



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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SYSTEM OPERATIONAL REQUEST: 99-C8

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USBR-- Pacific Northwest Regional Director
BPA Administrator
BPA-PG-5 and BPA-PGPO

FROM: Kyle Martin, Mainstem Hydrologist, CRITFC Hydro Program

DATE: September 3rd, 1999

SUBJECT: **Modification of the Operation of the Federal Columbia River Power System during the 1999 Treaty Fall Fishery**

The Columbia River Inter-Tribal Fish Commission, on behalf of its member tribes the Nez Perce Tribe, the Yakama Indian 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 1999 fall season treaty fishery. Implement the following hydrosystem operations during the treaty fisheries times as established by the Columbia River Compact. Season was just extended one day. Changes are noted by italics.

SPECIFICATIONS:

- **Bonneville Pool.** Operate the pool within *1.0 feet* from full pool (elevation 77 - 76)
- **The Dalles Pool.** Operate the pool within *1.0 feet* (elevation 159.5 - 158.5)
- **John Day Reservoir.** Operate the pool within 1.0 foot (elevation 264.5 - 263.5)

Season: 6 am Tuesday, August 31st to 6 pm Saturday September 4th and
6 am Tuesday, September 7th to 6 pm Saturday September 11th.

JUSTIFICATION:

This SOR is a modification of SOR 99-C7, previously submitted. The Columbia River Compact, on Thursday, September 2nd, 1999, accepted the proposal of the four treaty-tribes to extend the first week of fishing season by one day, to Saturday, September 3rd, 1999. The Federal Columbia River Power System needs to adjust to accommodate this one-day extension.

During a meeting at CRITFC's Law Enforcement Division in Hood River on Thursday, September 2nd, 1999, treaty-tribal fisherman related their issues to Colonel Mogren and Lt. Col. Harshbarger. The tribal fisherman said that pool fluctuations of 1.0 foot or more, not the 1.5 foot range previously cited, causes major disruptions to tribal fishery operations. Specific problems include increased local currents that sweep debris into the nets, rapid 1-2 hour drops in water level leads to entanglement of nets, boat access problems, and nets torn from their anchors. These "ghost nets" continue to fish non-listed and listed species, all year. Each net is costly to replace.

The fisherman also impressed upon the Colonels that much of the tribal fisherman's income comes during the brief fall fishing season, so that any delays or disruptions to their fishing operations caused by the excessive pool fluctuations at The Dalles and John Day negatively impacts tribal incomes. The *Confederated Tribes v. Calloway* case gives legal support for the stable pool operation. The excessive pool fluctuations, driven by BPA's desire for hydropower generation, should not take priority over the needs of the brief tribal fishing season.

This request will help the Federal operating agencies (e.g., COE and BPA) meet their Federal treaty-trust responsibilities to the Columbia Basin treaty tribes. If this SOR cannot be accommodated, we would like the reasons in a detailed written response.

Attachment