



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: 2007 C-1

TO: Brigadier General Gregg F. Martin COE-NWD
James D. Barton COE-NWD-NP-Water Management
Cindy Henriksen, Cathy Hlebechuk COE-NWD-NP-WM-RCC
Witt Anderson COE-NWD-CM-F (Fish Management Office)
Col. Thomas E. O'Donovan COE-Portland District
J. William McDonald USBR—Pacific Northwest Regional Director
Steven J. Wright BPA Administrator
Steve Oliver BPA-PG-5
Robyn MacKay, Scott Bettin BPA-Operations Planning-PGPO
Stan Speaks, Keith Hatch BIA, Northwest Regional Office

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

DATE: June 14, 2007

SUBJECT: **Operation of the Lower Columbia Pools for the Summer 2007 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 2007 summer 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:

June 18th, 2007, 6 am, Monday, through 6 pm, June 20th, 2007, Wednesday.

Bonneville Pool: Operate the pool within a 1.0 foot band.

The Dalles (Celilo) Pool: Operate the pool within a 1.0 foot band.

John Day Pool: Operate the pool within a 1.0 foot band.

At this time we anticipate a Treaty fishery each week through July. CRITFC will notify the Corps with specific times for the tribal fishery, after each Compact hearing, via a new SOR.

JUSTIFICATION:

The 2007 summer Treaty fishing season is of critical importance to CRITFC's member tribes. The escapement of an estimated **43,600** (Columbia at Bonneville Dam) adult summer Chinook (below recent normal rank) and **27,300** sockeye (below normal rank) will create harvest opportunities for tribal fishers under the *U.S. v. Oregon* 2005-2007 Interim Management Agreement. 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.

CRITFC will sponsor net flights each week, starting June 19th, to count the number of nets in each Zone 6 pool. The survey data will be shared with COE-RCC staff by early afternoon.

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 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, June 15, 2007.