

**Testimony on Behalf of the Columbia River Treaty Tribes
before the Pacific Fishery Management Council
March 10, 2022**

Good day members of the Council,

My name is Bruce Jim Sr. I am the chair of the Warm Springs Off Reservation Fish and Wildlife Committee and Commissioner with the Columbia River Inter-Tribal Fish Commission. I have been asked to present this statement on behalf of the four Columbia River tribes with federally recognized treaty fishing rights, the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe. Our tribes and bands signed treaties with the United States in the 1850's in which we specifically reserved the right to hunt, fish, and gather food in all of our usual and accustomed places. These places include not only areas upstream of Bonneville Dam but also areas downstream of Bonneville and even in the Willamette Basin.

Our treaty-reserved fishing rights have been adjudicated in *U.S. v. Oregon* for off-reservation fisheries. Because we have federally recognized fishing rights, we are considered co-managers along with State and Federal managers within the PFMC forum. In the Council's Salmon Fishery Management Plan (FMP), it states that one of the objectives is to fulfil obligations for Indian harvest (e.g., "fulfill obligations to provide for Indian harvest opportunity as provided in treaties with the United States, as mandated by applicable decisions of the federal courts....). With respect to the Columbia River treaty tribes, the Salmon FMP acknowledges that current 2018-2027 *U.S. v. Oregon* Management Agreement provides a framework where relevant parties may exercise their sovereign powers in a coordinated and systematic manner in order to protect, rebuild, and enhance upper Columbia River fish runs while providing harvest for both treaty Indian and non-Indian fisheries.

Today marks the 65th anniversary of the flooding of Celilo Falls in 1957, when the gates on the Dalles Dam were lowered. For us, the English language does not have the words to capture this event and the effect it continues to have on tribal people and tribal culture. Each year, we lose more elders who saw, heard, and knew the falls. These elders remember where they were and what they were doing when the falls were flooded. Many people gathered along the hills overlooking the falls to view the flooding, but some people were so devastated they could not bear to leave their homes that day. Even tribal members who are too young to remember the falls know the stories their parents and grandparents shared about this special place. And, while it is important to remember this event, it must also be remembered that dam construction in the Columbia Basin both in the mainstem and tributaries flooded numerous fishing sites and village sites which displaced many tribal people often with little or no compensation or mitigation. The damage was much wider than simply at Celilo. The government has made many promises over

the last many decades for mitigation and that there would always be plenty of fish for tribal fisheries. These promises have not been fulfilled.

However, these dams are only made of concrete and concrete does not last forever. We look forward to renewed discussions regarding the possible removal of the lower Snake River dams. Healing the Columbia River will continue to take enormous work by all of us not only in dealing with mainstem issues but also with issues in the tributaries.

The tribes have done a great deal of work in expanding hatchery production and improving habitat conditions to recover these fish runs. The work the tribes have done to rebuild these runs is work that should have been done by the people who have done the damage the fish runs and shouldn't have been the responsibility of the tribes.

Regarding this year's ocean fishery proposals, we remind the Council that the forecasts for salmon abundance in ocean fisheries are just that – forecasts. Unlike Columbia River forecasts, ocean fisheries cannot be adjusted based on the actual run sizes of fish, they depend on the forecasts. Last year the Upriver Bright run returned at only 68% of its pre-season forecast and the Columbia River coho abundance was only 52% of forecast. It is not uncommon for runs to return significantly more or less than forecast. This produces uncertainty in the modeling of ocean fisheries and can result in ocean fisheries having unexpected impacts on various stocks compared to pre-season models. We continue to urge caution in the planning of ocean fisheries.

We also remind the Council that under the terms of the *U.S. v. Oregon* Management Agreement, all non-treaty fishery impacts on the Upper Columbia summer chinook in ocean areas south of the US/Canada border along with non-treaty in-river fisheries, all count towards the non-treaty harvest limit for this stock. The Colville tribal fishery catches of summer chinook also count as part of the non-treaty harvest. Because of the wide area and time frame in which this harvest occurs, it is important that the states manage fisheries affecting this stock very carefully.

We will be reviewing the fishery modeling as it becomes available and may offer additional comments relative to the ocean options later.

Thank you.