

# The Dipnetter

News of the River from the  
Columbia River Inter-Tribal  
Fish Commission



December 2010



**Bruce Jim**  
WARM SPRINGS

## How Tribal Mainstem Fisheries Work *critfc chairman's message*

Many tribal members who don't regularly fish in the mainstem of the Columbia have questions about how these fisheries work and why they often seem complex and confusing.

Mainstem fisheries *are* complex, but following is information that hopefully will make them a bit less confusing.

### **U.S. v. OREGON MANAGEMENT AGREEMENT**

Mainstem fisheries are governed under agreements made by each of the four tribes under the *U.S. v. Oregon* process. Harvest impacts are set according to harvest rate schedules that are contained in the 2008-2017 *U.S. v. Oregon* Management Agreement. The non-treaty harvest limits are set by this agreement as well. Salmon and steelhead fisheries are divided into three major seasonal groups: the winter/spring season (January 1 – June 15), the summer season (June 16- July 31), and the fall season (August 1- December 31). Each season has different harvest limits. Chinook and sockeye fisheries have harvest rates that are based on the actual number of fish that reach the Columbia River mouth. Steelhead fisheries are based on the actual numbers of steelhead passing Bonneville Dam. Additionally, fall season fisheries have a limit on the number of larger steelhead which are known as Group B steelhead. Group B steelhead

measure 78 cm (30 in.) or more. The *U.S. v. Oregon* Management Agreement only limits the number of fish that can be harvested so that enough fish pass through fisheries to spawn and produce the next generation of fish. The harvest rates are designed to balance the desire to catch as many harvestable fish as possible while making sure weak stocks of wild fish are not over harvested. The Management Agreement says nothing about how or when

or what gear the tribes use to catch their share of the fish. The tribes make these decisions themselves. Some people think that CRITFC sets fisheries, but this is simply not true. CRITFC has no regulatory authority. Each tribe makes its own fishery regulations that allow its members to fish in mainstem fisheries. Membership in CRITFC offers all four tribes a way to meet together

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to discuss fisheries and under most circumstances reach agreement on identical or nearly identical regulations. This actually helps each tribe exercise its individual sovereignty under the treaties. Tribal regulations don't need to be exactly identical, but the closer they are, the smoother fisheries work. Each tribe seeks input from its fishers who often have a variety of perspectives on what they want out of the mainstem fisheries. Some people fish only for subsistence. Some only commercially. Most do some of each. Some fish only in one area and

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others move around. The tribes have to balance giving as many people as possible a good opportunity to catch fish for the purposes they want, while keeping the overall fishery within the agreed to harvest rate limits. The tribes prioritize meeting ceremonial needs first, then subsistence needs, and if enough fish are available, providing fish for commercial opportunity. Obviously, it is never possible to give everybody everything they want. And since the fish returns are often greater or less than predicted, managing based on actual run sizes mean that fishing plans always have to be adjusted during the season.

When the tribes decide to allow commercial fishing, unlike the non-Indian fisheries, the tribes place no limits on the number of people who can participate or how much gear they can use. This makes it harder to predict how many fish will be caught, but the tribes want as many people to have an opportunity to earn money from commercial fishing as possible. The tribes are responsible for deciding whether or not tribal members can sell fish, but the states of Oregon and Washington can decide whether or not non-Indian residents of the states can buy the fish. This is why each time the tribes decide on a commercial fishery, they take the proposal to the Columbia River Compact. This process allows the states and tribes to discuss the proposal and ensure that the proposal is not expected to catch more fish than allowed under the *U.S. v. Oregon* Management Agreement. As long as the requirements of the Management Agreement are expected to be met, the states always agree to the tribal fishery and set regulations that allows non-Indians to buy the fish.

#### FIFTY PERCENT SHARE

Many people ask about the concept of 50% and whether the tribes get their fair share of the catch. The concept actually refers to having the opportunity to catch 50% of the harvestable number of fish that are destined to return to the tribes usual and accustomed fishing area. It should be noted that a broad interpretation of this concept will include catches in both mainstem and tributary fisheries. Stocks of Columbia River fish that are not destined to return to areas upstream of Bonneville Dam are not in-

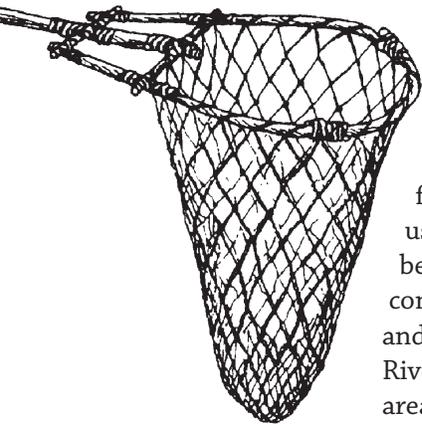
cluded in this concept. Unfortunately, because of the various needs and requirements to limit the harvest of fish that are listed under the Endangered Species Act, tribal fisheries generally are not able to catch the full 50% share of all the harvestable fish (which are mostly hatchery fish). Upper Columbia summer chinook are the exception to this where the harvest rate agreement under the *U.S. v. Oregon* Management Agreement provides that for any run greater than the escapement goal, the tribes get to catch the full 50% share. For spring chinook, there is a new catch balance agreement for mainstem fisheries so even though neither treaty nor non-treaty fisheries can catch 50% of the harvestable hatchery fish, the non-treaty fishery is not allowed to catch more fish in the mainstem than the tribal fishery. Non-treaty fall chinook ocean and in-river fisheries are also not allowed to catch more than 50% of the harvestable upriver fall chinook. Tribal fall season fisheries generally catch a few more upriver fall chinook than non-Indian in-river and ocean fisheries.

#### TRIBAL FISHERY MONITORING

As fisheries proceed throughout the year, the tribes monitor the catch and collect data on the fishery. Tribal fishery monitors work with fishers to collect the information needed to determine how many of various kinds of fish are caught. These catches are shared with each tribe and with the states and federal government. It is an important part of tribal sovereignty to manage the fisheries responsibly and share information with the other co-managers. Tribal fishers are encouraged to participate with tribal fishery monitors. This information is not intended to be used against the tribal fishery, but to assist the tribes in setting the best fishing seasons possible. It is through this management process that the tribes can ensure the best possible fisheries into the future while meeting the recovery needs for the wild fish that sustain us all. All of the tribal fishery monitors are from the Yakama Nation and I thank them for their hard work and dedication.

I hope this information is helpful and explains how the tribes set fishing seasons. 🐟

  
Bruce Jim, Chairman





**Paul Lumley**  
YAKAMA

# In-lieu and Treaty Fishing Access Site Tour

## *critfc executive director's message*

Last month, Michael Broncheau (NEZ PERCE) and I toured all 31 in-lieu and treaty fishing access sites along the Columbia River. Michael and his crew of five staff members are responsible for operations and maintenance and I wanted to look at the issues and challenges at these sites. My goal was to get a sense of how CRITFC can assist the tribal fishers at the treaty fishing access sites by making these locations as user-friendly and safe as possible. The fishers who use and live at these sites shared with me a number of problems, including crime, overworked facilities, and long-term residency. It was apparent that the largest challenge that needs to be addressed is permanent residency at some of the sites. CRITFC has funds invested to maintain these sites for 50 years given proper maintenance, but none of the treaty fishing access sites were designed for more than seasonal use. The reality of year-round residency has taxed the water systems, sewer systems, and infrastructure of some locations, which often makes them unreliable and difficult and expensive to maintain.

CRITFC's operations and maintenance staff is responsible for maintaining all the sites. We were allocated federal funding to provide this service for a projected 50-year timeframe. With the current residency issues, CRITFC's funds will not last for 50 years.

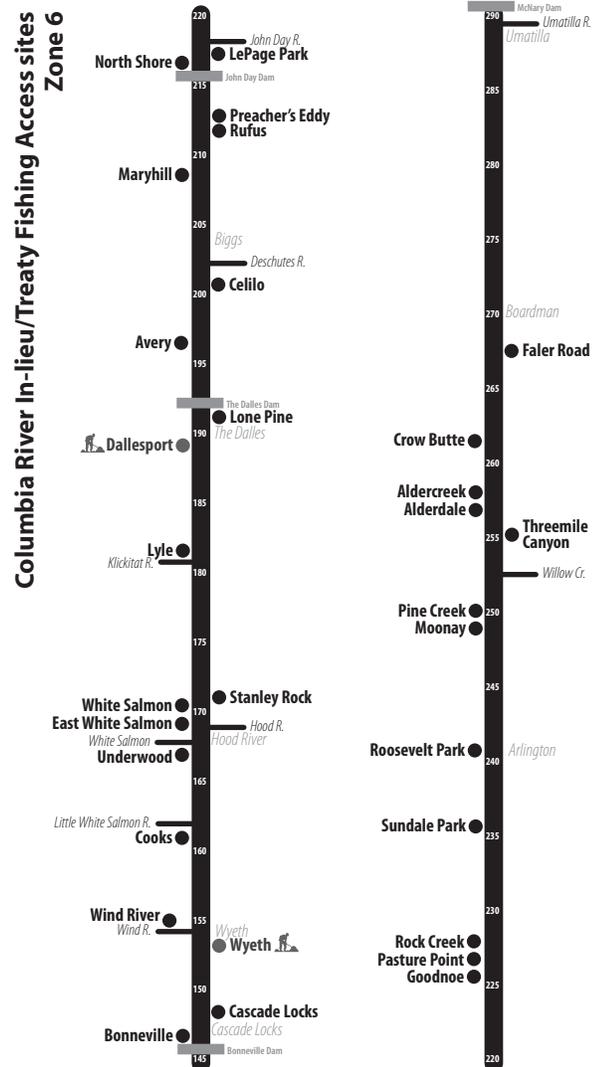


*Cooks In-lieu Site.*

Therefore, it is essential that CRITFC explore these issues to ensure the wise use of these funds.

One idea that we are considering to maximize our resources is to explore various options that address alternative housing. We'll be working with the tribes to explore potential solutions while allowing CRITFC to fulfill its obligations to provide the operations and maintenance of these sites. We hope to ensure that these sites remain a beneficial and important part of tribal fishing along the Columbia River both for today and for future generations. 🐟

*Paul Lumley*



# Myths

In this eight-part series, we'll dispel a number of myths regarding CRITFC. This month's myth is: **CRITFC sets tribal fishing seasons.**

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 staff, 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 of the fishers, reduce confusion and reduce the level of law enforcement needed to enforce separate regulations. 🐟



Representatives from all four tribes meet around the CRITFC commission table to discuss fishing season options of mutual interest.



## The Dipnetter

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