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Spilyay Tymoo

Coyote News



25°

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Two closures mandated for off-shore salmon fishery

by Cynthia Stowell

Commercial salmon trollers in the 200-mile zone off the coast of Oregon and Washington were shut down July 25 for nine days and face an early season closure in September as the result of a federal court decision Monday. U.S. District Judge William Schwarzer imposed the two closures totaling 17 days after reviewing written testimony from the U.S. Department of Commerce and the Columbia River treaty tribes.

The Commerce Department was ordered to shut down trollers north of Cape Falcon to the Canadian border from July 25 to August 3 and on September 1 instead of the scheduled September 8 closure. A one-day hearing was scheduled for August 6 to consider inclusion of the sport fishery in the September closure, further summer commercial closures, and procedures for regulating next year's ocean fishery.

The four treaty tribes had filed suit against the department in May, demanding a shortened summer season to spare the Columbia River destined fall chinook to which they have a treaty right. While the tribes had hoped for a July closure, Schwarzer's decision "will significantly help the fall run this year," said Jean Edwards, biologist for the Columbia Intertribal Fish Commission. Indian Fishermen in Zone VI above Bonneville Dam are entitled to 60% of the fall run after an escapement of 100,000 according to the five year management plan.

Schwarzer's decision came twelve days after he tentatively concluded that existing Department of Commerce regulations did not take into account the treaty rights of

Columbia River Indian fishermen. He ordered Secretary Juanita Kreps to come up with alternative regulations by July 23 or face a forced closure. Kreps endorsed a paper drawn up by the Pacific Fishery Management Council and sent it to Schwarzer at Sun Valley, Idaho where he was attending a judges conference.

The PFMC report updated 1979 catch and escapement estimates based on an already reduced season, predicting an upriver return of 238,000 chinook. Kreps' response stated that existing regulations "satisfied her obligations to the tribes." But the PFMC report also incorporated an optional plan recommended by the Washington Department of Fisheries, which apparently formed the basis for Judge Schwarzer's decision.

It was estimated that two closures would result in an additional 5,000 adult upriver fall chinook, increasing the run by 2.1% to 243,000. Edwards and others at the Intertribal Fish Commission feel the PFMC's run estimate is inflated. "That is a very liberal estimate," said Edwards. "I'm surprised it wasn't qualified." Last year's fall run was 182,000, about 65,000 short of the estimates.

Edwards said that the closures would be helpful, however, not only for this year's adult run but for immature fall and spring fish. She expected the greatest boon to be for upriver brights and Snake River destined fish which are being considered for classification as an endangered species. The fall upriver run is presently peaking in the ocean, making the current closure effective. The September 1 closure is intended to protect western Washington destined salmon.

The Oregon Department of

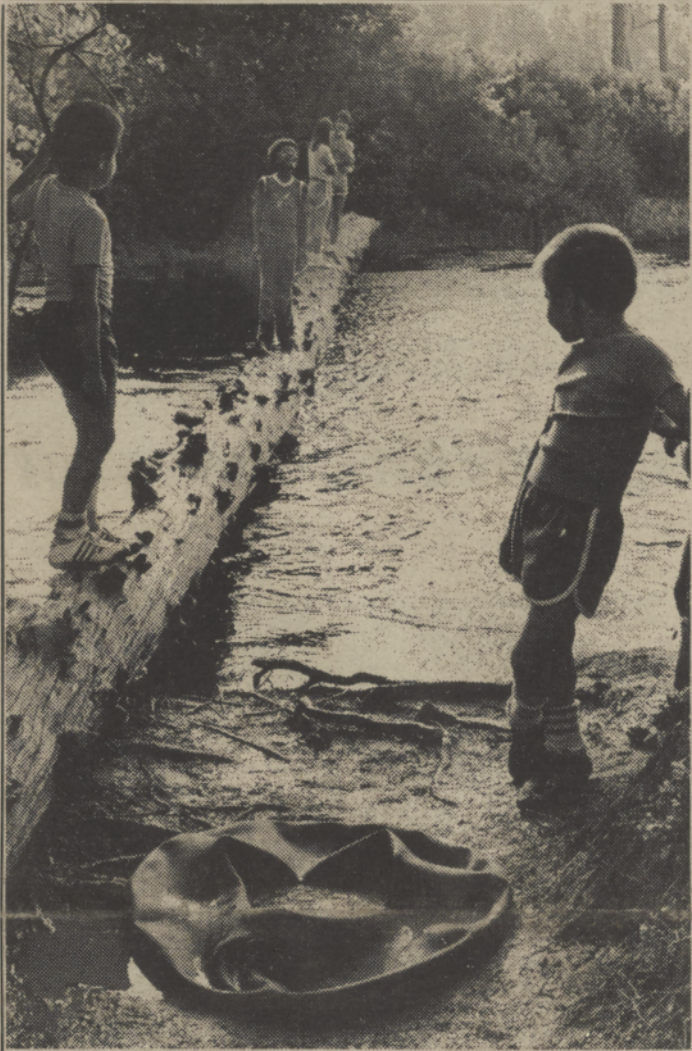
Fish and Wildlife has also closed the three miles of state-controlled waters for 10 days beginning July 25 to conform with the altered Commerce regulations.

The Commerce Department has estimated that the closures will impact trollers to the tune of 150,000 pink, chinook and coho salmon with a value of \$2 million. Some trollers fished despite the closure, while most complied, and four troller associations plan to appeal the decision in the Ninth Circuit Court.

Meanwhile Columbia River compact agencies are in the process of planning the upriver fall fishing seasons. The harvest advisory committee heard recommendations yesterday from state, federal and Indian biologists. A resolution adopted by 64 Indian fishermen called for a season starting August 25 and ending November 30. It also recommended a late summer season of July 23 to August 22 season of July 23 to August 11 but Edwards said it would take court action to reopen the summer season that has been closed for conservation reasons for the last fourteen years. The Intertribal Fish Commission was reportedly planning to recommend a lower river closure to allow upriver fish to reach their destination.

"We hope to find some meaningful Indian fishery this fall," said Edwards, encouraged by Schwarzer's action.

Tribal attorney Dennis Karnopp considered the decision to be an important victory for Indian treaty rights. "Even if we didn't get all the relief we asked for, at least it became apparent that the court will enforce treaty rights and the tribes are willing to go to bat to protect them," said the attorney.



Lazy summer evenings

A nice cool place to be on a hot summer evening is the Warm Springs River at HeHe, as Raymond and Tony Wells and Dale Casey discovered at the height of the heat last week.

Spilyay Tymoo Photo by Stowell

Settler guilty of illegal sales

Yakima Indian fish dealer Mary Settler, 47, feeling that she couldn't get a fair trial in state court, pleaded guilty in Multnomah County Circuit Court July 16 on 15 felony counts of illegally processing, transporting and selling salmon and steelhead off-season. Settler waived a trial and awaits sentencing by Judge Richard Unis.

The fish dealer, who admitted to selling over 12 tons of fish between April 1 and August 15, 1978, faces a possible penalty of 75 years in prison and \$37,000 in fines. Sentencing has been set for

September 6.

Settler did not feel that what she did was wrong, however. "The Indians were starving," she said "If I'm guilty, it was only a humanitarian thing." She testified that upriver Indian fishermen cannot make a living under the five-year allocation plan adopted by the Columbia river treaty tribes, two states and federal officials in 1977.

The prosecution had planned to present evidence at trial to prove that Settler had sold fish valued at \$381,000, while indictments only charged her with \$57,000 in sales. According to the prosecution, Settler bought fish from Indian fishermen, transported it to Portland International Airport and, through a fish broker in San Francisco, supplied customers in major cities from coast to coast.

At a recent public meeting on the Yakima Reservation, Settler told those in attendance that the state was trying to plea-bargain with her. The Yakima Nation Reveiw quoted her as saying, "If I give them twenty names, I could go free. I refuse to give any names to save myself. Our people are suppressed enough and I will not parade any of our members through the court for ridicule."

Mills takes Seneca's job at top

by Cynthia Stowell

While a name for the commissioner's job stalls in the White House, a turnover in the acting deputy commissioner's office is causing people to wonder if the Bureau of Indian Affairs post will be filled permanently this term.

Martin Seneca has resigned as acting deputy commissioner effective September 30, to be replaced by Sidney Mills, head of the Albuquerque Area Office. Assistant Secretary of the Interior Forrest Gerard explained in making the announcement that Mills would take the reins from Seneca on July 30 to "effect an orderly transition."

Seneca, 34, acting deputy

since October 1978, will return to his former post as director of trust responsibility until he leaves the Bureau at the end of September. Mills will be immediately responsible for directing the day to day operations of the Bureau, a job he has agreed to fill on a temporary basis until a commissioner is selected.

But sources in the Bureau question whether the appointment will be made when only a little over a year remains in President Carter's term. A name was sent to the White House over a month ago but no action has been taken on the Interior Department's recommendation. The identity

of the possible appointee is being kept quiet.

Mills, a nominee to the commissioner's job, was executive assistant to the previous commissioner from 1975 until 1978 when he took over the directorship of the Albuquerque Area. His name was among the contenders for commissioner but his current status with respect to the permanent position is unknown.

An Oglala Sioux, Mills, 54, is a Navy veteran who began in federal service in 1973 as supply and contract officer in the Aberdeen Area. He was acting deputy area director at Aberdeen before transferring to the central office.

Weather

JULY	HIGH	LOW
12	75	56
13	87	49
14	90	54
15	94	55
16	104	60
17	108	66
18	108	70
19	108	68
20	102	71
21	90	63
22	91	51
23	90	62
24	96	64
25	96	58