March 23, 2023

Representative Ken Helm
Chair of the House Committee on Agriculture, Land Use, and Water
900 Court St. NE
Salem, Oregon 97301

Members of the House Committee on Agriculture, Land Use, and Water:

I am writing to you today in strong support of HB 3232 and to share my perspective as a conservation biologist with more than 30 years-experience working on native salmon and trout conservation in western North America, with particular expertise in Columbia River salmon recovery. I am a former member of the Independent Scientific Review Panel (ISRP), designed to review individual fish and wildlife projects funded by Bonneville Power Administration (BPA) and make recommendations on matters related to those projects. I was also the former chair of the Independent Scientific Advisory Board (ISAB). The ISAB was established by the Northwest Power Planning Council and the National Marine Fisheries Service to provide independent scientific advice and recommendations on issues related to regional fish and wildlife recovery programs under the Northwest Power Act and the Endangered Species Act (ESA).

In particular, I want to address and provide additional context to written testimony submitted by ODFW related to this bill. First and foremost, as an independent scientist involved in Columbia River issues for more than a decade, it is puzzling why the Commission would have ever enacted rules that limit ODFW's ability to effectively manage fisheries and diverse suite of gears that can be deployed tactically in the times, places and manners that are most appropriate for salmon conservation and maximization of sustainable fishing opportunities. Moreover, ODFW fails to clearly explain that the analysis of the viability of alternative gear described in the letter dates back to 2016 and early 2017, well before essential research of the pound net (fish trap) was completed between 2017 and 2021 (Tuohy et al. 2019; Tuohy et al. 2020; Tuohy et al. 2022). Furthermore, additional research of seines was completed in 2017 (Cox et al. 2019).

As the ODFW letter describes, the 2% cap on use of selective alternative fishing gears was established in 2016-2017 during the research phase for alternative gears, and prior to the investigations of pound nets. What we've learned about pound nets completely changes how alternative gears can be applied to advance wild salmon recovery and provide economic benefits to fishing communities. It is also worth noting that additional research of seines occurred in 2017 (Cox et al. 2019) and was not accounted for within the analysis ODFW has described.

First, with passively operated pound nets generally achieving > 99% post-release survival of released bycatch (Tuohy et al. 2020; Cox and Sippel 2020; Tuohy et al. 2022), it is evident that pound nets can help reduce wild salmonid bycatch mortality across the board for all salmonid species. This would provide more sustainable fishing opportunities for hatchery salmon, even during poor return years for species such as steelhead and Chinook. This means longer fishing seasons for fishing communities, more consistent fishing seasons, reduced likelihood of fisheries closures, and expansion of selective fishing opportunities across the seasons and fishing zones of the river below Bonneville Dam. From a management perspective, an alternative gear such as the pound net can further help to reduce escapement of hatchery fish to wild salmon spawning grounds, reducing determinantal effects from hatcheries and improving compliance of these programs under the ESA. Since the pound net has proven to be the most promising alternative gear for the lower river, ODFW must account for pound nets and the best available science in any credible analysis of lower river alternative gears.

Secondly, test fisheries conducted with pound nets strongly suggest that fishers will secure higher prices for their harvested products, resulting in greater revenues (Tuohy and Jorgenson 2022). Between 2018 and 2021, pound net operations showed evident product quality advantages (e.g., no bruising of the meat, scale-loss, or net damage) that will help fishers secure superior fish prices near troll market value (nearly double that of the Columbia River gillnet market price). Furthermore, sustainable market certifiers have indicated that there is a high-likelihood of sustainable market certification for selective pound net operations, securing fishers' access to

high-end markets and restaurants paying premium prices. Undoubtedly, any credible economic analysis must account for product quality, potential for added-value, and the external benefits to society from protecting wild salmon and contributing toward recovery. Given the millions of dollars invested annually to recover wild salmon, it is clear that these external benefits to salmon conservation are substantial.

While the analysis ODFW has described is outdated and does not account for the most significant alternative gear science, most importantly, we must all ask why the Fish & Wildlife Commission would enact a rule in the first place that prevents resource managers from effectively applying "tools in the toolbox" that they can manage through established processes within the framework of the US v OR Management Agreement? I encourage you to ask the Fish & Wildlife Commission and ODFW the following questions:

- Do managers benefit from having a number of tools in the toolbox to address dynamic challenges with fish returns and the ESA?
- Does a diverse suite of gears that can be deployed tactically in the times, places and manners that are most appropriate better position the Department to promote salmon conservation while also making the best use of harvestable salmon resources for the fishing industry and the public?
- Why would the Commission enact a rule that prevents the Department from tactically and effectively using tools in the toolbox that have proven capable of benefiting wild salmon and fishing opportunities in specific times, places, and manners?
- Is ODFW aware of the Washington Department of Fish & Wildlife's (WDFW) modeling that has incorporated recent data and demonstrated that alternative gear can provide new selective fishing opportunities across the seasons and fishing zones of the lower river?

Ultimately, processes have been established to manage a suite of gear-types through the framework of the US v OR management agreement. Fishers and fisheries managers can negotiate fishing seasons through North of Falcon. Given the dynamic nature of our fisheries and growing concern for threatened wild salmon populations, the existing rules unnecessarily undermine the ability of management to apply gear types that have demonstrated considerable potential to advance wild salmon recovery and sustainable fisheries. The alternative gear research that has occurred since ODFW's initial analysis further demonstrate the need to revise these outdated rules. I strongly encourage the Committee to take-action to lift the cap and allow for greater use of alternative gears that better enable management to meet recovery objectives, reduce the effects of hatcheries on ESA-listed wild salmon, and optimize sustainable use of fishing allocations.

Thank you for considering this testimony in support of HB 3232.

Sincerely,

Dr. Rick Williams
Fisheries Ecologist

References

Cox, B., Wadsworth, T., and J. Holowatz. 2019. Short-term survival of fall Chinook and coho salmon captured by purse seines in the Lower Columbia River, 2017: A holding study. Washington Department of Fish & Wildlife. Olympia, WA.

Cox, B., and T. Sippel. 2020. Pound net and PD7 2017 survival analysis: recommended release mortality rates for pound net gear. Washington Department of Fish & Wildlife. Olympia, WA.

Tuohy, A.M., Skalski, J.R., Gayeski, N.J. 2019. Survival of salmonids from an experimental commercial fish trap. Fisheries 44, 423–432.

Tuohy, A.M., Skalski, J.R., Jorgenson, A.T. 2020. Modified commercial fish trap to help eliminate salmonid bycatch mortality. North Am. J. Fish. Manag. 40 (5), 1239–1251. https://doi.org/10.1002/nafm.10496.

Tuohy, A. M., Jorgenson, A. T., and J. R. Skalski. 2022. Maximizing salmonid bycatch survival with passively operated commercial fish traps. Fisheries Research. DOI: doi.org/10.1016/j.fishres.2022.106495.

Tuohy, A. M., and A. T. Jorgenson. 2022. Developing an alternative model for sustainable commercial salmon fisheries of the Lower Columbia River Sub-basin. Final report to the National Oceanic and Atmospheric Administration (NOAA) Saltonstall-Kennedy (S-K) Grant Program. Seattle, WA.