

* For Administrative Record

**Testimony of the Columbia River Treaty Tribes
Before the Pacific Fishery Management Council**

**April 12, 2002
Portland, Oregon**



Good Morning Mr. Chairman and members of the Council. My name is Terry Courtney Jr. I am a member of the Fish and Wildlife Committee of the Warm Springs Tribes. 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.

The Mitchell Act was originally enacted in 1938 to "provide for the conservation of the fishery resources of the Columbia River"¹. The Mitchell Act originated to mitigate for the production lost due to the construction of dams on the Columbia River. It is important to remember that this mitigation responsibility does not go away as long as the dams are in place.

As the Council considers its response to the letter from Congressman Dicks, the Columbia River Tribes request that the following points be included in the Council's response:

The Mitchell Act needs to be fully funded but also reformed. In 2001, the tribes supported funding the hatchery program at 36 million dollars. The tribes consider this amount a minimum appropriate level of funding. This money should be provided to the states and tribes as co-managers to jointly reform the Mitchell Act program using only jointly agreed marking programs. Nine million dollars or 25% of enacted funding should be contracted to the tribes for new or expanded supplementation projects. Additionally the Mitchell Act screening program should be funded at 20.6 million dollars for screens and passage

1. P.L. 75-502, 52 Stat. 345, May 11 1938.
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programs as identified in the Federal Caucus Plan. Funding at any amount less than the tribes' 2001 recommendation would be inadequate to meet the needs of treaty and non-treaty fishermen dependent on these programs.

The tribes want Mitchell Act funds to produce fish "In Kind - In Place". By this we mean that funds should not simply be used for lower river programs. Most of the Mitchell Act hatcheries have been built in the lower river. In order to mitigate for lost up-river natural production, fish need to be produced in all parts of the basin. Additionally hatchery operations need to be reformed so that they can aid in restoration and utilize production to supplement natural runs. The last significant changes to the Mitchell Act program have come from tribal coho programs that were included in the Columbia River Fish Management Plan back in 1988. These coho programs have assisted in the restoration of naturally spawning coho in the Yakima, Umatilla, Klickitat, and Clearwater Rivers. These coho provide benefits to treaty and non-treaty fishermen alike.

Mitchell Act funds should be used for conservation and restoration purposes. Funds should not be used to mass mark fish so they can be caught in non-Indian selective fisheries. All fishermen, treaty and non-treaty should be able to benefit from this production.

In closing the tribes hope the Council recognizes the critical importance the Mitchell Act plays in almost all Council area fisheries. By supporting the tribal position on Mitchell Act funding, the Council can help ensure that all fishermen can share in the benefits of the program and the Council can help work towards restoration of salmon populations.

Thank you.

This concludes my statement.