



ARTISTS DISPLAY WORK

Warm Springs and Madras artists opened an art show at the Madras High School library earlier this week. Art medium ranging from photography to pottery, pencil drawings to stained glass are shown. Above, Vern Rowe and Nancy Garrison put finishing touches on display. The show will be open through May 26 during regular school hours.

Spilyay Tymoo photo by Behrend

Warning for new milk products

An imitation milk product called Meadow Fresh or Mellow Fresh is being sold in several western states. The produce is a powder that is mixed with water. Meadow Fresh/Mellow Fresh is not sold in stores, but by individual salespersons.

Meadow Fresh **should not** be used as an infant formula. It **does not** meet the minimum standards of the Infant Formula Act of 1980. This act established minimum levels of nutrients and standards for quality and safety in the manufacture of infant formula. Meadow Fresh does not meet W.I.C. requirements and **cannot be purchased with**

W.I.C. vouchers for use by infants, children, or women.

Milk is an important source of calcium, riboflavin, and protein. When the nutritional value of Meadow Fresh is compared to nonfat dry milk there are several differences. Meadow Fresh contains about one-third as much riboflavin and protein as milk and only one-fourth as much calcium as milk. Meadow Fresh contains almost twice as much sodium as milk. Because of this fact, such a product would not be suitable for use by individuals with high blood pressure or other conditions which restrict sodium intake.

How effective was the Columbia River 5-year plan?

This article is printed courtesy of the Columbia River Inter Tribal Fish Commission.

In February 1977, four Columbia River treaty tribes, the governors of Oregon and Washington, and the Department of Interior signed an agreement for managing salmon and steelhead that originate above Bonneville Dam. The fisheries of the four tribes—Nez Perce, Umatilla, Warm Springs and Yakima—are made up of anadromous stocks that begin their life cycle in the upper Columbia and its tributaries. Because the original management agreement had a five-year duration, it became known as the 5-Year Plan. That original five-year period ended on February 25, 1982. How the plan came about, what it did and did not do, its goals and its deficiencies, were the subject of question and conflict throughout the five years.

The plan's origin goes back to 1969, when the original court decision in *Sohappy v. Smith* affirmed the treaty fishing rights of Columbia River Indians. Because tribal fishers did not get their fair share of the harvest in the years following that decision, Judge Robert Belloni in 1974 issued a supplemental order declaring that the states must assure the tribes the opportunity to catch up to 50% of spring chinook destined to pass the tribes' usual and accustomed fishing places. (Belloni had retained jurisdiction in the case, which became *United States v. Oregon* after the federal government intervened on behalf of the tribes.) When Belloni made the same determination for fall chinook the following year, he also ordered the states and tribes to negotiate an agreement to implement *United States vs Oregon* and his supplemental orders. This agreement became the 5-Year Plan—the culmination of those years of litigation.

If a few words can describe the 5-Year Plan, they have to be "harvest-sharing plan." Its stated purpose included

maintenance, perpetuation, and enhancement of the upper Columbia's anadromous fish, with provisions for restricting the ocean harvest. But in practice the plan became primarily a formula for dividing the inriver harvest between non-Indian, both sport fishers and lower river gillnetters, and Indians, who fish upriver, from Bonneville to McNary Dam.

The plan's first year coincided with a precipitous decline in Columbia River salmon runs—a decline that continued throughout the plan's duration. To Indian fishers this meant that fewer fish were caught after the plan went into effect than prior to it. And despite the plan's conservation provisions, at no time during those five years were effective restrictions placed on harvests of Columbia River stocks as they matured in the ocean from California to Alaska and returned to the mouth of the Columbia. That is, no harvest restrictions were applied until the fish began to reach their spawning grounds. At that point fishery agencies had to acknowledge that record low numbers of salmon were returning to the river and to spawning grounds, and last-minute conservation measures were imposed. Because the tribes fish at the end of the Columbia River salmon cycle, they were the ones most affected by cutbacks in harvestable salmon and in fishing days. To tribal fishers, conservation under the plan was apparently applied to only one fishery—their own.

Down on the river, where salmon are caught, traded, sold, or taken for home use, Indians clearly saw that they had fewer fishing days than their neighbors downstream, and that under this 5-Year Plan they were the ones who came up short on the harvest. Their deficit for the five years, under inriver sharing principles of the plan, is nearly 10,000 fall chinook and as yet an chinook. According to the plan, the inriver sharing formula was to be adjusted each year so that deficits were made up the following year. Instead, the Indian harvest deficit simply accumulated.

During the plan's five years, Indian fishers also saw special seasons, such as the one in Young's Bay, created to give non-Indians more opportunity to catch salmon. And they saw special attention given to improving runs on tributaries below Bonneville Dam, such as those on the Willamette River. Meanwhile, in the upriver Indian fishing areas, seasons not only had fewer days, but often the days were only for those fortunate enough to have fishing sites in Bonneville pool, one of three pools where Indians set their nets.

Each year Indian fishers watched upriver coho runs, once abundant above the dam, dwindle further—to so few that their coho catches did not exceed the "incidental catch" category. And each year they saw lower river and some upriver hatcheries producing coho and also chinook, both of which were reared only to be released in the lower river, and only to return there.

At a January 1982 meeting, the four tribes' Council of Councils concluded by unanimous motion that the 5-Year Plan had been a failure. The motion cited two reasons for this evaluation: first, the states did not implement enhancement for upriver stocks, and second, appropriate ocean regulations were not enacted.

Given the disparities in the way upriver, lower river and ocean fisheries were managed, it is little wonder that Indians viewed the 5-Year Plan as just another mechanism for "conserving" salmon from the nets of Indian fishers; and little wonder that when they referred to it as a "conservation plan" they did so with bitterness. What was wrong with the plan was that it was not a conservation plan as carried out by the agencies. Although the plan contained provisions for upriver hatcheries and releases and for ocean regulation, it was only used to allocate a diminishing resource. Without conservation and enhancement, harvest allocation is not the most important concern, because as they say on the river, "50% of zero is still zero."

Although the 5-Year Plan came and went without improving upriver fisheries, some segments of it could serve as a good blueprint for restoring upriver salmon runs. It did call for "upriver...hatchery rearing programs...to rehabilitate runs to their maximum potential" and for sharing of "hatchery salmon and steelhead released to restore runs above Bonneville Dam." It did include, "The states agree to enact or recommend for enactment by the Pacific Fishery Management Council appropriate conservation regulations for the ocean fishery that will...provide for adequate escapement of mature fish into the Columbia River." But, as reflected in the Council of Councils motion, those sections and others were written without the implementation specifics that would bind state and federal fish agencies to a course of action.

The plan needed specifics about which hatchery stocks, how many, and where they would be released; specifics about when and where ocean conservation measures should be applied; and specifics about new hatcheries, habitat restoration, and dam improvements, among others.

Nonetheless, the plan, through the process of tribal participation that it engendered, crystallized these issues for Indian fishers and their fish and wildlife committees, and it brought these issues to the forefront of debate among fish agency managers. The relationship of these issues to the future of Columbia River fisheries is now part of public discussion on fish and wildlife programs under the regional power act and the enhancement act.

The plan also focused particular attention on the critical role of ocean management in conservation. In 1979, 1980 and 1981 the tribes were in federal court contesting ocean fishing regulations, in part on the basis of disregarded provisions in the 5-year plan. Judge Walter Craig, in his August 1981

decision on the tribes' suit—*Yakima v. Baldrige*—against the Secretary of Commerce (Baldrige had approved the ocean regulations), said "I would be hopeful that the parties would agree that the Columbia River plan (5-Year Plan) would continue. We have had almost five years of it. You certainly by this time have arrived at some conclusions with respect to its faulty features and maybe you can keep the good ones and amend the bad ones..." He ordered all parties (the tribes as plaintiffs and the states of Oregon and Washington along with Secretary Baldrige as defendants) to come up with a plan for managing Columbia River stocks that would improve returns to the river and the tribes.

When the parties appeared before Craig in February 1982 for continuation for the *Yakima v. Baldrige* hearings, the judge reiterated his order that all parties negotiate to resolve "the problem of Columbia River stocks" and that "the Columbia River plan should be reexecuted or renegotiated."

The 1981 ocean case is still in court, and still before Judge Craig. Craig will also oversee whatever replaces the 5-Year Plan. He views both *Yakima v. Baldrige* and a plan as related to his overall jurisdiction in *United States v. Oregon*, which he took over in 1979 when Judge Belloni removed himself from the case.

Thus 13 years after *Sohappy v. Smith*, an effective plan for Columbia salmon and steelhead management—a plan consistent with treaty rights that all management authorities can willingly implement—is still in limbo. Questions about the 5-year Plan have been answered, mostly in the negative, but conflict about what a plan should be, and precisely what it should do to restore the Columbia's anadromous fish resource, goes on. For how long, no one can tell. But in the courts, the tribes seek justice. And on the river, through the lean years and the few lead days of fishing, they wait.