



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: 2008 C-11

TO: Colonel William E. Rapp COE-NWD
James D. Barton COE-NWD-NP-Water Management
Kevin Grode, Cathy Hlebechuk COE-NWD-NP-WM-RCC
Witt Anderson COE-NWD-CM-F (Fish Management Office)
Col. Steven R. Miles COE-Portland District
J. William McDonald USBR—Pacific Northwest Regional Director
Steven J. Wright BPA Administrator
Steve Oliver, Greg Delwiche BPA-PG-5
Robyn MacKay BPA-Operations and Planning-PGPO
Scott Bettin BPA-Environment and Fisheries-KEWR
Stan Speaks, Keith Hatch BIA, Northwest Regional Office

FROM: Rob Lothrop, *Interim Executive Director*

DATE: October 6, 2008

SUBJECT: **Operation of the Lower Columbia Pools for the Autumn 2008 Treaty Fishery**

The Columbia River Inter-Tribal Fish Commission, on behalf of its members, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Reservation, the Confederated Tribes of the Warm Springs Reservation, and the Yakama Nation, requests the following reservoir operations in Zone 6 (Bonneville to McNary dams) during the 2008 Autumn Treaty fishery. Implement the following hydro-system operations during the autumn 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:

October 7th, 2008, 6 am, Tuesday, through 6 pm, October 10th, 2008, 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 - 263).

This will be the last treaty fishery for 2008.

JUSTIFICATION:

The 2008 Autumn Treaty fishing season is of critical importance to CRITFC's member tribes. The escapement of an estimated **314,00** (Columbia at Bonneville Dam) adult fall Chinook (near normal rank) and **338,500** (at Bonneville Dam) adult steelhead, will create harvest opportunities for tribal fishers, who will exercise their treaty rights by participating in this harvest, using platform and in-river methods. The expected harvest for the tribes, for the entire autumn season, is estimated to be 108,150 fall Chinook and 24,550 steelhead. This harvest will provide for the cultural, religious, and economic needs of the treaty tribes.

CRITFC will 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. The October 1st, 2008 survey showed 466 nets in the Zone 6 pools, as follows: 157 (34%) in Bonneville, 105 (22%) in The Dalles, and 204 (44%) in John Day.

Achieving good river conditions through managed river operations during the treaty fishery have been the basis of past litigation that have been supported by federal courts and are consistent with the trust and fiduciary responsibilities that the federal operators have with respect to CRITFC's member tribes. Good river conditions during the treaty fishery are also consistent with the spirit of the 10-year Memorandum of Agreements signed by tribal and Corps, BPA, and BOR officials.

In past meetings with Corps officials, tribal fishers have 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 have also expressed to Corps officials that the loss of fishing opportunity during the extremely limited treaty fishery cannot be replaced. Much of the tribal fishers' annual 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.

If this SOR cannot be accommodated, CRITFC requests a written response and explanation from the federal operators by COB Friday, October 10th, 2008. Thank you for considering this request. Please contact Kyle Dittmer or Bob Heinith should you have any questions at (503) 238-0667.

cc: TMT Members
Tribal staffs