

A Look at the Logic of Salmon Policy

By Eric Redman¹

A Starting Point: What's the Objective?

Everyone says we need better science. But for the past thirty years, as a Northwesterner involved in Pacific salmon issues – sometimes deeply in the fray – I've long thought we need better logic, too.

The most basic matter of logic is this: what's our objective? Management consists of marshaling and applying resources to achieve a defined objective. Without an objective, the very concept of management is meaningless. So what is our objective in salmon management?

“Well,” folks reply, “we have not just one objective, but many” – as if that answers the question. It doesn't. **First**, having many objectives is like having many reasons – it usually means having no one good reason, no reason that's rigorously tested, well thought-out. Like multiple reasons, multiple objectives are often tell-tale indicators of muddled thinking and muddled policy.

Second, in public policy as in mathematics, we can't maximize two variables simultaneously. We have to make choices. To really maximize our chances of achieving an objective, we have to choose it over others. Otherwise, at best, we merely optimize, pursuing multiple objectives but none with particular vigor, logic, or prospects for success. The old maxim of war applies: he who defends everything defends nothing; he who attacks everywhere attacks nowhere.

Almost instinctively, for example, we reduce the catch limit or the allowable number of rods or the days in the fishing season as we pursue two objectives at once: (1) protection for salmon listed as threatened or endangered under the Endangered Species Act (“ESA”), and (2) continuation of fishing, including for those very salmon. If our objective were to protect the salmon themselves in accordance with the ESA – not protection compromised for

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continued fishing – we wouldn't allow these salmon or those they swim with to be fished for at all.

There's a conflict between saving ESA-listed salmon and saving salmon fishing – at least in the short run, and at least as salmon fishing is currently practiced. Current fishing methods kill listed and unlisted salmon alike, before they reproduce even once. This distinguishes Pacific salmon from Atlantic salmon or steelhead or trout or halibut or ling cod or Columbia white-tailed deer: every Pacific salmon we've ever eaten – every Pacific salmon a fisherman has ever killed – died a virgin. Logically, we can't claim we're protecting listed Pacific salmon and seeking their recovery while continuing to kill them, on purpose, right before they reproduce. This would remain true even if we tore out every dam and restored every mile of the Northwest's salmon spawning habitat.

If we tackled these problems sequentially, however, maybe we could achieve both objectives, saving the salmon and then saving salmon fishing. Since the level of fishing effort can be reversed but extinction can't, logically the goal we should try to achieve first is recovery of listed salmon. Once that's achieved, we can resume fishing if we choose, but subject to a hard constraint our predecessors and we ourselves have neglected: not threatening or endangering wild salmon.

The **third** reason it matters to define our objective is that the character of the objective determines the proper organization of the effort needed to achieve it. Jim Litchfield, a member of the Snake River Salmon Recovery Team, put it best: "If the objective is to put a man on the moon, you need to organize a NASA moon shot. If the objective is to make a quilt, you can settle for a quilting bee." No one can deny that the current management structure of Northwest salmon recovery resembles a quilting bee. But is saving an endangered species more like making a quilt or like putting a man on the moon?

If that's really our objective – saving ESA-listed salmon – then logically speaking, we aren't going about it right. Or, given the way we're going about it, then, logically, it must be that saving endangered salmon isn't really our objective. This is what many people now suspect. That suspicion accounts for much of the resistance encountered by those Northwesterners who purport to speak for fish, and who focus on habitat issues, but who rarely mention or even concede that ESA-listed fish die in the fishery.

If you want support for the salmon recovery measures you advocate – and if you want others to pick up the tab – then you should demonstrate that you're sincere about salmon recovery, not just using salmon to pursue some other policy objective. You can't make that demonstration if you refuse to acknowledge the basic logic of salmon recovery. That logic includes not killing ESA-listed salmon

deliberately, on purpose, so they can be eaten, at just the point when they're finally full-grown and mature and ready to reproduce for the first and only time in their lives. Dead virgin salmon fulfill the objective of salmon fishing, both sport and commercial. But they detract directly from the objective of salmon recovery.

Muddled logic, not bad faith, may be the real enemy. But I think the muddled logic is partly willful, the product of denial. We're simply addicted – individually and collectively – to fishing for salmon and killing those we catch. We can't seem to kick the habit, even briefly. Not even to save the fish. And as a result, we just don't think clearly.

Salmon & Baby Harp Seals (Re-Visited)

Here's another matter of logic, the basic question on which, perhaps more than any other, our salmon-related efforts seem to founder: what is the Pacific salmon? Is it a resource, and particularly an economic resource? Or is it a wild animal, to be protected so it can live out its natural life unmolested by man?

"It's both," some will say. "It's not just one thing, it's several things." But recognize that response for what it is: another way of admitting we don't have a defined objective. We're not thinking logically, and we're really not trying to.

In 1980, as a young lawyer working on the Northwest Power Act, I drew the ire of the *Seattle Post-Intelligencer* for noting that the salmon debate had begun to confuse salmon with baby harp seals. These fish are not, I observed, creatures we are trying to protect so they can live out their natural lives unmolested by man (as baby harp seals were then). These are creatures we are trying to protect so that when they grow up, and before they reproduce even once, people can catch them and kill them and split them open and sell them. This is an economic use of the animal – and as such, quite properly subject to economic evaluation, cost-benefit analysis, and competing economic uses (such as sport fishing) for that portion of the total salmon population we've already decided we will sacrifice to an economic purpose rather than allowing to reproduce.

How crude and insensitive, the *P-I* said! But how much better off we – and the salmon – might be if the *P-I*'s reaction in 1980 had been a bit more logical, or proven less widespread. Because for the past twenty-four years we've spent, as a region, huge amounts to save the salmon, treating the question of cost as entirely secondary, if not irrelevant, because of the legal and moral imperatives involved – yet all the while we've continued sacrificing the adult salmon, right before they spawn, for a purely economic purpose. This isn't just illogical, it's downright goofy. For no other ESA-listed animal has anything like this particular policy mish-mash, this confusion of wild animal and economic resource, ever occurred.

The fact is, humans have often had to make the "resource vs. wild animal" decision for other economically valuable species. We did it for baby harp seals (though harp seal killing has now resumed), and we've done it for other marine mammals, fur-bearing animals, and fish. Most notably, we've done it for whales, and that decision saved them. Now they've been saved, some species of whales could be hunted again, at least in modest numbers, just as harp seals now are, without depleting or endangering them.

People in the Northwest act as if somehow we're following such a course for endangered salmon, but we aren't. Unlike whales, these salmon have not yet been saved, but – without a break – we're still hunting them.

Those who object to the Makah Tribe taking a whale don't fear the whale's still endangered. Instead, they've come to regard the whale as a wild animal to be protected so it can live out its natural life unmolested by man. The same is true of the bald eagle, the killing of which even by Native Americans for ceremonial purposes we now prosecute, although the bald eagle no longer faces extinction. The eagle's magnificent, and a symbol to us. We want it to live out its natural life – perhaps harassed by crows (this seems to be its fate), but unmolested by man.

When we make that choice about an animal – to protect it and let it live out its natural life – then, without fail, we adopt a logical policy to implement the objective: we stop killing the animal on purpose. We stop hunting it. That's the first thing we do, not the last. We never say of such an animal, "Let's focus our efforts on not killing it by accident, so we can have it available to kill on purpose." The animals for whom we do that have a different name: livestock.

We can treat salmon as livestock. It's not illogical – unless we want to protect salmon as wild animals, too, and assure the recovery of ESA-listed stocks. To protect them as wild animals, we would start by not killing them on purpose. Not commercially, not recreationally. We're not talking "limited seasons" here, or "by-catch" or "incidental take" or "non-targeted" fisheries. We're talking bans or moratoriums – temporary ones, to be sure, lasting only until the ESA-listed salmon have recovered, but bans or moratoriums nonetheless.

If the temporary suspension of salmon harvest sounds radical, that's because "harvest" is a conscious euphemism, a PR ploy. As a result, the activity involved attains some higher and more benign status, as if the fish were food we'd planted and tended to maturity, carefully watering them, weeding out the bad ones, and saving enough seeds each year to keep the cultivation going. (Ironically, "harvest" really does describe what happens with "farmed" salmon – but those who have long harvested salmon abhor the actual farming of them.)

We could call this activity what it is: "hunting." Perhaps even "slaughter." "Slaughter" describes fairly and literally the specific activity of killing large numbers of animals, rather than just a few, for human consumption, and people do use the word "slaughter" when they kill salmon in profusion. Last summer, I heard someone say approvingly of sportfishing in British Columbia, "Boy, they're really *slaughtering* 'em up there right now." And they really were.

There's an advantage to the word "hunting," however. We know that eliminating hunting for endangered animals (at least temporarily, until they recover) is the logical place to start. It's not something we balance with other measures that affect recovery. It's not something we consider along with steps to reduce accidental mortalities. If deer were listed under the ESA – as some Columbia white-tail deer have been – we'd start by making it illegal to shoot them, dropping the hunting season entirely. We wouldn't start by tearing out highways and railroads to reduce the risk of accidental collisions between deer and vehicles.

If we used the word "hunting" or "slaughter," perhaps our minds could more easily accept the words "moratorium" and "ban." But "harvest" has become an enviable PR triumph, a misleading but universally-adopted word that achieves its purpose, letting our minds skip over the activity involved without thinking about it. (Many people wonder: why didn't the Makahs just describe their resumption of whaling as "harvest," not "hunting?") "Hunting" triggers other reactions entirely.

Of course, any moratorium on fishing, like a buy-out or other salmon recovery measure, obviously has costs, and those costs must be paid. So must compensation to those affected – generous compensation. There's nothing novel or radical about this. (The experience of the Atlantic Salmon Federation in the waters of the North Atlantic has lessons.) But in terms of costs vs. benefits, the costs of generously compensating those adversely affected by temporary salmon fishing bans would probably be the best, most effective, and most economical investment we could make in recovery of ESA-listed salmon. The only likely competitor in its cost-benefit ratio would be investment in selective fishing methods, allowing us to release ESA-listed salmon unharmed.

Salmon And Spotted Owls

Some visitors to the Northwest once asked me, "Isn't the Pacific salmon just like the Northern spotted owl?" They meant, isn't the salmon just like the owl for ESA purposes?

It would be like the spotted owl, I replied, if we maintained commercial and recreational spotted owl hunting seasons; if we sold owl meat fresh and smoked in restaurants and stores; if incubator-reared owls migrated in flocks with wild ones; if the owls rotted and died when they laid their only eggs, and so we hunted them as they migrated toward their nests; if commercial owl harvesters and the licensing agency set the bag limits; if those bag limits were based on the size of the combined wild and incubator-reared owl flocks flying together, rather than on the health of the wild owl population; if the wild owls were imperiled, and listed as threatened or endangered under the Endangered Species Act; and if, in response to this situation, we decided not to stop hunting owls, even temporarily, but instead to tear down Spokane in order to restore owl habitat.

Unfortunately, the salmon does resemble the spotted owl in one key respect: increasingly, it seems, the animal itself isn't what we care about. We find the salmon a convenient tool. With the owl, which humans don't use or particularly relate to, this tool-of-convenience factor is acknowledged and taken for granted by all sides; there's no hypocrisy involved; no one's trying to eat it; it's just a means of trying to preserve old-growth forest, the real and undisguised objective. With the salmon, however, the sleight of hand and manipulation often seem cynical. And, as Henry Stimson said, cynicism is life's one true sin.

Unlike the owl, the salmon controls key territory in our minds, our culture, our history, on our tables, in our visual and recreational images – in our very sense of what it is to be a Northwesterner. And all the power of these sentiments is now being tapped, through ESA listings, to serve what objective? Saving the magnificent fish itself? Saving the picturesque occupation of killing it before it reproduces? Putting virgin fish in cans or smokehouses or on our tables? What? The answer, let's admit, is increasingly this: winning environmental and habitat battles in which the salmon is merely a handy weapon – battles we worry could not otherwise be won.

No wonder it is difficult to get any clear statement of our salmon policy objective. To some, survival of the great fish is an end in itself. To others, it's just a means, and to an entirely different end. Our policymaking is smoky and illogical because not everyone regards candor and logical clarity about salmon as helpful to his or her favorite cause. We've become a region of people who declaim science loudly while nudging logic, an inconvenience, to one side.

“Hey, We’re Just *Catching* Listed Salmon – Not *Targeting* Them!”

If we really wanted to save the salmon and were logical about it, then – at least for now – we'd put new bumper stickers on our cars: “Save the Salmon.

Don't Eat It." If we didn't eat it, no one who fished for it would kill it, and it would survive to reproduce. If it reproduces, it can be saved. If not, it can't.

We know, logically, that we have to stop fishing for ESA-listed salmon until they're restored. We also know that salmon aren't unique in this respect. The vast majority of commercially fished species throughout world are overfished and depleted, if not endangered, or will be eventually. There's too much gear chasing too few fish, and perhaps, in the Tragedy of the Commons, there always has been: it's often noted that the first conference on the alarming decline of Columbia River salmon was held in Portland within decades of the Civil War, and fifty years before construction of the first dam.

But nowadays the efficiency of the gear – with fishfinders and radios, GPS and tougher boats and processing at sea – has become frighteningly great, which makes the overfishing problem, both lawful and unlawful, acute worldwide for the vast majority of commercial species. With Pacific salmon, we also know the sport fishery adds significantly to the number of fish killed.

Here's the bright spot: few if any depleted and commercially fished species anywhere in the world fail to recover to self-sustaining levels, and even to levels that allow renewed fishing, once commercial fishing stops. In the Bristol Bay salmon fishery, which overfishing brought to the brink of commercial extinction a century ago, all it took to restore the salmon – and, in fact, the only recovery measure actually taken – was to establish and enforce escapement goals, assuring that sufficient adult salmon return to each river to spawn before allocating any salmon for harvest.

Another bright spot: selective fishing is possible. We have the technology and know-how to be able to allow ourselves to distinguish hatchery salmon from wild salmon, and non-listed salmon from listed salmon. We can move the location of our fishing effort from the open sea, where salmon swim in mixed stocks, to estuaries and the mouths of rivers where individual runs of salmon split off from those mixed stocks and can be harvested separately. In other words, if we want to keep fishing for salmon, we can do it in ways that don't continue to hammer the ESA-listed stocks. We're just not making much effort to re-invent salmon fishing and convert it into a mix of selective sport and commercial fisheries.

Even in the Northwest, salmon policy insiders won't dispute these realities – although most lead compartmentalized lives, exempting salmon from the protections they'd accord other species, and Northwest salmon from the protections accorded Alaska ones. (Note that the *Seattle Times*, without irony, questioned Senator John Kerry's "green" credentials for having supported New England fishermen in their effort to keep harvesting depleted cod instead of giving

the poor fish a rest. Yet in the Northwest, commercial salmon fishermen count environmentalists as their allies. Apparently Kerry picked the wrong region, the wrong fish, the wrong fishermen.)

More often, salmon policy insiders deflect these realities and the logical conclusions we should draw from them with either of two arguments. They say, “Fishing isn’t the problem, because we don’t target ESA-listed salmon in our sport or commercial fisheries, and really, fishermen kill very few of them.” Or they say – ignoring the contradiction involved – “The reason we can’t stop boating and killing these fish is because of the treaties.” The treaty point is intended to convey two separate ideas: (1) we’re forced by treaties to allow some Tribes and Canadians to fish for ESA-listed salmon, and (2) because of that, the rest of us might as well just keep right on fishing for them, too.

Let’s start with that word “target.” Like “harvest,” it’s a deliberate euphemism, intended to suggest a reassuring precision in fisheries management and actual fishing – as if the particular salmon we want to catch were calves we could cut out of the herd with a deft move from atop our ponies. In fact, the word “target” suggests a selective fishery – precisely what we need and don’t have. The word “target” in this context is not just misleading. It’s flat-out dishonest.

When Pacific salmon are intercepted at sea, far from their natal rivers, they’re intercepted as a mixed stock. The salmon swimming toward our nets or hooks include hatchery fish, wild fish, ESA-listed fish, California fish, Oregon fish, Washington fish, British Columbia fish, and Alaska fish – or some more-or-less random assortment of these. With current fishing practices, we don’t kill all these fish: we make sure many escape. But we’re not *targeting* or failing to target any stock individually – we’re targeting a total number of fish, a percentage of the entire mixed stock.

Imagine that there’s one ESA-listed salmon for every nineteen other salmon in a particular school. Imagine the school has a thousand fish, of whom fifty are therefore ESA-listed. Imagine we allow half the school to be caught and half to escape. We’ve just decided to kill about twenty-five ESA-listed salmon. This is the famous “small number” of ESA-listed salmon killed by fishermen. It’s a small number only because more aren’t available to kill. But in absolute terms, it’s a number much greater than a weak, ESA-listed stock can afford.

We can’t say we didn’t “target” these ESA-listed fish. True, the fishermen and fisheries managers bore these fish no particular ill-will, no special malice. But we targeted half the fish in the school, at random, and we did so knowing that one in twenty fish was ESA-listed. So we targeted those ESA-listed fish – half of their total number – just as surely as we targeted half the others.

It's dishonest to assert otherwise. Think of it in a different context: a terrorist who blows up a bus or a plane can't claim he didn't "target" women and children. He targeted the passengers; the passengers included women and children; hence he targeted women and children in exactly the manner he targeted men.

The terrorist analogy, abhorrent as it is, also helps illuminate when killing may be said to be "incidental" – a key concept under the ESA. The deaths of women and children can't be "incidental" when a terrorist targets civilians, since death is intended and civilian populations include women and children. Similarly, salmon may be killed "incidentally" at a dam or in an irrigation ditch or by a stream-stomping cow. But it makes no sense at all – logically, or in terms of English usage – to say that ESA-listed salmon are killed only "incidentally" when what causes their deaths is sport or commercial "harvest," an activity that consists of – and has no purpose other than – the deliberate killing of salmon (especially salmon swimming in schools known to contain ESA-listed fish).

So some day, some court will finally rule that you cannot "incidentally take" salmon, and thus be excused, for purposes of the ESA when the specific activity involved is the intentional taking of salmon. But until then we apparently must live with a logical – and biological – absurdity: the continued slaughter of adult and reproduction-ready ESA-listed salmon in approved commercial and sport fisheries, with the resulting carnage dismissed as "incidental," while the region spends billions to protect baby salmon from accidental harm instead.

The problem, of course, is one of logic and policy, not semantics. We've been pretending to protect our weak-stock fish by regulating the commercial and sport harvest of a mixed-stock fishery. It can't work. Logically, the way to protect a weak stock through regulating harvest is to regulate harvest of the weak stock itself. In other words, stop hunting endangered fish until they recover. That may not be sufficient – hydropower, habitat, and hatcheries all matter, too. But it's necessary. We all know this. Yet it's amazing who we can fool – particularly the news media and the courts – when we pretend, loudly and with apparent sincerity, that we don't.

Logic & the Treaties

A few years ago, at another conference, an ex-Clinton Administration official responded to me by arguing that, although halting the harvest of other ESA-listed fish until they recover may make sense, in the case of Pacific salmon it really isn't possible. Why? Because of our treaties with Native American Tribes and with Canada. This, I submit, is also completely illogical.

I'm not an expert on treaties. I did read *Boldt I*, however, and I have enormous respect for the logic of that decision, the mind of Judge Boldt at the time he wrote it, and the courage of those members of the Washington State Congressional Delegation who stood up for it – one of whom was my boss. I support Tribal fishing rights, and have ever since 1968, when Senator Magnuson paid a jailhouse visit to Dick Gregory, who'd been arrested for joining the Puyallups at a fish-in. What I don't believe in, support, or accept is invoking treaties as some form of legal dispensation from the need for logic, or as some insurmountable obstacle to saving ESA-listed fish.

The logic involved is simple: either the treaties prevent us taking the logical steps to recover ESA-listed salmon or they don't. If they do, then logically we can't recover ESA-listed salmon – in which case it's pointless to spend billions of dollars in the effort. If they don't, then logically they can't be invoked to prevent us taking those logical steps. In other words, the treaties can't provide a reason for not taking logical steps to recover ESA-listed salmon unless the treaties actually don't allow us to take those steps.

So, which is it? Do the treaties make logical salmon recovery measures impossible? If they do, we should forget about salmon recovery. If they don't, then let's not hear the treaties invoked as impediments to our taking logical steps to save ESA-listed fish.

This isn't just a plea for logic; it's a plea for honesty, too. If we're honest, we'd admit we know the logical first steps to take if we really want to assure recovery of an endangered animal that (1) we continue to hunt, and (2) dies, at our hunter's hands, a sexually mature virgin. And we know that when we really care about protecting animals, treaties – regrettably or not – have not stood in our way. The courts ruled that the bald eagle protection statute means Native Americans can't hunt bald eagles, despite claimed treaty rights.² The courts also ruled that the Marine Mammal Protection Act means the Makah Tribe can't take whales,

² *U.S. v. Dion*, 476 U.S. 734, 106 S.Ct. 2216 (1986).

despite an express treaty right.³ Shocking? Not, I suspect, to the Tribes. They've seen a lot of treaty rights ignored for far less lofty goals.

Please note: I'm not expressing any opinion about what the treaty rights actually are, or about what compensation should properly be paid if, for example, some particular salmon fishery must be suspended for some particular length of time in order to allow recovery of some particular ESA-listed salmon stock. I'm merely pointing out that, logically, the treaties either prevent us from recovering these salmon or they don't – and if they don't, then they provide no excuse for not doing the logically and biologically appropriate things to save the fish.

A special word about the treaty with Canada, namely the Pacific Salmon Treaty: the helplessness we claim under this treaty, the self-inflicted and self-ratified impediment to reducing the slaughter of our ESA-listed salmon in British Columbian waters, is that we've made a deal with Canada that legalizes these particular sport and commercial fisheries despite their impacts on our ESA-listed salmon. A deal's a deal, we say, especially when it's a treaty. (And, as we do with other treaties, we then contend that we're compelled to keep fishing for the salmon ourselves, since we've agreed to let others do so. Hello?)

That's all very convenient. But I don't often hear people invoke another treaty: the Convention on International Trade In Endangered Species of Wild Fauna and Flora, or "CITES." The combination of CITES and the ESA should mean it's illegal for anyone to import into the United States an animal that's endangered, or that's indistinguishable from such an animal. This includes virtually all Pacific salmon caught in British Columbia – where what happens to our ESA-listed salmon is, in fact, a slaughter, and one for which no "incidental take" permit has been or can be issued under the ESA.

How long would the British Columbia sport fishery last if we enforced this treaty and the ESA to prevent returning U.S. fishermen from bringing crates and boxes and cans and vacuum-packs of salmon across the border into the United States? About a week. So much for the sanctity of treaties – and of the ESA.

The reality is clear. When we want to keep fishing for mixed stocks that included ESA-listed salmon, we act helpless and invoke treaties as an excuse. But when we could use a treaty to protect ESA-listed fish and throw a wrench into a mixed-stock fishery that harms them, we ignore it. There are many words that might properly describe this state of affairs. "Logical" isn't one of them.

³ *Anderson v. Evans*, 314 F.3d 1006 (9th Cir. 2002); opinion amended on denial of rehearing, 371 F.3d 475 (9th Cir. 2004).

The Bottom Line

Logic doesn't compel us to refrain from harvesting ESA-listed salmon once they're restored to harvestable levels (and, presumably, de-listed). But logic does compel us to refrain from harvesting these salmon in the meantime. We can disregard logic if we want – but not if we really want to recover these fish. We've either got to stop fishing, at least temporarily, or else start fishing selectively.

After the salmon are restored, keeping their populations healthy may well require continued sacrifices and limitations not only with respect to harvest but also with respect to the three other “Hs:” hydropower, habitat, and hatcheries. Obviously, it's also logical to impose restrictions on the other “Hs” now, in anticipation of and preparation for that day – but only if others aren't killing, on purpose, the very salmon we're spending millions trying to save from accidental death, and doing so right when those salmon are finally ready to spawn.

What's not logical, in the circumstances, is to treat harvest as just another “H,” or the need to restrict and limit harvest – at this particular juncture – as something that's somehow on the same footing and to be balanced with measures involving the other “Hs.” Harvest is the only “H” that involves the deliberate killing of salmon when at last they are ready, for the first and only time, to reproduce and to perpetuate the species. It's hunting. As we recognize for every other species that modern humans have ever hunted, we can't simultaneously hunt these fish, kill them before they reproduce, and assure their recovery.

Logical recovery efforts should reflect key facts about the Pacific salmon: (1) it reproduces only once; (2) it then dies and decays; (3) if it's caught and killed, it dies without making a contribution to recovery, yet at precisely the moment it was poised to do so; (4) out in the ocean, where most are “harvested,” all manner of Pacific salmon – the strong stocks and the weak, those listed under the ESA and those not – swim together; and (5) at the moment, for the most part, we don't practice selective fishing methods or engage in sufficient mass marking to allow us to distinguish ESA-listed salmon from others such as hatchery fish, and to release the ESA-listed ones to resume their migratory journeys and spawn.

Given the facts, our available policy options right now are these:

(1) accept the extinction of ESA-listed salmon stocks, since we're not willing to stop fishing for them;

(2) avoid that result, if only on paper, by deciding to de-list them;

(3) stop fishing for salmon until the weak stocks recover (a day we can and should hasten with other “H”-related efforts as well); or

(4) increase the portion of our fishing efforts that use re-invented methods, ones that distinguish ESA-listed fish from their unlisted cousins and allow only non-listed salmon to be intentionally killed and kept.

Personally, I hope we choose Option 4, the development of selective fishing methods. This seems the only Option that yields a good outcome for the salmon and that is also realistic, given our regional addiction to catching and killing them. There are many possible forms of selective fishing: both terminal fisheries (the harvest of specific healthy stocks at specific river mouths, rather than in the open sea) and other forms of selective harvest, such as mass marking of hatchery fish combined with equipment and techniques for allowing wild fish to be distinguished from hatchery fish, released, and allowed to survive and spawn even if caught – except in appropriate terminal fisheries for abundant wild stocks.

People may say, “Wait a minute, we’ve already begun to invest in measures to facilitate selective fishing for salmon.” That’s partly true and partly not. Thanks to Congressman Norm Dicks, juvenile salmon at Federal hatcheries have their adipose fins removed, and can therefore be identified as adults. But there is great resistance to this activity, great pressure to reverse it, and little or no effective use currently being made of it in the actual administration of our sport or commercial fisheries. Meanwhile, one can make a good argument that fin-clipping of hatchery steelhead is what ultimately saved the wild ones. In light of that experience, it’s basically irresponsible – despite some colorable arguments to the contrary – to resist selective fishing for salmon during the period needed to allow the ESA-listed stocks to recover.

The costs of converting to selective fishing might be large, but probably not when compared to the costs we now incur in a doomed effort to save ESA-listed stocks while continuing to fish for them. More important, unlike trying to manage a mixed stock fishery to protect its weak stock components, selective fishing could actually work. In other words, it could help achieve the ostensible objective of our costly and legally-mandated Northwest salmon recovery efforts.

But is the objective of our efforts really the recovery of endangered Pacific salmon? Support for (or opposition to) selective fishing provides an acid test. Unlike other proposed salmon measures, selective fishing’s only purpose would be to aid recovery of endangered salmon. That’s all it is good for – but that’s a lot. If recovery is your real objective, then logically you can’t fail to support it.

Conversely, if one fails to support selective fishing – if one clings to the myth that current harvest practices don't hammer ESA-listed fish because they don't "target" them; if one argues the region should continue spending billions to avoid killing baby salmon accidentally but allow sport and commercial fishermen to keep killing adult salmon on purpose – then don't be surprised. The rest of us will draw the logical conclusion.

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