

Tribes not totally pleased Judge Craig sets tribal fishing seasons

Judge Walter Craig, on August 24, granted Columbia River Indian tribes a preliminary injunction that prevents Washington and Oregon from interfering with a tribally-set fishing season. The tribes filed their motion in federal district court after the states, as members of the Columbia River Compact, failed to set an upriver treaty fishing season. When the states couldn't agree on a fall season, they adjourned and planned to meet again to consider lower river non-Indian and upriver Indian fishing seasons on September 3—three days after the tribes' recommended September 1-4 season was to begin.

The federal judge made one change in the season adopted by the tribes: He subtracted a day from the noon September 1 through noon September 4 season, shortening it to noon September 3. September 1 through 3 is in all three pools of zone 6. Judge Craig added a day to the Bonneville pool only fishing days, making it noon September 7 through noon September 11. The judge also approved a conditional season set for noon September 14 to noon September 16 throughout zone 6. These fishing days are conditional on the bright chinook run being stronger than now anticipated—the season can be closed with a 48-hour emergency closure notice. The tribes adopted the season with that condition because this

year's bright run is expected to be the lowest in history.

When Washington attorney Dennis Reynolds asked the judge who could decide whether the last portion of the upriver season would be closed. Craig told the court that "Indian experts" would The September 14-16 season is now contingent upon review by the tribes, rather than the states.

The judge also agreed with the tribes' calculation of a deficit owed tribal fisheries under the final year of the five-year Columbia River Agreement. The deficit is 25,200 fall chinook, and not 12,000 as the states had determined.

The season adopted by the tribes and approved by Judge Craig accord with the treaty right, unlike those the states were considering during the August 14 and 17 Compact hearings. Washington wanted to limit the entire treaty fishing season to a 20-mile stretch of the 130-mile Indian fishing area of zone 6. Washington vetoed Oregon's proposals for a two-day, then a one-day season in all three pools of zone 6 with some additional days in the 20-mile portion of Bonneville pool below Hood River Bridge. The states wanted the upriver season to concentrate on harvesting the tule or "dog" chinook that return to Spring Creek Hatchery (in the Bonneville Pool) in excess of the hatchery's needs.

The states defended their proposed seasons on the basis

of conserving declining upriver bright chinook. But the tribes' argued successfully in their motion before the federal court, that the proposals by the states' joint biological staff was discriminatory because it restricted the tribes' usual and accustomed fishing places; secondly, it had no conservation merit because the states intended to set lower river fishing seasons that would allow significant harvest of these upriver brights; and thirdly, the states failed to enact, or recommend for enactment, measures that would reduce the ocean harvest of Columbia River chinook.

Attorneys for the four tribes told the judge that the states have put the entire conservation burden for Columbia River chinook on tribal fisheries. They asked the court not to permit it again this year.

The judge shunned the arguments of the states, reminding them that the question before the court was not a technical question of how many brights are going to be caught, but a question of treaty law. He told the states that the "treaties with Indian tribes are the law of the land, like it or not." In approving the tribes' season, Judge Craig said he was balancing conservation with treaty rights.

The court-approved season is as follows:

**Zone 6: noon September 1-noon September 3
Bonneville Pool only: noon**

**September 7-noon September 11
Zone 6: noon September 14-noon September 16 (conditional on bright run strength)
8" mesh gear**

At a meeting at Kah-Nee-Ta last week, CRITFC personnel and the four Columbia River tribes agreed that because the second season is in Bonneville Pool only, conflicts may arise among the Indian fishermen.

With this in mind, the four tribes and CRITFC formulated a set of rules that will apply to the fishermen. They are:

1. The commission recommends to the tribes that all fishermen using sites in past years in Bonneville Pool including last year, have first option on sites.

2. Fishermen with sites in other pools who desire may fish in **unutilized** site (s) on a first come basis in Bonneville Pool in accordance with tribal regulations in areas which are not in designated sanctuaries.

3. Member tribes send all available tribal officers to patrol the river in a coordinated manner including cross-deputization to:

- a. Maintain and keep the peace at sites.
- b. Assure sanctuaries are observed.
- c. Site disputes referred to **Inter-Tribal Board** immediately. Board members to be named by

the tribes.

4. Communicate all fishery season information including these rules immediately to all fishermen by all possible media.

Those in attendance agreed they never imagined the state would ever agree to the seasons set by the tribes themselves, thus never thought of any problems that would come up by limiting the second season to Bonneville Pool only. CRITFC vice chairman Levi George stated, "Maybe we were all blind to these problems and now the state is laughing at us. The tribes are going to have to stick together. The states are going to watch every move we make."

CRITFC representative hope there will be no problems on the river, and if there are, tribal law enforcement officials will handle them. Officers from the four tribes will be on the river throughout the seasons, and any violators will be cited to their respective tribal courts.

It was also decided that there would be a special commission meeting on September 11 at 10 a.m. in Portland to determine if there will be a conditional two-day season from noon September 14 to noon September 16 in all three pools. However, Warm Springs tribal attorney Howard Arnett said there is little chance of the third fishery because of the anticipated low bright run. "The run would have to be twice as large," in order to support the third season.

Meals offered through USDA

The Confederated Tribes announces the sponsorship of USDA Child Care Food Program. Meals will be made available to enrolled children at no separate charge without regard to race, color, or

national origin.

Meals will be provided at the sites listed below:

Warm Springs Head Start Program-Community Center

Warm Springs Head Start/Day Care Trailer.

TOE NESS

There was this house wife who was so superstitious that she never believed in cleaning the house with any week that had Friday in it. YIKES

SS SS SS

There was this lady who checked into this hotel and after she was all settled she called the front desk and said that there was a guy across the way who was taking a shower. She added he had his shower door wide open. The desk clerk said, "Lady, you should only be able to see his head." The lady replied, "You come up here and get on top of the dresser." YIKES

SS SS SS

CONFUCIUS SAY: "Business man frame first dollar he make...girl frame first man!" YIKES

SS SS SS

There was this couple who had a maid and after some time had passed the maid had hardly done a thing. One day the husband tells the maid, "Look here, I can write my name in the dust on the piano." The maid said, "Isn't education wonderful." YIKES

SS SS SS

There was this guy who approached his friend and said, "Hey! you got a hair cut. Oh no! I got a lot of them cut." YIKES

SS SS SS

Macy promoted to WSFPI general manager

The Tribal Council in mid-August approved the appointment of Robert W. Macy Sr. to the position of General Manager of Warm Springs Forest Products Industries. The W.S.F.P.I. Board of Directors had already appointed Macy General Manager of the multi-million dollar tribal enterprise on July 27, subject to ratification by the Council.

This is the first time a tribal member has held that position at the tribally-owned forest products complex. Prior to his promotion Macy was Assistant General Manager for the past year-and-a-half. He is an Oregon State University Forestry graduate and has worked the past nine years in a variety of management positions at the mill.

Ralph DeMoisy, who was in

a dual role of being both General Manager and Chief Operating Officer, will continue as Chief Operating Officer, reporting to the Board of Directors.

Although there has been no drastic change yet in Macy's duties, he will be assuming more responsibility in terms of making decisions. His promotion is viewed as another step forward in the management transition plan at the mill.

"More decision-making will fall on my shoulders and there will not be as much checking back and forth with Ralph," said Macy. He noted that this type of transition is more comfortable for him than it would be if DeMoisy just suddenly stepped out of the picture.

Internally, not much will be changed, according to Macy.

"We will have the same type of management we've been using since DeMoisy came. The team approach works well," he said. He added that there are certain areas that need to "be brushed up."

However, Demoisie will be cutting his time at the mill down between now and the end of the year, Macy said. Next year he will be spending even less time at WSFPI as, according to the plan, he has been budgeted for three days a month. "He is reluctant to totally pull out in a market like this," said Macy.

Macy said that now he is in the position of being able to take the bull by the horns and make certain comments and decisions (regarding personnel, for example) whereas he wasn't before.

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