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January 18, 2023

The Honorable Jay Inslee
Governor of Washington
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

Senator Kevin Van De Wege
John A. Cherberg Building
Room 212
Olympia, WA 98504

Dear Governor Inslee and Senator VanDeWege,

I write on behalf of the Confederated Tribes and Bands of the Yakama Nation (“Yakama Nation”). In Article III of the Treaty with the Yakamas, U.S. – Yakama Nation, June 9, 1855, 12 Stat. 951 (“Treaty of 1855”), the Yakama Nation expressly reserved the right to fish at “usual and accustomed places,” which includes sites on the Columbia River, its tributaries and in its watersheds.

Senator VanDeWege, I want to personally thank you for visiting the Yakama Nation to see the work the Yakama Nation does in fisheries and habitat recovery and enhancement. It was an honor to have you see firsthand what the Nation is doing for these species and important first foods of our Members and way of life. I also want to thank you for reaching out to us personally to discuss this proposed ban on gillnets. While we may disagree, I anticipate we can continue to work together to recover and enhance this important natural resource.

The Yakama Nation would like to expressly oppose the proposed Governor request bill SB 5297. In our joint tribal letter from March 25th, 2022 we asked you Governor, to once again veto a section of the operating budget related to gillnet buybacks and had directive language to the Department to Report on the impacts of this ban. We continue to insist that the \$14.4 million allocated to this program could be put to much better use for salmon recovery efforts along the Columbia River rather than targeting a specific type of fishing gear.

Our review of this budget language leads us to view this as a harvest management policy directive tucked within a budget proviso. In our experience, the management of Columbia River fisheries is best left in the hands of the professional resource managers, not legislators who may be responding to specific constituent groups and not to science or Treaty considerations. The Fish and Wildlife Commission already maintains the authority to set or not set gill net seasons. This bill would simply politicize fisheries management decisions rather than rely on the existing regulatory agencies and technical expertise.

Fisheries management, including harvest, is supported by rigorous policy and legal and technical reviews. The budget proviso language throws these carefully balanced efforts into unneeded and unhelpful new directions. It would also create additional inequities in the State's treatment of gillnet fishers as compared to recreational fishers. We are not comfortable with this ongoing attempt to stigmatize gillnets. The only result of this politicization is to pit fishing communities against one another rather than meeting actual conservation targets. Said another way, banning gillnets is not a conservation measure, but an attack on a specific practice that will create ripple effects along the River.

The Yakama Nation is a co-manager of fish and wildlife resources throughout the state of WA based on the authorities issued by both the U.S. v WA and U.S. v OR court cases. We take this status seriously and are active in our approach and development of technical expertise on fisheries management. The following technical points are a response to notions that are being politicized regarding gill nets in this bill:

- This bill language is an inaccurate depiction that fish declines are a harvest issue.
 - The type of gear utilized to harvest migratory fish is not responsible for fish declines
 - Fish barriers, climate change, degraded habitat in tributaries and estuaries, predation are all known factors contributing to decline.
 - Of course we need to continue management of harvest but this is only one small piece of the puzzle.
- The bill indicates that banning gillnets will have a conservation benefit for wild fish and that Mark Selective Fisheries (MSF) are a solution
 - Gillnets are one of the easiest fishing techniques to monitor and limit, which facilitates efficiencies in management decisions
 - MSFs on the contrary contain many uncertainties in regards to fishery encounter estimations and handling mortalities
 - There is little known about the true impact of MSFs because of lack of funding and difficulties in monitoring/report, limited means to access, and difficulties of accessing long term impacts on released fish.
 - MSF are intended to place more of the escapement burden on hatchery fish which could have unintended consequences as not all hatchery programs are harvest only programs. A large percentage of the hatchery programs are designed to reintroduce or supplement struggling wild populations. Many release ESA listed species to support natural spawning.
 - Unless the gillnet impacts are foregone and not reallocated to MSFs there is no clear or certain conservation benefit
 - Wild salmon are marked for research purposes. If only marked fish are caught by alternative gears, then those wild salmon will also be harvested. MSF can also impact

fisheries research as not all marked fish are hatchery produced but the adipose clip is used to indicate a pit tag, e.g. the Hanford Reach Fall Chinook tagging project.

- In short, MSFs are not a fish protection measure
- US v OR Management Agreement
 - Harvest is already heavily monitored and regulated to ensure proper escapement and to balance harvest amongst numerous fisheries and gear types
 - MSFs in the lower Columbia River and the targeting of specific hatchery stocks can skew the proportion of hatchery vs wild fish migrating up the Columbia thus placing more of the burden on tribes and upriver fisheries to limit impacts to wild stocks
- Unintentional pitting of gillnet versus sport fisheries against each other
 - Unlikely that actions proposed would do anything to protect fish
 - May have real consequences and challenge treaty reserved rights if advocacy does not stop.
 - Gillnetting is a traditional means of fishing

While we recognize the sovereign interest in the State of Washington in managing its portion of the fishery harvest, we want to caution against this type of legislated policy action where the agency's collaborative processes and expertise are dispensed with for political considerations.

Last year we asked you to veto a similar provision in the operating budget. Unfortunately, we find ourselves back in the same place as a year ago, but the positions stated in that veto request letter remains the same. This is a poorly thought-out solution to a problem that is much greater than the type of fishing gear used on the Columbia River.

Sincerely,



Gerald Lewis
Chairman - Yakama Nation Tribal Council