



## COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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### SYSTEM OPERATIONAL REQUEST: 2010 C-2

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FROM: Babtist Paul Lumley, *Executive Director*

DATE: May 10, 2010

SUBJECT: **Operation of the Lower Columbia Pools for the Spring 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 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) during the 2010 spring Treaty fishery. This effort supports the 2010 spring 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:

**May 11th, 2010, 6 am, Tuesday, through 6 pm, May 14th, 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.**

At this time we anticipate additional treaty fisheries in May. CRITFC will notify the Corps with specific times for the tribal fishery after each Compact hearing, via a new SOR.

**JUSTIFICATION:**

The 2010 spring Treaty fishing season is of critical importance to CRITFC's member tribes. The escapement of an estimated **315,000** (Columbia at Bonneville Dam) adult spring Chinook (above normal rank), 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, starting April 27<sup>th</sup>, 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 April 28<sup>th</sup> 2010 survey showed 465 nets in the Zone 6 pools, as follows: 169 (36%) in Bonneville, 108 (23%) in The Dalles, and 188 (41%) 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 1.5 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 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. Thus, any delays or disruptions to their fishing operations caused by the pool fluctuations in Zone 6 can negatively impact 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, May 14, 2010. Thank you for considering this request. Please contact Kyle Dittmer or Bob Heinith should you have any questions at (503) 238-0667.

cc: TMT Members  
Tribal staffs