



Columbia River Salmon Fishery Policy Workgroup (CRW)

Public Comments received from Tribal Parties

This is a compilation of comments received at through our online public comment portal after the Joint-State PRC was put on hold.

From: [Lothrop, Ryan L \(DFW\)](#)
To: [Dobler, Myrtice C \(DFW\)](#)
Subject: FW: Response to Rep. Stonier Letter RE: C-3620
Date: Wednesday, September 2, 2020 9:19:50 AM
Attachments: [signed letter to Rep Stonier RE C.3620.pdf](#)

Tribal comment.

Ryan Lothrop
Washington Dept. of Fish and Wildlife

From: McBride, Tom A (DFW) <Tom.McBride@dfw.wa.gov>
Sent: Wednesday, September 2, 2020 9:06 AM
To: Lothrop, Ryan L (DFW) <Ryan.Lothrop@dfw.wa.gov>
Subject: Response to Rep. Stonier Letter RE: C-3620

Subject: Response to Rep. Stonier Letter RE: C-3620

Afternoon Chair Carpenter and Director Susewind,

Please see attached letter from Chairman Yanity in response to Representative Stonier's letter regarding Columbia River Basin Salmon Management Policy C-3620.

If any questions or further discussion is needed, please let me, Shawn or Kadi know.

Thanks, have a good day.

Kathryn Konoski

Fisheries Program Manager

Stillaguamish Tribe of Indians Natural Resources Department

"Kate", She/Her

Office: 360.631.5875

Cell: 360.547.2691



Stillaguamish Tribe of Indians

PO Box 277 · 3322 236th St. NE
Arlington, WA 98223

August 26, 2020

Monica Jurado Stonier
Representative, 49th Legislative District
JLOB 331
PO BOX 40600
Olympia, WA 98504

Re: Columbia River Basin Salmon Management Policy (C-3620)

Dear Representative Stonier and Members of the Committee,

The Tribe has reviewed the proposed changes to the Columbia River Basin Salmon Management Policy (C-3620), as well as your letter addressed to Chairman Carpenter and Director Susewind dated August 24, 2020, and we would like to reiterate our continued opposition to any form of a gill-net ban for non-tribal fishers. We are very concerned not only with your arguments as to the merits of a gill-net ban for non-tribal fishers, but with the prospect that this may be the first step toward attempting to enact an overall gill-net ban. Although our Tribe does not execute a fishery in the Columbia River, as a Tribe with treaty-reserved fishing rights with a co-manager relationship with the State of Washington, we, along with other Tribes, are entitled to government-to-government consultation before the States take any actions that could be deleterious to our treaty rights.

Harvest must be within the permitted total allowable impacts under Endangered Species Act (ESA); regardless if it is commercial non-selective gill-netting or recreational mark-selective fisheries. With the continual decline of salmon populations, we would like to stress that the importance of salmon recovery should not be focused narrowly to harvest opportunities or gear type arguments, but to habitat restoration and recovery.

Upon review of the C-3620, we acknowledge the continued commitment of the Washington Fish and Wildlife Commission to further develop and implement adaptive management policies, and understand your concern with the removal of specific language regarding gill-nets that was complimentary to Senate Bill 5617 and this continued effort to obtain a ban within the Columbia River Basin.

We agree that all fisheries, not just those executed within the Columbia River basin, require careful and proactive management in response to declining salmon and steelhead populations, especially those listed under the federal ESA. We however disagree that a solution is to prioritize Mark-Selective Fishing (MSF) under the guise of “recovery needs” for the ESA-listed

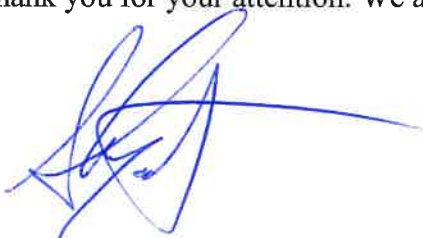
salmon and steelhead populations. During ESA consultation and review of fisheries for permitting, NMFS determines whether these actions will impede recovery, not promote, thereby fisheries cannot be executed as a protection to natural populations. MSF still has impact on ESA-listed salmon and at a greater degree of uncertainty than non-selective fishing, especially with the lack of funding to further expand understanding on release/handling mortalities and fishery encounter estimations. Funding is also needed for establishing robust in-season monitoring plans and increasing fisheries enforcement, with commitment to prosecute illegal retention. We feel that fishing practices in themselves are not the issue, but the actual management of these fishing practices are.

We also disagree with the implication that hatchery produced fish are in “excess” and are required for removal from escapement. Within the Columbia River Basin there are 208 hatchery programs, 90 of which release ESA listed stocks, and are a mix of Harvest or Recovery Programs, both of which may be defined as integrated (intended to spawn in wild or genetically integrate) or isolated (not intended to spawn in wild or genetically integrate). These different program types are not all required to remove hatchery fish as a condition of continued hatchery production. For example, the summer run Chinook and fall run Chinook hatchery programs within the Stillaguamish Watershed are Integrated Recovery Programs. Juvenile releases are produced specifically for natural spawning and maintaining, with the potential of increasing, the annual returns of salmon. Therefore, hatchery fish produced for integration must also be allowed to escape in efforts towards Salmon Recovery and are not produced specifically for harvest and required for removal.

MSF and hatchery produced salmon cannot alone be used as a measure of providing increased escapement of ESA listed and weak wild stocks, unless habitat recovery is the highest priority, as habitat degradation continues to be the major limiting factor to salmon recovery. Within the Stillaguamish River, despite two decades of Mark-Selective Fishing, overall reduced fishing efforts from the co-managers, and a continual hatchery production since 1986, the Stillaguamish natural populations have continually declined (Figure 1). It is also suggested through preliminary data analysis that although hatchery production has remained static, returns of our hatchery spawners have also declined, thus lowering total escapement of adults in recent years.

Lastly, you state that WDFW revenue is “much needed” and referenced their strained operating budget, so we request that you prioritize and increase funding to provide the tools and resources necessary to implement effective management of fishery practices.

Thank you for your attention. We are opposed to any form of a gill-net ban for non-tribal fishers,



Shawn Yanity
Chairperson - Stillaguamish Tribe

CC: Kadi Bizyayeva
Scott Mannakee
Kathryn Konoski
Peggen Frank
Mara Machulsky
J.T. Austin
Larry Carpenter
Kelly Susewind
Larry Hoff
Andrew Barkis
Carolyn Eslick
Tom Dent
Keith Goehner
Mary Dye
Roger Goodman
Bill Jenkin
Joe Schmick
Bradley Klippert
Drew MacEwan
Ed Orcutt
Mike Sells
Strom Peterson
Tana Senn
Eric Pettigrew
Brandon Vick
Sharon Wylie
Alex Ybarra
Mia Gregerson

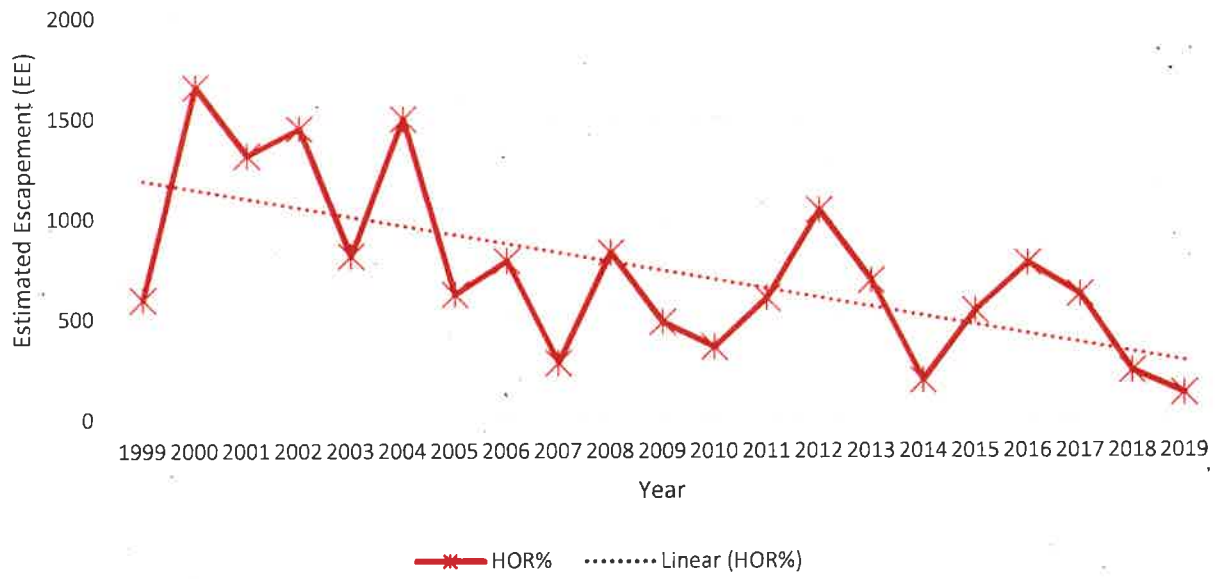


Figure 1. Co-Manager Agreed to Stillaguamish River natural origin Chinook (summer & fall combined) estimated escapements, 1999-2019.

From: [Kloepfer, Nichole D \(DFW\)](#)
To: [Barbara Baker](#); [Bob Kehoe](#); [Brad Smith](#); [brad smith](#); [Dave Graybill](#); [Donald McIsaac](#); [Anderson, James R \(DFW\)](#); [Larry Carpenter](#); [McBride, Tom A \(DFW\)](#); [Linville, Molly F \(DFW\)](#); [Thorburn, Kim M \(DFW\)](#)
Cc: [Director \(DFW\)](#); [Dobler, Myrtice C \(DFW\)](#)
Subject: FW: Sauk-Suiattle Indian Tribe re: Gill Nets letter from the Senate
Date: Thursday, September 3, 2020 10:47:49 AM
Attachments: [SSIT Letter in Opposition Re: Gill Nets.pdf](#)

From: Dawn Vyvyan <dpvyvyan@outlook.com>
Sent: Thursday, September 3, 2020 10:43 AM
To: Kloepfer, Nichole D (DFW) <Nichole.Kloepfer@dfw.wa.gov>
Cc: Dawn Vyvyan <dpvyvyan@outlook.com>; kehlvw@gmail.com; Chairman Norma Joseph <Chairman@sauk-suiattle.com>; 'Jack Fiander (towtnuklaw@msn.com)' <towtnuklaw@msn.com>
Subject: Sauk-Suiattle Indian Tribe re: Gill Nets letter from the Senate

Hello Nicki!

I work for the Sauk-Suiattle Tribe and Commissioner Anderson asked to see a copy of this letter. He also asked that it be sent to all the Commissioners. Can you forward this letter to them? It is in response to a letter the Commissioners received from Senators about this issue.

Thank you, Dawn

Vyvyan Law Office
117 E. Louisa
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Seattle, WA 98102
206-628-3014

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Sauk-Suiattle Indian Tribe
5318 Chief Brown Lane
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(360) 436-0131
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July 17, 2020

Honorable Sen. Claire Wilson, Sen. Annette Cleveland, Sen. Steve Conway, Sen. Jeanie Darneille, Sen. David Frockt, Sen. Karen Keiser, Sen. Patty Kuderer, Sen. Marko Liias, Sen. Jamie Pederson, Sen. Christine Rolfes, Sen. Rebecca Saldaña, Sen. Jesse Solomon, Sen. Derek Stanford

Dear Sir or Madam:

You were recently presented with a letter to the Washington Fish and Wildlife Commission which Senator Kevin Van De Weg requested your endorsement of and which chastises Washington officials for allowing the use of gill nets to harvest salmon in the lower reaches of the Columbia River. Our reading of the letter discloses that the Honorable Senator also advocates for the Washington Department of Fish and Wildlife to ban all use of gill nets within the mainstem of the Columbia River and, further, proposes that the Department allow gill nets only on tributaries and in areas below fish hatcheries.

It appears that the correspondence will result in, and is intended to, pit recreational sports fishers against the tribal and nontribal commercial fishing industries that have, to date, played a major role in management and conservation of the anadromous fish resources of the Columbia River Basin and which contribute over \$83.5 million annually to the Pacific Northwest economy.

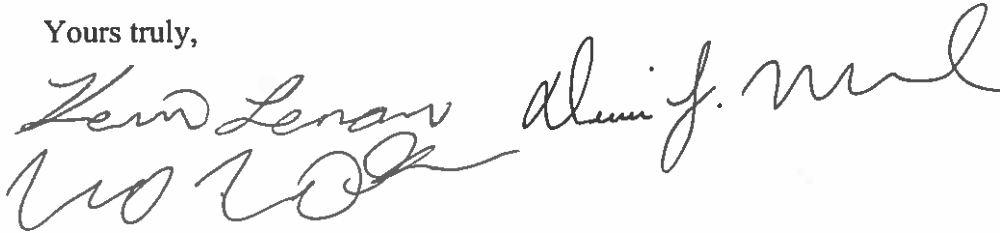
The type of gear utilized to harvest migratory fish species is not responsible for the decline in wild fish stocks. Rather, the ongoing loss and degradation of habitat is the primary factor in any decline of these populations. As you know, the tribes who possess treaty fishing rights were the proponents of the "culverts" case in which the United States courts upheld the position that barriers to increased habitat was a major factor in declining fish runs.

It is unlikely that the action you are requested to support will accomplish anything other than creating divisiveness among nontribal, recreational user groups. History teaches us that conservation of our precious fishery resource is best accomplished by mutual cooperative management. Additionally, management of the harvest of anadromous fish in the Columbia River Basin has been essentially preempted by the continuing jurisdiction of the United States District Court in the landmark case of *United States v. Oregon*. To date, we are aware of no position taken by the United States in that case that elimination of harvesting fish by gill net, a means utilized by tribal treaty fishermen and women since Time Immemorial is a conservation necessity. There are better means of accomplishing the result desired by the Senator.

Finally, placing limitations on commercial, subsistence and ceremonial terminal area fisheries unfairly places the blame for the decline of wild fish stocks upon these end users. A far better approach, and one more consistent with the Washington State Legislature's policies embodied in RCW 43.376.020 of government to government consultation, is for the Legislature to focus on increasing aquatic habitat, preventing its degradation, and taking legal action when necessary to limit the overharvest of our precious Chinook Salmon bound for Washington waters by offshore fisheries—an approach the tribes took in *Hoh Tribe v. Baldrige* and *Yakama Nation v. Baldrige*.

Please note the opposition of the Sauk-Suiattle Indian Tribe to this matter.

Yours truly,

A handwritten signature in cursive script, appearing to read "Kevin Leran" followed by a flourish.

Sauk-Suiattle Indian Tribe
Tribal Council