

**TESTIMONY OF  
THE COLUMBIA RIVER TREATY TRIBES  
BEFORE PACIFIC FISHERIES MANAGEMENT COUNCIL  
MARCH 11, 2008  
Sacramento, California**

Good afternoon Mr. Chairman and members of the Council. My name is Rapheal Bill. I am a member of the Fish and Wildlife Committee of the Confederated Tribes of the Umatilla Indian Reservation. I am here today to provide Testimony on behalf of the four Columbia River treaty tribes: the Yakama, Warm Springs, Umatilla and Nez Perce tribes.

Salmon are of critical cultural importance to the tribes. Our relationship with the fish goes back to time immemorial. Our tribes depend on salmon to meet our ceremonial and subsistence as well as our economic needs. Our ceremonial and subsistence needs take president over other needs. Our rights to these fish are protected by treaties with the United States.

The *U.S. v. Oregon* parties are finalizing a management plan that will govern management of 2008 in-river fisheries. We anticipate that fall season in-river management will be similar to recent years. This eases the pre-season planning process for the states and tribes since we have agreement over the allocation of in-river fisheries.

The fall Chinook forecasts for most Columbia River stocks are expected to be up from the 2007 returns. The upriver bright forecast has improved but is still below the recent years' average. The Spring Creek Hatchery Tule forecast is up from 2007 and much closer to an average return. The tribes are always concerned about impacts to Spring Creek hatchery tules in ocean fisheries, but recognize that other stocks may limit ocean Chinook fisheries this year. Because Spring Creek tules are typically harvested at high rates in Council area fisheries, the tribes urge the Council to continue to take a precautionary approach to proposing fisheries. Spring Creek hatchery tules are important to allow our tribes to access reasonable numbers of bright Chinook in the tribal fishery.

The forecast for Columbia River coho suggests a relatively poor return.

While the 8 percent exploitation rate limit for Lower Columbia and OCN coho is expected to be the primary limit for coho fisheries, the tribes remind the Council that it is also necessary to pass 50 percent of the upriver coho to the treaty fishing area upstream of Bonneville Dam.

The tribes also share the concerns of the Salmon Technical Team that the forecasts could be optimistic this year. Because our tribes fish in terminal areas, we are concerned about impacts occurring to our fish before they return to the treaty fishing area. We want the ocean and lower river fisheries to be planned and implemented carefully so we do not place all the conservation burden on the tribal fishery.

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 passage of coho past Bonneville Dam to assist with rebuilding upriver coho populations and so the tribes will have the opportunity to harvest their share of the coho.

We would like to report that in large part due to tribal restoration programs for Snake River Fall Chinook, over 12,000 Snake River fall Chinook reached Lower Granite Dam in 2007. Only about 2,000 of these fish were natural. But given that the Upriver Bright return to the Hanford Reach was significantly less than forecast, the Snake River return was fairly stable. The tribes believe this is further evidence that the long term supplementation of Snake River fall Chinook is working. This program has been successful in providing benefits to both tribal and non-tribal fishers while providing a buffer to get us through periods of low survival. Some groups have been critical of the concept of using hatcheries to support recovery of natural populations. But the Snake River supplementation program clearly shows that progress toward recovery can be made when hatchery programs are used appropriately.

We are also pleased that the Corps of Engineers and BPA were willing to provide a minimal level of spill to benefit the out migration of Spring Creek hatchery tules this year. We believe that this spill was less than what was needed. More spill would provide additional benefits, but given the reluctance of the Bonneville Power Administration to allow water to go over spillways, we were probably fortunate to get this. Spill for these fish provides

definite benefits to both ocean and in-river fisheries.

The tribes are very concerned about expanding mark selective fisheries. Some groups such as the National Marine Fisheries Service and the Washington Department of Fish and Wildlife are continually pushing for expanding mark selective fisheries when clearly they have shown no benefit to natural origin fish stocks. The federal government is requiring that most federally funded hatchery programs mass mark 100% of their hatchery releases. Most state hatchery programs are also mass marking 100% of their fish. Most hatchery coho have been mass marked since the mid 1990's. The only coho populations to make fairly steady increases are the mid and upper Columbia populations which are heavily supplemented with unmarked hatchery fish. Most other coho populations are static or declining. And the Lower Columbia Coho ESU was listed as threatened after the large scale implementation of mark selective coho fisheries. Clearly mass marking coho and implementing mark selective coho fishing has done nothing for wild coho populations. This year's coho forecast is a good case in point that selective fisheries are not doing anything to assist in the recovery of coho populations.

Since nearly all federally funded hatchery Chinook are mass marked, there ever increasing pressure for Chinook selective fisheries. The Pacific Salmon Commission has previously reported on the many problems that Chinook selective fisheries cause for the coast wide Coded Wire Tag Program. The tribes' experience with Chinook selective fisheries has shown that mark selective fisheries has caused problems with the allocation of in-river catches. And mark selective Chinook fisheries have shown absolutely no benefit to natural stocks. Yet every year there is more and more pressure for increased mark selective fisheries. With the anticipated difficulties ahead in planning 2008 ocean fisheries, many people will hope that selective fisheries will solve their problems. This is a false hope. The tribes believe that mark selective fisheries are absolutely the wrong way to work towards recovering salmon stocks and providing healthy fisheries for everyone.

Additionally, the tribes wish to remind the Council that 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 their 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.

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 along with non-harvest mortality. 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** needs continued protection. This includes upstream and tributary habitat as well in the estuaries. The tribes also firmly believe that hatcheries can be used appropriately for stock supplementation in ways that support populations until the root causes of fish declines can be addressed. Habitat restoration as well as appropriate hatchery supplementation must be a part of the long term solution.

This concludes my statement. Thank You.