tables 2 & 3 and distributed to the FERC Hatchery Evaluation Team at the Iron Gate Hatchery in September of 2001.

