



Sin-Wit-Ki

Volume 4, Issue 9
September 1998

"All life on earth"

Wild spring chinook to assist runs

Inside this issue:

Cle Elum work	2
Site prepare fish	3
NAFWS meeting	4
'In the corner'	5
1st day fishing	6
Six years-ESA	6

Special points

of interest:

- Why tribes got a treaty fall commercial fishery.
- What has happened to the tribal fishery since the announcement of ESA?
- Paper trail tells story of court-going.

Tribal, state and federal fisheries staff came together as one in early September to begin spring chinook spawning etching out additional tribal history and salmon restoration.

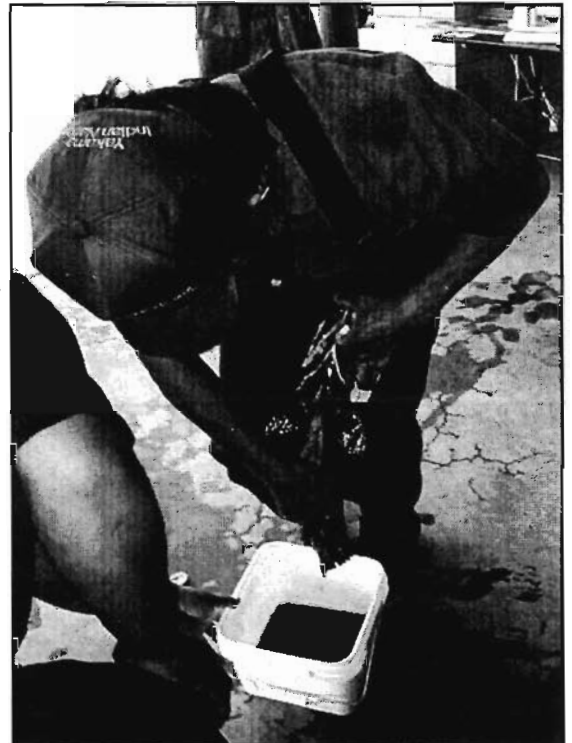
For over a decade the Yakama Nation urged the Bonneville Power Administration and the Northwest Power Planning Council to fund projects that mitigate the hydropower effects on fisheries, wildlife and water resources in the Columbia River Basin.

Finally, just a year ago, the Cle Elum Supplementation and Research Facility was completed. A first for the tribe, supplementation will be the tool to help repair dismal salmon returns in the Columbia River Basin.

To begin the process, returning wild spring chinook adults were captured at Roza Dam on the Yakima River, transported to the Cle Elum facility, placed in holding ponds and spawned earlier this month. A large percentage were released to spawn naturally. At Roza Dam 400 of 1,300 fish were taken for broodstock.

"We'll be doing this type of work through

(Facility-Continued on page 2)



Wild spring chinook eggs are taken from adults as Virgil Lewis gets helping hand from Gino Billy.

Yakima River fall chinook come back

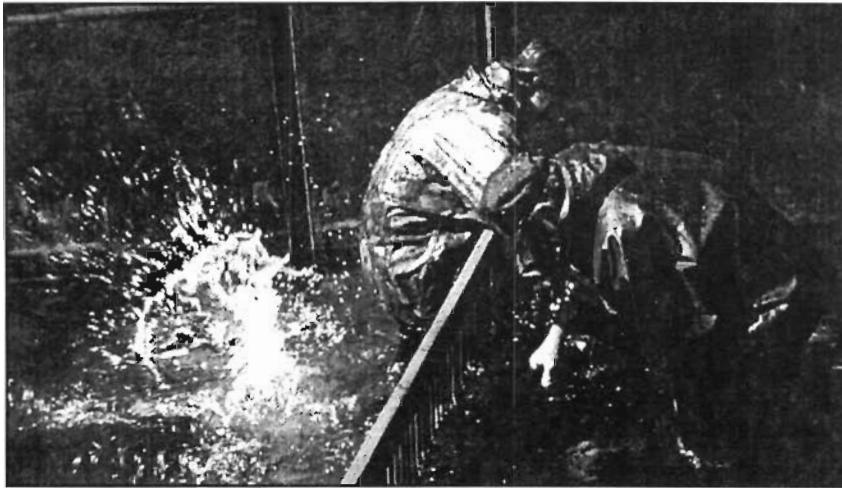
For the first time in 32 years Yakima River fall chinook salmon are returning to the upper Columbia River Basin. Restoration efforts by the Yakama Nation are seeing results of putting the fish back in the river. The fish are responding and populations can recover.

Fish runs were at an all time low during the 1970s when the Yakama Nation began working with Washington State in 1985 to rebuild fall chinook runs. Since working with the state, the tribe advocates restoring fishery benefits for everyone in the basin.

Supplementation, the method used to restore the run, had the tribe taking juvenile chinook, similar to those found in the Hanford Reach, and releasing them in the river. The fish 'imprinted' on the Yakima River while swimming to the ocean then returned to the river to spawn.

This is just a small step toward recovering coho, steelhead and other Columbia Basin fish stocks. The fall chinook should hit the Yakima River in late September.

Supplementing wild fish to rebuild runs



Splish, splash-left, Rau and Barrett sort ripe fish in the raceway the day prior to actual spawning of the wild spring chinook. (Photos by Carol Craig).

(Continued from page 1)

October so the natural process of fish rearing can be supplemented rather than artificially replicated," said Dan Barrett, facility manager at Cle Elum, WA.

The tribal supplementation approach differs from conventional hatchery practices where cycling of generation after generation of fish by artificial rearing is done.

"This can lead to long-term problems," Barrett said. Hatchery reared fish lose physical and behavioral traits needed for survival once they are released into the rivers. "The hatchery-

raised fish also have a tendency to lose their genetic diversity for survival."

The Cle Elum quartet comprised of Barrett and three young Yakama men, were busy selecting ripe males and females by sorting. "We check ripeness on a weekly basis. Those that are ready are placed in a separate pond to begin work the following day," said Charlie Strom, one of three tribal biologists who will eventually take over full management at the facility.

On Sept. 1 the multi-agency crew gathered at the Cle Elum facility to begin taking broodstock, the beginning of a cooperative effort to help rebuild fish runs in the basin.

One-by-one, several ripe female

fish were sliced open and thousands of eggs were dropped in a bucket. The carcass was placed on a table where Washington Department of Fish and Wildlife (WDFW) staff began taking samples of the spleen, kidney and small portions of tissue. "We're taking samples of the kidney and looking at bacteria for cold water disease," said Sarah Olsen from WDFW.

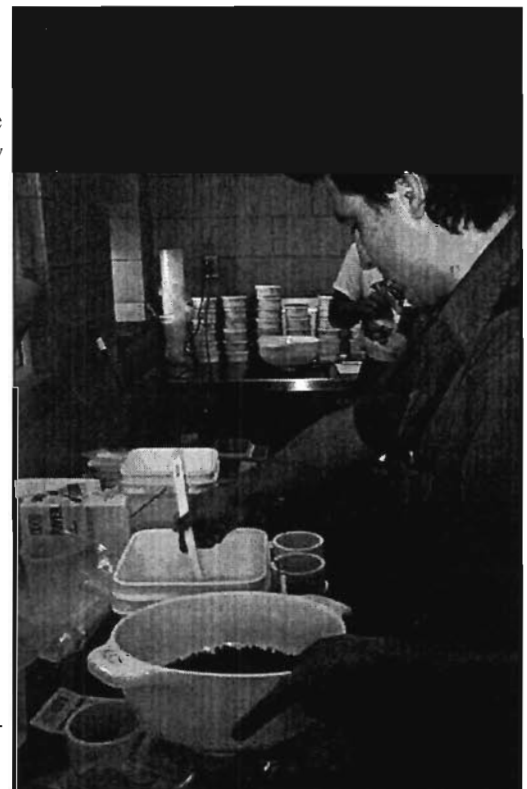
Craig Busack, WDFW geneticist, is conducting genetic stock identification. With tiny samples of fish tissue clenched between a tweezer-like instrument, he placed the tissue in tiny vials and sealed it which will be taken back to a laboratory in Olympia, WA. "They run protein examinations which identifies distinct genetic markers for fish in this area," said Jason Rau, another young tribal biologist in training at Cle Elum.

Meanwhile, single buckets holding each fe-

male's eggs were carefully passed through a window at the research facility where Steve Schroeder, Wash. Dept. of Fish and Game biologist assisted Strom and Rau with separating the eggs into smaller plastic containers.

"We keep each of the female's eggs separate from the others to make sure they aren't mixed with others," said Strom.

Once in individual containers, milt was taken from the male and a small portion poured over the



Rau separates eggs into individual containers before milt is mixed in with the female eggs.

(Supplementing-Continued on page 3)

Sin-Wit-Ki translated from the Yakama language means "All life on earth." It is a monthly publication written, edited and photographed by Carol Craig, public information manager for the Fish and Wildlife Program. To receive at no cost, phone 509-865-6262, or write P.O. Box 151, Toppenish, WA. 98948 or e-mail ccraig@yakama.com. Sin-Wit-Ki is printed on recycled paper.

“...Putting fish back in the river system”



Craig Busack, USFWS geneticist and Mark Johnston, Yakama Nation fisheries biologist, prepare samples of fish tissue, spleen and kidney from fish carcass.

eggs and mixed in. The fertilized eggs were then placed in a trough with cool flowing river water pumped into the facility. “The fertilized eggs have to set for about 11 to 12 minutes before we take them into the incubation troughs,” Strom said.

The fertilized eggs will spend about 31 days or until they are ‘eyed’ up. At that stage they resemble eggs but with a large dark circle in the middle resembling an eye. “Then we place them in incubation trays so they can continue to grow,” said Virgil Lewis, trainee.

When about an inch long they are alevins and have an orange pouch on their belly. The pouch is a yolk sac providing food during the first few weeks of their life. Eventually the sac is absorbed into the body and they emerge as fry and began to forage on their own.

As juvenile fish they will be placed in one of three acclimation ponds located next to spawning grounds.

They are placed at the acclimation sites to reduce stress that is usually associated with transportation from the hatchery. By situating them there they will imprint on the waters where they will be released.

Before the smolts leave the acclimation site to migrate to the ocean they will be marked. When they return as adults, one to four years, it will be in the river and not at a hatchery. As the cycle continues the following generation will come back without marks and will spawn as wild fish.

After spawning and taking samples the spring chinook carcasses are carefully placed in the river system which will provide nutrients to future generations of fish.

Comparison studies will be conducted at the acclimation sites and the Cle Elum facility. The dual study will compare the supplementation process of rearing fish and comparing it to conventional hatchery practices.

There are six raceways at each acclimation site with 10 at the facility. Both groups will be studied with the facility fish being hand fed. “Doing it this way, the fish usually lose their instinct to survive in the wild,” Lewis said.

The supplementation method will have the fish forage for their food by underwater feeders. The painted camouflaged tanks have large woody debris and protective covering. Survival rates for both groups will be studied once they return to spawn. “In the long-term, we want to rebuild and support natural fish runs in the Yakima River Basin,” said Rau. “They must retain their genetic diversity which is needed for survival,” Strom added.

The continued cooperative effort is working and it is paying off.

Acclimation sites ready fish for journey to ocean

In about eight months, 460,000 spring chinook smolts will enter the Yakima River and head to the ocean.

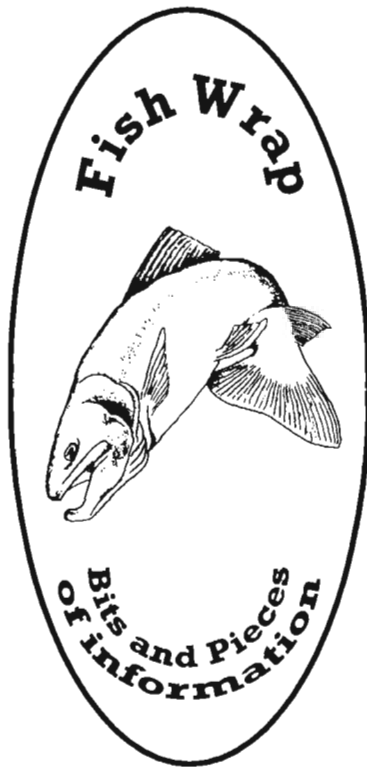
The fish will not be released from a hatchery as practiced in the past. Instead, they will leave one of three acclimation sites currently under construction. The sites are part of the experimental study being conducted at the Cle Elum Supplementation and Research Center. Located next to the spawning grounds the sites are in the Teanaway at Jack Creek, Clark Flat near Thorpe and at Easton.

“The Easton and Thorpe sites will be stocked and in operation by next February,” said Dan Barrett, Cle Elum Research and Facility manager. The other site at Jack Creek will remain in operation but with no fish. “There is not enough fish to stock all three sites this year. We’ll be running the Teanaway ponds for a year on a trial basis to see how weather conditions affect the gravity feed lines,” he said. All the sites will be stocked by the year 2000.

At each two acre site there are six raceways where young salmon will be held for three to five months before being released into the river. This allows the fish to imprint on the water and they will return there as adults.

This year instead of being dumped into the river it will be volitional release. “This lets them go, stay or just hang around for awhile if they want to,” said Barrett.

The smolts that are released will be marked and when they return as adults to spawn in the year 2001 or 2002, they will not be returning to a hatchery. They will spawn naturally in the river helping supplement wild runs. The next cycle of fish will come back without any marks and will then be natural spawners and considered wild fish.



Regional NAFWS meet in Yakima

“Remember the past and looking at the future.”

Yakama tribal elder, Walter Speedis will open the Native American Fish and Wildlife Society’s Regional meeting with an invocation.

The quarterly meeting will be held at Cavanaugh’s in Yakima, WA. Oct. 19-21. Members from the Pacific Region NAFWS will be busy during the three-day meeting. “It’s a pretty full schedule too,” said Joe Jay Pinkham, III, coordinator for the Yakima meeting.

Not only will members partake in panel discussions but fun events include a dart and pool tourney, and a gold scramble at Sun Tides Golf Course in Yakima held prior to opening day.

Panel discussion topics will be center on elders, watershed, wildlife, fisheries, law enforcement, the Pacific Region Lamprey Study, youth, and a strategic planning workshop conducted the last day.

Umatilla tribe to host Journalism conference

lamprey workshop set at Heritage Center

Lamprey, more commonly known as eels to tribal people, will be the main topic at an Oct. 22-23 workshop hosted by the Umatilla Fisheries Program in Pendleton, OR.

The main focus will be the proposed research and current research of Pacific lamprey in the Columbia River Basin.

Better coordination from the tribal fisheries program on the lamprey research will benefit proponents as well as entities including the Northwest Power Planning Council who review proposals and make funding decisions.

The meeting will gather the various tribal programs currently collecting data on eels to compare proposals that have been submitted on lampreys studies and are not currently being funded.

“We want to distinguish what tribal program has begun work on lamprey restoration, where the work started, when the work will end and who was the principal investigator for the research,” Dave Close, Umatilla tribal biologist said.

For more information contact Close at the Umatilla Fisheries Program, 541-278-7615 or email-close@usinet.com.

Currently the only location the Yakama Nation is able to gather eels is at Wilamette Falls in Oregon City, OR. This year tribal technicians gathered several hundred pounds to take back to the reservation to distribute to elders and reserve some in the fisheries freezer.

Another traditional delicacy tribal elders have always urged restoring eels in the Columbia River Basin.

Journalists, community leaders, educators and students will examine some of the issues that occur when the media and tribal nations meet.

Next month the “Cross-Cultural Journalism Conference will take place at the Yakama Nation Heritage Center with tribal professionals heading the Oct. 16 event.

Kara Briggs, Yakama tribal member and reporter for *The Oregonian* newspaper, Portland, OR. will welcome participants. Briggs is also the President of the Native American Journalists Association (NAJA) and a former reporter for the *Spokesman Review*, Spokane, WA.

Yakama Nation Review’s Richard LaCourse will be the keynote speaker and panels will discuss different issues throughout the day-long conference. Other tribal speakers include, Mark Trahan, *Seattle Post-Intelligencer* and Lori Edmo-Suppah, Warm Springs Museum.

Panel discussions include, ‘Covering the Tribes,’ perspectives from the tribal and mainstream press, ‘Interviewing, writing and relating,’ and ‘What stories will be breaking in the near future and how do we cover them.’ Louie Dick, Umatilla tribal member will give an insightful look into the two worlds tribal people currently live in.

Cost for the conference is \$40 including lunch. Student cost is \$25. Scholarships are available for those in need. “We hope to see a large turnout of non-tribal journalists who can benefit from hearing tribal people and their concerns about the news media,” said Lois Breedlove, Central Washington University Communication Department.

The one-day conference is being sponsored by Central Washington University, Communication Department; *Yakima Herald Republic* and the NAJA. Funding for the meeting comes from the Washington Newspaper Publisher’s Association and the Pacific Northwest Newspaper Association.

For more information contact Lois Breedlove, CWU, 509-963-1046 or e-mail breedlov@cwu.edu.

Salmon Homecoming celebration at the pier attracts thousands of visitors

The sixth annual Salmon Homecoming Celebration in Seattle, WA, greeted thousands of guests Sept. 11-13 on the waterfront.

It is a celebration of diversity and the power of partnerships developed for the sake of the salmon. Tribes, citizens, agencies and even big business took part in the three-day celebration.

This year Yakama Nation Fisheries set up a display showcasing the Cle Elum Supplemental and Research Center.

Friday, Sept. 11 was school day where hundreds of students took part telling salmon stories and visiting information

booths to learn more about how to help the salmon.

"The celebration is held on land ceded to the United States by the Muckleshoot Nation," said Billy Frank, Jr., chairman of the Northwest Indian Fisheries Commission. "This is also the only place in the world where salmon return to a pier to spawn the next generation," he said

On Sept. 11 a forum on 'Sustainability' had leaders discuss ways to sustain natural resources of the region. Paul Hawken, keynote speaker provided insight into the ways business prospers through environmentally sensitive practices.

Tribal involvement during Hanford clean-up

Federal officials met with tribal leaders and staff Sept. 4 in Richland, WA. to discuss the tribes' role with the Environmental Protection Agency (EPA) and the Hanford clean-up. The second in a series of "Tribal Involvement Workshops," will improve the understanding of tribes by federal officials within the EPA as well as the Department of Energy (DOE).

Yakama, Nez Perce and Umatilla officials gave insight into the trust responsibility, tribal sovereignty and sharing of success stories of working with Hanford.

Tom Woods from the Yakama Nation Environmental Restoration and Waste Management Program talked about how the Hanford clean-up decisions will affect the

land and treaty rights.

The three tribes encouraged DOE and EPA officials to keep the communication lines open and include tribes in the consultation process. "Tribes need decision making authority which is now lacking in clean-up efforts at Hanford," Woods said.

Ten minute tribal presentations were given by Carla High Eagle, Nez Perce, Russel Jim and Carol Craig, Yakama and Armand Minthorn, Umatilla.

Other topics included: Tribal consultation in recurring decision processes, effective tribal consultation in upcoming decisions and updates on paths to closure, status of tribal funding and overview of major upcoming Hanford decisions.

Fisheries staff to take part in Yakima Fair

For nine straight days, Yakama Nation fisheries staff will take part in the Yakima Fair. The staff will set up an information booth alongside other state agencies to provide the public with salmon, clean water and pollution information.

"This is the second year we are participating and one event we don't want to

miss," said Lynn Hatcher, fisheries program manger.

Last year staff volunteered time at the booth. The same location for the set-up will be in the agricultural building. The public will be provided with information about the Cle Elum research facility and other tribal educational material.

In the corner with CG
In the corner with CG

Tribal sovereignty was the discussion among three tribal nations and federal higher ups at a recent workshop.

The term is difficult to define. It's similar to non-tribal people describing what democracy or liberty means to them...we know it exists but aren't sure of a definite meaning. Without this power tribes would not prevail.

A basic definition is governmental powers. But it cannot be defined or limited because each tribal nation determines their government structure. Sovereignty rests with the tribe, not the individual. I personally don't have the power to hunt, fish and gather tribal foods when and where I want.

Four elements make up sovereignty: Having land, having a people, having a government structure, and an economy for the people. Sovereignty is also territorial because each tribe has reservation boundaries where they regulate powers only there.

There are three important words in the treaties: *Domestic* means the U.S. talked with tribes; *Dependent* means tribes are dependent upon the U.S. for protection. *Nation* is the acknowledgement of the separate status as sovereign nations.

I teach my grandchildren about these issues and asked my nine-year old granddaughter what she learned from me about tribal sovereignty and she said, "It saves our tribe, that's why we're here today."

First day tribal fishery—‘over-the-bank’ sales slow

The fall chinook tribal commercial fishery began in late August and continues week-by-week depending on Columbia River Compact meetings.

Opening day, Aug. 26 had John Oatman, Jr. deftly slicing and cleaning fish for sale to the public. “It’s been slow today, but we just pulled our nets this morning,” he said. Last year tribal fishers opted to cut out the middle man and make their own money selling fall chinook over the banks of the Columbia.

This year tribes had to fight a court battle to be able to continue their fall commercial fishery.

On Aug. 28 Columbia River treaty tribes went to court filing a motion seeking court approval of

steelhead harvest for 1998. First, Federal District Court Judge Malcolm F. Marsh said there would be no tribal commercial fishery. Then the decision to allow a tribal fishery was on.

While the states argued the need for a biological opinion required by Endangered Species Act standards, the federal and tribal parties already had a stipulation agreement in line. The states wanted the tribal fishery halted while fall chinook passed Zone 6, the tribal fishing area that stretches 140 miles along the Columbia River. This would have allowed more fish to Idaho sportsmen.

Fish counts continue to be closely monitored. Meanwhile, the few tribal fishermen selling their catch today, fish on a weekly basis to try to make a living on their last commercial fishery.



On opening day, John Oatman, Jr. keeps busy cleaning fall chinook for potential customers and over-the-bank sales at Cascade Locks, OR.. Photo by Carol Craig.

Six years since ESA and the tribal treaty fishery

As co-managers of the fishery resource, it gets difficult to sit down with states at times. The states of Oregon, Washington and Idaho contended in the last court battle that the tribes would be taking wild group B steelhead (incidental catch) during their last and only commercial fishery on the Columbia River.

On Sept. 3 Judge Marsh, did not approve the federal-tribal agreement for steelhead harvest and production management of the 1998 Columbia River tribal treaty fall season fishery. He cited the failure of the National Marine Fisheries Service (NMFS), to prepare a Biological Opinion regarding the impacts upon natural/wild Group B steelhead. The wild group B steelhead is a component of the steelhead population listed under the Endangered Species Act (ESA).

NMFS provided the documentation and the Columbia River Compact adopted the tribes’ proposal for a third week of fishing from Sept. 8-12. A fourth week was adopted by the Compact for Sept. 15-19.

How did the tribes end up in court to obtain a fishing season? That takes us back to the listing of Snake River fall chinook under the Endangered Species Act in 1992. The major question is whether treaties supersede ESA or vice-versa.

Since 1992 it has been a series of meetings and letters sent to state and federal agencies, and sometimes with no response.

It began with a “Settlement Agreement and Order,” through the *U.S. v. Oregon* on-going court case. Back in 1994 the tribes agreed to less than their 50 percent allocation for the 1994 fisheries for that year only. The fisheries was implemented without a biological opinion from NMFS.

Again in 1995 the fisheries continued without a biological opinion. NMFS issued a “no jeopardy” biological opinion in 1996 on chinook impacts as proposed in the 1996-1998 Management agreement.

During 1997 the states and tribes were unable to reach a chinook agreement. Both Oregon and Washington wanted more chinook for their fisheries. Tribes maintained that most of the Snake River wild fall chinook impacts were needed for the tribes 50 percent allocation of fall chinook.

This year, again, NMFS failed to produce biological opinion for this year’s fisheries, so the states and tribes authorized a fishery without it and the beat goes on. For a full look at the events happening over the last six years and how the tribes finally got a reprieve for this year’s fishery, a chronology of events follows.

Chronology of events leading to the 1998 fall season litigation

April 1992—Snake River fall chinook are listed under the Endangered Species Act (ESA).

September 2, 1994—Fall season litigation on the harvest of Snake River fall chinook result in a 'Settlement Agreement and Order.' The result has the tribes agreeing to less than their 50 percent allocation for 1994 fisheries only and receive in exchange further consideration of production and hydrosystem issues. The 1994 fisheries was implemented without a biological opinion and was covered solely by a Court Order.

August 10, 1995—The parties again enter into a Settlement Agreement as an Order of the Court. Included in the agreement is a stipulation for parties to consider modifying the Columbia River Fish Management Plan (CRFMP) in good faith (the modification took the form of three-year agreements). The 1995 fisheries was implemented without a biological opinion and covered solely by a Court Order.

July 1996—The parties complete the 1996-1998 Management Agreement for Upper Columbia River Fall Chinook which modifies the CRFMP harvest and production provisions in response to ESA listed Snake River Fall Chinook. The document is circulated for signature in August. Due to objections from Idaho, the agreement was not presented to the Court for consideration as an Order.

July 31, 1996—The National Marine Fisheries Service (NMFS) issues a biological opinion of "no jeopardy" on the chinook impacts as proposed in the 1996-1998 Management Agreement. The biological opinion covers chinook impacts through December 1998.

March-July 1997—The parties are unable to reach a chinook agreement. Oregon and Washington want more chinook for their fisheries. The tribes maintain that most of the Snake River wild fall chinook impacts are needed for the tribes 50 percent allocation of fall chinook.

August 1997—The state and federal parties meet separately in an effort to reach an agreement on fisheries which the states of Oregon and Washington consider to be "reasonable." An agreement was not reached and the states decide not to file their "case" in court.

August 18, 1997—Upriver steelhead are listed under the ESA on Aug. 18. NMFS later decides that the take prohibitions will not be enforced upon the 1997 tribal treaty fall fishery season, but warns the parties that substantial reductions in 1998 harvest will be pursued.

October 8, 1997—The Technical Advisory Committee (TAC), to the CRFMP, completes a biological assessment for treaty and non-treaty fall season fisheries for steelhead impacts through Jan. 31, 1998.

November 20, 1997—NMFS issues a biological opinion of "no jeopardy" on the proposed fisheries. Official biological opinion coverage for steelhead impacts expired on Jan. 31, 1998.

January 21, 1998—TAC completes a biological assessment of tribal treaty and non-tribal fisheries for steelhead impacts from February through May. Ultimately, NMFS fails to produce a biological opinion. The states and tribes authorize a fisheries without a biological opinion.

February 1 to present—Normal fisheries are adopted and executed but are not covered by a biological opinion.

March 10-13—The parties participate in the Pacific Fisheries Management Council (PFMC), ocean fishery regulation process and develop ocean fishery options.

March 12—The parties initiate the annual agreement process for chinook. Initial comments are made on steelhead management. NMFS announces they have a substantial conservation concern for tribal treaty Group B steelhead harvest and will require a major reduction. Also, NMFS states that Dworshak Group B steelhead cannot be used in a supplementation program. The tribes maintain their right to 50 percent of the fall chinook and state steelhead conservation principles need to be applied before their fisheries are further restricted. The tribes request NMFS to specify their pro-

(Fishery-Continued on page 8)



Paper trail tells story of threatened tribal fishery

(Fishery Continued from page 7)

posed steelhead harvest rate with justification.

March 18-19—The parties participate in the North of Cape Falcon process.

March 19—The parties meet to discuss Columbia River fisheries and production issues.

April 1-2—The parties participate in the North of Cape Falcon process.

April 1—Parties meet to discuss Columbia River fisheries and production issues.

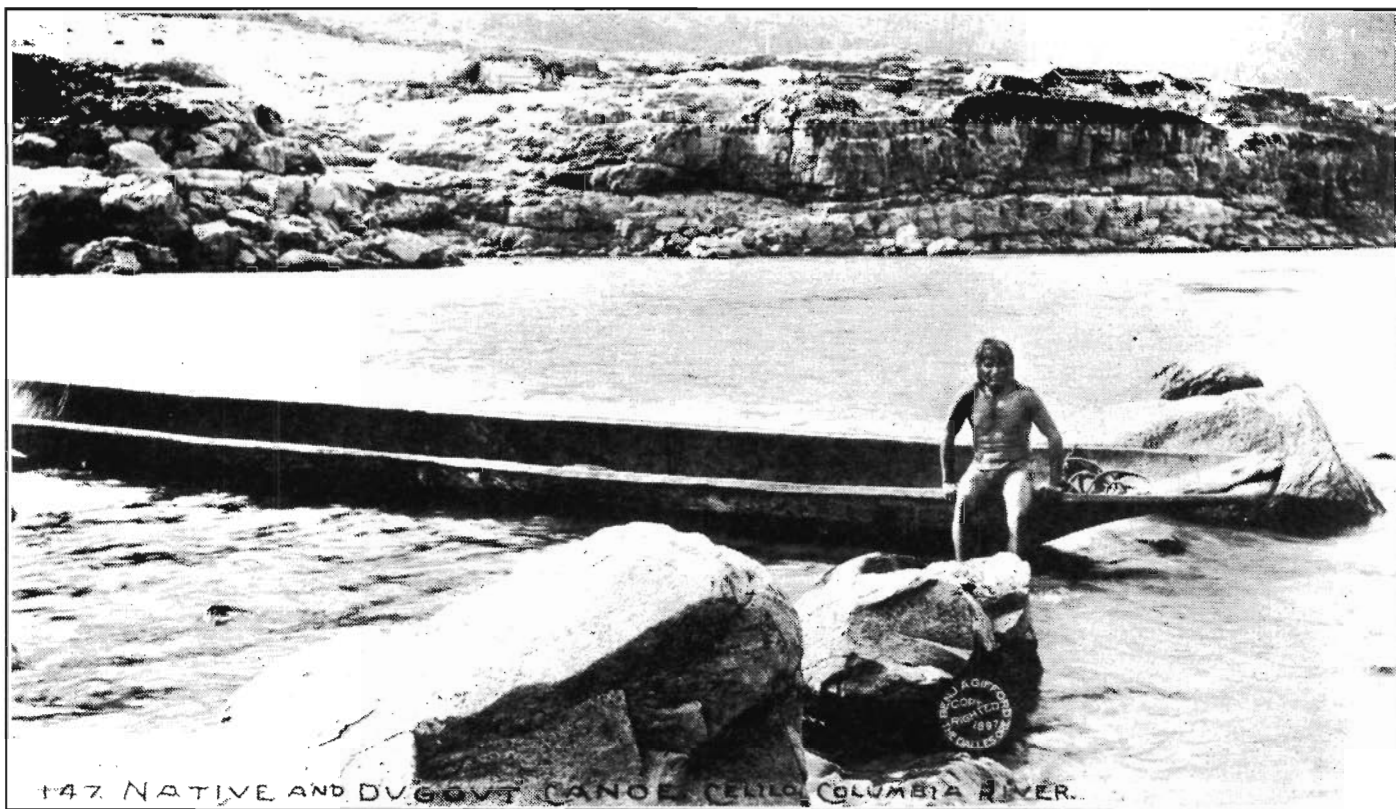
April 7-10—Parties participate in the PFMC ocean fishery regulations process and choose an ocean fishery option.

April 8—NMFS sends letters to the tribes with their proposal to reduce the Group B steelhead harvest rate from the CRFMP guideline from 32 percent to 5-7 percent. TAC later develops a model run with NMFS's position resulting in a total elimination of the tribal treaty commercial fishery and partial closure of the platform subsistence fishery. Included in the model run are substantially increased non-tribal chinook fisheries. The states realize that steelhead limitations on the tribal treaty steelhead harvest result in much more non-tribal chinook harvest.

April 9—The parties meet to discuss Columbia River fisheries and production issues.

May 19—TAC completes a biological assessment of tribal treaty and non-tribal fisheries for steelhead impacts from June through July. Ultimately, NMFS fails to produce a biological opinion. The states and tribes authorize and execute fisheries

(Fishery-Continued on page 9)



Back in photo history shows a tribal fisher along the Columbia River by a canoe. It is dated 1897, but telegraph or telephone poles in the background suggest another time period. It was purchased in The Dalles, OR.

(Fishery-Continued from page 8)
without a biological opinion.

May 10—The tribes send a letter to NMFS which concludes that NMFS intends to place the entire steelhead conservation burden on the tribes. The tribes request NMFS to comply with the Secretarial Order regarding a written notice of determination that their proposed action is consistent with the five conservation principles in *U.S. v. Oregon*.

June 10—TAC completes a biological assessment of tribal treaty and non-tribal fisheries for a range of steelhead impacts from August through December. NMFS again fails to provide a biological opinion because a “jeopardy” determination will result, and they did not want to pursue this course of action. Beginning on Aug. 1, the states and tribes authorize and execute their fisheries without a biological opinion.

June 12—The tribes meet with federal parties and make an offer including a Group B steelhead harvest rate modification from the CRFMP’s 32 percent to a 20 percent level. As part of the tribal offer, there will be 20 percent steelhead outplanting (supplementation) and hydrosystem modifications.

June 12—NMFS sends a letter to Ted Strong, Columbia River Inter-Tribal Fish Commission (CRITFC) executive director with an offer of \$500,000 to address steelhead harvest modifications (gear exchange, research, trap-harvest at dams).

June 15—CRITFC’s Mike Matylewich sends a letter to Bill Robinson, NMFS, detailing the tribes offer of June 12.

June 19—Idaho Department of Fish and Game (IDFG) sends a letter to Will Stelle, NMFS, expressing their frustration believing IDFG is being shut out of the negotiation process. In particular, IDFG is upset that tribal and federal parties appear to have resolved tribal-federal differences in steelhead management. IDFG and the other states were informed that an agreement had not been reached (yet). There were numerous factual errors in the letter and a mischaracterization of the process to date.

June 26—Lonnie Selam, Yakama Nation Fish and Wild-

life chair, sends a letter to Bill Robinson which details the tribes offer on June 12.

June 30—CRITFC’s Paul Lumley sends a memo to state and federal managers requesting sport harvest information and clarifying the 20 percent outplanting rate equates to 2,400,000 smolts being outplanted.

July 2—Robinson sends a letter to Strong with the NMFS offer for a tribal treaty steelhead harvest rate of 15 percent and a promise to continue working on the steelhead supplementation and hydrosystem modification.

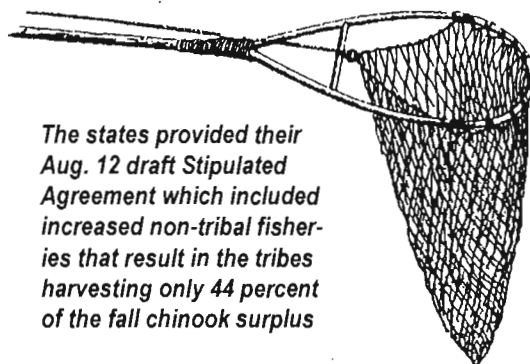
July 8—Lumley sends a memo to state and federal managers with a detailed list for outplanting 2,400,000 steelhead smolts.

July 14—Stelle sends a letter to IDFG in response to the IDFG letter dated June 19. The letter states that tribal and federal parties are co-plaintiffs in *U.S. v. Oregon* and it is their prerogative to meet independently of the states. NMFS assures IDFG that they will be informed of the status of co-plaintiff discussions as it is necessary to include the states in a settlement of this dispute.

July 15—Lumley sends a memo to Fred Disharoon, Special mitigation counsel, U.S. Dept. of Justice of Lands and Resources Division in D.C. detailing the production and hydrosystem modifications that are needed for the tribes to accept a reduction of the CRFMP harvest rate guideline from 32 percent to 20 percent.

July 17—The parties meet to discuss the fall season management dispute.

July 22—Tribal and federal parties meet and resolve their dispute over fall season management when the U.S. Dept. of Justice intervenes (past NMFS) to pursue a stipulated agreement between the tribes and U.S. with the intent that the agreement will be accepted by Judge Malcolm F. Marsh as an Order of the Court. The federal offer is accepted by the tribes and contains the following provisions: 1). The tribes will retain their opportunity to harvest 50 percent of the fall chinook, 2). Recognize steelhead listed under ESA, 3). Tribal treaty harvest rate on Group B steelhead of 15 percent with a cap of 20 percent, 4). Steelhead outplanting of 1.4 million to 1.8 million smolts for supplementation, and 5).



The states provided their Aug. 12 draft Stipulated Agreement which included increased non-tribal fisheries that result in the tribes harvesting only 44 percent of the fall chinook surplus

(Fishery-Continued on page 10)

First a 'no,' then a 'go,'—Tribal fall fishery continues

(Fishery-Continued from page 9)

Hydrosystem modifications will be under a separate agreement.

July 27—Parties meet to discuss the fall season management dispute. The elements of the tribal-federal agreement are described. The states are asked to consider the agreement and sign it if possible. The agreement will be filed in Federal Court for consideration as an Order, and a biological opinion of the proposed harvest and production actions will not be issued. The states are informed that there was no biological coverage for steelhead since Jan. 31, 1998. The parties discuss what additional provisions are needed in the agreement for the states to get ESA coverage for their fisheries. The parties are very near to reaching an agreement on the tribal treaty steelhead harvest and steelhead outplanting in Table 1 of the draft Stipulated Agreement. The states are informed that tribal-federal agreements will be pursued in Federal Court with or without the state's agreement. At this point, the state managers in attendance at the meeting said they needed to consult with their legal counsel.

July 28—The tribes provide the first draft of the Stipulated Agreement to the federal parties for their consideration and initiate the drafting process between the tribal and federal parties.

July 31—The Columbia River Compact hearing adopts a non-tribal Zone 1-3 sturgeon fishery and numerous non-tribal terminal fisheries in the lower Columbia River (both with incidental chinook and steelhead impacts). Tribes and NMFS state that an agreement was reached between tribal and federal parties for tribes to harvest their full chinook allocation, and with steelhead impacts up to 20 percent for wild Group B steelhead.

August 1—The mainstem sport fishery opens and was scheduled to remain open through December.

August 7—The tribal-federal draft Stipulated Agreement was forwarded to the states for their consideration.

August 8—The Buoy 10 sport fishery opens Aug. 8 and closed as scheduled on Aug. 23.

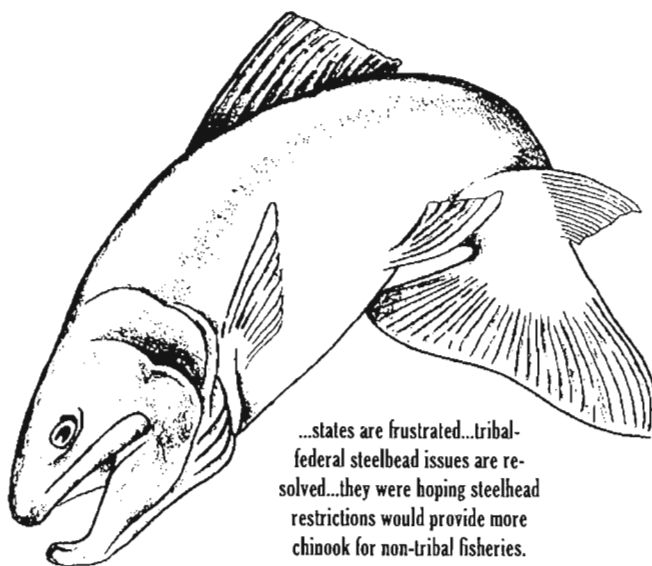
Early August—There was at least one meeting between the federal and state parties regarding the tribal-federal agreement. The tribes are invited to attend, but decline.

August 12—The states reply by letter to the U.S. Dept. of Justice regarding the tribal-federal Aug. 7 draft Stipulated Agreement. The states again express frustration that tribal and federal parties reach agreement on steelhead. The states provide their Aug. 12 draft Stipulated Agreement which includes increased non-tribal fisheries resulting in the tribes harvesting only 44 percent of the fall chinook surplus—contrary to established case law for tribes to harvest their 50 percent fall chinook allocation.

August 18—The Compact denies two proposed tribal treaty fisheries because NMFS has not provided a biological opinion and was not present to comment on the proposed fisheries.

August 19—Legal counsels of the parties meet along with some of their policy representatives to consider the appropriate course of action since the Compact just denied the tribal fishery. The states raise several fishery production and legal concerns with the draft tribal-federal Stipulated Agreement and review their Aug. 19 draft Stipulated Agreement.

August 20—The legal counsels of the parties meet along with some of their policy representatives to discuss how to resolve the tribal treaty fishery dispute with the Compact. The Compact states are willing to accept a verbal statement form NMFS to cover tribal treaty fisheries and on-going sport fisheries. The states inform tribal and federal parties they will not sign the Stipulated Agreement without a favorable biological opinion from NMFS. The states provided their Aug. 20 draft



...states are frustrated...tribal-federal steelhead issues are resolved...they were hoping steelhead restrictions would provide more chinook for non-tribal fisheries.

(Fishery-Continued on page 11)

On the Teanaway River during CRITFC's retreat



Seeking shade during 100 degree weather on tour of the Teanaway River, visitors take cover under trees near the site where smolts will be outplanted later. A descriptive narrative was given by Tracy Yexea from the Bureau of Reclamation (BoR) on how they approach land owners and encourage them to restore the waterways with BoR assistance. Yakama Nation Fisheries Manager, Lynn Hatcher stands behind map to hold for Yexera.

The Columbia River Inter-Tribal Fish Commission retreats once a year to discuss upcoming issues that will affect the four treaty tribes.

Visitors also toured the Yakama Nation Cultural Center and the Cle Elum Research Facility. A dinner at the Toppenish Longhouse honored Bill Yal-lup, Sr., Yakama Nation Chairman, for his 20 years of tribal government involvement. Other awards went to Yakama Nation Fish and Wildlife staff, Lynn Hatcher, Steve Parker, Bill Bosh, Bill Bradley and Carol Craig. Photo by Carol Craig.

(Fishery-Continued from page 10)
Stipulated Agreement.

August 21—The Compact adopts the tribal treaty fishery proposed at the Aug. 18 Compact. The fisheries are Aug. 25-29 and Sept. 1-5.

August 24—The Compact adopts an Area 2S commercial gillnet fishery directed at chinook, but also has incidental steelhead impacts.

August 24—Tribal and federal parties meet and modify the tribal-federal draft Stipulated Agreement to address the state concerns to the degree possible.

August 25—The tribal-federal draft Stipulated Agreement dated Aug. 25 is forwarded to the states.

August 26—The legal counsels of the parties meet along with some of their policy representatives to discuss the two recent drafts. An agreement was nearly reached on the fishery and production issues although an agreement could not be reached on legal issues.

August 27—The legal counsels of the parties meet along with some of the policy representatives to discuss the Stipulated Agreement for the last time. The fishery and production issues are resolved. The states are willing to sign the agreement only if it includes language giving the states the opportunity to sue the parties on the agreement at a later date. The states do not believe the U.S. Dept. of Justice can enter into a Stipulated Agreement and avoid an ESA analysis of the proposed action. The states are frustrated that tribal-federal steelhead issues are resolved. They were hoping that steelhead restrictions would provide substantially more chinook for non-tribal fisheries. The states indicate they want to bring the ESA vs. Treaty Right case to Federal Court.

August 28—The states send another letter to the U.S. Dept. of Justice expressing the same frustration and providing their Aug. 28 draft Stipulated Agreement. The fishery and production changes reflect the agreement that was reached among the parties on Aug. 27. However, the states still maintain the legal disputes.

August 28—The tribes redraft the Stipulated Agreement as a tribal-federal agreement and file the document in Federal Court.

(Fishery-Continued on page 12)

**Yakama Nation Fish & Wildlife
Resource Management
Program**

P.O. Box 151
Toppenish, WA. 98948

Phone: 509-865-6262
Fax: 509-865-6293
Email: ccraig@yakama.com



RECEIVED

SEP 25 1998

COLUMBIA RIVER INTER-
TRIBAL FISH COMMISSION
PORTLAND, OREGON

Dr. Tom Backman-CRITFC
729 NE Oregon, Ste. 200
Portland, OR. 97232

Tribal fall commercial fishery extended

(Fishery-Continued from page 11)

September 2—A Federal Court hearing is scheduled for 1 p.m.

September 4—A Compact hearing is scheduled for 1 p.m. to consider a tribal treaty fishery during the week of Sept. 7.

September 10—TAC is scheduled to meet and provide the first chinook run size update.

September 11—The Compact meets and considers additional tribal treaty fisheries.

September 18—The Compact meets to review salmon and sturgeon stock status and consider tribal treaty and non-tribal commercial fishing options. The Compact adopts an additional tribal treaty fall commercial season from Sept. 22 to Sept. 26. Another Compact meeting is scheduled for Sept. 22 to review salmon and sturgeon stock status and consider

more tribal treaty and non-tribal commercial fishing options.

Based upon current information, the final tribal treaty commercial gillnet fishing period may occur the week of Sept. 21. With the last commercial gillnet fishery, the tribal fall chinook allocation is expected to be met and the steelhead impact is expected to remain within the NMFS 15 percent harvest rate cap.

The platform subsistence fishery will remain open through the end of the year. The non-tribal sports fisheries is expected to remain open as scheduled through the end of the year.

Oregon, Washington and Idaho have agreed to provide regular updates on their steelhead sport harvest. Particular attention is needed in the sports harvest of Group B steelhead returning to Dworshak Hatchery.

According to tribal biologists, a supplementation program is expected to be developed and a large harvest in the sport fishery will complicate the initiation of that program.