

**JOINT COMMITTEE ON STREAM RESTORATION**  
**AND SPECIES RECOVERY**

**February 19, 1999 Hearing Room 50**

**9:00 AM Tapes 30 - 31**

**MEMBERS PRESENT: Sen. Ted Ferrioli, Co-Chair**

**Rep. Ken Messerle, Co-Chair**

**Sen. Ginny Burdick, Vice-Chair**

**Rep. Bob Jenson, Vice-Chair**

**Sen. Joan Dukes**

**Sen. David Nelson**

**Sen. Veral Tarno**

**Rep. Al King**

**Rep. Jeff Kruse**

**Rep. Randy Leonard**

**Rep. Lynn Lundquist**

**Rep. Susan Morgan**

**Rep. Bruce Starr**

**Rep. Terry Thompson**

**VISITING MEMBER: Sen. Gary George**

**STAFF PRESENT: Judith Callens, Administrator**

**Stephen Kosiewicz, Administrative Support**

**MEASURE/ISSUES HEARD: Department of Fish and Wildlife Hatchery Policy and Wild Fish  
Policy**

**Possible Introduction of Committee Bills**

TAPE/#	Speaker	Comments
<b>TAPE 30, A</b>		
004	Chair Ferrioli	Calls the committee to order at 9:18 a.m.
<b><u>DEPARTMENT OF FISH AND WILDLIFE HATCHERY POLICY AND WILD FISH POLICY</u></b>		
017	Senator Gary George	Senate District 2. Expresses concern about the destruction of wildlife. Notes that the video he is going to show has been edited.
046	Sen. George	Begins showing video on ODFW egg harvesting and stock elimination activities at Fall Creek Hatchery.
207	Sen. George	Concludes showing video.
209	Ron Yechout	Resident of Philomath. Verifies that he and his brother, Richard, are the speakers in the video.
219	Sen. George	Verifies that he was the person asking questions in the video.
223	Chair Ferrioli	Asks for clarification that the ODFW personnel identified the fish as Coho.
225	Yechout	Responds that most of them were Coho, but some were Chinook.
231	Chair Ferrioli	Asks what drainage the Fall Creek Hatchery is in.
233	Yechout	Responds that it is in the Alsea drainage.
239	Chair Ferrioli	Notes that there is a lot of confusion about the ODFW's hatchery policy and wild fish policy.
246	Rep. Thompson	Asks if these fish were of edible quality.
247	Yechout	Responds that they were not at the time they were being destroyed.
250	Sen. George	Notes that the individual who helped prepare the video felt that some of the fish, even at the point of killing, were still edible.

265	Rep. Thompson	States that most people who were to purchase those fish would say they were not of edible quality.
271	Sen. Tarno	Asks for clarification that fishermen could not catch these fish in the Alsea tributary.
274	Yechout	Responds that they could catch the Chinook run, but they had to release all Coho.
279	Sen. Dukes	Asks if ODFW gave an explanation of why fishermen were required to release all Coho.
282	Yechout	Responds that the only answer he got was that keeping the Coho would target this species for catching, and in doing so, some wild strands could be caught as well.
295	Sen. Dukes	Asks for clarification that ODFW's hope was that if they did not let fishermen keep the fin-clipped fish, fewer fishermen would be out there fishing, so fewer wild fish would be hooked.
298	Yechout	Responds that he is not sure what ODFW's idea behind this was. Notes that he asked ODFW at a meeting last night if a person can really tell the difference between a wild fish and a hatchery fish, and they responded that a person probably could not tell the difference.
310	Rep. Kruse	Asks for clarification that ODFW indicated that by eliminating the fish they would eliminate the predation problem.
321	Yechout	Responds that this is correct.
340	Rep. Kruse	Notes that this is an interesting approach to the pinniped predation problem.
347	Chair Ferrioli	Asks the audience to refrain from expressing any approval or objection to comments made by witnesses or the committee.
350	Rep. Thompson	Asks whether this policy was brought by ODFW or by NMFS.
356	Yechout	Responds that it is his understanding that on the Alsea system ODFW approved this policy.
370	Rep. Thompson	States that he would like to see this presentation made back in Washington, DC when reauthorization of the Marine Mammal Act is being considered.
377	Rep. King	Notes that in regard to the predation problem, ODFW may not have had direct

		alternatives to work with and they may have been trying to reduce the population with very few tools at their disposal.
387	Yechout	Notes that the part that sounds unreasonable to him is that the seals will go away if the fish are eliminated.
<b>TAPE 31, A</b>		
015	Chair Ferrioli	Comments on his confusion about the difference between ODFW's wild fish policy and hatchery policy.
030	Sen. George	Notes that he submitted a number of questions to ODFW regarding how many other operations similar to the activities at Fall Creek Hatchery there are.
045	Rep. King	Asks the third speaker in the video to identify himself.
048	Randy Thistle	Resident of Tidewater. Identifies himself as a speaker in the video.
053	Doug DeHart	Director of Fisheries, Department of Fish and Wildlife. Submits written material <b>(EXHIBIT A)</b> . Clarifies that the fish in the video were not endangered species and the actions seen were taken after consultation with the federal government.
073	Sen. Dukes	Asks if the fish in the video are coastal Coho.
074	DeHart	Responds that they are, but notes that hatchery strains of coastal Coho were not listed by the federal government as part of the Coastal Evolutionarily Significant Unit (ESU).
078	Sen. Dukes	Asks for clarification that these fish are the same biological genus as the listed species, but they are the hatchery version.
080	DeHart	Responds that this is correct.
083	Rep. Thompson	Asks where this strain came from.
084	DeHart	Responds that this strain was developed in the Alsea Basin many years ago.
088	Rep. Thompson	Asks for clarification that the original strain came from the Alsea and then ODFW mixed other strains with it.
089	DeHart	Responds that there have been egg transfers a number of years ago from other coastal facilities.

090	Rep. Thompson	Asks where the other strains came from.
094	Trent Stickle	Hatchery Propagation Program Chief, Department of Fish and Wildlife. Responds that the eggs are transferred back and forth between the Siletz and Fall Creek.
100	Rep. Thompson	States that it is his understanding that both of these rivers are where the Coho have been listed as endangered species.
105	DeHart	Notes that the fish in both of these basins are on the ESA list, but that the Siletz stock of Coho being reared at Salmon River Hatchery and the Alsea stock being reared at Fall Creek Hatchery are not part of the listed group.
113	Rep. Thompson	Asks if NMFS has told ODFW to destroy these fish.
116	DeHart	Responds that this stock of fish has characteristics that are different enough that ODFW feels they are not adequate to use for out-planting into wild production areas. Notes that ODFW's intention is to develop a new Coho brood stock.
132	Rep. Thompson	Asks for clarification that this was a decision made by ODFW.
133	DeHart	Responds that this is correct. Notes that any actions they now take require approval from NMFS.
137	Rep. King	Asks if the attempt to recover wild Coho on its own were to fail, would this strain of hatchery Coho be the best backup to try and replenish the stock.
142	DeHart	Responds that ODFW feels this particular strain would not be a good substitute because its characteristics are so different from the wild strain.
151	Sen. Tarno	Asks what the reason is for not allowing fishermen to catch hatchery fish.
152	DeHart	Responds that there are two issues. Explains why fishermen are not allowed to catch these fish.
180	Sen. Tarno	Notes that last year Coquille fishermen were not allowed to catch fin-clipped Coho. Asks why fin-clipped hatchery fish are allowed to intermingle with the wild fish and how does this relate to the wild fish policy.
184	DeHart	Responds that the wild fish policy does not set specific standards for fisheries where wild and hatchery fish are intermingled. Notes that ODFW is working to make better use of the remaining hatchery fish.
200	Sen. Dukes	Asks if all the fish that were killed fin-clipped.

202	DeHart	Responds that they were.
208	Sen. Dukes	Asks if some of the hatchery fish sit in the weir for a week.
209	DeHart	Responds that the unmarked fish are sorted at the weir and passed as they arrive.
212	Sen. Dukes	Asks for clarification that the hatchery fish would be held until they are killed.
213	DeHart	Responds that this is correct.
214	Sen. Dukes	Asks why the heads were being cut off the fish.
215	DeHart	Responds that these fish had coded wire tags and the snout was being taken off for examination and tag reading.
217	Sen. Dukes	Asks why ODFW began the Fall Creek Hatchery Coho run.
218	DeHart	Responds that this run was started to enhance ocean sport and commercial fisheries.
226	Sen. Dukes	Asks if NMFS is restricting sports fishermen from taking these fish.
228	DeHart	Responds that the closure of ocean sport and commercial fisheries was dictated by NMFS and the in-river restrictions were developed by ODFW.
235	Sen. Dukes	Asks if ODFW notified local sport fishing groups that they were considering these restrictions.
237	DeHart	Responds that ODFW went through an extensive public meeting and public review process in 1997.
240	Sen. Dukes	Repeats her previous question.
242	DeHart	Responds that they did at the time this issue was under consideration.
246	Sen. Dukes	Expresses concern that the state put a lot of money into fish hatcheries and ODFW does not want to use these fish.
259	DeHart	States that ODFW does want people to catch these hatchery fish.
263	Sen. Dukes	Clarifies that she is expressing concern with an agency that has decided to

		protect the wild fish from the very fish that agency is producing.
266	DeHart	States that what ODFW is trying to do is redesign their hatchery programs so that NMFS is not closing them down.
273	Sen. Dukes	Notes that ODFW is doing a really good job of shutting down the hatchery.
276	Chair Ferrioli	Reminds the audience to refrain from expressing any approval or objection to comments made by witnesses or the committee.
279	Rep. Messerle	Asks for clarification that there is not an allowable catch where a person can keep the fish in the Alsea system.
283	DeHart	Responds that there was a legal fishery in Fall Creek. Notes that regulations did not allow retaining any Coho in the main stem of the Alsea this past year.
291	Rep. Messerle	Asks if ODFW knows how many fish were caught in the Fall Creek fishery.
293	DeHart	Responds that approximately 150 were caught this fall and a little over 1,000 were caught last fall.
296	Rep. Messerle	Asks if ODFW knows how many wild fish were caught.
298	DeHart	Responds that they do not have a specific record since people are not allowed to retain them.
302	Rep. Messerle	Asks whether extra effort was made to advertise the fishery when the fish were in the system.
308	DeHart	Responds that ODFW has publicized the Fall Creek fishery over the last three years.
320	Rep. Morgan	Asks Mr. DeHart to describe where ODFW is in its plan to introduce a new Coho brood stock. Asks how this program came into being.
326	DeHart	Responds that the program came into being as part of the Alsea Basin plan. Explains that ODFW has not started to develop this stock yet.
346	Rep. Morgan	Asks for clarification that ODFW is not developing this new stock to start a new breeding program and they are trying to eliminate the one they currently have.
349	DeHart	Responds that this is correct. Explains the reason for the operation of the Alsea hatchery Coho program.

370	Rep. Thompson	Asks if natural coastal Coho stocks within an ESU naturally intermingle, and this is why ESUs were established.
375	DeHart	Notes that the ESU designation is one done by the federal government and that this designation is based on a collection of watersheds being grouped together where there is some straying back and forth.
383	Rep. Thompson	Asks why stocks should be destroyed if they are naturally straying.
391	DeHart	Responds that ODFW is not destroying the naturally spawning and returning fish in the Siletz or Alsea systems.
401	Rep. Thompson	States that the state should be pushing NMFS to allow them to handle hatchery fish to optimize the fish from a particular ESU.
<b>TAPE 30, B</b>		
001	DeHart	States that ODFW agrees that it makes sense to use hatchery programs as one way to rebuild wild fish stocks. Notes that one problem is that if all of the hatchery stocks were listed as endangered species, federal law would prohibit fishing on them.
007	Rep. Thompson	Questions the philosophy that destroying hatchery stocks will reduce the predation by marine mammals. Asks for clarification that if the hatchery stock is eliminated, more pressure will be put on the remaining wild stocks.
015	DeHart	Responds that this could be correct.
030	Rep. Thompson	States that until there is good science in this area, the state should keep its practices.
036	Chair Ferrioli	States that he wants to see the science and know how people are basing their decisions.
043	Rep. Thompson	Notes that he has been trying to get more funding for science ever since he came to the Legislature.
050	Rep. Leonard	Expresses concern that ODFW is taking action that is not based on some science. Reads a paragraph from the submitted material regarding the myths of hatchery programs. Expresses hope that there was some discussion before ODFW implemented this management plan.
080	DeHart	Explains the basis of the decision for ODFW's actions in the Fall Creek Hatchery.



121	Rep. Lundquist	Asks what the parameters are for eliminating this stock and what is ODFW's timeframe.
126	DeHart	Responds that the last Coho releases were made in 1997 and this fall will be the last year that ODFW expects any return from the releases.
137	Rep. Kruse	States that he would like to see in writing what the significant differences are between the hatchery fish and the wild fish.
151	DeHart	States that ODFW will provide this information to Rep. Kruse. Notes that the hatchery Coho return to the Alsea Basin much earlier than the wild Coho do, which affects survival.
162	Rep. Morgan	Asks for clarification that the hatchery fish that return and spawn naturally would be indistinguishable from wild fish.
165	DeHart	Responds that they are not entirely indistinguishable.
183	Rep. Thompson	Asks if the cause of hatchery fish returning earlier than wild fish is due to the early harvesting of hatchery fish takes, or is there some other reason.
189	DeHart	Responds that it is correct to say that many of the characteristics of hatchery fish in the past were a result of ODFW's brood stock selection program.
208	Rep. Thompson	Notes that the Warm Springs tribes have made some of these adaptations to their hatchery ponds to make them a more natural environment and they are seeing better survival.
214	DeHart	States that ODFW is looking at the Warm Springs tribes' program.
220	Sen. George	Notes that Sen. Wilde, Rep. Leonard, and himself have been working on stream issues relative to the City of Portland. Questions the sense in harvesting the eggs for resale rather than fertilizing them and moving them to areas of the state where there are depleted hatcheries.
235	DeHart	Notes that the normal operation of ODFW's hatcheries generates surplus fish and eggs.
251	Chair Ferrioli	Opens a work session for the purpose of introducing committee bills.
<b><u>WORK SESSION</u></b>		
263	Rep. Messerle	Explains why he had LC 3365 drafted.

279	Rep. Messerle	<b>MOTION: Moves LC 3365 BE INTRODUCED as a committee bill.</b>
283	Rep. Thompson	Comments on his review of the draft. Expresses support for introducing LC 3365 as a committee bill.
		<b>VOTE: 14-0</b>
310	Chair Ferrioli	<b>Hearing no objection, declares the motion CARRIED.</b>
313	Chair Ferrioli	Closes the work session.
<b><u>DEPARTMENT OF FISH AND WILDLIFE HATCHERY POLICY AND WILD FISH POLICY (CONTINUED)</u></b>		
Written material regarding Don Sampson submitted by Roger Martin ( <b>EXHIBIT B</b> ).		
326	Don Sampson	Columbia River Inter-Tribal Fish Commission. Begins testimony on the benefit of hatchery programs.
371	Sampson	Continues testimony on hatchery programs.
391	Sampson	Continues testimony by discussing the tribes' supplementation program.
<b>TAPE 31, B</b>		
020	Sampson	Continues testimony by discussing how the supplementation program is working.
077	Sen. Dukes	Noting that NMFS has not allowed supplementation, asks how the tribes are able to use it.
082	Sampson	Responds that the tribes started their supplementation program in the Umatilla before there was a listing. Notes that the wild fish policy needs to be reviewed.
110	Rep. Leonard	Asks for clarification that the tribes went to court to prevent ODFW from doing what was seen in the video today.
112	Sampson	Responds that this is correct.
114	Rep. Leonard	Asks what the court finding was in this case.

115	Sampson	Responds that the judge ruled in favor of the tribes.
125	Rep. Starr	Asks if there is any genetic difference between parent and offspring when the offspring are raised in a hatchery with eggs from the wild fish parents.
131	Sampson	Responds that there is no documented difference that he knows of.
<b>149</b>	<b>Rep. Messerle</b>	<b>MOTION: Moves that committee staff draft a letter to send to the Healthy Streams Partnership (HSP) suggesting that members of the tribes be included in the HSP.</b>
152	Chair Ferrioli	Notes that it is important for the committee to have a broad base of information available to them.
162	Sen. Dukes	Notes that the HSP was setup as a stakeholders group and the tribes are certainly a stakeholder.
		<b>VOTE: 14-0</b>
<b>165</b>	<b>Chair Ferrioli</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
175	Sampson	Notes that the tribe is working with ODFW to expand supplementation.
Written testimony on ODFW's hatchery policy and wild fish policy submitted by Janice Green, representing Oregonians for Fish and Fishing ( <b>EXHIBIT C</b> ).		
188	Chair Ferrioli	Adjourns the committee at 10:54 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,  
Administrative Support Administrator

#### EXHIBIT SUMMARY

A ñ Department of Fish and Wildlife hatchery policy and wild fish policy, written material, Doug DeHart, 59 pp.

**B ñ Department of Fish and Wildlife hatchery policy and wild fish policy, written material, Don Sampson, 1 p**

**C ñ Department of Fish and Wildlife hatchery policy and wild fish policy, written testimony, Janice Green, 2 pp.**