



To: Oregon Fish and Wildlife Commission

From: Reynold L. Leno, Tribal Council Chair, Confederated Tribes of Grand Ronde

Subject: Pacific Lamprey Harvest and Temporary Rule OAR 635-017-0090

Date: June 9, 2017

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Commission Members Finley, Akenson, Buckmaster, Bittle, Wolley, Webber, and Anderson:

My name is Reyn Leno, and I'm the Chairman of the Confederated Tribes of the Grand Ronde Community of Oregon. I'd like to thank the Commission for the opportunity to talk with you today about the lamprey harvest at Willamette Falls.

We are here today in the Willamette Valley, Grand Ronde's ceded lands, and location of Willamette Falls. The Clackamas, Clowewalla and Multnomah lived in areas along the Willamette River, including Willamette Falls. In fact, I and one of my colleagues on Tribal Council descend from Clackamas Chief John Wacheno, who lived in the Willamette Falls area and who signed the Willamette Valley Treaty. Though our ancestors were relocated to the Grand Ronde Reservation, they continued to use and fish Willamette Falls and take lamprey there. This practice continues today.

The Pacific lamprey is an Oregon state sensitive species, a federal species of concern and a strategy species. It is a culturally significant species for Grand Ronde. Population numbers for lamprey continue to trend downward. Grand Ronde is very concerned about the health of the Pacific lamprey.

The Tribe is a steward of both its natural resources and its culturally significant resources. Protection and promotion of these resources is a core value of the Tribe. The Tribe engages in lamprey harvests, but recognizes they must be done in a way that protects the health and vitality of the species. Examples of our efforts to protect lamprey include:

- A multi-year partnership with OSU, Cramer Fisheries and the Army Corps of Engineers to study lamprey migration timing and range of use.
- Replacement of thirteen road/stream crossing with lamprey friendly culverts and bridges opening up over 20 miles of fish bearing streams.

- A project in 2010 with PGE to establish of veiled flows at Willamette Falls to aid in lamprey migration and reduce stranding.
- A project in 2013 to determine whether a self-sustaining population of Pacific lamprey could be re-established above a flood control structure. Lamprey were translocated from Willamette Falls to Fall Creek. Lamprey successfully spawned in Fall Creek in 2014 and in 2015 Lamprey returned to Fall Creek for the first time in nearly 50 years.

The Oregon Department of Fish and Wildlife is well aware of the Tribe's connection to and commitment to the health of the remaining lamprey. In fact, I testified here before the Commission two years ago on the issue of a special lamprey harvest season during the installation of the flashboards at the Falls. At that time, we raised serious concerns with this untraditional practice of harvesting lamprey in their most unnatural and vulnerable state. We formally requested to work collaboratively with ODF&W to evaluate the impacts of a special harvest season, as it is unknown what impact this practice has to the health of the lamprey population. Two years later, we still believe that this data is necessary before a decision can be made on whether to continue the practice.

For this lamprey harvest season which began on June 1, ODF&W has issued a temporary rule change which extends the harvest from four to six days per week. The Tribe received notice of ODF&W's intent to change the rule on May 24. On May 26 we received the filed revised rule. Grand Ronde has a great relationship with ODF&W staff and we respect the work they do. Due to our concerns about sustainable harvest, we would have liked to have had the opportunity to provide ODF&W with the Tribe's input prior to the rule going into effect. We understand the need for temporary rules to address time sensitive issues, but in this case there was no reason not to seek the Tribe's input earlier this spring. The lamprey summer harvest season dates have been the same for a number of years and there are many months between seasons. The significance of this rule in relation to a valuable cultural resource certainly warrants careful planning and discussion. Adoption of the rule should have been done with adequate notice and consultation.

Any rule that can lead to an increased harvest must be supported by science or data that demonstrates the resource can be sustained long term – for seven generations to come. Whether it is expanding the season or adding special flashboard seasons, such rules can only lead to larger harvests. For this reason, these rules require the highest consideration. Lamprey are in trouble – the increased number and range of sea lions at the Falls and their impact on lamprey has not escaped our attention either and only puts the lamprey at greater risk. For all of these reasons, we continue to seek opportunities to work with you to find solutions that protect Pacific lamprey.

We ask that the Commission not ratify the change to open fishing days as contained in OAR 635-017-0090 filed on May 26. We believe that the four day per week season should be reinstated. Also, we ask for adoption of a rule that prohibits lamprey harvest during flashboard installation. We believe that no rule that leads to greater harvest should be adopted until the necessary work is done to determine sustainable harvest levels for this species of concern. We look forward to working together with ODF&W to improve the health of the lamprey – a species very important to our culture.