

# The Dipnetter

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



March 2011



**Davis Washines**  
YAKAMA

## Protecting Both Fishers and Fishing Rights

BY CRITFC ENFORCEMENT CHIEF DAVIS WASHINES

In 1974, the U.S. Ninth Circuit Court of Appeals ruling in *Settler v. Lameer* recognized that the tribes had reserved the authority to regulate both on- and off-reservation tribal fisheries. This ruling reaffirmed what Police Chief Wilson LaMere taught me as a young tribal enforcement officer on the Yakama Reservation. His instruction was that 40% of my duty was to protect the natural resources, both on and off the reservation, and in particular the Columbia River fishery. This enforcement responsibility derives from the reserved rights clause of the 1855 Treaty under Article 3. The treaty signers, and our tribal leaders since then, were adamant about protecting our people's continued reliance on fishing, hunting, and gathering food at all of our usual and accustomed areas.

Columbia River fisheries enforcement by the four treaty tribes was further defined in 1982 when the Columbia River Inter-Tribal Fisheries Enforcement department was formed as a part of CRITFC. Tribal leaders who formed CRITFC in 1977

were very clear that tribal enforcement of treaty tribes' laws and regulations on the Columbia River fishery was necessary to prevent encroachment by state authorities on treaty fishing rights. True to this vision, CRITFC Enforcement holds full enforcement authority from the four treaty tribes and acts as an extension of each of their Zone 6 enforcement efforts.

Two cases from last year illustrate how CRITFC officers are working to protect treaty rights.

In one case, a tribal member reported a non-Indian profiting from treaty fish sales. The non-Indian was cited for illegally selling fish near Cascade Locks. He was fined, placed on two years probation, and ordered not to be involved in treaty fish sales.

In another case, an Indian who was not a member of one of the four treaty tribes was cited twice for fishing in a prohibited area and using prohibited methods. He was fined, sentenced to jail time, and forbidden to enter the Lone Pine fishing area, which is reserved exclusively for members of the four treaty tribes.

Recently, CRITFC Enforcement was awarded a PL 93-638 BIA law enforcement contract to patrol and provide public safety service for all in-lieu and treaty fishing access sites in Zone 6. Tribal leaders voiced many concerns of our people at these places, in particular the problems caused by drugs, alcohol, and violence. While this is a new challenge and responsibility for CRITFC Enforcement, I am confident that we have in place a highly professional and dedicated group at the Hood River enforcement office who are up to the task.

Despite the growth in our responsibilities, CRITFC Enforcement's primary mission will continue to be the enforcement of tribal fishing regulations and laws of the four treaty tribes on the mainstem Columbia River. It is our duty to protect the natural resources on behalf of all our people and for future generations, just as our elders taught. 🐟



*CRITFC Enforcement regularly patrols and is on call 24 hours a day along 150 miles of river between Beacon Rock and McNary Dam.*



*Klickitat River Project Site #4 in June 2005 (top) and post-enhancement in November 2009 with the large woody debris placements.*

*[far right] Yakama Nation Fisheries staff assessing Buck Creek fish populations using electrofishing methods.*

# Restoration Accomplishments: Yakama Nation

## *the past decade's accomplishments under PCSRF*

BY LAURA GEPHART, CRITFC WATERSHED COORDINATOR

The CRITFC Watershed Department manages the Pacific Coastal Salmon Recovery Fund (PCSRF) administered by NOAA Fisheries for the four tribes to implement salmon recovery projects. Since 2000, \$20.2 million has been acquired under a competitive process for tribal and CRITFC salmon recovery projects. The program has funded 240 projects; 188 projects are completed and 52 are ongoing.

Under the PCSRF, the Yakama Nation has been working to improve key habitat and fisheries throughout the Klickitat and White Salmon basins. Over the past decade, PCSRF has provided over \$1.1 million for direct improvements to the rivers and streams in these two basins alone. The types of projects that this funding has made possible is quite varied, from renovating a miles-long fish tunnel to installing log jams to rivers.

### **KLICKITAT RIVER RESTORATION**

Over two miles of the Klickitat River was improved through the construction of 17 large woody debris jams, reconnecting about 3000 feet of side channel habitat, enhancing habitat along three-quarters of a mile of river, and stabilizing roughly a third of a mile of stream bank. This has enhanced habitat for spring chinook salmon and ESA-listed mid-Columbia steelhead populations in that stretch of river. These activities are part of larger projects that are cost shared with funding from the Washington State Salmon Recovery Funding Board and the Bonneville Power Administration.

### **CASTILE FALLS FISHWAY**

Another completed project was the reconstruction of the Castile Falls Fishway, a 1000-foot series of tunnels around salmon-hindering waterfalls. By reconstructing the fishway, 50 miles of upstream habitat for salmon and steelhead was opened up. This effort has resulted in higher spawner success because now salmon and steelhead can reserve more energy for redd building.

### **WHITE CREEK ROAD REHABILITATION**

Drainage treatment projects on ten miles of forest roads have reduced erosion and improved water quality in the headwaters of White Creek and protected critical spawning and rearing habitat for salmon and steelhead. Almost three miles of road was closed to prevent additional vehicular damage.

### **LAND ACQUISITION**

The Yakama Nation acquired key parcels of land at Wahkiacus in the lower Klickitat Basin to establish the Yakama Nation Wahkiacus Hatchery & Acclimation Facility, a key facility to reform hatchery production in the basin. These acquisitions have also preserved stream bank habitats along the Klickitat mainstem and Swale Creek.

### **KLICKITAT RIVER DELTA HABITAT ASSESSMENT PROJECT**

This ongoing project is a pilot study to collect and evaluate water temperature and water level data at the confluence of the Klickitat and Columbia rivers. The data will be used to track how often the delta area floods. The study will also provide a foundation for upcoming projects studying aquatic vegetation growth, fish migration patterns, predation effects, and the design of restoration treatments.

### **BUCK CREEK ANALYSIS**

The Buck Creek Watershed Fish Population/Habitat Analysis is an ongoing project that is looking at watershed features in preparation for the return of salmon and steelhead. Condit Dam, slated for removal in the near future, has prevented salmon and steelhead from returning to Buck Creek since 1913. This project is analyzing the creek's conditions to determine its potential for salmon and steelhead spawning, rearing, and refuge habitat. 🐟



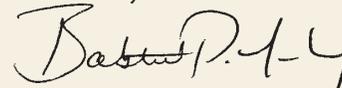
# For the safety of the fishers

## *critfc executive director's message*

With the spring tribal fishery about to open, my thoughts go to the safety of the fishers. In the past two years, we lost too many of our tribal members to the waters of the Columbia River. This is a great loss that takes a toll on their families and loved ones. One of the ways that CRITFC has responded to these tragedies has been to redouble our efforts to promote fisher safety. We have done this in a variety of ways. Through a BIA program that CRITFC operates, over 100 fishers now own modern self-inflating lifejackets. CRITFC Enforcement conducted several boat safety presentations each day at the 2010 Indian Fishers Expo. The Salmon Marketing

program has organized a series of cold-water survival classes for fishers, with the next one coming up in March. We have also purchased personal locator beacons for use by fishers in an emergency.

As you go out on the river this year, please be safe and careful. If you have any questions about boating safety, a CRITFC Enforcement officer would be happy to help you. Watch for upcoming safety and survival classes that will be advertised in this newsletter. Let's all do our part to make the 2011 fishery the safest one yet.



**Paul Lumley**  
YAKAMA

## Sea Lions and the Tribal Fishery

BY DOUG HATCH, CRITFC BIOLOGIST

In the past few years, sea lions in the lower Columbia have expanded their range from the area below Bonneville Dam into the Zone 6 fishing area. Fishers have observed sea lions preying on salmon in the Bonneville pool from Cascade Locks to Stanley Rock.

Under the U.S. Marine Mammal Protection Act, it is illegal for anyone to injure or kill a sea lion. Someone caught injuring or killing a sea lion can be charged with a felony and the penalties are severe: fines of up to \$100,000 and up to one year's imprisonment. However, fishers can do something if sea lions are spotted around their fishing gear or interfering with tribal fisheries. Under these circumstances, fishers may attempt to chase away sea lions with slingshots, noisemakers (such as fireworks), rocks, or other means that don't harm the animal.

CRITFC is working with federal and state agencies to address

this growing problem. Fishers can help in this effort by letting CRITFC know if they've seen sea lion activity in Zone 6.

If you see a sea lion while out on the river, take note of the date, time, location, what the sea lion is doing, and any distinguishing marks or brands. If possible, take photos. All of this information is important for managers and will be useful in the ongoing efforts to remove sea lions from this far up the Columbia River.

To report a sea lion above Bonneville Dam, contact CRITFC at (541) 386-6363 or CRITFC's Stuart Ellis at (503) 731-1312 or [ells@critfc.org](mailto:ells@critfc.org).



*Sea lion C265, weighing over 1,000 lbs. in May 2007 after a two-month feeding spree. When he was initially caught in March 2007, he weighed only 557 lbs.*

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Yakama • Warm Springs  
Umatilla • Nez Perce



## Salmon Marketing Classes

### HACCP FOOD SAFETY

March 4-5, 10am-5pm

### CRITFC Enforcement Office, 4270 Westcliff Drive, Hood River

This day and a half class is conducted by the Warm Springs Tribe's sanitarian. Passing the class gives Warm Springs Tribe-issued certification that is recognized by Oregon for sales within the state. Oregon residency is not required, but fishers who make over-the-bank sales in Oregon to non-Indian customers are encouraged to complete this class.

### FIBERGLASS & ENGINE REPAIR

April 7, 10am-5pm

### Celilo In-lieu Site

This class gives an overview of basic fiberglass repair and boat engine maintenance and repair. Fishers can bring their boats to the workshop to address specific questions.

For additional information on these or other marketing topics, you can reach CRITFC's salmon marketing coordinator Les Brown anytime at: (541) 392-1632 or (503) 799-8640.

Watch for upcoming details about the 2011 Columbia River Indian Fishers Expo taking place in Hood River this July.



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