

**TESTIMONY OF THE COLUMBIA RIVER TREATY TRIBES
BEFORE THE PACIFIC FISHERIES MANAGEMENT COUNCIL**

March 5, 2020, Rohnert Park, CA

Good day members of the Council. My name is Bruce Jim, Sr. I am a member of the Fish and Wildlife Committee of the Warm Springs Tribes and a treaty fisher on the Columbia River. I am here with Raymond Tsumpti, Wilbur Slockish, Erik Holt and Bud Herrera. We are here to provide testimony on behalf of the four Columbia River treaty tribes. Our four tribes are the only Columbia Basin tribes with federally recognized treaty fishing rights. Our tribes specifically reserved these exclusive rights along with the rights to hunt and gather roots and berries in the treaties our tribes signed with the United States in the 1850's. These rights are useless if there are no fish to catch or other resources to use. The United States must uphold its trust responsibility to the tribes.

In less than a week, on March 10, the 63rd anniversary of the flooding of Celilo Falls will occur. This event marks an enormous loss for our tribes. The full mitigation for this and other losses our tribes have faced still has not occurred. While Celilo Falls is the fishing site most well known by non-Indians there are a host of other fishing sites, villages, and spawning areas in both the mainstem and tributaries that have been lost under the reservoirs or destroyed through other development. We remind the Council of these losses so that as the Council proceeds with developing options for ocean fisheries, we concentrate both on promises made to the tribes, the requirements to fairly share fishery impacts, and of the need for all of us to continue to take actions to restore and rebuild salmon runs. The tribes have done a great deal to rebuild these runs, but should not bear the conservation burden alone.

We have specific comments on two stocks that are important to Council fisheries. The Spring Creek Hatchery tule stock has a low forecast this year. Not only is the low forecast a concern, but this stock has been over-forecasted in each of the last four years by an average of nearly 50%. While in-river fisheries can and do manage on actual run sizes that are updated in-season, the ocean fisheries cannot do this. When the forecasts are too high, there is a risk that the ocean fisheries could over-harvest this stock or potentially other stocks. A low return to the river for this stock complicates the management of our in-river fisheries as we attempt to ensure that we meet the hatchery broodstock objective. Given the low forecast that may lead to challenges in meeting hatchery broodstock needs and the track record of over-forecasts, we ask the Council to use caution in considering fishery impacts to this stock.

We are also forecasting a very low return for the upper Columbia Summer chinook stock. If this stock returns at its forecast level, our summer season fisheries will face significant restrictions. Last spring, we raised a number of concerns related to the level of impacts for this stock in the Council fisheries because it left very little impacts available for non-treaty in-river fisheries. Counting non-treaty harvest of upper Columbia summer chinook is part of federal case law and part of the *U.S. v. Oregon* Management Agreement. While we are waiting to review the post season modeling for this stock in order to get the final ocean harvest, it is clear that the non-treaty fisheries greatly exceeded their allowed impacts under the terms of the *U.S. v. Oregon* Management Agreement. We raised this concern among the *U.S. v. Oregon* Parties and expect to have continued

discussions related to this issue. We remain concerned about the sharing of impacts on this stock and we expect NMFS not to approve any ocean fishery that would result in non-treaty fisheries exceeding the allowed harvest under the Management Agreement. This is a separate issue from general concerns that have been raised as to whether the FRAM model is over predicting impacts on summer chinook. We support efforts to ensure that the FRAM model is accurately assessing impacts to summer chinook as well as all other stocks, but we are skeptical about accepting changes to modeling that do not have full technical consensus. We should avoid changes to modeling that might produce unanticipated effects on the management of other stocks. We are pleased that it appears that there is progress reaching technical consensus on this modeling issue.

We also wanted to point out a couple of facts of which people may not be fully aware. Since 1990, the production of hatchery fall chinook in the Columbia River has declined by nearly 35 million smolts per year. The production of coho has declined by over 20 million smolts per year. Much, but not all of the reductions have occurred downstream of Bonneville. The tribes have worked hard to protect and expand upriver production and we manage and co-manage a number of the facilities. Our current smolt production targets in areas upstream of Bonneville Dam include approximately 43 million fall chinook, 5.5 million upper Columbia summer chinook, and 9 million coho. In the past five years, we have met *U.S. v. Oregon* production targets for coho only twice. We have failed to reach the overall *U.S. v. Oregon* production targets for Upper Columbia summer chinook or for fall chinook in each of the last five years. The low abundances of Columbia River fish predicted this year are not only the result of poor ocean conditions but they are aggravated by a hatchery system that is under-funded, in need of enormous amounts of deferred maintenance, and that is failing to produce the targeted number of fish. We will need to do a great deal of work together to address these problems.