

DIPNETTER

NEWSLETTER

New executive director

Yakama tribal member Paul Lumley chosen to lead CRITFC.

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Protecting tribal sovereignty

Fisheries enforcement is a part of the tribes' sovereign role of self-regulation.

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Bonneville pool level to be raised slightly from September through April

The U.S. Army Corps of Engineers announced it will slightly increase the water levels on the Columbia River at Bonneville Dam to allow in-water work just below The Dalles Dam between September 2009 and April 2010. Residents and tribal members fishing between Bonneville Dam and the Bridge of the Gods could see water levels increase by about a foot or two.

“We believe tribal members using platforms built between Bonneville and the Bridge of the Gods might see an increase in the amount of floating debris,” said Pat Duyck, the Corps’ project manager for The Dalles Dam spillwall construction. “We believe the effects of the pool increase will have very minimal impact on any fishing operations on the river. Nevertheless, we need to make sure everyone knows of the increase.”

The increase in pool elevation at Bonneville Dam is to allow the Corps’ contractor to use a construction barge needed to complete work on a new spillwall at The Dalles Dam. The spillwall will increase juvenile fish survival by directing the juveniles into deeper water, better protecting them from predatory birds and fish. The Corps expects the construction to be completed by early April 2010. Call Diana Fredland from the U.S. Corps of Engineers public information office (503-808-4514) if you have any questions about the construction or pool level change.

Fall commercial gillnet fishing periods

The Fall commercial gillnet fishing periods were set by the tribes on August 17. The dates are: **6:00 a.m. Monday, Aug 24 through 6:00 p.m. Thursday, Aug 27; 6:00 a.m. Monday, Aug 31 through 6:00 p.m. Friday, Sept 4; and 6:00 a.m. Tuesday, Sept 8 through 6:00 p.m. Saturday, Sept 12.** Further details are in the fisher’s mailing accompanying this newsletter.



The Dipnetter is a publication of the Columbia River Inter-Tribal Fish Commission, the fishery management agency overseen by the Yakama, Umatilla, Warm Springs, and Nez Perce tribes.

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EXECUTIVE DIRECTOR'S MESSAGE



Paul Lumley, the new executive director of the Columbia River Inter-Tribal Fish Commission.

In June, the CRITFC commissioners selected Paul Lumley, YAKAMA, as the organization's new executive director. Prior to coming to CRITFC, Mr. Lumley served as the executive director for the National American Indian Housing Council in Washington DC. There, he helped secure over one-half of a billion dollars in stimulus funding for Indian housing and restored federally funded training and technical assistance programs. Mr. Lumley has an extensive history working with Northwest tribes on salmon issues, particularly in the Columbia River Basin. He spent 17 years with the Columbia River Inter-Tribal Fish Commission working on biological issues relating to US v. Oregon and the Pacific Northwest Electric Power Planning and Conservation Act. He also assisted in fundraising and establishing a grant program for the four Columbia River treaty tribes.

Since time immemorial, tribal members have called the Columbia River Basin home. We rely on the survival of salmon and their success for our own survival. Like you, I call the Columbia Basin home—having fished the Columbia with my family.

We have seen the Columbia River Basin—and its salmon populations—change significantly since we signed treaties in 1855. The river is dramatically altered and salmon runs have plummeted. Conflict ensued and the tribes turned to the

courts, government agencies and Congress for answers. As a result, in an effort to protect our treaty-reserved property and sacred salmon heritage, the Warm Springs, Yakama, Umatilla, and Nez Perce tribes joined together in 1977 in the manner of the old Celilo Fish Committee. The purpose: to coordinate their authority in fisheries management.

I noticed that a lot has changed from the early days when we were fighting for our fishing rights. The recent agreements the tribes entered into with various federal entities provides a new level of certainty to the tribes' salmon recovery efforts. However, there is still a lot of work to restore salmon and ensure that fish will always be around for harvest.

CRITFC's assignment remains the same: unity of action in service of the salmon. CRITFC staff is here to serve the tribal membership as a technical and coordinating agency supporting intertribal representation and planning, policy and decision-making. All of CRITFC's efforts are aligned with each of the four tribes' respective fisheries programs through coordination. The presence of CRITFC enforcement on the Columbia also protects the tribal fishery from interference from the states.

CRITFC's staff remains dedicated to 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's enforcement officers, dispatchers, and administrative personnel maintain a 24-hour effort to enforce all fishing regulations, protect treaty tribal fishing rights and assist tribal fishers on the river. Officers work to protect the fisheries resource, protect archeological sites along the river, help tribal fishers who have broken down on the river and inspect catch, gear, identifications, and sites. This exercise of the tribes' right to self-regulation and enforcement keeps the states from interfering with the tribal fishery.

CRITFC's enforcement officers are one part of a much larger picture encompassing tribal treaty rights and salmon. All of CRITFC's staff members are essential to the continued realization of CRITFC's mission: ensuring a unified voice in the overall management of the fishery resources, and as managers, protecting reserved treaty rights through the exercise of the inherent sovereign powers of the tribes.

I look forward to working with the tribes to protect our treaty reserved rights and tribal sovereignty while rebuilding healthy salmon runs so salmon will always be around to harvest.

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Ice availability

The new East White Salmon Fish Processing Center will be testing the flake ice production capacity of its ice machines over the next few weeks. The ice produced during these tests will be made available to tribal fishers, but it will be on a limited scale. Call Les Brown (503-799-8640) for current availability and for more details.

In-lieu and treaty fishing access site cleanup

The O & M cleanup crew has identified the titled property listed below for potential removal. This notice has also appeared in the tribal and Gorge-area newspapers. If these items are not claimed and moved, they will eventually be disposed of by the BIA as abandoned property. If you are the owner of any of these properties or know who is, please call CRITFC O & M: (503) 866-8375 or (541) 296-6010.

Protecting the sovereign right of self-regulation

Tribal fisheries enforcement allows the tribes to police themselves

Treaties between the United States and the Columbia River treaty fishing tribes affirm the reserved right of the tribes to take fish at all usual and accustomed places in common with non-Indian citizens. Under federal court interpretations, this right is defined as the tribes are entitled to take up to half of the harvestable fish destined to pass their usual and accustomed fishing places, so long as the conservation needs of the fish are met. The tribes adopt fishing regulations consistent with federal case law principles for conservation and allocation. The tribes develop coordinated fishing guidelines through court adopted management agreements with the states and federal government. With regard to specific seasonal regulations, this coordination or “co-management” takes place through the Columbia River Compact, composed of the States of Oregon and Washington when the Compact adopts fishing regulations that are based on enacted tribal regulations. When the tribes enforce their regulations by citation, the accused tribal member is sent to tribal court. The states may also regulate the Indian fishery for conservation purposes. The states do this by arresting or citing tribal fishers who are violating a regulation adopted by both the tribes and by the Columbia River Compact, such as fishing season or fish size regulations. There is more enforcement activity by state officers when the tribes are unable or unwilling to enforce their regulations themselves. The state enforcement officers are able to act because their regulations are the same or similar to tribal regulations that are based upon conservation needs, consistent with the requirement set by the federal district courts.

DESCRIPTION	LICENSE	LOCATION
Mazda MPV ruby red minivan	None	Lone Pine west parking lot
white 3/4-ton Dodge Ram 250 pickup with cab-over camper	None	
18' Open Road white and blue/green cab-over camper	None	
tan V-hull boat on 16' long black trailer	OR 367 PB exp. 1989	
16' white and tan Clastrom V-hull boat	OR 406 FN exp. 1993	
20' red and white Fiber Form tri-hull boat	WA 8586 M	
20' flatbed camp trailer with no towing tongue	None	Lyle TFAS NE Camp Site
13' light green Silver Craft V-hull boat on a light blue trailer	OR 337 VU exp. 2000	
orange Dodge pickup-bed trailer with an 8' canopy	None	
red and white Dodge Ram 250 3/4-ton pickup	WA A36991 D	Lyle TFAS 250' east of gate

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Styrofoam Floats

Tribes urge fishers to phase out the use of Styrofoam block fishing floats by end of fall fishing season

At the May commission meeting, tribal representatives secured a pledge from the Oregon State Police that they will not seek enforcement actions on tribal fishers using unencapsulated Styrofoam floats until the fall fishing season is over. The tribes urge fishers to complete their phase-out of Styrofoam block fishing floats by the end of the fall fishing season.

Alternatives such as Styrofoam that has been sealed inside heavy vinyl, closed-cell foam floats, or other non-Styrofoam floats are available at prices starting at about \$8. Your commercial fishing supply dealer possibly keeps these in stock or can order them for you.

Self-inflating Lifejacket Program

With the 2009 fishing season upon us, take this opportunity to upgrade to self-inflating lifejackets for you and your crew. There are several models to choose from. Act now, as the \$50 discount program will end when the grant money runs out. See the voucher below for more details.

INFLATABLE LIFE VEST

You may be eligible for a discount towards the purchase of an inflatable life vest in the amount of



\$50[†]

This is a unique opportunity for fishers meeting eligibility requirements[‡] from the following tribes: Yakama, Umatilla, Warm Springs, and Nez Perce. Hurry! Supplies are limited.




[†]This is not a gift certificate and has no monetary value nor is it a monetary equivalent.
[‡]A list of the specific eligibility requirements governing this offer is available from The Dalles Marine Supply.

Contact

The Dalles
Marine Supply

(541) 296-4111

to see if you are eligible

Your representatives at CRITFC

The commissioners of CRITFC are made up of elected or tribal council-appointed individuals. Contact your representative on the commission with concerns, suggestions, and comments regarding salmon and the salmon fishery.

Yakama commissioners • (509) 865-5121

Fidelia Andy (*CRITFC secretary*), LaRena B. Sohappy, Terry Goudy-Rambler, Athena Sanchez

Umatilla commissioners • (541) 276-3165

Rapheal Bill, N. Kathryn Brigham (*CRITFC treasurer*), Ken Hall, Jay Minthorn, Althea Huestes Wolf

Warm Springs commissioners • (541) 553-3257

Leslie Bill, Bruce Jim (*CRITFC vice chairman*), Ryan Smith, Sacred Heart Suppah

Nez Perce commissioners • (208) 843-2253

Brooklyn Baptiste, Julia Davis-Wheeler, Tonia Garcia, Larry Greene, Joanna Marek, Joel Moffett, McCoy Oatman, Elmer Crow, Herbert Jackson, Quintin Jackson, Joseph Oatman, Wilfred Scott, T. A. Wheeler, Erik Holt

