

SALMON ADVISORY SUBPANEL REPORT ON MITCHELL ACT HATCHERY DRAFT  
ENVIRONMENTAL IMPACT STATEMENT (DEIS)

We hereby present our comments on the National Marine Fisheries Service (NMFS) “Draft Environmental Impact Statement regarding Columbia River Hatchery Operations and the Funding of Mitchell Act Hatchery Programs.” First of all, we wish to thank the NMFS staff for the time they have spent answering questions and working with the Council to try to correct misunderstandings, provide background for decisions made in the Draft Environmental Impact Statement (DEIS), resolve issues and provide details to help the reader better understand this lengthy and complex document. That said, we are concerned about the number and variety of issues that have arisen in the course of our engagement with this document, and the different interpretations that have emerged in the weeks since its introduction. We strongly believe that a document that means what it says, and says what it means needs to be presented to the public, in order to obtain informed public comment and an effective and transparent regulatory process.

- Five alternatives are presented in the DEIS. All adversely impact harvest. We recommend that at least one additional alternative and possibly more need to be developed as a counterbalance to those with adverse harvest effects.
- All the alternatives, including those already in the DEIS, must address the express mitigation obligations of the Mitchell Act. Due to flat funding since 1996, more recent production does not meet the mitigation obligations of the Mitchell Act.
- We do not accept the reasoning on p. 1-13 that “Current and reasonably foreseeable appropriations under the Mitchell Act for hatchery production would preclude this option [of constructing new hatchery facilities].” Since the Mitchell Act itself states that, among other things, it was to provide for “...establishment, operation and maintenance of one or more stations in Oregon, Washington, and Idaho...” (DEIS p. 1-4), we do not see how NMFS can alter the express purpose of this legislation in this way without Congressional approval.
- We are most concerned that the document fails to acknowledge the tremendous progress made since 2007, including the 2008 US v. Oregon agreement, the renegotiated Pacific Salmon Treaty with Canada, the Lower Columbia Fish Recovery Plan, and the Oregon Salmon Recovery Plan, among other actions. We strongly object to 2007 being used as the baseline year in the DEIS. What is the effect on various stakeholders, agencies, fisheries and communities by failing to acknowledge these actions, and the larger ramifications for the international community and treaty tribes?

Finally, we find a number of serious errors, omissions, and inconsistencies in the DEIS that leaves the meaning of various portions open to interpretation. We do not accept these ambiguities and are not comfortable with oral interpretations by agency staff of passages that are not clear in the document. Our various groups will be responding to delineate specific issues, but we all agree that NMFS needs to revise and rewrite this document to clarify what is meant, correct errors, and reissue it for public comment.

Thank you.