

Robert Sudder
Public Forum

April 17, 2018

Oregon Fish & Wildlife Commission

Re: Request to allow a commercial Summer Chinook gillnet fishery in 2018

Chair Finley and Fellow Commissioners:

I have been involved with the North of Falcon process for over ten years, basically since summer Chinook harvest was allowed again for recreational and commercial fishermen in the Lower Columbia. It was a great recovery story – habitat and river flow improvements in the upper Columbia River in north-central Washington had brought the remnant of one of the best Chinook runs back to a recovered status that allowed some harvest after a closure of about 40 years. Great quality fish that were exciting for recreational anglers to catch and that were readily received in the marketplace.

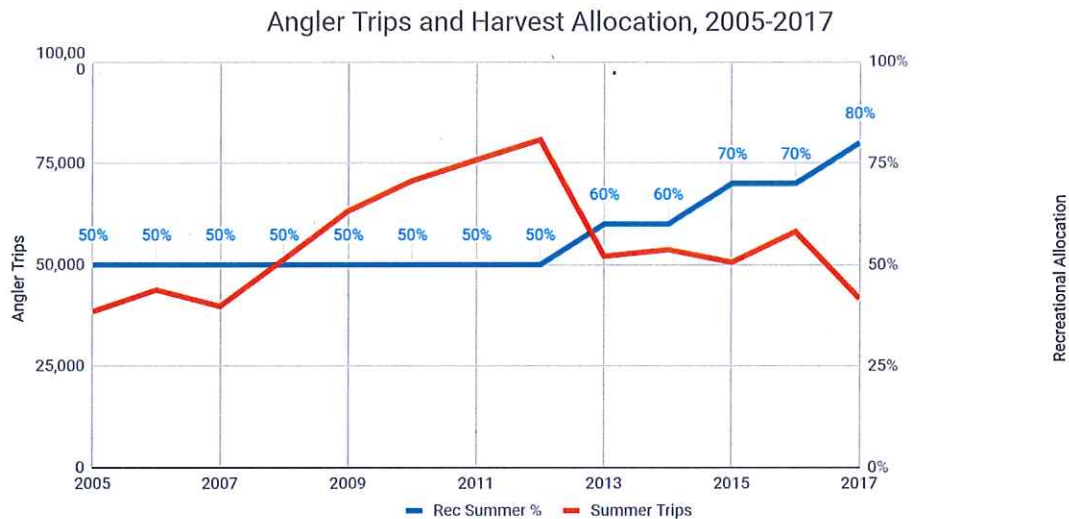
The non-treaty commercial gillnet fishery in the Columbia used large mesh nets during the summer season to avoid the ESA-listed species in the river at the same time – summer steelhead and Idaho sockeye. Our gillnets are very effective at targeting Chinook and avoiding the steelhead and sockeye, and staff has data that proves it. Selectivity is about avoiding the fish you don't want to catch, not just about how many die after being caught and released. That's not selectivity, that's strictly release mortality. Seines and tanglenets were tried and proven inappropriate in summer because they catch too many steelhead and sockeye. Gillnets are the most selective gear for targeting healthy Chinook runs and avoiding ESA-listed fish in the summer timeframe.

During the working group meetings in 2012, no scientific data was presented that warranted elimination of the non-treaty gillnet harvest component of summer Chinook management. The NMFS-approved management goal is 20,000 wild and hatchery summer Chinook adults over Priest Rapids Dam, and passage since the summer fishery was resumed in 2005 has ranged from a low of 28,188 in 2007 to a high of 78,315 in 2015. The average Priest Rapids passage has been over 50,000 Chinook – two and a half times the goal. That's why NMFS is satisfied with the non-listing of these summer Chinook.

There was no valid reason given for reducing the commercial share from 50% to 20% below Priest Rapids Dam. There is no valid reason for limiting our commercial fishery from using gillnets to harvest the 20% allocated to us now. Last week I testified to the Washington Fish & Wildlife Commission, asking them to use Adaptive Management to authorize a commercial season this summer, using gillnets, to harvest the remaining 20% in the commercial allocation based on the following reasons:

- Summer Chinook are not ESA-listed, nor does NMFS have any reason to consider them for listing. Management goals as laid out in US v. Oregon for passage over Priest Rapids Dam are being exceeded every year.
- The Washington Policy says the harvest needs to be with "non-gillnet selective gear and fishing techniques (currently undetermined) that minimize impacts on sturgeon, steelhead and sockeye." This is a contradictory statement in that the states have tested a variety of potential alternative gears and none have been found to be as effective at catching Chinook while avoiding sturgeon, steelhead and sockeye as gillnets. This is what the science, including last year's monitoring of the fall gillnet fishery, has clearly shown. Any other conclusion simply displays a personal bias and is not based on the data and the science.
- Harvest priority is given to recreational and Colville harvest above Priest Rapids Dam. The non-treaty commercial allocation has always been one of the smallest of any user group.
- The largest non-Treaty harvest of summer Chinook is in non-mark selective mixed-stock ocean recreational and troll fisheries. The largest in-river harvest is non-mark-selective Treaty gillnet fisheries above Bonneville Dam.
- The mark rate for hatchery summer Chinook has ranged between 40% and 55% in recent years. The wild population is a strong component, often half or more of the run. That's why the run is not at risk of an ESA listing. Wild and hatchery fish retained in the non-Treaty commercial gillnet fishery go to market and provide an economic boost to lower river communities while making an excellent local food available to residents and tourists in the Northwest.

- Combined wild summer Chinook release mortalities in the recreational fisheries in 2017 were almost two-thirds as much as the total commercial 20% allocation would have been – 604 Chinook versus 949, respectively. There were another 455 wild Chinook taken in a non-mark selective recreational fishery targeting a strong return to the Okanogan River. Not all non-Treaty wild mortalities in the river occur because of our commercial fishery.
- The continued transfer of harvest allocation from the commercial fishery to the recreational fishery via the Policy has not created an increase in angler license sales or Columbia River Endorsement purchases.
- That transfer via the Policy has also not resulted in an increase in angler trips during the summer Chinook timeframe of June 16th through July 31st. In fact, trips have declined as allocation has shifted, as shown below:



- Finally, the WDFW Management Agreement with the Colville tribe is quite specific about how the state should be managing recreational and commercial fishing. Here are couple of pertinent excerpts from that agreement section entitled “Principles of the Washington Department of Fish and Wildlife”:

On a statewide basis, harvest opportunities will be provided when they can be directed at healthy wild and hatchery stocks while minimizing impacts on depressed stocks. When assessed from a statewide perspective, harvest of Chinook, coho, pink, sockeye or chum salmon would not be exclusively reserved for either sport or commercial users.

Commercial and recreational fishing opportunity will be scheduled to optimize the non-Treaty harvest of Chinook and coho and to provide a balanced opportunity to each fleet. When developing recreational and commercial fishing options, the Department shall consider fair and reasonable catch opportunity, stability and duration of fisheries, as well as sharing of the conservation responsibility.

Management of the commercial allocation of summer Chinook via the Columbia River Policy violates almost all of those principles. The summer Chinook run is composed of healthy wild and hatchery stocks. Current management does not provide a balanced opportunity to each fleet. It does not provide fair and reasonable catch opportunity, stability, or fishery duration, and it puts an unfair conservation burden on our fishery. The mark rate is not particularly high – nowhere near the spring mark rate of 80% that is used as a basis for management during that season – and the most selective gear, to avoid ESA-listed stocks, is our gillnets. Both States are supposed to be advocating for all user groups in their management decisions but have clearly not been doing so for the commercial fishermen, their communities or for the businesses that depend on their harvests.

I don’t understand how Oregon Rules and Statutes blend in their application, or if the two are required to conform. What I did find is that Oregon, like Washington, considers salmon to be a Food Fish in statute. In accordance with that, Oregon says:

It is the policy of the State of Oregon that food fish shall be managed to provide the optimum economic, commercial, recreational and aesthetic benefits for present and future generations of the citizens of this state. In furtherance of this policy, the goals of food fish management are:

- 2) *To develop and manage the lands and waters of this state in a manner that will optimize the production, utilization and public enjoyment of food fish.*
- 3) *To permit an optimum and equitable utilization of available food fish.*
- 5) *To regulate food fish populations and the utilization and public enjoyment of food fish in a manner that is compatible with other uses of the lands and waters of the state and provides optimum commercial and public recreational benefits.*
- 6) *To preserve the economic contribution of the sports and commercial fishing industries in a manner consistent with sound food fish management practices.*

I also found that ORS 508.980, which came from Oregon Senate Bill 830 in 2013, has a lot of directives about what the Columbia River plan is supposed to accomplish, and how Adaptive Management is supposed to be utilized to change course when those goals aren't being met. In part, it says that: "If economic, including commercial harvest, or conservation objectives related to Columbia River fish management and reform adopted by rule of the commission are not met, then by rule the commission must provide for adaptive management actions that are designed to efficiently achieve the respective economic, including commercial harvest, or conservation objectives". Eliminating our commercial gillnet fishery for summer Chinook, with no viable alternative selective gear to replace it, violates that directive.

I was a member of the Working Group process in 2012 that led to the current Columbia River management scheme. I have testified before your Commission many times about the inequities of this Columbia River policy, including in January of 2017 when you tried to rein-in some of those inequities. I couldn't testify again in March of 2017 because I was at Portland State, trying to explain Columbia River salmon management to students in a graduate level class in Governance. I couldn't attend your March meeting this year because I was at the Washington Commission meeting that weekend, testifying about the first draft of their comprehensive review of the Columbia River Policy. But I did listen to Commissioner Anderson's comments about how this plan was first about conservation, and then about economics, and now the argument is that citizen support of the Department depends on its continued implementation. As I've pointed out many times, less than 10% of the population in either state buys a recreational fishing license, and that number has been steadily declining. Working with Washington to craft a commercial fishery for our 700 fish allocation of summer Chinook using our large mesh gillnets, which we have repeatedly shown via onboard observations are selective for avoiding the ESA-listed steelhead and sockeye in the river at that time, would provide upwards of 18,500 meals for Northwest residents and \$100,000 in ex-vessel economics for the lower river communities where our fishermen live.

I have requested that the Washington Fish and Wildlife Commission agree to immediately begin discussions with their Oregon counterparts for the use of Adaptive Management to allow a commercial gillnet fishery this year for summer Chinook in the Columbia River. We are willing to wait until late June or early July to fish this year, reserving the peak of the run for the recreational fleet and avoiding almost all of the passage timeframe for Washougal steelhead. We should fish in all five zones, near our industry infrastructure and the communities where we live, since there are no lower river stocks we need to avoid. We will agree to using 9" nets this year if deemed necessary, but staff has repeatedly stated that 8" nets are just as selective at avoiding sockeye and steelhead, especially the smaller A-run steelhead present in July. At that point in the season, with most of our fishermen in Alaska, management of our fishery to remain within our limited quota of around 700 Chinook should be very achievable.

There is no reason for Oregon to be opposed to this plan. Summer Chinook spawn in Washington. They have been an integral part of the economics of Columbia River commercial fisheries and there is no summer Chinook enhancement in any of the Select Areas in either state. The most selective gear for harvesting summer Chinook and avoiding ESA-listed fish is our large mesh gillnets. The public owns these fish, and the majority of the public depends on commercial harvest to access them in the marketplace. Adaptive management should be an acceptable approach for taking this justifiable step to authorize a large mesh gillnet fishery this year for summer Chinook. In fact, that's why Adaptive Management was included as an integral part of the Columbia River Policy in the first place.

Robert Sudar
Longview

