



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

729 N.E. Oregon, Suite 200, Portland, Oregon 97232

Telephone (503) 238-0667

Fax (503) 235-4228

www.critfc.org

SYSTEM OPERATIONAL REQUEST: 2003 C-8

TO: Brigadier General Grisoli
Steven Wright
J. William McDonald
William Branch
Cindy Henriksen, Rudd Turner
Witt Anderson
LTC Edward Kertis, Jr.
Col. Richard Hobernicht
Greg Delwiche, Scott Bettin
Stan Speaks, Keith Hatch

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COE-NWD-NP-Water Management
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COE-Walla Walla District
COE-Portland District
BPA-PG-5 and BPA-PGPO
BIA, Portland Area Office

FROM: Olney Patt, Jr., *Executive Director*

DATE: September 19, 2003

SUBJECT: **Operation of the Lower Columbia Pools for the Autumn 2003 Treaty Fishery**

The Columbia River Inter-Tribal Fish Commission (CRITFC), on behalf of its member tribes the Confederated Tribes of the Warm Springs Reservation, Nez Perce Tribe, the Confederated Tribes of the Umatilla Reservation, and the Yakama Nation, requests the following reservoir operations in Zone 6 (Bonneville to McNary dams) during the 2003 autumn Treaty fishery. Implement the following hydro-system operations during the ceremonial, 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:

September 24th, 2003, 6 am, Wednesday, through 6 pm, September 27th, 2003, Saturday.

Bonneville Pool: Operate the pool within 1.0 foot from full pool (msl elevation 76.5 – 75.5).

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).

At this time, another Treaty fishery may occur October 1st through 4th. CRITFC will notify the Corps with specific times for the tribal fishery, after each Compact hearing, via a new SOR.

JUSTIFICATION:

The 2003 autumn Treaty fishing season is of critical importance to CRITFC's member tribes. The anticipated escapement of an estimated **614,000** adult fall chinook at Bonneville and **321,000** steelhead will create harvest opportunities that tribal fishers have not realized until recent years. 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. Any delays or disruptions to tribal fishing operations caused by the excessive pool fluctuations in Zone 6 negatively impacts tribal incomes, food resources and cultural practices.

The fishers also stressed to Corps officials that the loss of fishing opportunity during the short 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. Tribal poverty rates are significantly higher than that of the general population, due in part to lost opportunities to harvest salmon. *Under this year's low water conditions, it is critical that the pools are maintained to CRITFC's requested criteria to establish the best possible fishing conditions during the limited opportunity presented to tribal fishers to harvest these treaty-guaranteed fish.*

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, September 26th, 2003.