



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

700 NE Multnomah Street, Suite 1200
Portland, Oregon 97232

(503) 238-0667
F (503) 235-4228
www.critfc.org

SYSTEM OPERATIONAL REQUEST: 2014 C-11

TO:	BG John S. Kem	COE-NWD Commander
	Col. Jose L. Aguilar	COW-NWP Commander
	James D. Barton, David Combs	COE-NWD-PDW/PDD Chiefs
	K. Kanbergs, W. Proctor, D. Baus	COE-NWD-PDW-RC
	Bernard Klatte, Mary K. Scullion	COE-NWP-OD/EC
	JR Inglis, Paul Cloutier	COE-Portland District/NWD (Tribal Liaison)
	Lorri Lee	USBR- PNW Regional Director
	John Roache, Mary Mellema	USBR- PNW
	Elliot Mainzer	BPA Administrator
	Rick Pendergrass, Lori Bodi	BPA-PG-5/KE-4
	Robyn MacKay, Holly Harwood	BPA-PGB
	S. Bettin, A. Lut, T. Norris	BPA-KEWR-4/PGPO (operations planning)
	Stan Speaks, Keith Hatch	BIA, Northwest Regional Office

FROM: Babtist Paul Lumley, *Executive Director*

DATE: September 18, 2014

SUBJECT: **Operation of the Lower Columbia Pools for the autumn 2014 Treaty Fishery**

The Columbia River Inter-Tribal Fish Commission, on behalf of its members, 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 reservoir operations in "Zone 6" (Bonneville to McNary dams) during the fall 2014 Treaty fishery. This effort supports the 2014 ceremonial, subsistence, and commercial Treaty fishery times as established by the tribes and the Columbia River Compact.

SPECIFICATIONS: Implement the following pool operations, as follows:

Monday, September 22, 2014, 6 am, through Thursday, September 25, 2014, 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 each Compact hearing, via a new SOR. The tribes may want consider extending this fishery by one day, through Friday, September 26, depending on the catch and run size data. A decision will be made early next week.

JUSTIFICATION:

The 2014 fall treaty fishing season is of critical importance to CRITFC's member tribes. The run sizes (Columbia at Bonneville Dam) of an estimated of 880,000 adult upriver fall chinook (above average - a near record), 276,000 steelhead (below average), and 240,000 coho (above normal) 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 nets in each Zone 6 pool. The survey data will be shared with COE-RCC staff by early afternoon of the flight day. The September 16, 2014 survey showed 571 nets in the Zone 6 pools, as follows: 207 (36%) in Bonneville, 136 (24%) in The Dalles, and 228 (40%) in John Day.

Achieving good river conditions through managed river operations during the treaty fishery have been the subject of past litigation agreements 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 more than 1.5 foot 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 or change local currents that affect fishing success, (3) boat access problems, and (4) nets torn from their anchors if pools are raised after nets are set. Nets and gear are costly to replace and may become lost.

Any 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. Much of the tribal fishers' 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, CRITFC requests a verbal response with an explanation from the federal operators by COB, Friday, September 19, 2014. Thank you for considering this request. Please contact Kyle Dittmer or Stuart Ellis should you have any questions at (503) 238-0667.

cc: Tribal staffs and attorneys