



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

729 NE Oregon, Suite 200, Portland, Oregon 97232

Telephone 503 238 0667

Fax 503 235 4228

April 8, 2013

Senator Jackie Dingfelder
Oregon State Senate
900 Court Street, S-407
Salem, OR. 97301

Dear Senator Dingfelder:

The four Columbia River treaty tribes, the Warm Springs, Umatilla, Yakama, and Nez Perce, have long supported efforts to restore salmon runs to sustainable harvestable levels throughout their historical range in the Columbia River Basin. Oregon voters, by resoundingly rejecting Oregon Ballot Measure 81 this past November, have stated they too want all fishing communities to enjoy sustainable, harvestable salmon stocks without manipulation by special interests.

The tribes are concerned that recent actions to restructure gillnet and other fisheries in the lower Columbia River, contrary to the will of Oregon voters, are distracting key parties from salmon restoration. The region should be working together to increase the abundance of wild fish rather than fighting over the scarcity of wild fish and divisive allocation issues between user groups. Senate Bill 830 does not further that goal.

Ordinarily, the tribes would not involve themselves in the states' internal allocation of its share of the fishery resource. However, the allocation changes proposed and their likely adverse impacts on tribal fisheries are so significant that we cannot sit idly by.

The tribes have several concerns on Senate Bill 830, as well as the underlying regulatory changes to the lower Columbia River Fishery that Senate Bill 830 attempts to address. As you know, the Oregon Court of Appeals recently stayed the application of these rules upon the request of the petitioners challenging these rules.

Our first concern is the rapid pace of consideration for Senate Bill 830. The short notice for public hearing and work session has not provided adequate opportunity for our tribes to consider the potential effects of this legislation and weigh in appropriately. In addition, using the emergency process makes Senate Bill 830 effective on passage. There is no emergency. Sport fishing objectives are being met at the present time. None of this is necessary for the "preservation of public peace, health and safety."

Second, the tribes fear that the ambiguity associated with the "Columbia River Fisheries Enhancement Fund" will result in confusion and potentially waste the money collected from sport fishers. There is no indication of the types of enhancement programs this fund will support

or how these funds will create real and tangible benefits for fish returning to the spawning grounds. We also note that there is no certainty of funding for the "Columbia River Transition Fund" and wonder why the State of Oregon would establish a fund with no dedicated source of funding.

Third, as we have repeatedly stated in letters and testimony, the lower river reallocation regulations and Senate Bill 830 are not conservation efforts. The claim that removing gillnets from the mainstem Columbia is necessary for salmon conservation is untrue. The state's plan simply reallocates mortalities on wild fish from the gillnet fishery to the recreational fishery. The same number of wild fish will be caught and die. In fact, under this regime, it is more than likely that more wild fish will die as a result of "hooking and handling mortality" due to increased handling of wild fish in the sport fishery. The lower river regulations and this bill are about reallocating fisheries, not conservation.

The tribes are also concerned by the emphasis and expansion of mark-selective fisheries. Mark-selective fisheries are not a sound management objective in and of themselves; they only make sense when mark rates are high and wild fish abundance is low. This relationship inherently conflicts with the objective of increasing wild fish runs, since as we make progress toward rebuilding wild populations, mark-selective fisheries will have to release (and injure or kill) more and more wild fish. Mark-selective fisheries actually remove incentives to rebuild wild fish populations but in the long term, we should be striving toward traditional catch and keep fisheries.

The increase in mark-selective fisheries cause increased uncertainty in managing actual wild fish harvest mortalities. Monitoring mark-selective fisheries to accurately determine the number of fish caught and released and their post-release survival is much more difficult and expensive than monitoring full retention fisheries. This is the hooking and handling mortality mentioned above. Determining post-release mortality rates is key to analyzing the allocation and conservation effects of mark-selective fisheries. The lack of credible post-release data and inability to agree on release mortality rates has led to disputes on spring chinook allocation in the *U.S. v Oregon* process. Not only has the incidental mortality rate been difficult to determine for spring chinook, no research has been completed to date to determine the post-release mortality rates in summer season and fall season mark-selective sport fisheries. The tribes do not see adequate efforts by the proponents of mark-selective sport fisheries to resolve these issues and address these technical uncertainties.

Oregon, and the broader region, must keep in mind the considerable investments made by federal taxpayers and regional ratepayers. Our experience with Congress suggests a growing expectation that funding for hatcheries should produce salmon rebuilding benefits along with harvest. This proposal is not only contrary to those expectations, but expands on failed schemes.

The tribes are also concerned about the accuracy of assumptions supporting the economic analysis, the current actual production levels, return rates to SAFE areas, and current funding sources for this production. We explained those concerns in prior letters and restate them here for the record.

Finally, the tribes would like to express their disappointment in the State of Oregon and Governor Kitzhaber for not considering the concerns of the tribes throughout this process. We would like to remind the state that any state action that impacts the fisheries agreed to in the 2008-2017 *U.S. v. Oregon* Management Agreement must be vetted and agreed to in the *U.S. v. Oregon* process. The *U.S. v. Oregon* process has been marginalized in this process along with government-to-government consultation with affected tribes.

The focus of the Columbia River tribes is rebuilding abundance. We have been working with our co-managers on numerous projects throughout the Columbia Basin that are bringing fish back to the Columbia River and its tributaries. Programs like the Nez Perce Tribe's Snake River fall chinook recovery efforts are making a real and tangible difference for these fish and for those who catch them. Fighting over allocation will not.

Sincerely,

A handwritten signature in blue ink that reads "N. Kathryn Brigham". The signature is written in a cursive style with a large initial "N" and a long, sweeping underline.

N. Kathryn Brigham
Chairwoman
Columbia River Inter-Tribal Fish Commission