

NATIVE FISH SOCIETY, PACIFIC RIVERS COUNCIL FILE INTENT-TO-SUE NOTICE TO PROTECT SANDY RIVER WILD SALMON AND STEELHEAD

Backgrounder - April 14, 2011

After some 20 years of massive investment of capital and sweat equity and unprecedented collaboration, much has changed on the Sandy River for its wild salmon and steelhead, and mostly for the better. Marmot and Little Sandy Dams are gone, habitat is vastly improved, and many historic practices like logging and fishing have been modified to protect the Sandy and its native salmon and steelhead legacy. The opportunities all of these investments present make prospects for real and lasting recovery of Sandy wild salmon and steelhead genuinely attainable. Unfortunately, operations at the Sandy River Hatchery have remained the same or gotten worse over that same span of time, and wild fish numbers are declining - fast. The removal of Marmot Dam and its fish-sorting capacity in 2007, ironically, is allowing unprecedented numbers of hatchery fish to reach previously inaccessible wild fish spawning grounds in the upper river, maximizing the risk from competition, genetic dilution, pathogens and other hatchery-wild interaction effects. Absent immediate and dramatic reductions in the threats the Sandy Hatchery program poses to the recovery of wild fish, there is very real risk of losing not only the unique and hard-earned opportunity we now have to recover the Sandy's salmon and steelhead legacy, but possibly the opportunity to have any wild fish left at all.

WHY SUE?

1) The science is clear: A steady increase scientific evidence over 70 years now leaves no conclusion but that hatcheries cause harm to wild fish. Mainstream fisheries biology now treats the presence of hatchery fish in a river as it would any other risk factor (dams, degraded habitat, presence of predators, etc.) to the health of wild stocks. Hatchery fish, released in huge volumes necessitated by lower production rates, compete for cover, space and food with wild fish, carry increased risk of spreading pathogens, and greatly reduce the overall fitness of the population when they interbreed. Typically, the result is a downward spiral in which more and more hatchery fish are needed to maintain fishing opportunity, released on top of an ever-dwindling wild run, year after year. While vast investments in the Sandy's habitat are paying off, and harvest and hydropower risks to wild fish have been reduced or eliminated, those associated with the operation of the Sandy Hatchery have remained the same or gotten worse.

2) The law is clear: All wild salmon and steelhead in the Sandy are listed for protection under the Endangered Species Act.

1. The ESA prohibits "take" of protected stocks of threatened and endangered salmon and steelhead. The Sandy Hatchery takes ESA-listed wild salmon and steelhead to serve as parents or broodstock for hatchery fish without an

appropriate ESA permit, and uses taxpayer dollars to do it. Hatchery-bred fish that are released also cause harm to the wild fish by outcompeting for resources, and producing fewer offspring when they interbreed. This is a subtler, indirect, but no less destructive form of “take.”

2. The ESA requires a federal agency to “consult” on any action it authorizes, funds, or carries out that may harm listed species. NOAA Fisheries here both supplies the funding to the Sandy Hatchery under the Mitchell Act and has jurisdiction to prepare the consultation on the effects of that funding. NOAA has failed to review and provide scientific oversight of the hatchery operations and prepare the consultation required by the ESA.

3) The urgency is clear: Wild salmon and steelhead numbers on the Sandy are precariously close to the point where they may not be able to recover, at a time when massive investments and major improvements give them the best chance in a century to do so.

- The Sandy historically supported a run of up to **20,000 to 50,000** wild steelhead returning to spawn each year. Today that number is usually fewer than **1,000** annually.
- Meanwhile the Sandy Hatchery releases approximately **1.24 million** hatchery fish annually (**240,000 steelhead** and an additional **1 million coho and chinook**). In light of scientists recommending conservation strategies that “minimize interactions between wild and hatchery fish,” the Sandy is clearly home to a biological imbalance in need of a closer look.
- Fishery managers have continued to lower the bar rather than take measures to limit hatchery effects and increase wild fish production:
 - The goal for returning wild steelhead spawning adults as prescribed in the Sandy Basin Plan in 1998 was nearly **5,000** fish.
 - By the time the 2010 Lower Columbia Recovery Plan was done, and over 30 miles of habitat was opened up, that goal had been reduced to **1,519**, allowing the number of hatchery fish released to continue as normal while “meeting” wild steelhead return goals.
- Scientific studies are coming back with conclusions increasingly critical of hatchery programs like that on the Sandy, with one study from the nearby Hood River showing a reduction in fitness of captive-bred fish of up to **40 percent – per generation** – meaning the potential to contribute to population recovery of wild steelhead taken from the river and spawned in captivity is rendered less than zero almost immediately.
- Despite the importance of wild fish to the species’ survival, the Sandy Hatchery steelhead native broodstock program harvests between **10-15 percent** of the invaluable wild run each year—wild fish that the evidence shows would be better off allowed to spawn in-river.