



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: 2013 C-8

TO: Col. John S. Kem COE-NWD
James D. Barton COE-NWD-NP-Water Management
K. Kanbergs, S. Burrell, D. Baus COE-NWD-NP-WM-RCC
D. Feil, R. Peters, D. Ponganis COE-NWD-PDD (Fish Management Office)
JR Inglis/Paul Cloutier COE-Portland District/NWD (Tribal Liaison)
Lorri Lee USBR- PNW Regional Director
Elliot Mainzer Acting BPA Administrator
Steve Oliver, Greg Delwiche BPA-PG-5
Scott Bettin, Tony Norris BPA-Operations Planning-PGPO
Stan Speaks, Keith Hatch BIA, Northwest Regional Office

FROM: B. Paul Lumley, *Executive Director*

DATE: September 12, 2013

SUBJECT: **Operation of the Lower Columbia Pools for the Autumn 2013 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 autumn 2013 Treaty fishery. This effort supports the 2013 ceremonial, subsistence, and commercial Treaty fishery times as established by the tribes and the Columbia River Compact.

SPECIFICATIONS: Implement the following pool operations as a hard system constraint, as follows:

Monday, September 16, 2013, 6 am, through Friday, September 20, 2013, 6 pm.

Bonneville: Operate the pool within a 1.5 foot band during the treaty fishing period.

The Dalles (Celilo): 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.

At this time we anticipate additional treaty fisheries later in September. CRITFC will notify the Corps with specific times for the tribal fishery after each Compact hearing, via a new SOR.

JUSTIFICATION:

The 2013 autumn treaty fishing season is of critical importance to CRITFC's member tribes. The run sizes (Columbia at Bonneville Dam) of an estimated of 700,000 to 900,000 adult upriver fall chinook (at or above the record), 236,000 steelhead (below average rank), and 135,000 coho (near normal rank) 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 11, 2013 survey showed 682 nets in the Zone 6 pools, as follows: 244 (36%) in Bonneville, 153 (22%) in The Dalles, and 285 (42%) 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 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, continuing to catch fish, and may negatively affect fish populations outside of the treaty fishing period.

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 13, 2013. 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