CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION



Fish & Wildlife Commission 2020 General Council Report

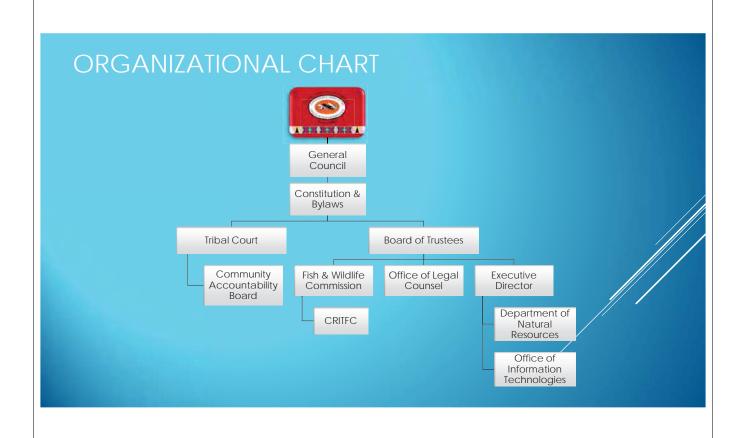
January 21st, 202/1

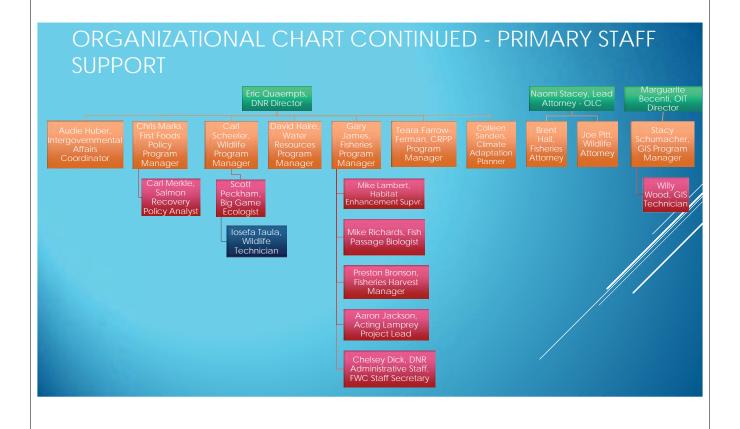
OFFICERS/MEMBERS – MEETING SCHEDULES

> FWC Officers, Members and support Staff:

Chairman (BOT)	Jeremy Wolf	BOT term
Vice-Chair	Ken Hall	term expires Aug. 5, 2022
Secretary	James Marsh	term expires Aug. 5, 2022
Member	Bud Herrera	term expires Jun. 26, 2023
Member	Brandon Treloar	term expires Nov. 5, 2023
Ex Officio (BOT)	Corinne Sams	ROT term

- Ex Officio (BOT)Staff SecretaryCorinne SamsBOT termN/A
- > 3 year Terms
- FWC regular meetings held bi-monthly on the 2nd & 4th Tuesday at 9 AM at Nixyáawii Governance Center, QapQapa/Winaha Meeting room.
- CTUIR Fish & Wildlife Code principle governing statute.





BY-LAW/RESOLUTION AUTHORITY FROM BOT

CHAPTER 1. GENERAL PROVISIONS

SECTION 1.01. TREATY RIGHTS STATED

- A. Pursuant to the Treaty of 1855, Tribal Members may hunt and trap without restriction imposed by state law within reservation boundaries and on unclaimed lands outside of the reservation.
- B. Pursuant to the Treaty of 1855, Tribal members may fish without restriction imposed by state law within reservation boundaries and at all usual and accustomed stations outside of the reservation.
- C. Treaty-reserved rights are collectively owned by the Confederated Tribes. Individual Tribal Members' exercise of the Confederated Tribes' treaty-reserved hunting and fishing rights shall be subject to all restrictions imposed by this Code, all regulations issued by the Commission, the Constitution and Bylaws of the Confederated Tribes, and all other applicable tribal codes and regulations.

BY-LAW/RESOLUTION AUTHORITY FROM BOT CONTINUED...

SECTION 1.01. PURPOSE AND DECLARATION OF POLICY

The Board finds that:

- A. The Confederated Tribes has jurisdiction over all wildlife and subsistence gathering resources now and in the future found upon lands and waters of the Reservation, including fee lands, to the exclusion of state jurisdiction; and
- B. The Confederated Tribes, and all those subject to their jurisdiction, shall develop and manage all lands and waters of the Reservation in a manner that enhances production of wildlife and subsistence gathering resources and naturally sustaining wildlife habitat; and
- C. The Confederated Tribes, and all those subject to their jurisdiction, shall preserve, protect, and perpetuate all wildlife and subsistence gathering resources in accordance with this Code, for the benefit of Tribal Members; and
- D. The Confederated Tribes, and all those subject to their jurisdiction, may use wildlife for the sport and recreation of non-members pursuant to rules, regulations and conditions established by the Commission in accordance with this Code; and
- E. The Confederated Tribes intends to exercise control over fishing, gathering, hunting and trapping activities to the fullest extent of the Tribes' jurisdiction. No court shall construe anything in this Code to abridge, diminish or abrogate any treaty right of the Confederated Tribes.
- F. The Confederated Tribes intends to preserve, protect and enhance their traditional ways and lifestyles by managing wildlife and subsistence gathering resources and regulating fishing, gathering, hunting and trapping in a manner sensitive to their traditional culture.

SECTION 1.01. JURISDICTION

A. This Code applies to all persons fishing, gathering, hunting or trapping within the boundaries of the Reservation.

This Code applies to Tribal Members fishing at all usual and accustomed stations and hunting or trapping on all unclaimed lands outside the boundaries of the Reservation, including, but not limited to, the national forests.



ANNUAL REGULATIONS

- > On-Reservation Hunting
- Off-Reservation Hunting
 - Ceded Territory (OR & WA) & Usual and Accustomed "Traditional Use" (OR, WA, ID, MT)
- Tributary Fishing
 - Umatilla, Walla Walla, John Day, Grand Ronde, Tucannon, Imnaha and Yakima River Basins
- Columbia River Fishing
 - Zone 6 Annual and seasonal regulations.
 Coordination among CRITFC Tribes and States through USvOR and Compact.
 - Willamette River; Lamprey harvest only currently
 - Priest Rapids/Wanapum Pools
 - Below Bonneville Bank Fishery, Cowlitz River, Sandy River



COLUMBIA RIVER INTER-TRIBAL FISHERIES COMMISSION / ENFORCEMENT (CRITFC / CRITFE OR CRITPD)

- CTUIR, F&W Code, Section1.04: This Code, and any rules or regulations adopted under it, shall take precedence over the Columbia River Intertribal Fisheries Enforcement (CRITFE) Code. However, any violation of the CRITFE Code shall be a violation of this Code unless inconsistent with this Code.
- Meetings 4th Thursday & Friday of each month at Portland office starting at 8:30 AM
- > All FWC Members are also CRITFC Commissioners
- ► CRITFC Sub-committees (Alternates = available FWC members):
 - Strategic Planning & Operations Development (SPOD):> Jeremy Wolf, current CRITFC Chair

CRITFC SUB-COMMITTEES CONTINUED...

- Fish Management & Science Committee > Sturgeon Management Task Force (FMSC):
 - Jim Marsh
- Northwest Power Council (NPC):
 - Brandon Treloar
- > Law Enforcement Committee (LEC):
 - Corrine Sams
- Lamprey Task Force (LTF):
 - Jim Marsh

- (SMTF):
 - Jim Marsh
- United States versus Oregon (USvOR):
 - Jeremy Wolf & Corinne Sams
- > Columbia River Treaty (CRT):
 - Jeremy Wolf & Ken Hall
- Pacific Salmon Commission Advisor Board (PSCAB)
 - Bud Herrera

FLOOD IMPACTS

- River vision being implemented within floodplain:
 - > Zoning residential within floodplain
 - Levee responsibilities?
 - Many homeowners impacted wanting to sell to the Tribes
 - UPRR reconstruction of MCM road and road bridge
 - ▶ Thorn hollow bridge



FWC COVID - 19 IMPACTS

- Emergency Operations / Incident Command (3/16/20) implemented
 - All C/C's temporarily suspended FWC responsibilities forwarded to DNR Director
 - FWC participation at CRITFC remained via video conference
- CARES ACT (NOAA): \$300M fishers relief for states and tribes. NW Tribes
 \$5.1M. Ceremonial, subsistence & cultural monies; run size v. COVID impacts.
- DNR Director (Eric Quaempts)
 6/23/20 Memo to FWC describing actions taken:
 - Special hunt permit issued
 - Ceremonial & Subsistence Fishing Permits issued.
 - Fish & Meat Distributions to TM's (in coordination with DCFS) in April ar May
 - Emergency Fishing Regulation issued.

COVID - 19 IMPACTS CONTINUED...

GENERAL COVID-19 FISH & WILDLIFE REGULATION STATEMENT:

The CTUIR FWC and Incident Command (IC) encourages' you to practice your treaty rights by following the COVID-19 "Stay Safe, Stay Healthy" preventative measures:

- 1. Wash your hands often with soap and water for at least 20 seconds;
- 2. Wear face coverings and cover coughs and sneezes;
- 3. Maintain social distancing of 6 feet whenever possible;
- 4. Stay home if you are sick;
- 5. Keep groups comprised of no more than six (6) direct family members, from no more than two (2) households;
- 6. Clean your tools, equipment and/or gear with sanitizer, particularly if/when you have to share.

Note, exercising treaty hunting, fishing and gathering rights is exempt from IC issued travel restrictions at this time. It is recommended that those traveling to exercising treaty rights outside any IC issued travel limit radius, please self-isolate for 72 hours upon your return.

Additional COVID-19 information can be found at: https://www.ctuircovid.info/

CRITFC WORK & UPDATES



- > Covid -19:
 - Numerous testing, PPE & food distributions
 - Mobile unit purchased
 - FishCo: distribution and storage site as well as seeking sewage permit in 2021.
- > Fish Management:
 - > Spring Chinook preseason est. accurate
 - > Summers 171% of pre est.
 - > Sockeye 140% of pre est
 - Chinook jacks below 10yr avg.
 - 2021: low predictions overall; 75,200 CHS, 77,600 Sum, Sockeye 155,000
 - > *STS, Coho and CHF est in February.

CRITFC WORK & UPDATES CONT...

- > DC Report:
 - Sea Lion further funding sought
 - > Early 2021 virtual visit to DC planned
- Water Supply
 - La Nina for 2021: increased precipitation and cold
 - > 2019 Marine Heat Wave event declining
- Columbia River Treaty
 - Written proposals from each country in 2020
 - Next US/Canadian Negotiations planned as a webinar in first quarter of 2021.
 - Lead negotiator still seeking Tribal input, utilities still seeking termination
 - New administration will be impactful, pressure for more tribal policy and technical input and participation.

- Columbia River estuary and Ocean focus; Center for Coastal Margin Observation & Prediction (CMOP), Marine Policy development,
- Regional Energy Plan development: BOT directed staff to work with CRITFC on this over next 2 years. Secured funding at CRITFC and working with CRITFC and other parties.
- Impacts Report update: BOT directed staff to work with CRITFC. FWC secured inclusion in CRITFC's 2021 work plan, and staff are currently working on scope of report.
- Hatchery infrastructure needs: inventory completed. Strategy to secure fudning underway.

REGIONAL AGREEMENTS

US vs. Oregon:

- > 2020 marked 51 years of US v OR.
- > 2018-2027 US v. Oregon Management Agreement is an order of the Court.
- Production/Brood: While runs are on upward trend over the last 13 years overall, have some declines in last four years. Taking steps to ensure broodstock for future generations.
- Numerous Work Groups continue to meet on issues of concerns to all parties, including but not limited to production, forecasting, run reconstruction, regulation referral agreements, and harvest monitoring.

COLUMBIA RIVER SYSTEMS OPERATIONS (CRSO FEIS) 2020 BIOLOGICAL OPINION

- ► The CRSO EIS (Environmental Impact Study) was a NEPA study on the operations of the federal hyrdrosystem undertaken by the federal Action Agencies (BPA, US ACOE, and BoR) in response to Judge Simon's 2016 order on the FCRPS BiOp (NWF v. NMFS).
- ► The CTUIR, along with 28 other tribes and state agencies, were Cooperating Agencies in the EIS process. As such we reviewed and submitted critical comments on the EIS as it has been developed over the past two years. President Trump shortened the time to complete the study by two years from what Judge Simon ordered.
- Senior leadership at the agencies heard our issues, and requested more time to complete the study, but the Department of Interior rejected those requests, and a Final EIS was issued in September, 2020. A Biological Opinion based on the FEIS was also issued
- The Agencies also issued a Record of Decision adopting the FEIS and BiOp, which is the action implementing those documents.
- The documents are still deficient, as our comments and recommendations were not included the final documents.
- Litigation will commence on those documents this year it will be the latest (8th) round of the NWF v. NMFS BiOp lawsuit.
- Because the Tribes negotiated amendments to the Columbia Basin Fish Accord, we will not be supporting the federal agencies in this latest round of litigation.
- Dam breaching continues to be supported by FWC and BOT developing most effective strategy

REGIONAL AGREEMENTS CONTINUED...

Columbia River Treaty:

- > 2018 US and Canada began negotiations for revised treaty.
- 2013 Regional Recommendation is a guide for US negotiating positions and supported by 15 US Tribes. 15 US Tribes seek to lead building Ecosystem-based Function (EbF) into purpose of Treaty. Flow/Spring Freshet, passage/reintroduction above Chief Joseph & G. Coulee Dams and Flood Risk Management priorities.
- ➤ US Tribes continue to push for seat at the table. Tribes meet with US Negotiating Team before and after each negotiating session.
- March 2020 Negotiations in Washington DC: the CTUIR, Kootenai and Colville Tribes provided "Technical Expertise" for all aspects of the Treaty (Hydro, Flood Risk Mgt & Ecosystem-based Function). FWC Chair Wolf represented on behalf of the CTUIR, CRITFC and the 15 Tribes concerning the Regional Recommendation. With new administration, will press even harder for increased and more direct relationships between the 15 Tribes and the Negotiating Team e.g. modelling collaborations and representations.

REGIONAL AGREEMENTS CONTINUED...

Fish Accords:

- > CTUIR, CTWS, YN, CRITFC, BPA, US ACOE and US BoR
- Accord Extension Amendment signed in October 2020.
 - Allows projects to continue at current level of funding, and allows use of carry-forward funding.
 - Removes any obligations of CTUIR to support federal agencies hydro operations.
 - Commitment by federal agencies to negotiate with Tribes to address long-standing policy concerns.

Updates:

- Continue to advance Habitat work (Bird Track Springs pictured)
- Land acquisition: Hamley Yurt, 5 points/Lee's encampment
 Pending
- > Walla Walla Hatchery construction close to completion.



Allen Childs and Eric Quaempts at Ard Track Springs, Grande Ronde River Basin Accords funded habitat project. Photo credit: Jeremy Wolf. All three participated in BOR interview for outreach video, Sept. 2019.

REGIONAL AGREEMENTS CONTINUED...

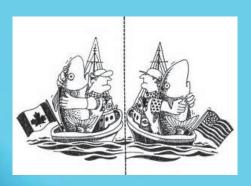


Illustration credit: Frank Farah, www.nwcouncil.org

Pacific Salmon Treaty:

- Parties reached agreement on revisions to Chinook chapter which result in:
 - Reductions for conservation purposes
 - Adaptive management using an abundance-based framework.

Recent updates:

- Bi-lateral Okanagan workgroup: Okanagan stock should be considered part of the overall upper Columbia management group. Coded wire tags groups to monitor and create a bilateral enhancement program which would include both habitat and hatchery actions.
- > Revised Chinook model discussions
- Update: CRITFC voted to approve (Nov. Mtg) letter nominating Ron Allen (W. WA Tribes) for Tribal PSC Commissioner and McCoy Oatman for Tribal PSC Alternate Commissioner.

COLUMBIA RIVER HOUSIN

- Columbia River Housing
 - CRITFC coordination with the four Columbia River Treaty Tribes
 - > CTUIR Policy/Staff Assigned:
 - > Lindsey Watchman, GC Chair
 - > Marcus Luke, Housing Director
 - > J.D. Tovey, Planning Director
 - > Bill Tovey, ECDC Director
 - Continued support from Senators Blumenauer and Merkley among others.
 - > Meetings ongoing assessing potential site identification.
 - Inter-tribal Housing Entity with a Board to govern it sought from all four Treaty Tribes in coming year.
 - <u>Update</u>: Near term goals and objectives: 1. Select a site; Dalles or Wishram. 2. Select a conceptual layout; longhouse, smaller units, temporary use RV park agreed on so far.



Photo credit (x2): CRITFC

CR Housing presentation

WILLAMETTE FALLS

- Willamette Traditional Use Report finalized by Cultural Resources Protections Program and Office of Legal Council (OLC) and published.
 - Currently, ODFW is the only State department that does not recognize our U&A encompassing Willamette Falls in addition to Confederated Tribes of the Grande Ronde. *Note, OR enforcement recognizes our CTUIR/FWC issued lamprey collection permit.
- Willamette River BiOp currently does not mention Lamprey. FWC/OLC and CRITFC actively engaged.
- OR DSL authorized construction of Grande Ronde Tribe fishing platform over tribal PGE objections.
 - Met with DSL, Oregon Governor's office and raised Treaty and procedural objections. OLC and FWC remain engaged. CTUIR appealed DSL authorization to Oregon Office of Administrative Hearings. Currently in mediation with Senior Ninth Circuit Court of Appeals judge.
- Willamette Falls Locks Study (BOT Chair appointment), Willamette Falls and Landings Heritage Area and Willamette Falls Legacy Project are each moving towards separate though somewhat inter-related goals and objectives.
 - CRPP and OLC meeting monthly with Willamette Legacy Project, Willamette Falls Trust and Portland Metro (tric-county government).

SEA LION LEGISLATION UPDATE

- NOAA Pinniped Fisheries Task Force; 12/10/19 FWC reappointed Carl Scheeler.
- ► Estimated at 40-45% of Spring Chinook adult runs to be taken by Sea Lions below Bonneville Dam.
- CTUIR instrumental in getting new legislation passed in January 2019 that for the first time recognizes tribes as removal permit holders. (NOAA issues the permits.)
- Legislation also established a tribal-state committee for removal actions in the Willamette. CTUIR is a member of that committee.
- Sea Lion lethal take permit applications submitted by tribal-state committee in 2019; permit initiated in 9/2020.
 CTUIR designated CRITFC experienced staff to conduct removal actions.
- Tribes (via CRITFC) also submitted permit applications for 2020 permit for below Bonneville/Mainstem removal actions



Bald eagle takes lamprey from sea lion. Credit: www.earthtouchnews.com

FISH: FISHERY REGULATION UPDATES

Tributary

- Spring fisheries opened on NFJD, LKG, Lostine & Imnaha on limited basis. FWC managing for escapement/production needs and future harvest. Update: 2021 expected low returns.
- Creel recorded resident and STS efforts.
- Cowlitz Smelt fishery
- Zone 6/Columbia River
 - 2020 low returns but did not close hook and line platform fishery
 - Limited Commercial opportunities. Fishery below allocation but above non-Indian harvest.
 - Covid impacts to effort.



Malvin "BooBoo" Jamison, Harves Creel Technician II: Rose Sigo, Volunteer and Presson Bronson, Fish Harvest Manager processing Ceremonial & Subsistence Spring Chinook destined for FWC freezer and utilized by CTUIR. Photo credit: J. Wolf

LAMPREY

Harvests:

- Willamette Falls C&S: No fisheries staff harvest due to Covid-19 concerns. One tribal member crew harvested.
- > Umatilla: low returns, no harvest.
- Lamprey Conservation Initiative Annual Policy Committee Meeting on 12/8/20.
 - Lamprey Project lead and LTF members Jim Marsh along with experienced and new Commissioner Brandon Treloar will be reporting back to the FWC 1st quarter 2021.



Pacific Lamprey in Oregon Zoo's all new Lamprey Exhibit, 2019. Credit: www.oregonzoo.org

UMATILLA HATCHERY

- CTUIR initiated a multi-agency and party review of Umatilla Hatchery operations and water supply.
- BPA and US ACOE, along with US v. OR John Day Mitigation Work Group, conducting review of infrastructure needs to see if solution to water supply issues can be determined;
- Could then result in expansion of hatchery program to accommodate more fall Chinook Upriver Brights;
- > Hope to have answer in 1Q 2021

FEDERAL COURT CASES

- > UPRR v. Runyon et al, Oregon District court and Ninth Circuit Court of Appeals
 - CTUIR successfully moved to dismiss federal court UPRR's lawsuit against Wasco County and Columbia River Gorge Commission for denial of a permit to lay five miles of double track near Mosier, site of 2016 derailment.
 - Expect to have final settlement whereby UPRC abandons project in 1Q 2021
- Companion case in Oregon State Court of Appeals involving Columbia River Gorge Commission permit denial also stayed during mediation (Slide 23). *<u>Update</u> see UPRR v. Wasco County et al.

INTER-TRIBAL RELATIONS

In 2020, Nez Perce Tribal
Executive Committee (NPTEC)
issued two letters concerning
moose and elk hunting in
"...their territory...". FWC has
approved a draft letter
(1/12/21) for BOT
consideration.



GYA BISON MANAGEMENT (IBMP) WINTER OPERATIONS PLAN (WOP)



Bison resting just outside of town of Gardiner, MT. April 2019. Photo credit: J. Wolf

- West Yellowstone closure for state hunt; to promote migration outside of Yellowstone NP.
- Trap Operations and Protocols; re-negotiated for further clarity in natural bison migration and Treat harvest trust responsibility. Adopted within 2020-Winter Operations.
- Beattie Gulch MOA; communications and lafely concerns, CTUIR enforcement and hunters serve as example.
- Update: Federal Case: See next slide. RE: Neighbors Against Bison Slaughter v. National Park Service case (the Bonnie Lynn lawsuit).

FEDERAL COURT CASE

- Attempt to include the Neighbors Against Bison Slaughter v. National Park Service case (the Bonnie Lynn lawsuit).
 - ► The plaintiffs sought a temporary restraining order and preliminary injunction ordering the federal government to shut Beattie Gulch to hunting while their case was being decided.
 - ► The FWC recommended the CTUIR participate as amicus curiae along with the other Bison MOA tribes.
 - After the CTUIR filed a joint amicus brief with the MOA tribes, the case was transferred to the District of Montana (from the Federal District Court for the District of Columbia) and both the temporary restraining order and preliming injunction were denied.
 - > Hunting in Beattie Gulch will therefore continue while the case is resolved

GYA BISON MANAGEMENT ACTION

- 2017-18 Inter-Tribal MOA continues to addressed safety concerns within Beattie Gulch:
 - Hunting Parties: CTUIR, Nez Perce Tribe (NPT), Conf. Salish-Kootenai Tribes (CSKT), Shoshone-Bannock Tribes (SBT), Yakama Nation (YN), Blackfeet, Northern Arapaho and Montana State.
 - MOA proactively addressed safety concerns within Beattie Gulch hunting area through coordination between harvesting MOA Tribes.
 - Sho-Ban, N. Arapaho and Blackfeet Tribes have not signed on to MOA at this time but FWC and staff will continue to press for effective communications for the safety and interests of the CTUIR.
 - Have shared Inter-Agency Enforcement radio frequency with all Enforcement.
 - CTUIR/FWC will continue to manage hunt as a Sovereign and pursue efficient and transparent management of Yellowstone Bison Trapping operations via Winter Ops Plan. Through the WOP and field observations by hunters and Tribal Enforcement we aim to reduce hunting stress at Beattie Gulch and increase access for bison migrations out of park to ultimately managing bison as wildlife versus livestock.



Treaty Tribes that currently hunt at Gardiner Basin or West Yellowstone (stars).

OTHER 2020 FWC CONCERNS & WORK

- Iskuulpa Road multi C/C review and advisement for BOT.
 - Road maintenance responsibility.
 - > Tribally owned cabins future in relation to River Vision.
- Yakima Delta 1135 Restoration Project; seeking Bateman Island Causeway removal. Co-Management requested by ACOE.
- ► Facility Transfer (BPA); Imaques, TH
- ▶ BOT Priority contributions
- NAFWS Membership approval
- City of Kennewick MOU
- Shoreline Reconveyance
- ► Hood River Bridge (others) toll
- Portland Harbor Confidentiality & Common Interest Privilege Agreement
- Tug boat capsized in Columbia River
- Saddle Mt. Ranch LA potential vetting needed
- Columbia County update: Apple orchard transfer



- ESP Timber Sale & upcoming N. Fork McKay Timber
- First Foods Policy development
- Walla Walla Watershed Management
- Columbia Basin Partnership
- State & Nat. Park Tribal Member access (joint LOC)
- Boardman ROFR
- > 2021 BIA Invasive Species proposal

OTHER FWC WORK & CONCERNS CONTINUED....

- > FWC, CTUIR Staff & ODFW coordination agreement on elk counts & hazing protocols > Wheelhouse prop access (N, E & S)
- ▶ OR State 'Wildlife Areas'; ODFW and State Judicial (AG)
- USFS Plan of Work Review; received earliest ever in 2020.
- Wolf Plan review
- Recommended to close Lookout Mt. BHS hunt due to disease.
- ▶ Elk Populations report: USFW, '17 low pop est. 15% decline over last 15 years.
- Mount Emily Recreational Area (MERA)
- Fresh Water Mussel: invertebrate listing of Western Ridgeback

- Five points creek property
- Paradise Rock Dock construction Permit update
- Bridge of the Gods toll (other) tribal relief
- Custer Gallatin Forest Plan
- Lookingglass Cr. fish salvage concern due pond degradation
- Yellowstone Buffalo Discussion Group Treaty

OUTREACH

- > CUJ/news articles and Subsistence ads
- > Bison Hunt Orientations (11/20 & 12/20)
 - Outlet for specific FWC topics; Bison Orientation, BHS drawing.
- Recommended and approved Indian Lake non-Indian Permit increase.
- Climate Change: Climate Adaptation Plan Webinar participation
- > Hunter safety course proposals in coordination with Public Safety, DNR, YTHC. On hold in 2020.
- Hunter list adopted by FWC. Need someone to hunt for you? Want to be added to Hunter List?
 - FWC approved YTHC to provide a honorarium for Tribal members to provide Fish and/or game for their processing classes: \$50 or less gift per tribal member per year (1/1-12/31).
- > Fish and meat distributions for Tribal Members.



QUESTIONS?

CONTACT:	Title:	Phone number:	Email:
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Chelsey Dick	FWC Staff Secretary	(541) 429 – 7249	chelsevdick@ctuir.org