

Spilay Tymoo

***Heated hearing**

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commercially for steelhead," claimed the Columbia River Inter-Tribal Fish Commission (CRITFC).

"These bills, if enacted, would be a hook on which to hang the gradual total eradication of tribal fishing rights," said a prepared statement by the CRITFC.

The CRITFC also noted that legislation similar to the proposed Steelhead Trout Protection Act has failed to pass Congress in the last two sessions because these steelhead decriminalization bills have no biological, legal, moral or fiscal justification.

"Despite claims of the bills proponents that upriver steelhead runs are in jeopardy due to overfishing, the upper Columbia River and its tributaries consistently support some of the largest sport fisheries for summer steelhead within Oregon and Washington," according to a biological analysis of Columbia River steelhead, conducted by CRITFC.

"In recent years the Deschutes River has consistently maintained its standing among the top summer steelhead sport fishing rivers in Oregon," the report states.

"It is important to note that the majority of fish produced for this run originate from spawning areas within the Warm Springs Indian Reservation.

"Of the annual statewide top ten summer steelhead rivers in Oregon, one to four of those rivers each year are located within or above the treaty Indian commercial fishing area," the analysis continues.

In a thoughtful, yet strong statement against the decriminalization of steelhead and the bill, Bill MacMillan of the Clark-Skamania Flyfisher Association offered the following remarks:

"Today, we're examining legislation that negates the possibility for a powerful political alliance to preserve steelhead by further lengthening and intensifying a counter-productive internal war between two of the main user groups—the sports fishermen and the Indian fishermen.

"The end design is to effectively eliminate the Indian as a significant user group and allow the sportsmen to add the Indian harvest to his (own) catch—the end result being the same number of dead steelhead combined with a 75 percent reduction in national political punch to fight for the preservation of steelhead."

He said that sportsmen must re-examine the Indian issue from the standpoint of reality rather than emotion. The Indians have proven themselves in their consistent fight for correct conservation practices, he said.

MacMillan told the Senate panel that it's no accident that really strong runs of wild spawning steelhead "happen to be on rivers that have Indian Reservations that use, protect, and in some instances even



Running for rights

Members of the United Indian Fish Committee ended the first leg of their "Peaceful Spiritual Walk" from Celilo Falls in Cascade Locks. The ten-day walk took them to Salem, Portland, Vancouver, Olympia and Seattle. The runners appeared in the Senate Select Committee on Indian Affairs hearing in Seattle on June 29 for the hearings on Senate Bill 874, the Steelhead Protection Act. However, only a few of the runners were able to testify before the large crowd, of about 700, gathered for the hearing.

enhance these wild populations...."

He urged sportsmen to view the Indian as an ally in the preservation of valuable steelhead runs. (The full text of MacMillan's statement has been reproduced on page 4.)

Besides Bill MacMillan, several non-Indian individuals and groups offered statement in support of the treaty tribes and against the proposed legislation.

Russ Bristow of Columbia River Gillnetters' Protective

Union, Richard Cellarius of the Sierra Club's regional conservation committee agreed with tribal leaders that Indian fishing rights have not had a detrimental affect on sports fishing, as the bills claim. They agreed with the Indian fishermen that the proposed act would have no conservation impact on steelhead resources, as the act implies.

However, representatives of the fishing groups pledged never to give up the fight to ban all commercial fishing of the

steelhead. "These Indians must understand that we will never, never shut down our course to make the steelhead a national game fish," vowed Chuck Voss, a member of the National Steelhead Trout Committee.

Among boo's and shouts, Dale Johnson of the Makah Tribe remarked, "Apparently, some value fishing for fun more than fishing for necessity—to earn a living and put food on our family's tables. We, of course, do not share that view."

Wallulatum offers testimony against Steelhead Protection Act

"Fishing is our way of life"

Testimony of Nelson Wallulatum on behalf of the Confederated Tribes of the Warm Springs Reservation of Oregon before the Senate Select Committee on Indian Affairs Regarding Senate Bill 874 (Seattle, Washington June 29, 1981)

My name is Nelson Wallulatum. I am Chief of the Wascos, one of the three Confederated Tribes of the Warm Springs Reservation, and a member of the Warm Springs Tribal Council. I am here to speak on behalf of the Warm Springs Tribe in opposition to Senate Bill 874, the Steelhead Trout Protection Act.

This Bill is sometimes called the "Steelhead Decriminalization Bill." The Warm Springs Tribe, however, considers this a "Treaty Abrogation Bill" and we are unalterably opposed to it.

When our ancestors signed the Treaty of 1855 they reserved for our people the right to fish at our usual and accustomed stations beyond the Reservation. The United States Supreme Court has interpreted this reserved right to include the taking of steelhead, which we have always regarded as a type of salmon.

To us, the fact that biologists

say steelhead are an ocean-run variety of Rainbow trout means nothing. We view the steelhead as our ancestors viewed it—one of the great fishes that returns from the sea each year to our traditional fishing sites to become food for our people and the basis for trade or sale with others to obtain the necessities of life.

Taking steelhead, like taking salmon, is at the heart of the Warm Springs culture. We are river people and we are fishermen. Catching these fish is not sport or recreation. It is our way of life.

It has been the right of the Warm Springs people since time immemorial to fish for Steelhead. The Treaty of 1855 specifically reserves this right to us in written form and makes it the supreme law of the land. Take legislation now before you would take this right from us, a right our people have exercised for countless generations. For that reason, more than any other, we oppose this bill.

The other reason the Warm Springs Tribe opposes this bill is that it is unnecessary. The sponsors of the bill claim the Treaty Indian fishery on steelhead has created a conservation problem. They say that if the Indian steelhead fishery is eliminated, more steelhead will be available

for sportsmen to catch. Neither claim is true.

The Warm Springs Tribe has exclusive fishing rights in the Deschutes river where it borders our reservation. As a courtesy, we share this right with non-Indians. Down stream from the reservation, some of our usual and accustomed fishing places, such as Sherars Falls, are also on the Deschutes. The Deschutes, as you probably know, joins the Columbia River upstream from the Treaty Indian commercial fishing zone which begins at Bonneville Dam. Considering the River's location, according to the sponsors of the bill there should be very few Steelhead available for Deschutes River sportsmen to catch. However, just the opposite is true.

From 1970 through 1978, the Deschutes River sports catch of summer steelhead was the largest among 92 steelhead streams in Oregon. The Deschutes River was Oregon's leading steelhead stream even in 1977 when the four Columbia River Treaty Tribes recorded their largest ever commercial steelhead catch. The Deschutes has surrendered its number one position in recent years only because of expanded hatchery production on the Rogue and other rivers.

The Warm Springs Tribe is

proud of the fact that the major production of the Deschutes River steelhead occurs on the Warm Springs Reservation. The Warm Springs River, Shitike Creek and the Deschutes River bordering the Reservation are the primary spawning areas which combine with the Warm Springs and Round Butte hatcheries to produce the strong Deschutes River steelhead, which are produced in and pass through the heart of the Warm Springs Treaty fishing area, do not need conservation.

Even if steelhead needed conserving, elimination of the Indian fishery would not increase the numbers. The Warm Springs Tribe together with the three other Columbia River Treaty Tribes agreed several years ago to limit our Steelhead catch. Under the Five Year plan, begun in 1977, we agreed to concentrate our commercial fishery on Fall Chinook and limit our steelhead catch.

We were told more Chinook would be available to us to make up for the loss of steelhead. We kept our part of the bargain. Since the Five Year Plan went into effect, the four Columbia River Treaty Tribes have reduced their steelhead catch from 29,000 to 3,000 during the fall season.

But our Fall Chinook catch

has not increased. Rather, it has decreased during the Five Year Plan. Instead of catching fewer steelhead in exchange for more salmon, we now catch almost no steelhead and fewer and fewer salmon. Put simply, if there is a steelhead conservation problem on the upper Columbia River we are not the cause of it and this bill will not solve it.

The Warm Springs Tribe regards the Treaty of 1855 as a sacred document. It preserves for us those rights that have been ours since time immemorial and protects our culture from being overwhelmed by the world outside our reservation. An attack on our Treaty rights is an attack on the Warm Springs people and our way of life. That is how we view the Steelhead Decriminalization Bill—as a threat to the Warm Springs Tribe's historic and treaty-protected fishing rights which form the basis of our culture.

Because this bill would undo a sacred trust entered into by the United States and the Warm Springs people and because there is no conservation or biological purpose to be gained for its enactment, I respectfully but strongly urge the committee to defeat this legislation.

Thank you.