



## 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: 2010 C-6

TO: Brigadier General McMahon  
James D. Barton  
Steve Barton  
D. Feil, R. Peters, D. Ponganis  
Col. Steven R. Miles  
Paul Cloutier  
Karl Wirkus  
Steven J. Wright  
Steve Oliver, Greg Delwiche  
Tony Norris, Scott Bettin  
Stan Speaks, Keith Hatch

COE-NWD  
COE-NWD-NP-Water Management  
COE-NWD-NP-WM-RCC  
COE-NWD-PDD (Fish Management Office)  
COE-Portland District  
COE-Portland District (Tribal Liaison)  
USBR- PNW Regional Director  
BPA Administrator  
BPA-PG-5  
BPA-Operations Planning-PGPO  
BIA, Northwest Regional Office

FROM: Babtist Paul Lumley, *Executive Director*

DATE: July 16, 2010

SUBJECT: **Operation of the Lower Columbia Pools for the Summer 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 summer Treaty fishery. This effort supports the 2010 summer 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:

**July 20th, 2010, 6 am, Tuesday, through 6 pm, July 22nd, 2010, Thursday.**

**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, it is possible that one week of treaty fishing may occur in late July. The COE will be notified.

**JUSTIFICATION:**

The 2010 summer treaty fishing season is of critical importance to CRITFC's member tribes. The escapement of an estimated **67,000** (Columbia at Bonneville Dam) adult summer Chinook (above normal rank) and **398,000** sockeye (record breaking), 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 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 July 14<sup>th</sup>, 2010 survey showed 283 nets in the Zone 6 pools, as follows: 104 (37%) in Bonneville, 54 (19%) in The Dalles, and 125 (44%) 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, July 23, 2010. Thank you for considering this request. Please contact Kyle Dittmer or Bob Heinith should you have any questions at (503) 238-0667.

cc: Tribal staffs and attorneys