



Mt. Hood's glaciers have shrunk 34% in the past 100 years.
(Photo: US Forest Service)

Salmon's journey becoming even more perilous

By Kyle Dittmer, CRITFC Hydrologist - Meteorologist

CRITFC has dedicated an on-going effort to understand how climate change has impacted and will continue to impact tribal ceded lands. Below are some preliminary findings:

Over the past 100 years:

- Average Columbia Basin temperatures increased 0.2°F to 1.7°F (daytime) and 0.6°F to 4.1°F (nighttime)*
- Annual precipitation increased 2% to 28%*
- The spring snow-melt occurred earlier by 1 to 23 days*
- Spring-summer runoff volume shifted to autumn-winter by 1% to 37%*
- Critical water temperature threshold (68°F) now occurs half the time during the summer

Salmon impacts:

- Earlier snowmelt, altered river flow timing, and less spring-summer flow
- Warmer river temperatures stress and delay migrating adult salmon

Columbia River Basin climate change projections:

- 52% to 87%* of tribal ceded lands at high risk for climate change impacts
- Average temperature increase of +1°F to 4°F by 2040 (UW-CIG).
- Extreme weather events more likely and could disrupt natural resource management

**The Columbia River Basin is a very diverse ecosystem. Each tributary subbasin had its own results, hence the wide range of values.*

The tribes are using climate change research being conducted by CRITFC to help them anticipate and prepare for a modified ecosystem and to give them information to support tribal, local, national, and international efforts to reverse this major threat.

Protecting our First Foods

critfc executive director's message



Paul Lumley

Like many of you, I have noticed the troubling changes in harvest times of our traditional foods. Roots are coming on earlier and tend to be smaller. Productive berry fields are shifting to different elevations. Salmon are running at very different times than experienced before. All these shifts point to the very real and very troubling fact of climate change. While we often hear naysayers argue that nothing is happening, I trust the people who are witnessing change firsthand out on the river, in the berry fields, and at the root digging grounds who tell me differently.

Climate change's effects on natural resources affect everyone, but the tribes feel a particular sting, as the very foundation of our cultures is based on respect for and wise use of those resources—sacred resources the Creator has given us. To see the sacred First Foods dwindle in quantity and quality is a grave threat that we must address. While we seek ways to influence national responses to reverse climate change, our strongest response is to try to understand what to expect in an altered environment and how to prepare for it.

While climate change affects all the First Foods, CRITFC's work obviously focuses on how it will

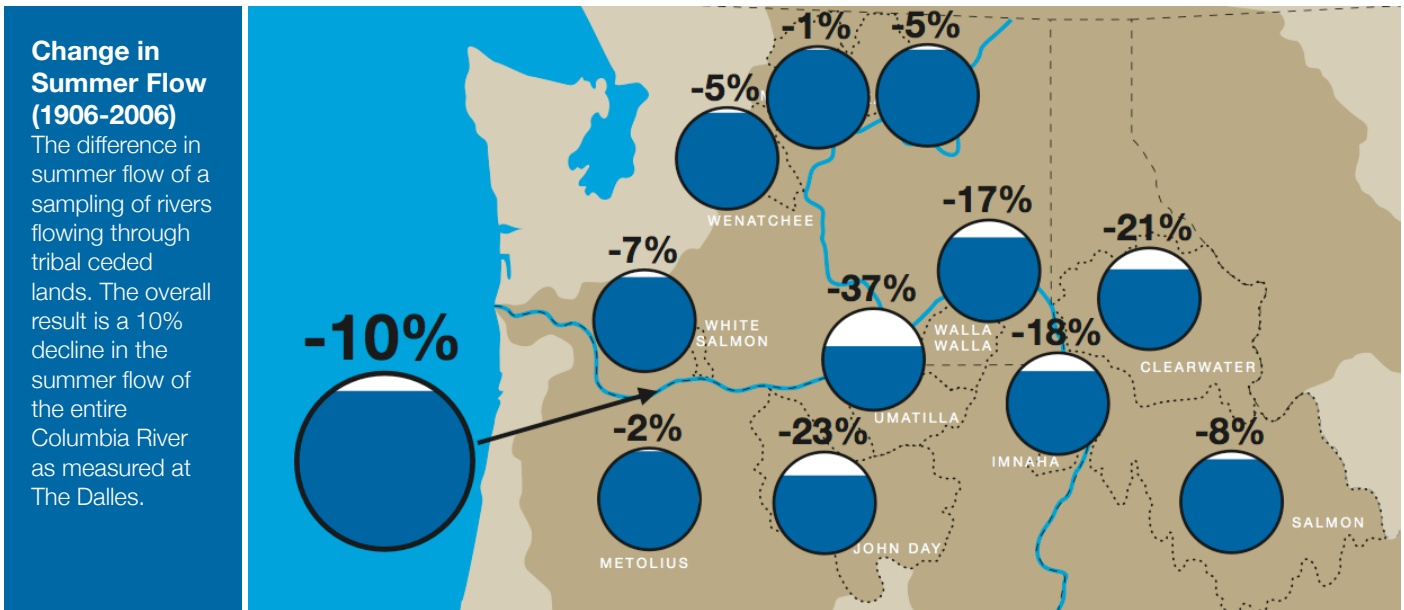
affect fish and the watersheds in which they live. And to be frank, the picture is not very good. Less snow during warmer winters will decrease the amount of water in the rivers during the summers and the water will be warmer. The warmer summers will also increase demands for power; without proper

guidelines, this demand could conflict with salmon mitigation needs. For a species dependent upon cold, fast moving water, these conditions are a great concern.

Given the magnitude of this threat, CRITFC has dedicated a team of scientists to study how climate change will affect the salmon and the tribal ceded lands in general. By

understanding and anticipating what the potential effects will be, we hope to provide the tribes with the information they will need to address this significant threat. While the actions necessary to reverse global climate change will be debated on the international stage, we will be doing our part to make sure that tribal concerns and our recommended actions to safeguard the salmon will be in front of the national leaders making these decisions.

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Common CRITFC Misconceptions

Tribal sovereignty, treaty fishing rights, and fisheries enforcement issues are very important to tribal members and affect tribal fishers in particular. When these rights are threatened, it is often the tribal fishers who make the first calls for action. Occasionally CRITFC is targeted as one of those threats based on misconceptions or erroneous information. Below are eight of the most common misconceptions and an explanation of why they are not true.

Claim: Tribes gave away their treaty rights by joining CRITFC.

FALSE. Joining CRITFC in no way negatively affected the treaty rights of the four member tribes. Each tribe is sovereign, stands on its own, and retains all of its treaty rights and management authorities. The Nez Perce, Umatilla, Yakama, and Warm Springs tribes have chosen to work together to manage fisheries for many reasons. Their 1855 treaties have very similar fishing rights language and the four tribes face similar challenges especially from the states. CRITFC provides a place for the tribes who are parties to *US v. Oregon* to discuss matters of mutual interest and concern for their fisheries.

No tribe is required to check its sovereignty at the door when meeting at CRITFC. The four tribes established the Commission in a manner that respects each tribe's individual sovereignty. CRITFC staff can only implement action if all four tribes agree. If one tribe does not agree, then CRITFC can take no action as a body, but each tribe may act independently.

Claim: CRITFC is more technically aligned with the states.

FALSE. CRITFC is a resource for and answers only to the tribes. Since its formation in 1977, CRITFC has provided technical support (affidavits, expert witnesses, and legal briefs) in court actions against the states to protect the tribal fishery.

The *US v. Oregon* parties developed the Technical Advisory Committee which requires state biologists to work with tribal biologists in addressing technical aspects of fishery management. This has allowed the tribes to realize their full co-management authority. CRITFC staff are guided by tribal officials to ensure compliance with tribal policies and viewpoints

when working with state biologists. The tribes make special efforts to provide guidance to staff based on traditional cultural values and teachings.

Claim: CRITFC gives rights to tribes that gave up or never had treaty fishing rights in Zone 6.

FALSE. Federal recognition of the four tribes' rights to fish in Zone 6 was determined by the Federal Court years prior to CRITFC's, including the 1969 *US v. Oregon* treaty fishing rights case. The rulings were based on an interpretation of each tribe's treaty language and demonstration of usual and accustomed fishing places on the Columbia River. The treaty fishing rights of each CRITFC member tribe on the Columbia River are settled law and would be extremely difficult to challenge. Treaty rights cannot be legally extended to other tribes.

Claim: CRITFC sets tribal fishing seasons.

FALSE. CRITFC does not have the authority to set fishing seasons for its member tribes. The power to set fishing seasons and create regulations lies solely with the tribes themselves. For example, Yakama fishing seasons and regulations are set by the Yakama Nation only. CRITFC is only a forum where the tribes discuss fishing season options of mutual interest. The four tribes coordinate with each other with the objective of adopting consistent seasons. CRITFC, in collaboration with tribal staff, provides CRITFC commissioners with updated harvest and run size information and an analysis of different fishery options. CRITFC commissioners from the individual tribes make recommendations on the fishery structures but individual tribes—and only individual tribes—have the authority to set tribal fishery regulations for their members.

In some cases the tribes may not agree on a common season, and each tribe has the authority to adopt differing regulations. In general, tribal fishers benefit from a common set of regulations. Consistent seasons and regulations promote fairness for all fishers, reduce confusion, and reduce the level of law enforcement needed to enforce separate regulations.

Claim: One CRITFC tribe can be out-voted by the others.

FALSE. CRITFC operates on a consensus model (4-0 vote) not a majority model (3-1 vote). This means CRITFC can act if and only if all four tribes agree. Each tribe receives **one** vote regardless of how many commissioners represent it. In the event of no consensus, each tribe always has the right to act under its own authority.

Claim: Kicking CRITFC Enforcement off the river means less enforcement of tribal fisheries.

FALSE. There will always be enforcement of laws on the Columbia River. If the tribes themselves do not provide that law enforcement, state and federal enforcement agencies are more than willing to step in. The result is that the boundaries of tribal sovereignty are eroded or encroached upon. CRITFC Enforcement currently lacks Yakama commissions and the states are aware of this. Without fully effective intertribal law enforcement,

**Columbia River Inter-Tribal
Fish Commission**
Yakama • Umatilla • Warm Springs • Nez Perce

“To ensure a unified voice in the overall management of the fishery resources, and as managers, to protect reserved treaty rights through the exercise of the inherent sovereign powers of the tribes.”

—CRITFC Mission Statement

state and federal agencies would again take over law enforcement on the river and tribal members would be prosecuted in state and federal courts rather than their own tribal courts.

This is already happening in Zone 6; ask anyone who has been cited into state court whether they would prefer being cited into tribal court. A strong CRITFC Enforcement presence can help protect tribal fishers from state enforcement actions and citation into state courts.

The purpose of CRITFC Enforcement is twofold: to enforce tribal fishing laws and to protect tribal members who are exercising their fishing rights. CRITFC Enforcement safeguards tribal sovereignty and self-regulatory status from state infringement and protects individual rights and safety.

There will be law enforcement on the Columbia one way or another. The tribes prefer tribal enforcement over state and federal enforcement. The states' interference with tribal treaty reserved fishing rights and activities is why CRITFC was formed in 1977 and CRITFC Enforcement in 1981. Simply put, if a tribe does not enforce its own

laws and regulations on its own members then state and federal enforcement will enforce **state and federal** laws and regulations on tribal members.

Claim: CRITFC Enforcement picks on certain tribes and tribal fishers.

FALSE. CRITFC Enforcement enforces the fishing regulations of each member tribe. Since a tribal fisher is only subject to his or her own tribe's fishing regulations, differences between the tribal regulations results in differences in enforcement. For example, the number of hook-and-line gear allowed per fisher in Zone 6 varies by tribe. Therefore, it may appear that CRITFC Enforcement is picking on certain tribal members who have a few poles in the water while ignoring fishers using as many as they want. They are just enforcing a difference in tribal regulations.

Claim: CRITFC Enforcement is only interested in harassing tribal fishers.

FALSE. The primary mission of CRITFC Enforcement is the enforcement of tribal

fishing regulations in Zone 6. As sworn officers of the court, CRITFC Enforcement officers are required to carry out the orders of the court, which sometimes requires the arrest of individuals that have existing warrants whether tribal, state, or federal. Checking for tribal identification is necessary to ensure only enrolled members from our four member tribes are participating in the treaty fishery. Harassment is not our intent. In addition to enforcing fishing regulations, CRITFC Enforcement officers provide emergency assistance to tribal fishers, protect archeological sites, and protect tribal fishing sites from encroachment from non-Indians such as wind surfers and non-tribal fishers. CRITFC Enforcement officers are often the first on the scene of an accident and provide search and rescue and recovery services to tribal fishers and their families on the often dangerous waters of the Columbia River. CRITFC Enforcement officers assist tribal members by delivering emergency messages, vehicle and boat assistance when available, and providing general public safety programs such as the boat inspection program.



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