



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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SYSTEM OPERATIONAL REQUEST: 2010 C-12

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FROM: Babtist Paul Lumley, *Executive Director*

DATE: October 18, 2010

SUBJECT: **Operation of the Lower Columbia Pools for the Autumn 2010 Treaty Fishery**

The Columbia River Inter-Tribal Fish Commission, on behalf of its members, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes and Bands of the Yakama Nation, requests the following reservoir operations in "Zone 6" (Bonneville to McNary dams) during the 2010 autumn Treaty fishery. This effort supports the 2010 autumn ceremonial, subsistence, and commercial Treaty fishery times as established by the tribes and the Columbia River Compact.

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

October 19, 2010, 6 am, Tuesday, through 6 pm, October 22, 2010, Friday.

Bonneville: Operate the pool within a 1.5 foot band during the treaty fishing period.

The Dalles (Celilo): Operate the pool within a 1.5 foot band during the treaty fishing period

John Day: Operate the pool within a 1.5 foot band during the treaty fishing period.

JUSTIFICATION:

The 2010 autumn treaty fishing season is of critical importance to CRITFC's member tribes. The escapement of an estimated **465,000** (Columbia at Bonneville Dam) adult fall Chinook (above normal rank) and **385,000** steelhead (above normal rank), will create harvest opportunities for tribal fishers who will exercise their treaty rights by participating in this harvest, using platform and gillnet fishing methods. This harvest will provide for the cultural, religious, and economic needs of the treaty tribes.

CRITFC has sponsored net flights each week to count the nets in each Zone 6 pool. The survey data will be shared with COE-RCC staff by early afternoon of the flight day. The September 28, 2010 survey showed 657 nets in the Zone 6 pools, as follows: 235 (36%) in Bonneville, 142 (22%) in The Dalles, and 280 (43%) 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 more than 1.5 foot 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 or change local currents that affect fishing success, (3) boat access problems, and (4) nets torn from their anchors if pools are raised after nets are set. Nets and gear are costly to replace and may become "ghost nets" that continue to catch fish and may negatively affect fish populations outside of the treaty fishing period.

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

If this SOR cannot be accommodated, CRITFC requests a verbal response with an explanation from the federal operators by COB Tuesday, October 12, 2010. Thank you for considering this request. Please contact Stuart Ellis or Bob Heinith should you have any questions at (503) 238-0667.

cc: Tribal Staffs and Attorneys