



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

700 NE Multnomah Street, Suite 1200
Portland, Oregon 97232

(503) 238-0667
F (503) 235-4228
www.critfc.org

SYSTEM OPERATIONAL REQUEST (SOR): 2023 C-2

TO: Colonel Geoff Van Epps COE-NWD Commander
Col. Michael Helton COE-NWP Commander
Tim Dykstra COE-NWD-PDD
Steve Barton COE-NWD-PDW Chief
Julie Ammann, Doug Baus COE-NWD-PDW-RC
Aaron Marshall COE-NWD-PDW-RC (Team Lead)
Craig Johnson COE-Portland District (Tribal Liaison)
Lorri Gray USBR- PN Regional Director
John Roache, Joel Fenolio USBR- PN-6208/6204 (operations)
Birgit Koehler BPA-PG-5/KE-4
Jason Sweet, Ben Hausmann BPA-PGB/PGPO
S. Bettin, P. Koski, T. Norris BPA-KEWR-4/PGPO-5 (operations planning)

FROM: Aja K. DeCoteau, Executive Director

DATE: August 16, 2023

SUBJECT: **Operation of the Lower Columbia Pools for the fall 2023 Treaty Fishery**

The Columbia River Inter-Tribal Fish Commission (CRITFC), on behalf of its member tribes, 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 (Zone 6) reservoir operations (BON to MCN dams) during the fall-season 2023 treaty fishery. This effort supports the 2023 ceremonial, subsistence, and commercial treaty fishery times as set by the tribes and the Columbia River Compact (see additional attachment).

SPECIFICATIONS: Implement the following pool operations, as follows:

Monday, August 21, 2023, 6 am, through Thursday, August 24, 2023, 6 pm

Monday, August 28, 2023, 6 am, through Thursday, August 31, 2023, 6 pm

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

The Dalles: Operate the pool within a 1.5-foot band during the treaty fishing period.

John Day: Operate the pool within a 2-foot band during the treaty fishing period.

CRITFC will notify the Corps with specific times for the tribal fishery after a Compact hearing.

JUSTIFICATION:

The 2023 fall-season treaty fishing season is of critical importance to CRITFC's member tribes. The run sizes (Columbia River at BON Dam) of an estimated 374,000 adult summer Upper Columbia chinook (above average), 285,000 Coho (near average), and 63,400 Steelhead (below average) 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 will sponsor net flights each week to count the set-nets in each Zone 6 pool. The survey data will be shared with COE-RCC staff within 2-7 days of the flight day.

Achieving good river conditions through managed river operations during the treaty fishery has 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.

In past meetings with U.S. Army Corps of Engineers officials, tribal fishers have explained that a pool fluctuation of more than 1.5 feet disrupts fishery operations. Specific problems include: (1) increased local currents that sweep debris into fishing nets, (2) rapid water level drops lead to entanglement of nets or change local currents that affect fishing success, (3) boat access problems, and (4) nets and gear are costly to replace and may become lost or torn from their anchors if pools are raised after nets are set.

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. For many tribal fishers, much of their 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, Friday August 18, 2023. Thank you for considering this request. Please contact Kyle Dittmer or Stuart Ellis should you have any questions at (503) 238-0667.

[Attachment]

cc: Tribal staffs and attorneys