



Queets Coho Overfishing Report and Rebuilding Plan
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The Quinault Indian Nation (QIN) respectfully requests that the draft report "*Queets River Natural Coho Salmon Rebuilding Plan, Environmental Assessment, Magnuson-Stevens Fishery Conservation and Management Act Analysis, Regulatory Impact Review and Initial Regulatory Flexibility Analysis*" be withdrawn from further consideration and that a process involving direct and substantive involvement of the co-managers of this resource, QIN and Washington Department of Fish and Wildlife (WDFW), be initiated immediately. We find it particularly aggravating that the PFMC will apparently consider the report in light of the fact that no tribal representative will apparently be permitted to vote on the matter.

QIN is deeply disappointed and gravely concerned that the PFMC has proceeded to develop the Queets coho report without the co-managers' active involvement in completion of the report and identification of alternative approaches to rebuilding. Unlike the mixed stock ocean fisheries, our fishermen depend on the continued health of the fish that return to the Queets River to sustain the social, cultural, and economic well-being of our Queets community. The Queets River salmon have been integral to Quinault's economic, social and cultural fabric since time immemorial. Throughout our history of managing this resource for countless generations, we have experienced and contended with occasional downturns as well as welcome abundance. The proximate cause of the overfishing determination is the low escapement observed in 2015. In that season, QIN was the first to take action and close its fishery when it became apparent that returning adults were lower than had been projected. No one knows more about Queets coho than the QIN or has more at stake in ensuring its continued viability.

In *U.S. V. Washington*, Judge Boldt ruled that QIN is a self-regulatory tribe with treaty protected fishing rights and co-management authorities and responsibilities, yet we have not been requested or provided the opportunity to contribute our information, intimate knowledge and expertise regarding Queets coho to the deliberations as to options for rebuilding. The failure to involve QIN in deliberations regarding Queets coho disrespects and ignores our legal status as a co-manager of a shared resource and neglects to acknowledge the trust responsibility of the United States to protect the abundance and productivity of the resources that are essential to our ability to exercise our reserved treaty rights. We are further troubled that the PFMC as a federal entity has failed to fulfill its obligation to meaningfully consult with QIN on a government-to-government basis on any action that may adversely affect its rights and interests (Executive Order 13175, 65 FR 67249, November 9, 2000 and White House memorandum issued on November 5, 2009). The failure to invite QIN to participate is an affront to the government-to-government relationship with the US is significant.

While QIN staff has been able to participate in public webinars and one meeting with the STT and has responded to requests to provide data and comment on their interpretation, we want to make it explicitly clear that we do not consider staff involvement to constitute either consultation or an invitation to participate in a deliberative process where co-managers can share information and attempt to reconcile differences in perspectives. We are disturbed and quite bewildered as to why the PFMC elected not to show the due respect and simple courtesy of extending a formal invitation to the Quinault Nation and WDFW as co-managers to fully participate in the development of this report.

Our concerns with the draft report include, but are not limited to:

- The current draft is incomplete and not ready for release for public comment. Key sections of the draft report are still not available (Sections 5.2, 6.2.2, 6.3.2, 6.4.2, 6.5.2, 6.6.2, 6.7.2, 6.8, 6.9, Appendices C, D, F-I. Notably missing is any consideration of blind reliance on projections produced by Coho FRAM or evaluation of its performance.
- Some of the numbers in the draft report are inconsistently reported. For example, escapements in Table 3.3.2.a differ from those depicted in Table 3.3.3.a and the values depicted in Figure 3.1.1.b. These differences affect the analyses and propagate through values presented throughout the report. Further, it appears that the estimation of total exploitation rates in Sections 3.3.3 and 3.4 were not derived from Backwards FRAM runs that employed the data depicted in Table 3.2.2.a (they appear to be produced by a different data set).
- The stated purpose and need in section 2.1.2 is limited to consideration of a “control rule” for fishery management constrains consideration of alternatives that could be useful and be incorporated into a rebuilding plan,
- Section 2.3 does not accurately reflect the provisions of the PST agreement, in that impacts of Southeast Alaskan fisheries and Table 2.3a are not included and exploitation rate constraints are derived from total allowable exploitation rates, not categorical status.
- Section 2.3.1 is not stated correctly, the Queets MU is managed as a separate population, not as an aggregate comprised of stocks from the Columbia River to the Strait of Juan de Fuca.
- Section 2.3.2 does not accurately describe the management strategy for Queets coho, which involves consideration of differential impacts of fisheries on wild and hatchery components. The supplementation program for Queets coho is not currently active, but some of the datasets appear to include natural spawners produced by supplementation efforts. During the PFMC preseason planning process, the Quinault Nation and WDFW develop agreements on terminal fishery plans which are taken into account in the management measures that are ultimately approved by the Council.
- Section 3.0 does not adequately describe implications of variability or temporal trends on survivals or provide hypotheses regarding cause and effect. Sections 3.1 and 3.2 appear to merely present data and provide an annotated description, but contribute little of substance to understanding the influence of freshwater or marine environmental conditions to survivals of Queets coho.
- Section 3.1 should include an analysis of differences in production and survival between the Queets and Clearwater watersheds. Information and data are available, but were not examined or at least reported. The Clearwater and Queets watersheds have markedly different land use patterns and histories that are likely to differentially and substantially affect coho production, particularly resulting from cumulative impacts of forest harvest activities on the available quantity, quality and utilization of ponds and tributary areas for coho rearing habitats (Lestelle, L. Strategic Priorities for Habitat Management to Improve Freshwater Performance of Queets Coho Salmon. Report to the Quinault Indian Nation, September 2009, 54p.)
- The data underlying figures 3.1.1.b, 3.1.2.a, and 3.2.a should be provided. The data in figure 3.1.1.b does not appear to be consistent with that provided in Table 3.3.2.a. The escapement values contained in Table 3.3.2.a represent spawners of only natural origin fish while the points

in Figure 3.1.1.b appear to reflect total naturally spawning spawners including natural, supplementation and hatchery fish.

- The data and source for Section 3.2.2. *Early life survival rates* and Figure 3.2.a should be provided. It is not sufficient to merely state that marine survival estimates are available for 1991 through 2015. Estimates of smolt production and ocean abundance are referenced elsewhere in the report. The derivation of the early marine survival rates is essential for interpretation of the information presented in Section 3.2.
- Section 3.4 should include an explanation of why estimates of escapements and exploitation rates produced from postseason FRAM runs were employed in the analyses. This explanation should at the very least include a discussion and acknowledgement of uncertainties. The Pacific Salmon Commission's Coho Technical Committee produces estimates of annual exploitation rates using Postseason FRAM because escapement data are not available for Canadian coho stocks and the inability to independently estimate stock-specific mortalities on natural origin coho given the pervasive use of mark selective retention regulations in both U.S. and Canadian fisheries. Results of Postseason FRAM runs are influenced by data limitations for all coho stocks coastwide, not just Queets, and assumptions regarding base period average distribution patterns and release mortality rates. Consequently, the estimates of postseason abundance and exploitation rates produced by Postseason FRAM are highly uncertain.
- The criteria for rebuilt (Section 4.0) should reflect the seminal fact that Queets coho consist of three separate populations. A three year running geometric mean does not comport with biological realities for a species propagated by 3 separate populations of predominantly 3-year old escapements. More fundamentally, indications of a strong density dependent relationship between escapement and smolt production depicted in figure 3.1.1.b suggests that the relationship between the overfishing criteria and spawning escapement goals warrants further investigation; in particular. It is curious that the report does not incorporate a stock-recruitment analysis for either adults normalized for variability in marine survivals or smolt production.
- Alternative III (suspend all salmon-directed ocean and in-river fisheries) is inappropriate and should be eliminated from consideration. This alternative would abrogate QIN's treaty fishing right in the Queets and only Congress has that power, and it is outside the purview of the PFMC. The Council must be mindful that any options involving involuntary restriction of treaty fishing are unlawful absent a showing that the conservation necessity principle standards identified by the federal courts have been satisfied.
- The range and scope of alternatives presented in the draft does not adequately encompass the range deserving consideration. The range of alternatives for rebuilding is constrained by the limitations of the PFMC's jurisdiction and the Purpose and Need statement in Section 2.1.2. Some approaches, such as those involving terminal fishery regimes or investments in habitat restoration or production cannot be implemented absent co-manager consent and commitment. There are other alternatives that should be considered for incorporation into a rebuilding plan. For example: (a) improving the scientific basis for management, including abundance and marine survival forecasts and FRAM model performance; (b) addressing limiting factors in freshwater environments; (c) use of artificial propagation to improve productivity and provide fishing opportunities while minimizing impacts on naturally spawning fish; (d) adaptive management response to information on shifts in marine survival regimes. We recognize that development of some of these alternatives could require commitment of significant amounts of time and resources, but the rebuilding plan must be structured with sufficient robustness to

withstand the challenges posed by increasing future uncertainty. Lastly, opportunities to coordinate and integrate the PFMC's rebuilding approach with efforts to be undertaken under the Magnuson-Stevens Act and NOAA Fisheries disaster policy as a result of the production failure for Queets coho in 2015 should be investigated.

- Appendix B (Model Description) provides an outline for a simple model for evaluation of rebuilding time. However, the model does not include environmental baseline assumptions, a key consideration given uncertainties involved when projecting rebuilding periods. Stochasticity is assumed to be independent with no consideration of trends or prolonged periods of survivals. There are typographical errors in some of the equations and Alternative II is not examined. The model appears to assume that production is independent of the level of escapement; it is difficult to decipher how the limitations presented in the Discussion section regarding model structure can be reconciled with the objective of the proposed control rule.

We understand and are familiar with the Council's charge and appreciate the clarification provided in Director Tracy's letter of October 16, 2018. Our request to withdraw the current Queets coho plan from further consideration reflects our concerns regarding the failure to substantively involve QIN and WDFW in its development and from several substantive problems we have noticed during our review. We believe that the problems we have noted with the draft could have been avoided had co-managers been substantively involved early in the process. In our view, a credible report and rebuilding plan cannot be prepared and presented for public comment without the active engagement of co-managers.

We recognize that the Council and staff must devote time and effort to address problems we see in the current draft. We stand ready to work with Council staff to address these matters in a timely manner that satisfies the Council's administrative needs while being respectful of QIN's rights and interests and the necessity of meaningful government-to-government consultation.

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