



Sin-Wit-Ki

(All life on earth)

February 2001
Volume 6, Issue 2

Feds question genetics of spring chinook

Methow fish to be tested

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Controversy over spawning fish in the Methow River last year culminated in local citizen's groups, farmers and tribes coming together to oppose federal plans to club "excess" adult fish.

As a result, under an agreement with the Colville and Umatilla nations and the United States Fish and Wildlife Service (USFWS) spring chinook which would have been clubbed will be raised and released in the Walla Walla River and a tributary to the Okanogan River.

"The tribe is happy for the fish which were not clubbed but we still adamantly believe the fish should have been allowed to spawn naturally in the Methow River," said Lynn Hatcher, Yakama Nation Fisheries manager.

Now three hundred baby fish will undergo tissue samples that will be analyzed for DNA or genetic code by researchers at the University of Idaho. The test results will be used to render a decision on the recovery of the upper Columbia

spring chinook stock.

The Yakama Nation and Columbia River Inter-Tribal Fish Commission (CRITFC) in a cooperative effort with state and federal fish agencies will do the testing. Included are the Washington Dept. of Fish and Wildlife (WDFW), National Marine Fisheries Service (NMFS) and the USFWS who have questioned fish stocks and gene pools in rebuilding runs in the upper river system.

Origination of Methow salmon

The Methow Hatchery under the WDFW in north central Washington state, uses spring chinook stock believed to be the closest to the naturally spawning Methow River chinook.

The hatchery started in 1992 with brood stock

(Methow--Continued on page 2)

Special points of interest

- Salmon Corps already busy
- Celilo photos--piece of history
- Spring and summer forecast

Spring chinook numbers up again this year-

Pre-season forecast good

Last years return of spring chinook was great and this year's forecast looks even better. Spring chinook numbers are forecasted at 364,600 as compared to last year's 178,600.'

A Jan. 30 fishers meeting rousted about 35 tribal fisher to discuss the upcoming spring chinook fishing season. Fish and Wildlife Committee Chair Randy Settler opened the meeting with a progress report on housing and in-lieu site issues.

Blaine Parker Columbia River Inter-Tribal Fish Commission biologist (CRITFC) gave a presentation on sturgeon talking briefly about catches during the January setline fishery. Parker focused on the annual sturgeon guidelines that affect yearly population estimates "This includes marking and recapturing the sturgeon and doing young-of-the-year surveys," he said.

Tribal biologist, Roger Dick, Jr. gave a pre-season forecast for the mainstem and tributaries along with the tribal harvest rate proposal. "The main point of the spring chinook presentation was to show

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(Methow--Continued from page 1)

from local rivers and that Methow composite stock has been protected under Endangered Species Act (ESA) since 1999.

But state and federal scientists conclude hatcheries using fish that originate in other streams can weaken the genetics of the local wild salmon. "This is the scientific rationale for eliminating hatchery stock fish they consider harmful," said chair of the Yakama Nation Fish and Wildlife Committee, Randy Settler. In most cases, they will replace the run with fish that are more genetically similar to the natives.

The Winthrop Hatchery started in the 1940s with brood stock originally brought in from the Carson National Fish Hatchery.

Spring chinook collected as broodstock for the Methow spring chinook facility included Carson stock because Carson fish could not be separately identified and excluded.

The Carson fish are a mixed-bag stock that were collected at Bonneville Dam and spawned at Carson over several years. Eggs were sent to hatcheries all over the Northwest.

The Evolutionary Significant Unit (ESU) defines the minimal unit of conservation management and under the NMFS definition, a species is recognized as a group possessing unique genetic information. "The goal then becomes not the restoration of populations to healthy, productive levels by maintaining genetic diversity and robustness, but the preservation of very small, high inbred and supposedly wild populations that represent mere fragments of historical salmon runs," said Dr. Thomas Backman, CRITFC scientist.

"There is no indigenous spring chinook population in the Methow River basin...The original population went extinct in the 1940s when all spring chinook were trapped at Rock Island Dam for hatchery mitigation programs at Winthrop, Entiat and Leavenworth."

The ESA-listed "wild" spring chinook population in the Methow is the result of outplanted hatchery smolts originating from the broodstock collected at Rock Island Dam. "There is no indigenous spring chinook population in the Methow River basin," said Settler. "The original population went extinct in the 1940s when all spring chinook were trapped at Rock Island Dam for hatchery mitigation programs at Winthrop, Entiat and Leavenworth," he said.

Even NMFS' genetic data shows they are a close relative between samples labeled as Carson and Methow fish. "In essence, it is like me changing my name from Setter to Smith--

as Settler, I am considered unsuitable as broodstock, but as Smith I am."

NMFS fish recovery planning questioned

This exemplifies the tribe's concern about NMFS' approach to recovery.

Tribes hold treaties with the United States which guarantee their right to take fish at all usual and accustomed fishing places including fish destined for the upper Columbia River system.

"Our fishermen are restricted from catching fish that we would otherwise be able to harvest on the basis that the fish are needed to rebuild weak and damaged populations listed under the ESA," Settler said. "When the fish reach the spawning grounds, some fraction of them are considered unfit for spawning based on

arbitrary and unproven policies driven by NMFS geneticists. "These kinds of irrational fish management policies will result in the needless delay of recovery and continued unnecessary restrictions on treaty and non-treaty fisheries," said Settler.

Today the Winthrop Hatchery is transforming from Carson stock to Methow composite stock. The transition is expected to be completed in two years.

Since the Methow stock was listed under ESA, federal scientists have debated the stock compatibility of the Methow and Carson stocks. The genetic study is to determine whether the stocks are compatible.

Tribes, public outraged at killing fish

Last June the Colville and Yakama tribes along with local activists gathered at Winthrop to protest the upcoming NMFS plans to club "excess" fish returning to the hatchery.

CRITFC tribes (Yakama, Umatilla, Nez Perce and Warm Springs) condemned the NMFS plan to eliminate



Protestor's shirt says it all during rally.

Sin-Wit-Ki translated from the Yakama tribal 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.
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Sin-Wit-Ki is printed on recycled paper.



(Methow--Continued on page 8)

Tribes involved in Washington State that are involved in the legal action to try to force the state to repair and replace failing culverts:

Hoh
 Jamestown
 Lower Elwa
 Lummi
 Makah
 Nisqually
 Nooksack
 Pt. Gamble Bands of S'Klallams
 Puyallup
 Quileute
 Quinault
 Sauk-Suiattle
 Skokomish
 Squaxin Island
 Stillaguamish
 Suquamish
 Swinomish
 Tulalip
 Upper Skagit
 Yakama Nation

Tribes sue state--'fix culverts'

Two state department reports detail damage culverts have done to salmon

Twenty tribes including the Yakama Nation filed a federal lawsuit last month against Washington State over culverts that block fish passage.

State and federal officials worry that implications from the suit could be another landmark court decision for tribes as was the Boldt Decision in 1974. The Boldt Decision said tribes have the right to harvest half of the fish catch based on treaties signed with the United States government. Non-tribal fishers are entitled to the other half.

After Boldt retired, Judge William Orrick, Jr. declared in 1984 that the state had to protect the fish and the tribes' treaty harvest right includes the right of protection against habitat degradation.

However, the following year a higher court said Orrick had gone to far unless there was a specific example of how the state was not protecting fish but until then the question was not resolved. Fast forward 15 years as the 20 tribes head back to court to began the legal battle over whether the state has done their job amply.

In a memorandum last September from tribal attorneys, the tribes were distinct in their goal of getting culverts fixed and that tribes do have a treaty right to protect fish habitat acknowledged by the state. The legal action could have the state repairing state highway culverts that affect fish runs.

Governor Gary Lock and Attorney General Christine Gregoire issued a joint statement about the tribal lawsuit. "A favorable ruling for the tribes could impose a duty that may affect other public roadways, public facilities and land and even the regulations of land use and water."

According to a Jan. 17 *Seattle Times* article the lawsuit is a more powerful tool than the Endangered Species Act (ESA) because it could potentially affect streams and rivers everywhere in the state where culverts are located. The ESA protects streams that are home to fish listed for protection and only requires fish runs to be restored to the point that they are no longer on the brink of extinction. The lawsuit seeks to restore

habitat so it will support enough salmon to successfully sustain commercial, cultural and subsistence fishing.

Tribal leaders indicated they were compelled to file the lawsuit because of the collapse of fish runs on the coast. Curt Smith, Locke's advisor on salmon issues, said the state is willing to fix the culverts and during negotiations with the tribes, he offered to seek additional money and take other steps to 'keep the Indians happy.'

Two state reports issued in 1997 and 1999 detailed the damage culverts do to salmon. The state estimated 200,000 additional adult salmon would return each year if the culverts were more fish friendly. In the report by the state departments of Transportation and Fish and Wildlife, culverts were found to be "one of the most recurrent and correctable obstacles to healthy salmonid populations in Washington."

The same report estimated the fixes would cost about \$40 million, which would then create a \$160 million economic benefit for Washington residents.

Tribal leaders were told the state could complete culvert modifications in 20 or 30 years if legislature fully funds the work in budget sessions every two years. Some officials said the work could take up to a century.

The *Seattle Post-Intelligencer* in a Jan. 29 editorial said, "This state has a nearly unblemished record of doing the wrong thing when trying to find a sensible way to co-exist with sovereign tribal governments within the state's borders. Washington state officials nearly always lose when they try to escape responsibility for honoring treaties. And they never seem to learn from it." "...the court, which has been waiting for years for a specific case to adjudicate unresolved issues associated with the Boldt II ruling on tribal fishery rights, may use this case to give the state exactly what it doesn't want: A clear duty to maintain the state's streams and infrastructures in a manner consistent with honoring treaties.

While several culvert modifications have already taken place on the Yakama Reservation it has also enticed more salmon back to places previously blocked off to fish.

Judge William Orrick, Jr. declared in 1984 that the state had to protect the fish and the tribes' treaty harvest right includes the right of protection against habitat degradation.



Fish wrap



Bits & pieces
of information

Tribe featured at D.C. museum

The Smithsonian Institution has asked the Yakama Nation to tell the story of its people in a new exhibition being developed for permanent display in Washington, D.C.

The Yakamas will be among nine tribes from North and South America featured in the "Our Lives" exhibition at the National Museum of the American Indian, scheduled to open in 2003. The new building is under construction on the National Mall.

"It will give us a chance to share our story and our culture with the rest of the nation," said Marilyn Malatare, curator of the Yakama Nation Museum. Smithsonian curators were interested in the 9,000-member Yakama Nation because it is composed of 14 separate bands and tribes. They were placed on the nearly 1.4 million-acre reservation in central Washington after their leaders signed an 1855 treaty with the United States, ceding 10 million acres to the federal government.

Smithsonian employees will work with the tribe's members to decide what will be included in the exhibit.



Spring Creek plans for 100th

Come next Sept. 8 an entire day of fun is scheduled at the Spring Creek National Hatchery along the Columbia River.

Located on the Washington side near Underwood the hatchery will be celebrating its 100 years in existence. Formal ceremonies get under way at 10:30. Included will be displays from different fishery entities and the public can view adult tules come up the fish ladder into the hatchery.

The Yakama Nation will be coordinating with Spring Creek Hatchery staff to fill the day's events. "We might have traditional dancing and singing if we can get approval from the tribal council," said Marilyn Malatare, Yakama Nation Museum.

"We will be sending out invitations to different entities and the public," said Cheri Anderson, coordinator for the event from the hatchery. "We also want to have plenty to do for kids like hands-on activities. We'll also have a lifelike chinook that people can have their picture taken with," she said.

Winter season adopted

The Compact states of Washington and Oregon adopted a treaty commercial fishing period in Zone 6 at The Dalles and John Day pools beginning Feb. 1 and lasting through March 21.

There are no mesh restrictions and all river mouth and dam sanctuaries remain in effect except for Spring Creek Hatchery.

Allowable sales include carp, chinook, coho, shad, steelhead, sturgeon and walleye. Sturgeon between four feet and five feet in length may be sold commercially. Although the sturgeon setline tribal fishery ended Jan. 31 it may re-open at a later date if the sturgeon commercial catch guidelines are not exceeded in the winter season fishery.

The sturgeon catch guidelines are 1,300 in Bonneville Pool, 1,100 in The Dalles Pool and 1,160 in John Day Pool.

The scaffold fishery remains open year-round. Scaffold catch may be sold during open commercial fishing periods.

For assistance or information contact the Columbia River Inter-Tribal Fisheries (CRITF) Enforcement at 4270 Westcliff Drive at Hood River, OR. Or call toll free-1-800-487-FISH. CRITFE encourages all fishers to wear life jackets for safety.

Salmon festival in the works

Celebrating the importance of salmon through music, activities, crafts and foods will be this year's highlight of the second annual Jammin' for Salmon event. This year it will be held on the Waterfront Park in Portland, Ore. Aug. 3-5.

The festival kicks off with a salmon feast for all sponsors, dignitaries, press and invited guest on Friday. Saturday and Sunday will be filled with all kinds of entertainment from music to a "Salmon Run" and a fireworks display. "The event's mission is to reach a broad public to increase awareness of salmon issues and share the contributions of the tribes in a world-class event," said Don Sampson, CRITFC executive director who was instrumental in organizing the event. Planning committees will continue to meet. Stay tuned for more.

STEP lures 20 tribal students

Encouraging tribal high school seniors to get involved in the sciences has lured 20 students to learn more about forestry and fishery issues within the tribe. The Yakama Nation in cooperation with the University of Washington have created the Sciences and Tribes Educational Partnership (STEP) program.

The students will participate in the programs on Tuesdays and Thursdays from Feb. 1 to May 31, 2001. Divided into two groups of 10 Group A will meet with forestry staff and Group B will be with fisheries staff. The groups will alternate between the two tribal programs on Thursdays according to Leon Strom, STEP coordinator.

Hydrology, fish culture, spawning surveys, coho restoration, and forestry project review are only a portion of the scheduled classes for the tribal students. Tribal culture is another component of the program.

"This important venture for tribal students will hopefully excite, educate and train them for careers in fisheries and forestry management," said Strom. One field trip includes a visit to the Wanapum village at Priest Rapids Dam to learn how they constructed their tule mat longhouse last year.

Students include Yakama Tribal School: Delphina Cootes, Aaron Jim, Severt Jim, Davis Moses, Tyrone Thompson, Liz George, Adrienne Williams, Janice Piel, Ernest Camacho, Jeff Tulee, Danny Heemsah, Kelly Cootes, Sonya Miller and Josh Sampson. Pace Alternative School: Calvin Meninick, Chris Swimptkin, Harvey Walker, Carmen Andrews, D.J. Spencer, Chester Morrison and Amado Ramos. Wapato High School: Brady Kent, Nick Elwell and Christina Tahsequah.

Hunters support Makah Nation

Gathering more support, the Inland non-tribal Northwest Wildlife Council is backing the Makah tribe in its attempt to hunt a gray whale.

James Layman, council executive director said, "There are good, sound reasons why the tribe should be permitted to kill a whale. Our treaty with them says they can."

Layman also said scientists support findings that indicate there are enough whales for the tribe to kill one or two. The Council's support for the tribe is "like extending an olive branch to the Indian, who take a lot of flack from thousands of people who don't understand why the tribe want to kill a whale."

In a Feb. 9 *Seattle Post-Intelligencer* 'Letter to the Editor' George James, Jr. from the Kuiu Thlingit Nation and living in Seattle said, "The Makah Nation was sovereign thousands of years before the United States was born."

He went on to explain that the U.S. Constitution recognized tribes as foreign nation and the Senate congressional resolution No. 76 states that a government-to-government relationship exists between tribes and the United States.

James gave assurance to the non-tribal public that what the Makah tribe does as a sovereign nation will not undermine any role the United States is involved with in the international whaling forum.

"Killing is part of everybody's culture; how many people wait for an animal to die before they eat it?...If the Makahs have to go back in time to hunt the Pacific in a canoe, pilgrims should sail back to Europe."

With more accurate information appearing in the media, the public can begin to understand that the Makah Nation doesn't want to hunt the whale out of existence and are good, sound stewards of the natural resources including animals and plants.



Four states, Maine, Montana, Minnesota and Oklahoma enacted legislation banning the use of the word "squaw" in official place names. Now Idaho's legislature is starting the process of re-examining the names of places in their state.

All of north Idaho's senators voted in favor of the resolution except Stan Hawkins, R-Ucon, who says he's worried about future costs to change signs, maps and legal descriptions.

The Coeur d'Alene Tribe led the push for name changes. Chairman Ernie Stensgar said it best in a news release. "This is an opportunity to help change that image, along with these vulgar and insulting place names. All women, tribal and non-tribal, are diminished by these names."

The term has been around for so long and some people still don't understand what it means. The term is derogatory and refers to a part of the female genitalia. A word described by early trappers looking for a particular kind of woman and referring to a tribal woman as a whore.

I agree with Stensgar when non-tribal people do not see the word as derogatory and wonder what all the fuss is about. The term is in reference to ALL women...our mothers, grandmothers, sisters, daughters, every female, not just tribal woman and every woman should be offended.

But if you live in Washington State there are more than 30 times you will see that word on state lakes, creeks, canyons and buttes. And, some property and business owners here in the state say they will not change the name because it would hurt their business or there is a 'great' story behind the naming a place as such. Well, the next time anyone says that word, think of your closest female relative and then wonder if you want to say it again.

Views expressed in this column are solely of the editor of Sin-Wit-Ki and not the Yakama Nation or the Fish and Wildlife Program.



Corps already busy with programs

Just barely back from training, Salmon Corps staff took to the fences on the Yakama Reservation. "They are already booked up for fish and wildlife program projects," said Gina George, Salmon Corps Director.

Right--Coleman Ezekiel and Bruce Sampson, Jr. look as though they are 'merrily rolling along,' as they carry barbed wire to string a fence. Below left--Luis Soto, Corwin Adams and Nichale Soto use auger that digs holes for posts. The trio worked for Eric Sampson from the Wildlife program fencing a miles worth near Campbell and Marion Drain roads on the reservation. Below right--David Velarde separates male and female sturgeon at Marion Drain site so sturgeon can be scanned and data entered into computer. Corps worked with the Prosser staff including Chuck Carl, Joe Blodgett, Travis Hull and Sonny Fiander. Photos courtesy Gina George.



2001 Salmon Corps

New members include: Front row, left-to-right--Glenda Jim, Maggie Washines, Nichale Soto, Shannon Yallup. Middle row--left-to-right--Ann Hudson, Keith Heemsah, Lightening Paul, Clarice Mathias, James Tillequots, behind Tillequots--Bruce Sampson, Jr., Ralph Quiltanenock, Mathew Arthur and Aaron Hamilton (white hat). Back row--left-to-right--Corwin Adams, Louis Soto, Arthur Andy (black cap with A), Eric Billy, David Velarde, Joseph Wyman Jr., and Coleman Ezekiel. Not pictured David Soto.



(Forecast--Continued from page #)

that with the large preseason forecast and the proposed range of harvest options, we should be harvesting a decent number of fish," said Dick. "I expressed the need for input from the fishers on how they would like the fishery to be structured. We could not discuss any concrete fishing plans because there is no agreement yet, but it is not too early to start thinking about options," he said.

Tribal fishers agreed it is still too early to formally discuss fishing plans but were very encouraged at the increased fishing opportunities.

Settler with tribal biologist, Steve Parker shifted to talks to was a selective fishing. Both gave descriptions of different selective fishing techniques and discussed how they could be used in the Zone 6 tribal fishery. Tribal fishers were skeptical about the practical application of new and more time, more money, intensive fishing methods according to Parker. "I explained that the non-treaty fishers in the lower Columbia are going to be experimenting with new selective fishing gears this year and that we were only presenting information to the fishers in order keep opportunities open." said Parker. He stressed to the fishers that they were in no way promoting or endorsing selective fishing methods.

Hatchery excess spring chinook for 2000

Last year thousands of fish were trucked from lower Columbia River hatcheries and distributed throughout the Yakima Basin.

Distribution to tribal members from the fisheries program provided fresh, dried and canned salmon for tribal functions. Below is what was received and distributed

Received at:

Carson	8,983
Little White	4,430
Total received	13,413
<u>Distribution</u>	
Dry fish program	2,959
Fresh fish handouts	3,544
Spring chinook cans	1,159
Total	13,413

Spring and summer 2001 forecast

<u>Spring chinook</u>	<u>2001 Forecast</u>	<u>2000 Return</u>
Upriver	364,600	178,600
Snake River total	206,700	52,200
Snake River hatch.	167,400	39,800
Snake River wild	39,300	12,400
Upper Columbia	38,100	26,100
Upper Col. Hatch.	31,800	21,800
Upper Col. wild	6,300	4,300
<u>Summer chinook</u>		
Upriver	24,500	30,700
Snake River total	6,100	4,900
Snake River hatch.	3,000	4,000
Snake River wild	3,100	900

As our elders have taught us, water is the lifegiver. Without water nothing would be able to exist on earth but do you know how important choosh is health-wise for our bodies? Take a look.

- ◆ 75 percent of Americans are chronically dehydrated. (Likely applies to half of the world population)
- ◆ In 37 percent of Americans, the thirst mechanism is so weak that it is often mistaken for hunger.
- ◆ Even MILD dehydration will slow down one's metabolism as much as three percent.
- ◆ One glass of water will shut down midnight hunger pangs for almost 100 percent of the dieters studied in a University Washington study.
- ◆ Lack of water is the number one trigger of daytime fatigue.
- ◆ Preliminary research indicates that eight to 10 glasses of water a day could significantly ease back and joint pain for up to 80 percent of sufferers.
- ◆ A mere two percent drop in body water can trigger fuzzy short-term memory, trouble with basic math, and difficulty focusing on the computer screen or on a printed page.
- ◆ Drinking five glasses of water daily decreases the risk of colon cancer by 45 percent, plus it can slash the risk of breast cancer by 79 percent, and one is 50 percent less likely to develop bladder cancer.



Tribes, states reach accord on Columbia and Snake rivers

Portland, Ore.--The Columbia River treaty tribes and the states of Washington and Oregon reached an agreement on a multi-year interim plan establishing conservation goals for the weak wild salmon stocks on the Columbia and Snake rivers.

The accord reached after months of negotiations, is expected to provide a cornerstone for a new, comprehensive Columbia River fisheries management plan expected to be completed by December, 2003.

"This agreement has both logic, vision and more importantly, provides the certainty, something the fish haven't had much of in recent years," said Randy Settler, Yakama Nation Fish and Wildlife Committee chair.

Leaders involved in the process have called the completion of the plan pivotal if Columbia River wild salmon recovery goals are to be met. One major objective is to begin necessary work to achieve rebuilding fish runs on the Columbia to five million fish within 25 years.

The multi-year plan concentrates on rebuilding Snake River spring and summer chinook, and Upper Columbia spring chinook. Under the plan, harvest rates will be adjusted based on the number of wild fish projected to return in a given year.

should be commended for their diplomacy, flexibility and sensible changes in abundance. The resource is better for it. Management of the other H's would do well to follow."

Tribal and state fishery managers said the agreement will allow them to spend more of their efforts and time on addressing the difficult hydropower and habitat issues that are impeding salmon recovery issues expected to be particularly challenging this year

because of drought conditions.

"I'm very pleased the tribes and states have come together to make this historical multi-year conservation agreement that provides for wild salmon stock management based on high-and-low-run abundance, said Washington Dept. of Fish and Wildlife director, Dr. Jeff Koenings. "We're truly entering a new era in salmon management on the Columbia River."

"The conservation agreement comes at a critical time when the drought conditions we now face will create many difficult

challenges in the months ahead, not only for fisheries managers, but for hydropower, producers, farmers, business owners and many others. This agreement protects fish, and now with that framework in place, allows us to focus more clearly on these challenges and the need to balance diverse needs of water users," he said.

Olney Patt, Jr., Columbia River Inter-Tribal Fish Commission chair said, "The fishery managers The accord also provides: A sliding scale of harvest, restricting harvest as necessary to protect listed stocks, while providing opportunities for fisheries to access harvestable spring chinook;

Establishes levels of incidental impacts on wild stocks, while fishing for steelhead, sturgeon and shad in select area fisheries; and an agreement on a variety of hatchery issues.

State and tribal fisheries biologists are expecting a record number of adult spring chinook salmon to return to the Columbia River. The forecast is for an estimated 364,600 upriver spring chinook mostly hatchery-produced fish to return. Returns for most lower-river tributaries are predicted to be similar to last year, with the exception of the Cowlitz River, where there is a decline and where fishing restrictions will be in place.

"This agreement has both logic, vision and more importantly, provides the certainty, something the fish haven't had much of in recent years."

CoE ordered to comply with Clean Water Act

A U.S. federal court judge in the District of Oregon, issued a ruling ordering the U.S. Army Corps of Engineers to comply with the Clean Water Act. The Corps was given 60 days to review and amend it's 1998 agency decision with regard to operation of the Columbia River hydrosystem.

In *National Wildlife Federation v. U.S. Army Corps of Engineers*, several environmental groups and the Nez Perce Nation sued the Corps for non-compliance with the Clean Water Act. "This decision is a huge victory for all who care about the salmon and clean water," said David Cummings, attorney for the tribe. "Judge Helen Frye's ruling confirms that the Corps, just like everyone else, must comply with the Clean Water Act."

The Court analyzed the Corps' 1995 and 1998 Records of Decision, and decided that they do not explicitly address the

(Corps--Continued on page 8)



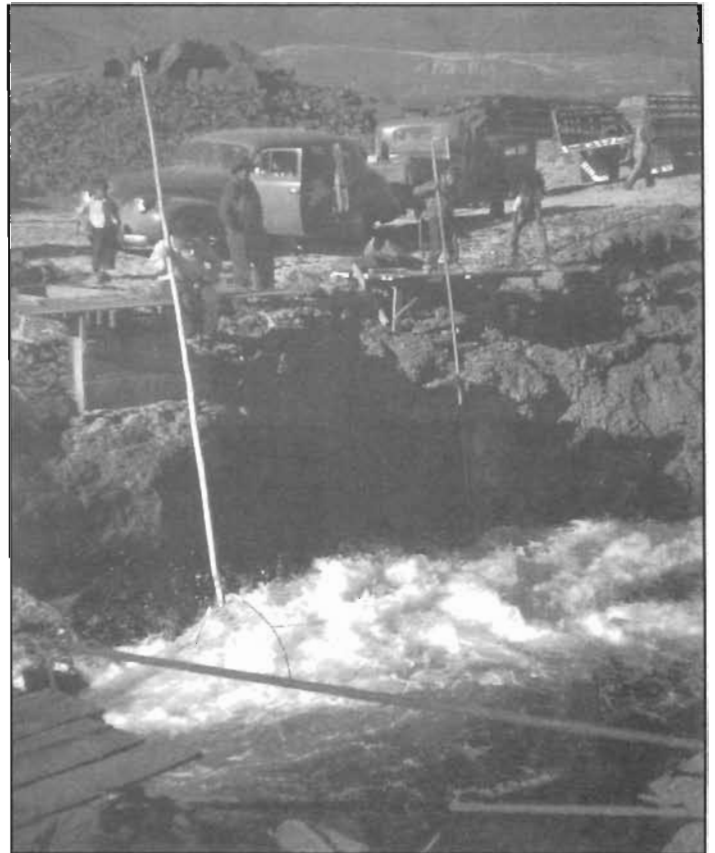
Through generations falls gathered tribal people

Celilo Falls was a busy place that attracted thousands of tribal people through the generations.

These two photographs appear to be taken in the 1940s because of the make of the automobiles.

And very little has changed with the method of tribal fishing. Still today tribal fishers use the old methods with newer materials. It was the most significant fishery along the middle Columbia River with fishing sites passed along through the generations.

Shortly before The Dalles Dam was in operation the U.S. Army Corps of Engineers forced tribes into negotiations to flood the ancient site. Chief Tommy Thompson, last fishery



Chief Tommy Thompson, last fishery at Celilo, refused to "signature his salmon away." He held a prayer and song ceremony urging Congress to vote against the dam's opening.

"The Almighty took a long time to make this place," said Chief Thompson.

He also traveled to Washington, D.C. when Congress was considering legislation establishing the Bonneville Power Administration and the Mitchell Act which was suppose to make up for damages done to fisheries caused by the dam building.

Federal and state agencies wanted Mitchell Act funds for hatcheries to rebuild runs predicted to be lost in the upper river. They conditioned their support on prohibiting tribal fishers above Bonneville Dam.

Chief Thompson's impassioned speech moved officials when Congress refused to include the requested ban in passing the Act.



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Methow River controversy gathers many

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an entire stock of fish from the Methow Basin. CRITFC executive director Don Sampson said, "We are appalled at the federal effort to systematically destroy a race of productive spring chinook from the Methow system when we know from experience that these fish could rebuild depleted upper Columbia spring chinook runs."

The USFWS indicated agencies would remain firm on keeping the Carson hatchery stock from interbreeding with Methow salmon. NMFS said the juveniles are endangered wild fish, while the doomed adults were hatchery-reared.

Said Sampson, "The long-term impact of this decision is to maintain micromanagement of small populations rather than to promote spring chinook recovery as called for in the ESA and required by our treaties with the U.S."

"Thousands of people are being asked to sacrifice by eliminating pollution, restrict their water use, reduce fishing and yes, perhaps ever remove the Snake River dams."

On June 22 NMFS said hatchery salmon returning to Winthrop would be used to restore runs in the Okanogan River system.

And now the progeny will be tested to see how closely they are actually related.

Corps fails to address concerns

(Continued from page 8)

legal obligations of the Corps under the act. The dams at issue, including the lower four Snake River dams create water temperature increases and dissolved gas that degrade fish habitat and inhibit fish migration. Environmental groups continued to raise concerns about high water temperatures in several forums, including direct dialogue with the Corps. The Corps' failure to address these concerns and to fully disclose the costs of Clean Water Act Compliance led to the lawsuit according to the National Wildlife Federation.

"The tribe hopes that this decision will finally ensure that the Corps will consider the costs of compliance with all laws when it considers the future configuration of the hydrosystem," said Samuel N. Penney, Nez Perce chairman. "Litigation is always a last resort, but when an agency continues to ignore its obligation under the law, its important for us to speak for the environment and the fish that rely on a healthy river system," he said.