

Tribal chair testifies against increased lamprey harvest

Commission approves temporary measure in 4-3 vote

By Dean Rhodes

Smoke Signals editor

SALEM – Tribal Council Chairman Reyn Leno testified unsuccessfully against an Oregon Fish & Wildlife Department temporary rule on Friday, June 9, that will allow increased harvesting time of lamprey at Willamette Falls and potentially place added stresses on the sensitive species.



Reyn Leno

Leno was accompanied by Tribal Council Vice Chair Cheryle A. Kennedy, Tribal Council member Jack Giffen Jr., Tribal Attorney Rob Greene, Natural Resources Department Manager Michael Wilson and Fish and Wildlife Program Manager Kelly Dirksen.

After Kennedy and Giffen presented each Oregon Fish & Wildlife Commission member with a photo of Tribal member Andrew Freeman harvesting salmon at Willamette Falls in June 2016 — the first Tribal member to do so in approximately 120 years — Leno launched into his testimony that questioned the department’s proposed temporary rule establishing more hours and the lack of consultation with the Grand Ronde Tribe.

Leno reminded commission members that Willamette Falls is within the ceded lands of the Grand Ronde Tribe and that he and Kennedy are direct descendants of John Wachenno, who was the Willamette Falls caretaker and signed the Willamette Valley Treaty in 1855.

Leno also read a list of Tribal activities that Grand Ronde has participated in to track and help Pacific lamprey recover.

“The Pacific lamprey is an Oregon state sensitive species,” Leno said. “It is a culturally significant species for Grand Ronde. Population numbers for lamprey continue to trend downward. Grand Ronde is very concerned about the health of the Pacific lamprey. The Tribe is the steward of both its natural resources and its culturally sig-

nificant resources. Protection and promotion of these resources is a core value of the Tribe.

“The Tribe engages in lamprey harvests, but recognizes that it must be in a way that protects the health and vitality of the species.”

Leno said the temporary rule extending the harvest season from four to six days a week in June and July was poorly publicized and that the Grand Ronde Tribe did not receive notification until May 24 and the actual revised rule until two days later.

“Grand Ronde has a great relationship with ODFW staff and respect the work they do,” Leno said. “Due to our concerns about sustainable harvest, we would have liked to have had the opportunity to provide ODFW with the Tribe’s input prior to the rule going into effect.”

Leno said that he did not think there was a good reason not to seek Tribal input regarding the proposed temporary rule since it was not a time-sensitive issue.

“Adoption of the rule should have been done with adequate notice and consultation,” he said. “Any rule that can lead to an increased harvest must be supported by science or data that demonstrates the resources can be sustained long term for seven generations to come.”

Leno said that lamprey are in “trouble” because of increasing numbers of sea lions wintering at the Falls and putting Pacific lamprey at greater risk.

“I think sea lions are just going to bring a whole new issue to the table for Willamette Falls,” Leno said.

California sea lions are consuming salmon, steelhead, sturgeon and lamprey at Willamette Falls. According to the state Fish & Wildlife Department, sea lions ate an estimated 14 percent of wild winter steelhead waiting to enter the Falls’ ladder and 9 percent of both wild and hatchery spring Chinook salmon, 4 percent of the summer steelhead run and frequently ate lamprey and white sturgeon.

“We ask that the commission not ratify the change to open fish-



Photo by Rob Greene

Tribal Council Vice Chair Cheryle A. Kennedy and Tribal Council member Jack Giffen Jr. distributed photos of Tribal member Andrew Freeman harvesting salmon at Willamette Falls in 2016 during the Friday, June 9, Oregon Department of Fish & Wildlife Commission meeting held in Salem. They distributed copies to all commission members, including Chairman Michael Finley, center. Kennedy and Giffen accompanied Tribal Council Chairman Reyn Leno, who testified against a temporary one-year rule that will provide more hours for harvesting of lamprey at the Falls. The commission adopted the rule in a split 4-3 vote.

ing days,” Leno said. “We believe that the four day per week season should be reinstated. Also, we ask for the adoption of a rule that prohibits lamprey harvest during flash board installations. We believe that no rule that leads to greater harvest should be adopted until the necessary work is done to determine sustainable harvest levels for this species of concern.”

Flash boards are installed in the river by Portland General Electric to increase river flows through the mill to generate electricity, Dirksen said. They temporarily strand lamprey and allow Tribal members to harvest vulnerable lamprey at that time.

Later in the meeting, commission members debated adopting nine temporary rules as presented by Director Curt Melcher, which included the rule expanding the lamprey harvest season.

Chris Kern, principal executive manager in the department’s Fish Division, said that the reason for expanding the lamprey harvest opportunities was to accommodate eastern Oregon and Washington Tribal members who have to travel long distances to Willamette Falls.

Curran said the department has issued permits to eight Tribes to harvest lamprey at Willamette Falls, including the Nez Perce in eastern Washington.

“Over the last several years, I’ve had conversations with many of the folks I work with as other managers, not speaking to Tribal Councils, but management staff from some of the other Tribes,” Kern said. “I have been hearing

requests for some more flexibility over the four days in some way.

“The requests typically are around the fact that for some of the participants there is a significant amount of travel coming over to the Falls and they have asked for consideration and flexibility getting over here.”

Kern said that the temporary rule would provide that flexibility, but that he does not want to see a significant increase in lamprey harvest numbers.

Kern said that the average lamprey population at Willamette Falls is about 188,000 and the annual harvest is about 4,000 lamprey, or about 2 percent. He said the harvest used to be about 30,000 a year before the department essentially stopped lamprey harvesting by anyone other than Tribal peoples.

Providing that travel flexibility did not sit well with Commission member Bruce Buckmaster of Astoria, who said that the season is set well in advance and that Tribal members

who live far away have plenty of notice. He added that travel considerations have rarely been used to change a hunting or fishing season in Oregon, calling it a “dicey excuse.”

“This looks like an accommodation for people traveling a long way,” he said. “But we are not particularly interested in expanding the number of lamprey harvested. Just accommodating travel issues. So why would we look at this, a 60-day season, so eight weeks ... did we consider the option of giving a couple weeks with an expanded time frame? There are ways to accommodate the travel time issue while ensuring that you are not creating more actual hours on the river.”

Commission member Greg Wolley of Portland said he was concerned about the lack of notification to Tribes, seeking their input.

Commission member Holly Aken-son of Enterprise said she favored testing the temporary one-year rule since it would only be for this year and that the department is being cautious in allowing harvest rates to increase.

“I don’t see significant harm in a one-year change in the rules,” Aken-son said.

The commission eventually voted 4-3 to allow the rule to take effect. The majority of commissioners said the temporary rule was “conservative” and that since high water is still flowing over the Falls nine days into the lamprey harvest season, preventing any harvest activities, that there probably will not be much of a lamprey take this year anyway. ■

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