The Hard Work of Achieving Equitable Harvest

In the 1960s and 70s, two landmark court cases reaffirmed the Yakama, Umatilla, Warm Springs, and Nez Perce tribes’ treaty fishing rights: U.S. v. Oregon and U.S. v. Washington. U.S. v. Oregon interpreted the tribal treaty fishing right to mean the tribes were entitled to a fair and equitable share of the salmon harvest and U.S. v. Washington ruled that a fair share meant half of the harvestable fish. These cases were a long, hard-fought, and often vicious battle between tribes and the states. The rulings created a need for the states and the tribes to agree on how many fish could be harvested each year as well as how to monitor their catches to ensure no one caught more than was allowed. Several factors make this job complex, including accurately predicting the run sizes, agreeing on appropriate overall harvest rates and allocations, and minimizing harvest impacts on threatened or endangered fish runs. Currently, mainstem fisheries are managed under a 10-year, U.S. v. Oregon Management Agreement that has provided stability for fisheries and improved harvest sharing.

Predicting Runs

It is impossible to exactly predict the size of a salmon run. Biologists have developed ways to forecast estimates, but these aren’t perfect. The methods have gotten better over time, but environmental factors both in fresh water and in the ocean can change and affect the survival and returns of adult fish. After approximately half of a run has reached Bonneville Dam, tribal, state, and federal biologists work together to update the actual run sizes. Run sizes are updated regularly throughout the middle and later parts of the run.

Harvest rates are based on actual fish counts, not simply the pre-season forecasts. Larger runs have higher harvest rates, smaller runs have smaller harvest rates—so if a prediction is off, fisheries are adjusted to ensure they stay within the allowed harvest rate. This can result in either fisheries being restricted or in more fishing opportunity.

Fishery Timing

Depending on the time of year, it takes salmon anywhere from a week to a month to travel the 145 miles from the mouth of the Columbia River to Bonneville Dam. A large portion of the non-Indian fishery is in the lower river (Zones 1-5). Since the fish are in the lower river first, the non-Indian fisheries begin before many fish are caught by the Indian fishery in Zone 6 (the stretch of river between Bonneville and McNary Dams). A long-standing concern of many Indian fishers is the timing and size of non-Indian fisheries before many fish have passed Bonneville Dam. Fisheries managers have made some progress in dealing with this, but there is more work to be done. In spring fisheries, the states must manage for a run size 30 percent less than the pre-season forecast until the first run size update is made. This helps control the early season non-Indian fishing before much tribal fishing has occurred. In the summer season, the states allocate the majority of their share of the summer chinook to fisheries upstream from Zone 6. This means most of the summer chinook pass Zone 6 before they reach areas with significant non-Indian fisheries.
Fishery Coordination
As part of the court ruling, the U.S. v. Oregon parties (the United States, Oregon, Washington, Idaho, and the four treaty tribes) were required to develop a system to equitably share their fisheries. It took twenty years of legal tests and negotiations to develop the first Columbia River Fish Management Plan in 1988.

In 2008, the parties adopted a newer 10-year management agreement that defined hatchery production measures and harvest rates and allocations. The goal is to protect, rebuild, and enhance upper Columbia River fish runs while providing treaty Indian and non-Indian harvest. This agreement provides a framework for the tribal, state, and federal co-managers to conduct responsible, fair, and equitable fisheries. This co-management is evident leading up to and during each fish run. The tribes, states, and federal government are in close coordination monitoring each run as it develops, fine-tuning the models, adjusting the run size estimates, and tracking harvests. Sometimes coordination is weekly or even daily during the height of a run. Complex monitoring and evaluation programs also monitor the status of key natural-origin (wild) stocks to make sure the overall harvest is within allowed impact limits.

Different Fisheries, Different Priorities
The Indian and non-Indian fisheries have different priorities for determining seasons to harvest their allocations. The tribes prioritize ceremonial and subsistence fisheries, adding in commercial fisheries after these needs are taken care of. Because of different fishing techniques and priorities, the Indian commercial gillnet fishery openings tend to be longer than non-Indian commercial openings to allow fishers enough time to harvest their allocation. The tribes try to keep platform and hook-and-line subsistence fisheries open year round.

The non-Indian fishery is separated into two groups: sports fishers and commercial fishers. The sports fishery has many participants, however each fisher usually can harvest no more than a couple salmon per day. Open periods for sport fishing tend to be very long. The lower river non-Indian commercial fishery gets about a quarter or less of the non-Indian allocation. The commercial openings average less than 12 hours. The total hours open for non-Indian commercial fishing is always less than the number of hours open for tribal commercial fishing except in low spring season runs where the tribes will allocate their available fish to ceremonial and subsistence fishing.

Equitable Sharing of the Harvest
The current system to share the Indian and non-Indian harvests is the work of nearly fifty years of trial and error, tribal advocacy and litigation, alterations to how fisheries are set, and improvements to prediction models. It isn’t a perfect system and there is always room for improvement. However, the past few years have been quite successful in ensuring that the harvest was shared fairly between the tribes and the states, and at a level that was appropriate to protect the sustainability of the fish.

The recent years of equitable harvest has been a long, hard struggle to achieve. It’s built on work and effort that stretches back 160 years all the way to the tribal leaders who insisted that the right to fish at all usual and accustomed areas was reserved and protected in the treaties.

Mainstem Spring Chinook Harvest
Size of graph reflects size of that year’s total harvestable fish allocation. Blank area in each graph represents allowed fish that weren’t caught.

In 2010, catch balancing was implemented that prohibited the non-Indian fishery from catching more than the Indian fishery. In 2011, the non-Indian fishery exceeded the Indian fishery by 2,454 fish and in 2012, by 1,256 fish. For the past three years, the spring chinook fishery has never gone over the allowed harvest rate, the sharing has been equitable between the Indian and non-Indian fisheries, and the non-Indian fishery never exceeded the Indian fishery. In fact this year’s Indian commercial spring chinook harvest was almost exactly half of the total allowed on that run, missing the limit by only 82 fish.
Umatilla tribal leader N. Kathryn “Kat” Brigham was selected by leaders from the Warm Springs, Yakama, Nez Perce, and Umatilla tribes to lead CRITFC as its 2015-2016 Chair. The current CTUIR Board of Trustees Secretary, Brigham is a veteran of domestic and international salmon management that has left a lasting impression on Columbia Basin salmon policy.

Brigham was introduced to fisheries issues as a young adult when she would attend fisheries meetings with her grandfather, tribal leader Sam Kash Kash. During this time, he instilled in her the need to protect fisheries resources for the next seven generations and beyond. In 1976, Brigham was appointed to the Umatilla Tribe’s Fish and Wildlife Committee.

Brigham was one of the founding commissioners of CRITFC when it was formed in 1977. During that time, she was instrumental in the implementation of the 1976 Memorandum of Agreement between the Bonneville Power Administration and the tribes, the U.S. v. Oregon Columbia River Fish Management Plans, the Pacific Salmon Treaty, and the Northwest Power Act.

“During my service in fisheries, I have seen Columbia Basin salmon issues evolve greatly,” said Brigham. “When I started, there were some Columbia Basin salmon runs that were heading toward extinction. Today we are seeing some of the strongest returns in years. We celebrate these successes and continue to address the challenges that we still face. Some of the largest remaining threats to our region’s fisheries include climate change, water quality and the transportation of coal and oil.”

Brigham assumes the position from Carlos Smith (Warm Springs). His leadership guided the commission through a year where the tribes waded into key battles against coal and oil transportation projects, secured advancements in the renegotiation of the Columbia River Treaty, and celebrated abundant salmon returns.

“The Warm Springs have been true leaders whose commitment to protecting tribal treaty rights have provided a solid platform for the next year,” said Brigham. “As leaders, we have the responsibility to fight for our treaty rights, for our tribal members and the next seven generations of tribal members. Tribal families on the Columbia River are exercising their treaty fishing right and passing down traditions to their children and grandchildren. Our people deserve to know that their rights are being protected and enhanced, not threatened or diminished.”

The other CRITFC officers elected were Patrick Luke (Yakama), vice chair; Leotis McCormack (Nez Perce), secretary; and Carlos Smith (Warm Springs), treasurer. The election of CRITFC officers takes place every June with the seats rotated among the four member tribes. The officers were sworn in at the July CRITFC meeting.

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CRITFC Officers and Commissioners

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- James Marsh · Chris Williams
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**Yakama**

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- Sam Jim Sr · Gerald Lewis
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**Nez Perce**

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- Anthony Johnson · Dan Kane
- Mary Jane Miles · McCoy Otman
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Salmon Camp 2015

Twenty youth representing the four Columbia River tribes gathered on the Nez Perce Reservation at Camp Wittman July 13-17 for this year’s CRITFC Salmon Camp. The participants learned about salmon biology, stream ecology, traditional tribal ecological knowledge, and Nez Perce culture. They got to ride appaloosa horses, go on a jet boat ride up the Snake River into Hells Canyon to see ancient petroglyphs, and see tribal salmon restoration sites. The camp is part of CRITFC’s workforce development program, which has a goal of helping young tribal members get into science fields to become tomorrow’s leaders who will work to protect the First Foods and other natural resources.