



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

729 NE Oregon, Suite 200, Portland, Oregon 97232

Telephone 503 238 0667

Fax 503 235 4228

SYSTEM OPERATIONAL REQUEST: 2009 C-8

TO: Brig. General William E. Rapp COE-NWD
James D. Barton COE-NWD-NP-Water Management
Dan Feil, Steve Barton COE-NWD-NP-WM-RCC
Rock D. Peters COE-NWD-CM-F (Fish Management Office)
Col. Steven R. Miles COE-Portland District
J. William McDonald USBR—Pacific Northwest Regional Director
Steven J. Wright BPA Administrator
Steve Oliver, Greg Delwiche BPA-PG-5
Robyn MacKay, Scott Bettin BPA-Operations Planning-PGPO
Stan Speaks, Keith Hatch BIA, Northwest Regional Office

FROM: Paul Lumley, *Executive Director*

DATE: September 25, 2009

SUBJECT: **Operation of the Lower Columbia Pools for the Autumn 2009 Treaty Fishery**

The Columbia River Inter-Tribal Fish Commission, on behalf of its members, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Reservation, the Confederated Tribes of the Warm Springs Reservation, and the Yakama Nation, requests the following reservoir operations in “Zone 6” (Bonneville to McNary dams). This effort supports the 2009 autumn ceremonial, subsistence, and commercial Treaty fishery times as established by the tribes and the Columbia River Compact.

SPECIFICATIONS: Implement the following operations as a hard system constraint, as follows:

September 29th, 2009, 6 am, Tuesday, through 6 pm, October 1st, 2009, Thursday.

Bonneville Pool: Operate the pool within 1.0 foot from full pool (msl elevation 76.5 – 75.5).

The Dalles (Celilo) Pool: Operate the pool within 1.0 foot (msl elevation 159.5 - 158.5).

John Day Pool: Operate the pool within 1.0 foot (msl elevation 264.5 - 263.5).

We realize that the Corps may run the Bonneville pool at slightly higher than normal elevations, due to construction activities at The Dalles dam spillwall. At this time, we do not anticipate additional treaty fisheries in October, but cannot be totally certain. CRITFC will notify the Corps with specific times for the tribal fishery after each Compact hearing, via a new SOR.

JUSTIFICATION:

The 2009 autumn Treaty fishing season is of critical importance to CRITFC's member tribes. The forecast escapement of **200,000** (Columbia at Bonneville Dam) adult fall Chinook (near normal rank) and nearly **605,000** steelhead (near record high), will create harvest opportunities for tribal fishers, who will exercise their treaty rights by participating in this harvest, using platform and in-river methods. This harvest will provide for the cultural, religious, and economic needs of the treaty tribes.

CRITFC will sponsor net flights each week to count the number of nets in each Zone 6 pool. The survey data will be promptly shared with COE-RCC staff. The September 24th, 2009 survey showed 707 nets in the Zone 6 pools, as follows: 214 (32%) in Bonneville, 131 (20%) in The Dalles, and 326 (48%) in John Day.

Achieving good river conditions through managed river operations during the treaty fishery have been the basis of past litigation that have been supported by federal courts and are consistent with the trust and fiduciary responsibilities that the federal operators have with respect to CRITFC's member tribes. Good river conditions during the treaty fishery are also consistent with the spirit of the 10-year Memorandum of Agreements signed by tribal and Corps, BPA, and BOR officials.

In past meetings with Corps officials, tribal fishers have explained that a pool fluctuation of 1.0 foot or more disrupts tribal fishery operations. Specific problems include: (1) increased local currents that sweep debris into fishing nets, (2) rapid 1-2 hour drops in water level will lead to entanglement of nets, (3) boat access problems, and (4) nets torn from their anchors. Nets and gear are costly to replace. Any delays or disruptions to tribal fishing operations caused by the excessive pool fluctuations in Zone 6 negatively impacts tribal incomes, food resources and cultural practices.

The fishers have also expressed to Corps officials that the loss of fishing opportunity during the extremely limited treaty fishery cannot be replaced. Much of the tribal fishers' annual income and food is generated during the brief treaty fishing season, thus, any delays or disruptions to their fishing operations caused by the excessive pool fluctuations in Zone 6 negatively impacts tribal incomes, food resources, and cultural practices.

If this SOR cannot be accommodated, CRITFC requests a verbal response with an explanation from the federal operators by COB Friday, October 2, 2009. Thank you for considering this request. Please contact Kyle Dittmer or Bob Heinith should you have any questions: 503-238-0667.

cc: TMT Members
Tribal staffs