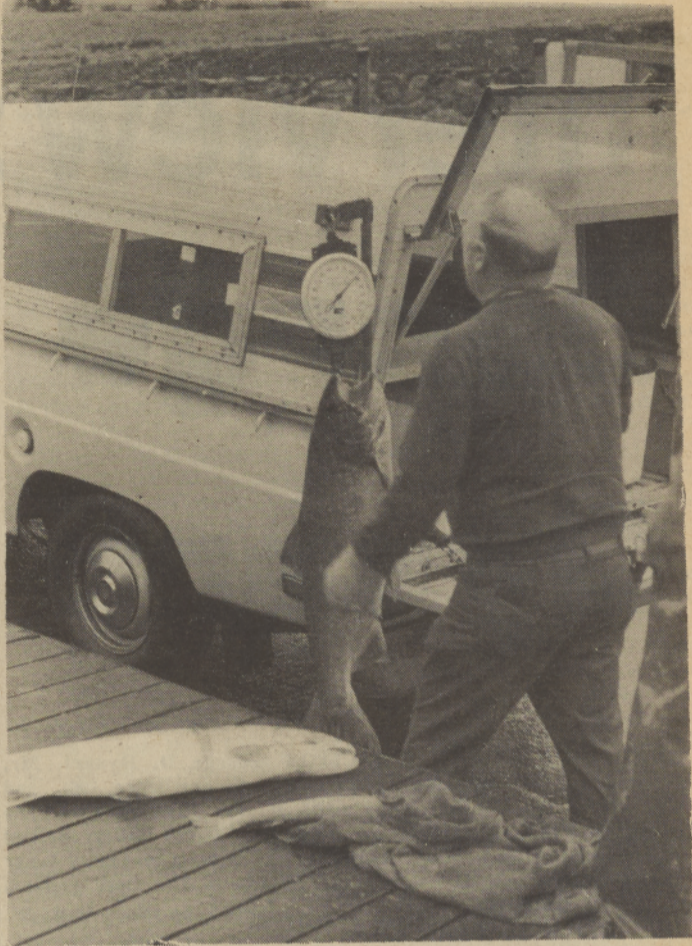




(LEFT) B.I.A. OFFICER J.M. Young and Yakima Game Warden Tahkeal on watch at Cooks Landing, Wash.

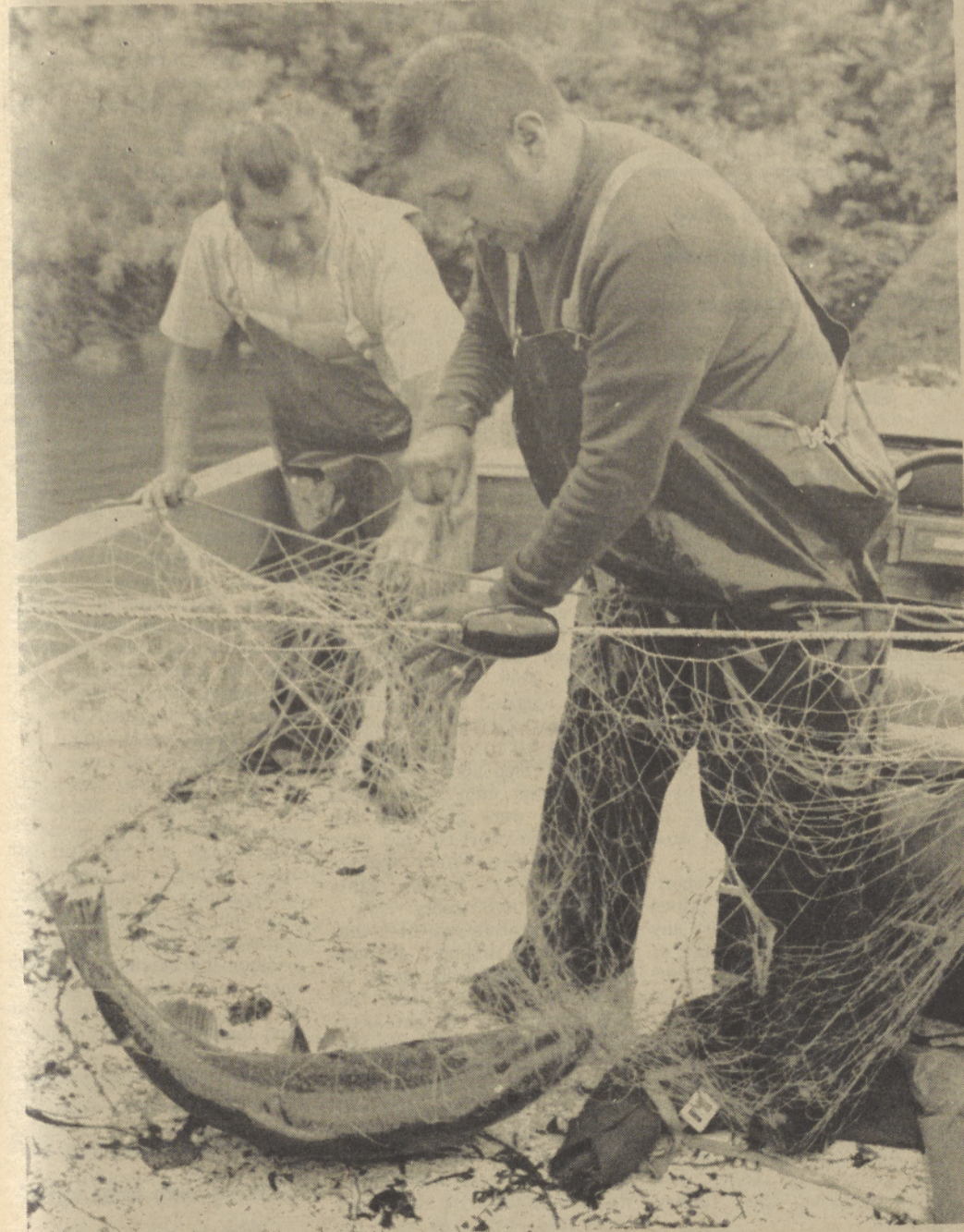
Photos by Olney Patt, Jr.

(RIGHT) A VANCOUVER, WASH., fish buyer weighs the day's catch. He paid \$1.65 per pound for chinook salmon and \$1.35 for steelhead.



Treaty Rights Upheld

Columbia River Chinook



HAROLD GREENE and brother David, untangle a chinook salmon from one of the two nets they run above the Bridge of the Gods, near Cascade Locks, Oregon. The day's catch: 3 chinook, 2 steelhead.

by Olney Patt, Jr.

The summer chinook harvest on the Columbia River got under way as scheduled by the Oregon and Washington fishery agencies, on the evening of August 8th. The two state (Columbia River Compact) agencies had adopted a 10 day season for the lower Columbia non-treaty fisherman, with a two day break on the weekend.

However, U.S. Attorney Sidney I. Lezak (in behalf of the Warm Springs, Yakima, Nez Perce, and Umatilla tribes) found that a 10 day season would deprive the treaty Indian fishermen of their 50 per cent share of the harvestable catch as outlined in the allocation formula of Judge George Boldt. On August 9th he requested and was granted a temporary restraining order shortening the non-treaty fishermen's season to 5 days. In the order, the Federal Court for the District of Oregon said, "After reviewing plaintiffs' motion, memorandum and affidavits, and hearing oral argument from all parties as well as from counsel amici for Columbia River Fishermen's Protective Union and Northwest Steelheaders Council of Trout Unlimited, this court makes the following findings; On July 28, 1976, the staffs of the Compact agencies released their analysis of the 1976 Columbia River runs of fall chinook and steelhead and their recommendations for regulations for both the treaty and non-treaty in-river fisheries. The two staffs and the Oregon Assistant Attorney General discussed these with the Indian tribes and the Department of the Interior on August 2, 1976. They were the only staff recommendations made to the Compact agencies of the public hearing on August 3, 1976. The Staff Report stated that the treaty Indian share of the harvestable 1976 upper Columbia River (i.e., above Bonneville Dam) fall chinook could be provided by reducing the lower

river August catch to 16,100 fish with the 1976 ocean regulations in effect. 'a 5 day August season, August 8-13, would provide approximately a 50 per cent share. A 10 day season with a weekend closure and ending August 20 would reduce the Indians' share to about 33 per cent. (Staff Report pg. 7).

The Compact agencies rejected their own staff recommendations and adopted the 10 day season with a weekend closure. This action violates the treaties as previously interpreted by this Court and the United States Court of Appeals for the Ninth Circuit."

The court ordered that, "the states of Oregon and Washington are enjoined from permitting the harvest of up-river bound fall chinook by non-treaty gillnet fishermen in the Columbia River below Bonneville Dam. This Order takes effect at 6 p.m. August 13, 1976."

Fishery officials from both Oregon and Washington voted on Wednesday the 11th to honor Judge Belloni's ruling. The voting was done by telephone between their offices in Portland and Olympia. A spokesman for the lower Columbia fishermen told a Portland newspaper that they stand to lose as much as \$1.5 million in revenues because of the ruling.

Possible Protest

On Thursday, August 12th, Bureau of Indian Affairs and tribal police, as well as tribal game wardens from Warm Springs and Yakima, were on hand at several Indian launch sites along the Columbia River in anticipation of threatened protests in the wake of Judge Belloni's ruling. (In the past, confrontations between the two factions have consisted, for the most part, of rock throwing, name calling, and a few minor injuries. This time federal and tribal officers felt that the cir-

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