



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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SYSTEM OPERATIONAL REQUEST (SOR): 2020 C-2

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Keith Hatch BIA, Northwest Regional Office

FROM: Jaime A. Pinkham, Executive Director

DATE: August 17, 2020

SUBJECT: **Operation of the Lower Columbia Pools for the Fall 2020 Treaty Fishery**

The Columbia River Inter-Tribal Fish Commission (CRITFC), on behalf of its member tribes, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes and Bands of the Yakama Nation, requests the following (Zone 6) reservoir operations (Bonneville to McNary dams) during the fall 2020 Treaty fishery. This effort supports the 2020 ceremonial, subsistence, and commercial Treaty fishery times as set by the tribes and the Columbia River Compact.

SPECIFICATIONS: Implement the following pool operations, as follows:

Monday, August 24, 2020, 6 am, through Thursday, August 27, 2020, 6 pm
Monday, August 31, 2020, 6 am, through Thursday, September 3, 2020, 6 pm

Bonneville: Operate the pool within a 1.5 foot band during the treaty fishing period.
The Dalles: Operate the pool within a 1.5 foot band during the treaty fishing period.
John Day: Operate the pool within a 1.5-foot band during the treaty fishing period.

CRITFC will notify the Corps with specific times for the tribal fishery after a Compact hearing.

JUSTIFICATION:

The 2020 fall treaty fishing season is of critical importance to CRITFC's member. The run sizes (Columbia River at Bonneville Dam) of an estimated 196,000 adult fall chinook (below 10-year average), 95,000 A and B-Index steelhead (below 10-year average), and 43,000 coho (below 10-year average) will create harvest opportunities for tribal fishers who will exercise their treaty rights by participating in this harvest using platform and gillnet fishing methods. 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 set-nets in each Zone 6 pool. The survey data will be shared with COE-RCC staff within one to four days of the flight day.

Achieving good river conditions through managed river operations during the treaty fishery has been the basis of past litigation that has been supported by federal courts. Such favorable river operations are consistent with the trust and fiduciary responsibilities that the federal operators have with respect to CRITFC's member tribes.

In past meetings with Corps officials, tribal fishers have explained that a pool fluctuation of more than 1.5 foot disrupts fishery operations. Specific problems include: (1) increased local currents that sweep debris into fishing nets, (2) rapid water level drops lead to entanglement of nets or change local currents that affect fishing success, (3) boat access problems, and (4) Nets and gear are costly to replace and may become lost or torn from their anchors if pools are raised after nets are set.

Delays or disruptions to tribal fishing operations caused by the excessive pool fluctuations in Zone 6 can negatively impact tribal incomes, food resources and cultural practices. For many tribal fishers' much of their annual income and food is generated during the brief treaty fishing season. The fishers have expressed to Corps officials that the loss of fishing opportunity during the extremely limited treaty fishery period cannot be replaced.

If this SOR cannot be accommodated, then CRITFC requests a verbal response with an explanation from the federal operators by COB, Friday, August 21, 2020. Thank you for considering this request. Please contact Kyle Dittmer or Stuart Ellis should you have any questions at (503) 238-0667.

[Attachment]

cc: Tribal staffs and attorneys