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Conserving biological diversity of native fish and protecting their habitats

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Mr. Barry A. Thom
Acting Northwest Regional Administrator
National Marine Fisheries Service
7600 Sand Point Way, N.E. Building 1
Seattle, Washington 98115

RE: NOAA Fisheries 2009 Guidance Letter to PFMC for Lower Columbia River chinook harvest

Lower Columbia River spring, fall bright and tule chinook are listed as a threatened species under the Endangered Species Act. In reviewing the guidance letter for 2009 it is apparent that NOAA fisheries has artificially segregated some stocks in its harvest impact analysis, adopted a go-slow recovery approach that is least intrusive for the fishery but high risk to less productive ESA-listed populations, and has decided to not include some populations that are at high risk of extinction in its harvest rate decision.

Lower Columbia River Spring Chinook

While the guidance letter says, "NOAA Fisheries does not anticipate the need to take specific management actions in the ocean to protect the bright component of the LCR chinook ESU in 2009," NOAA Fisheries is comfortable that the "management agencies will continue to manage in-river fisheries to meet hatchery escapement goals, but no additional management constrains on Council (PFMC) are considered necessary."

While NOAA Fisheries expresses its concern that "hatchery escapement goals" will be met by the in-river management agencies, it would be more appropriate for NOAA Fisheries to be concerned with meeting ESA-listed wild chinook escapement goals. But this concern was not stated in the guidance letter. I am sure that NOAA Fisheries expressed their concern over ESA-listed chinook in another letter, but I have no evidence of it.

One of the comforting issues for NOAA Fisheries expressed in the guidance letter has to do with Sandy River spring chinook. The guidance letter says, "Spring Chinook in the Sandy River are also managed with an integrated hatchery supplementation program." Since the removal of Marmot Dam on the Sandy River which was used to provide a sanctuary for ESA-listed spring chinook above the dam and a barrier to hatchery spring chinook, hatchery and wild spring chinook are able to spawn together. There is no evidence that the proper hatchery-wild integration protocols advanced by the HSRG are being accomplished on the Sandy River. Lacking that information means that the integrated hatchery program is likely not functional.

NOAA Fisheries ought to evaluate this situation and provide more guidance to the ODFW on this so-called integrated hatchery program.

NOAA Fisheries also states that chinook "hatcheries have met their escapement objectives in recent years and are expected to do so again in 2009, thus ensuring that what remains of the genetic legacy is preserved and can be used to advance recovery." This optimistic statement may provide comfort to NOAA Fisheries, but the accumulation of scientific research on the effect of hatchery rearing on the phenotypic character and the reproductive success of hatchery fish and their effect on the reproductive success of wild fish stands out as a risk factor for maintaining not only the "genetic legacy" but the productive capacity of wild ESA-listed chinook. The assumption advanced by NOAA Fisheries that the hatcheries are an important component in ESA-listed chinook recovery overlooks the science including advice provided by NOAA Fisheries own science panels.

The guidance letter fails to address all the spring chinook populations that are found in the lower Columbia River and affected by fisheries. For example, the Clackamas River wild spring chinook are missing in the discussion as are the upper Willamette River spring chinook including the wild chinook of the Santiam, Calapooia, and McKenzie rivers. There is no explanation for this omission in the guidance letter.

NOAA Fisheries states that it does "expect the states of Washington and Oregon will continue to monitor the status of the LCR bright populations and take appropriate actions through their usual authorities to deliver spawning escapement through the fisheries they manage sufficient to maintain the health of these populations." While NOAA Fisheries may expect compliance from the states that maintain the health of these ESA-listed fish populations, it will require an independent monitoring program to verify this expectation. After all that is NOAA Fisheries responsibility under the ESA. For example, is there a spawner abundance objective for Sandy River fall and spring chinook? Is there a gene conservation objective based on spawner abundance? Is there a nutrient enrichment objective for rivers based on salmon carcasses? Unless there are metrics for these biological objectives that are key to maintaining the health of these populations, NOAA Fisheries is being rather optimistic and even negligent in assuming that the state agencies are indeed managing for the health of these populations.

<u>Lower Columbia Tule Fall Chinook</u>

Tule fall chinook have been the subject of continuing conservation action including annual harvest impact reduction since 2006 to re-negotiated U.S. Canada harvest agreements aimed at delivering more fall chinook to U.S. streams by reducing harvest impacts in West Vancouver Island fisheries. Even though harvest impact rates in U.S. waters have been too high to protect and recover tule fall chinook, harvest impact reductions have been tentative and incremental. In 2006 the "exploitation rate" was 49%. In 2007 the exploitation rate was reduced to 42% and then to 41% in 2008.

This exploitation rate is based on the Coweeman River fall chinook run, a relatively strong population in the lower Columbia River, however, upon further evaluation NOAA Fisheries found that other wild fall chinook were high risk at even a 41% exploitation rate. For example, Grays River fall chinook harvest tolerance ranged from 0 to 20% (Lohn December 22, 2008 letter, page 7-39). Some reviews put the maximum recovery exploitation rate at 8%. In his letter Lohn said "the possibility of falling below the quasi extinction threshold (QET) value sometime in the next 100 years is high." (page 7-40)

The purpose of reducing exploitation rates on ESA-listed tule fall chinook is to provide enough spawners to support recovery. Not all ESA-listed populations are protected by a 41% exploitation rate or the 2009 recommended exploitation rate of 38%. While it is technically true that "These reductions were reflective of improved information and analyses, and have had the intended beneficial effect of reducing exploitation rates on all comingled LCR tule populations" these incremental reductions cannot be confused with recovery exploitation rates for many, if not most tule fall chinook populations in the lower Columbia River. It appears that NOAA Fisheries has been more concerned about the impact of its recovery actions on the fisheries than upon the ESUs and their component populations. The 2009 guidance letter recommends an exploitation rate of 38% even though NOAA Fisheries admits that this is an extinction fishery for many ESA-listed tule fall chinook populations in the lower Columbia River.

Based on the 2009 tule fall chinook guidance letter by NOAA Fisheries, it is apparent that stovepipe management at NOAA Fisheries has successfully kept staff from effective communication regarding protection and recovery of ESA-listed tule chinook. It is abundantly apparent that the harvest management section is not talking with the conservation and recovery staff, or if they are speaking they are not listening. The policy makers at NOAA Fisheries believes the salmon can absorb more risk than the fisheries.

Sincerely,

Bill M. Bakke
Executive Director

Reference:

Lohn, Robert, D. December 22, 2008. Endangered Species Act Section 7(a)(2) Consultation Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation. National Marine Fisheries Service, Northwest Region.