



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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SYSTEM OPERATIONAL REQUEST (SOR): 2021 C-2

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Keith Hatch BIA, Northwest Regional Office

FROM: Aja K. DeCoteau, Interim Executive Director

DATE: August 11, 2021

SUBJECT: **Operation of the Lower Columbia Pools for the fall 2021 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 (BON to MCN dams) during the fall 2021 treaty fishery. This effort supports the 2021 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 23, 2021, 6 am, through Thursday, August 26, 2021, 6 pm

Monday, August 30, 2021, 6 am, through Thursday, September 2, 2021, 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 2-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 2021 fall treaty fishing season is of critical importance to CRITFC's member tribes. The run sizes (Columbia River at the river mouth) of an estimated 386,500 (below average) Upriver Bright adult fall chinook, 537,800 coho, and 96,800 steelhead (way below 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 week of the flight day.

Achieving good river conditions through managed river operations during the treaty fishery has 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.

In past meetings with Corps officials, tribal fishers have explained that a pool fluctuation of more than 1.5 feet 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, CRITFC requests a verbal response with an explanation from the federal operators by COB, Friday August 13, 2021. 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

**Approved by Zachary L. Penney, Acting Executive Director for Aja DeCoteau on 12AUG21
