



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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SYSTEM OPERATIONAL REQUEST: 2007 C-4

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

DATE: September 6, 2007

SUBJECT: **Operation of the Lower Columbia Pools for the Autumn 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 Indian Reservation, and the Confederated Tribes of the Warm Springs Reservation of Oregon, requests the following reservoir operations in Zone 6 (Bonneville to McNary dams) during the 2007 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 11th, 2007, 6 am, Tuesday, through 6 pm, September 14th, 2007, Friday.

September 17th, 2007, 6 am, Monday, through 6 pm, September 21st, 2007, Friday.

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 we anticipate additional weeks of Treaty fishery in September, depending on observed run counts and other factors. CRITFC will notify the Corps with specific times for the tribal fishery, after each Compact hearing, via a new SOR.

JUSTIFICATION:

The 2007 Autumn Treaty fishing season is of critical importance to CRITFC's member tribes. The run size of an estimated **214,960** (at Bonneville Dam) adult fall Chinook (or below average rank) and **297,900** (at Bonneville Dam) adult steelhead will create harvest opportunities for the tribes under the *U.S. v. Oregon* 2005-2007 Interim Management Agreement. The expected harvest for the tribes, for the entire autumn season, is estimated to be 64,000 fall Chinook and 17,000 steelhead. Fishers will be exercising their treaty rights by participating in this harvest. Cultural and religious ceremonies and practices will also occur with the harvest of these salmon.

CRITFC continues to sponsor net flights each week to count the number of nets in each Zone 6 pool. The survey data will be promptly shared with COE-RCC staff. As of September 5th, 2007, there were 451 nets in the Zone 6 pools, as follows: 153 (34%) in Bonneville, 110 (24%) in The Dalles, and 188 (42%) in John Day.

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, September 7, 2007.