

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

April 8, 2022

Good day members of the Council. My name is Bruce Jim, Sr. and I am a member of the Confederated Tribes of Warm Springs, and a Commissioner with the Columbia River Inter-Tribal Fish Commission. I have been asked to provide comments today on behalf of the four Columbia River Treaty Tribes; the Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, and the Nez Perce Tribe.

As the Council works to finalize the 2022 ocean fisheries, we have some concerns relative to Columbia River stocks. Specifically, the relationship between ocean and in-river fisheries and that some in-river fisheries share the allowed harvest rates on stocks such as the LRH tules and lower Columbia River coho. This means that in-river fisheries have a bearing on ocean fishery planning and should be of interest to the Council.

In past years, we have voiced our opposition to summer season mark selective fisheries, mainstem fall season mark selective chinook fisheries, mark selective coho fisheries and ocean mark selective fisheries. Mark selective fisheries do not have a conservation benefit, they just allow access to more hatchery fish in the catch. This year, we understand there is a proposal for a larger mark selective recreational fishery in August at Buoy 10. We provided some comments at an earlier state planning meeting expressing our opposition to mark selective fishing at Buoy 10 which we thought would appropriate to repeat for the entire Council. We try to avoid injecting our opinion on how the states choose to allocate impacts between various parts of the non-treaty fisheries, but when we see possible impacts to the treaty fishery, we feel that we must speak up.

Mark selective fishing at Buoy 10 is an unwise proposal for several reasons. First, estuaries are a poor choice as an area for mark selective fisheries. The fish are making complex changes to adapt from salt to fresh water and there is evidence that release mortality may increase. There can also be a sharp temperature difference between ocean and river temperatures up to 70 degrees or more in August. This temperature transition may put fish at higher risk for release mortality.

The privilege for non-Indians to buy licenses to engage in recreational or commercial fishing should not come before the treaty rights of our tribes. These hatcheries were intended to produce fish to make up for damages done by the hydro system as the dams flooded spawning areas and blocked access to tributaries. The tribes were promised we would have fish from these hatcheries to catch in our fisheries. Their purpose was not just to increase recreational harvest in mark selective fisheries.

Based on our initial review of the modeling of non-treaty fall in-river fishery, we estimate that the magnitude of the mark selective fishery at Buoy 10 will cause an increase in the impact rate on the ESA listed fall chinook in the treaty fishery. The treaty fishery expects to be able to

manage for a 30% total harvest rate on the URB stock. However, as mark selective fisheries become larger in the lower Columbia, they change the clip rate of fish upstream of Bonneville compared to the clip rate at the river mouth. This means that the wild harvest rate on listed fish is forced higher than the total harvest rate we manage for due to the mark selective fishery. Our preliminary analysis indicates that the wild harvest rate on Snake River fall chinook could be almost half of a percent higher than the total rate we manage for under the terms of the *U.S. v. Oregon* Management Agreement. We don't want to face this risk because of non-treaty fishery decisions. The privilege to engage in recreational fishing should not come at the expense of increases in ESA impact rates in the treaty fishery which is guaranteed to our tribes through our treaty rights.

The Buoy 10 fishery has grown very large and has enormous fishing power especially with the number of guided trips. This fishery has a history of exceeding its share of the non-treaty fishery impacts. We are concerned that if this happens this year, it will not only have adverse impacts on the other non-treaty fisheries but could affect the treaty fishery if the mark selective impacts are higher than expected. As Covid restrictions have been reduced, we may see more effort in recreational fisheries than we have seen in the last two years. We also note that it has been challenging for the in-river non-treaty fisheries to stay within their share of the lower river tule impacts and we suspect that the scale of the Buoy 10 fishery can also be part of this problem. Some fishers will fish in Buoy 10 as well as in other fisheries following the fish upstream.

Finally, a mark selective fishery won't do anything to reduce overall treaty and non-treaty impacts to ESA listed stocks. It simply shifts impacts from landed catch to release mortality. It will increase wild impacts upstream for both mainstem treaty fisheries and tributary treaty and non-treaty fisheries because of changing mark rates from the selective fisheries. It appears that the main justification for this proposal is to extend the fishery through Labor Day. Just as in recent years, this run may simply not be large enough for the Buoy 10 fishery to go through Labor Day. If this is such an important goal, then it seems like it would be more practical to start the Buoy 10 fishery later so that it can go through the desired date and let people keep and eat the fish they catch. Fish were provided by the creator as a source of food for people willing to care for the salmon. We are not showing we care for these fish by hooking them, injuring them, and tossing them back.

This concludes our statement.