



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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SYSTEM OPERATIONAL REQUEST: 2002 C-7

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BIA, Portland Area Office

FROM: Don Sampson, *Executive Director*

DATE: May 15th, 2002

SUBJECT: **Operation of the Lower Columbia Pools for the Spring 2002 Treaty Fishery**

The Columbia River Inter-Tribal Fish Commission, on behalf of its member tribes the Nez Perce Tribe, the Yakama Nation, the Confederated Tribes of the Umatilla Reservation, and the Confederated Tribes of the Warm Springs Reservation, requests the following reservoir operations in Zone 6 (Bonneville to McNary dams) during the 2002 spring Treaty fishery. Implement the following hydro-system operations during the ceremonial and 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:

May 17th, 2002, 6 am, Friday, through 6 pm, May 18th, 2002, Saturday

Bonneville Pool: Operate the pool within 1.0 foot from full pool (msl elevation 77 – 76)

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)

Maintain flows through all of the Zone 6 pools at a near constant rate (no more than plus or minus 10 kcfs from the beginning of the fishery to the end of the fishery)

JUSTIFICATION:

The 2002 spring Treaty fishing season is of critical importance to CRITFC's member tribes. The anticipated escapement of an estimated 303,000 adult spring chinook will create harvest opportunities that tribal fishers realized only one other time in the last 25 years, and many fishers will be exercising their treaty rights by participating in this harvest. Many cultural and religious ceremonies and practices will occur with the harvest of these salmon.

During a meeting at CRITFC's Law Enforcement Division in Hood River on September 2, 1999, tribal fishers explained the impacts of unstable pools and pools below full to the Treaty fishery to Colonel Mogren and Lt. Colonel Harshbarger. The tribal fishers 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.

As was noted during the April 25-29, 2002 treaty fishery, it is also critical to maintain near constant flow conditions during the fishery, because changes in pool flows, even with stable pool conditions, causes 1) nets to sag and drift towards shore and 2) disruption to shoreline eddy conditions and velocities important to successful harvest. The loss of fishing opportunity during the extremely limited treaty fishery cannot be replaced. Much of the tribal fishers' 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.

Implementing this request will insure that the Federal operating agencies meet their federal trust responsibilities to the Columbia Basin treaty tribes. If this SOR cannot be accommodated, CRITFC's member tribes request a detailed written response from the federal operators, with justification, by Friday May 17th, 2002.