

**Testimony of the Columbia River Treaty Tribes
Before the Pacific Fishery Management Council
March 9, 2004
Tacoma, WA**

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The Mitchell Act was originally enacted in 1938 to “provide for the conservation of the fishery resources of the Columbia River”¹.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 hatchery program 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 obligation can not go away so long as the dams are in place.

Mitchell Act program funding has been flat in the past few years. Because of increased costs, flat funding for this program has dramatically cut the benefits of program. In 2003, USFWS was forced to eliminate the on-station coho releases at Willard Hatchery because of inadequate funding. Once again, a legislative rider that requires all production from federally funded hatcheries to be mass marked was passed by Congress, but no new funding was included with this mandate. This requires hatchery managers to use Mitchell Act hatchery funding to mass mark fish. This means there will be less money available to actually produce the fish. Past cuts in Mitchell Act programs have resulted in greater losses of above Bonneville production relative to below Bonneville production. This has been discriminatory to the tribes.

The Mitchell Act hatchery program needs to be fully funded, but it also must be reformed by the co-managers. The tribes support funding the hatchery program at 25 million dollars for fiscal year 2005, but only as part of a long term comprehensive reform of the program carried out by the co-managers. The tribes consider this amount a minimum appropriate level of funding. Only agreed to marking programs developed by the co-managers should be conducted as part of the overhaul of Mitchell Act hatchery production. Five million dollars or 20% of enacted funding should be contracted to the tribes for new or expanded supplementation projects, in addition to the programs carried out by the tribes. Additionally the Mitchell Act screening program should be funded at 20.6 million dollars for screens and passage programs as identified in the Federal Caucus Plan. Funding at any amount less than this 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.

1. P.L. 75-502, 52 Stat. 345, May 11 1938.
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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.