



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

729 N.E. Oregon, Suite 200, Portland, Oregon 97232

Telephone (503) 238-0667

Fax (503) 235-4228

www.critfc.org

SYSTEM OPERATIONAL REQUEST: 2004 C-2

TO: Brigadier General W.T. Grisoli COE-NWD
William Branch COE-NWD-NP-Water Management
Cindy Henriksen, Rudd Turner COE-NWD-NP-WM-RCC
Witt Anderson COE-NWD-CM-F (Fish Management Office)
LTC Edward Kertis, Jr. COE-Walla Walla District
LTC. Charles Markham COE-Portland District
J. William McDonald USBR--Pacific Northwest Regional Director
Steven Wright BPA Administrator
Greg Delwiche BPA-PG-5
Stan Speaks, Keith Hatch BIA, Portland Area Office

FROM: Olney Patt, Jr., *Executive Director*

DATE: May 7th, 2004

SUBJECT: **Operation of the Lower Columbia Pools for the Spring 2004 Treaty Fishery**

The Columbia River Inter-Tribal Fish Commission, on behalf of its member tribes the Nez Perce Tribe, the Yakama Nation, the Confederated Tribes of the Umatilla Reservation, and the Confederated Tribes of the Warm Springs Reservation, requests the following reservoir operations in Zone 6 (Bonneville to McNary dams) during the 2004 spring Treaty fishery. Implement the following hydro-system operations during the 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:

May 11th, 2004, 6 am, Tuesday, through 6 pm, May 14th, 2004, 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 264.5 - 263.5).

JUSTIFICATION:

The 2004 spring Treaty fishing season is of critical importance to CRITFC's member tribes. The escapement of an estimated **164,400** adult spring Chinook and lower catch efficiencies will give limited harvest opportunities to tribal fishers for the rest of May. As of May 5th, 227 nets were in the Zone 6 pools, as follows: 114 in Bonneville, 71 in The Dalles, and 92 in John Day. Many fishers will be exercising their treaty rights by participating in this harvest. Many cultural and religious ceremonies and practices will occur with the harvest of these salmon.

During a meeting at CRITFC's Law Enforcement Division in Hood River on September 2, 1999, tribal fishers explained the impacts of unstable pools and pools below full to the Treaty fishery to Colonel Mogren and Lt. Colonel Harshbarger. The tribal fishers 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 also stressed to Corps officials that the loss of fishing opportunity during the extremely limited treaty fishery cannot be replaced. Much of the tribal fishers' 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.

Implementing this request will insure that the Federal operating agencies meet their federal trust responsibilities to the Columbia Basin treaty tribes. If this SOR cannot be accommodated, CRITFC's member tribes request a detailed written response from the federal operators, with justification, by Friday, May 14th, 2004.