



## COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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### SYSTEM OPERATIONAL REQUEST: 2007 C-5

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

DATE: September 24, 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 25th, 2007, 6 am, Tuesday, through 6 pm, September 28th, 2007, Friday.**

**Bonneville Pool: Operate the pool between msl elevation 73.5 – 74.5.**

**The Dalles (Celilo) Pool: Operate the pool between msl elevation 159.5 - 158.5.**

**John Day Pool: Operate the pool between msl elevation 264.5 - 263.5.**

We understand that the COE issued a permit, without consulting the tribes, for dredging contract work during this treaty fishery. This permit requires a 2 foot drawdown of the Bonneville pool that will likely have a negative impact on the treaty fishery. The tribes desire a full and stable pool (forebay and tailwater) for the fishery. The Corps needs to make a more concerted effort to assure that tribes' reservoir requests are implemented during all treaty net fisheries in all of Zone 6 pools.

At this time, we expect that this operation may be the last autumn treaty fishery for 2007. Depending on the run size and catch data, it could be possible that the tribes would propose some additional fishing periods.

#### JUSTIFICATION:

The 2007 Autumn Treaty fishing season is of critical importance to CRITFC's member tribes. The run size of an estimated **128,520** (at Bonneville Dam) adult fall Chinook (or below average rank) and **312,000** (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 35,800 fall Chinook and 12,700 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 19<sup>th</sup>, 2007, there were 486 nets in the Zone 6 pools, as follows: 158 (33%) in Bonneville, 123 (25%) in The Dalles, and 205 (42%) in John Day.

As previously explained to past COE commanders, 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 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.