

Mistakes of past show in declining Columbia River salmon

The fate of many wildlife species around the world hangs in balance as managers decide what can be done to restore habitat, mitigate development and basically restore environments to conditions that once existed, allowing species to prosper.

Salmon runs are included in these discussions. They are the topic of many discussions in the northwest and they were the focus of the River Rendezvous held September 25-27 at HeHe longhouse.

Concern for traditional aspects of salmon runs was an important part of the communication between participants at the workshop, but restoring runs to some semblance of the original numbers was the subject of many presentations.

Rob Lothrop, public policy department manager at the offices of Columbia River Intertribal Fish Commission, explained that Columbia River salmon were involved in a "tug-of-war." Large fisheries in Alaska take their toll on migrating Columbia River salmon, as do fisheries on the Washington and British Columbia coasts, and finally in the Columbia River itself.

The Pacific Salmon Treaty, which is in negotiation, prescribes limits on harvesting in each country. Chinook, coho and sockeye runs are "on the table," says Lothrop.

In addition, some intercepted fish have been listed as endangered under the Endangered Species Act because of low populations. The National Marine Fisheries Service, the Corp of Engineers and Bonneville Power Administration are involved in the suit which states that they are not providing safe migration for sockeye salmon.

CRITFC expresses concern for diminishing habitat required for fish spawning, rearing and migration. Conflict also exists regarding hydroelectric plants on the river. Slack pools and warm reservoirs behind dams provide very poor migrating conditions for salmon. Studies are taking place which look at the technical and political complications of draw-downs and providing more water to speed migrating salmon to the ocean. Talk even centers around rebuilding dams.

Rick Applegate, Fish and Wildlife division director at Northwest Power Planning Council offices acknowledges that mistakes have been made. "We've learned that brief rebounds are not cause for celebration. The filing of the endangered species petition for the Snake River run of salmon shows the efforts to rebuild runs have failed."

Even though data in 1986 showed high numbers of salmon migrating upstream, "we should have focused on the long term," Applegate says. "We were optimistic then, but we're not so optimistic now."

The wide range of development that

Club backs salmon against dams

In late July, Sierra Club Legal Defense Fund (SCLDF) filed suit in federal district court in Seattle against the National Marine Fisheries Service (NMFS), Bonneville Power Administration, the Army Corps of Engineers, and the Bureau of Reclamation. The suit argues that NMFS and the dam operators are ignoring their "legal mandate to provide safe in-river migratory conditions for the Snake River salmon," according to SCLDF attorney Vic Sher. He added, "Their business-as-usual approach to the Columbia River hydrosystem spells disaster for the few remaining Snake River sockeye and chinook."

On August 5, SCLDF filed a 60-day notice of intent to sue the Forest

has created the dwindling salmon runs will make it difficult to reverse the trend. It is necessary, says Applegate to develop both short-term goals and long-term goals in fisheries management.

A short-term goal aimed at increasing Snake River salmon runs includes improving conditions for young salmon

to migrate by spilling additional water, increasing river flow velocity and increasing water storage in reservoirs. The long-term view is to work toward implementing deeper draw-down on the Snake, examining additional storage on the Snake River, looking at water marketing, requiring screens on

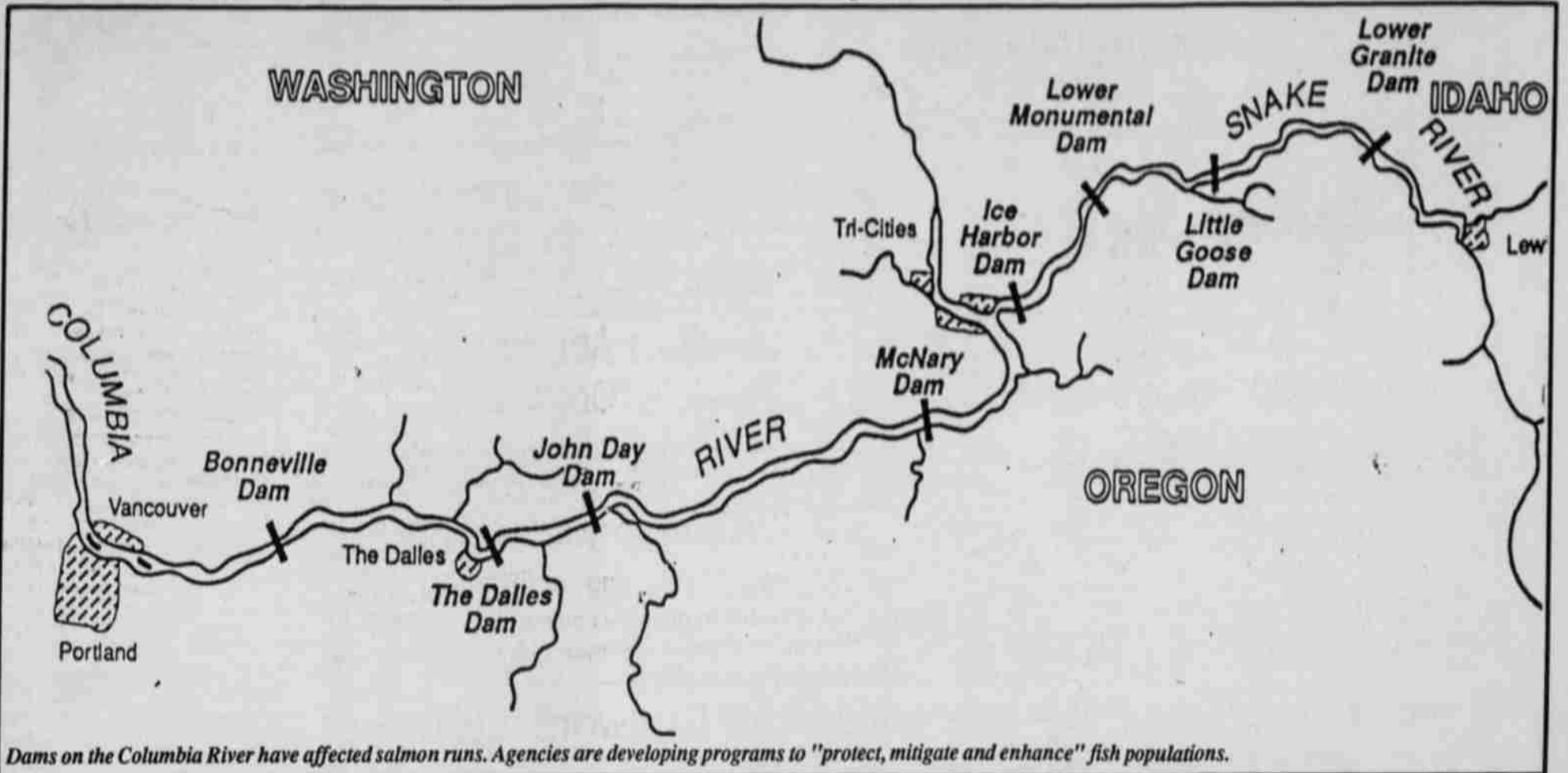
all mainstem dams, reducing predation and investigating the feasibility of transporting smolts.

Harvest management requires some short-term and long-term goals. Applegate suggests reducing harvest of fall chinook, requesting utilities pay to reduce harvests, and asking Canada

to reduce interception. Long-term goals can target strong stocks for harvest.

Like Lothrop, Applegate sees the need to protect and enhance fish habitat. Enforcement of laws and regulations is necessary along with watershed planning.

Warm Springs tribal member Delbert Frank comments that "everyone blames each other," but now it's necessary to begin working together. It's necessary to look at the overall picture and work to save salmon.



Dams on the Columbia River have affected salmon runs. Agencies are developing programs to "protect, mitigate and enhance" fish populations.

Fish counts show low numbers

Salmon Survival Watch reports that as of August 14, nine Snake River sockeye salmon adults passed Lower Granite Dam en route to Redfish Lake in Idaho's Sawtooth Mountains and that one actually made it to the lake. Last year, eight sockeye crossed Lower Granite, but only four, one female and three males, made it to the collection weir are placed in a captive breeding program run by the Idaho Department of Fish and Game.

The Watch also notes that as of August 14, 3,006 summer chinook had reached Lower Granite. Last year's count for the same date was 3,805, and the 10-year average is 4,855 fish.

Power Council works to meet power needs, rebuild wildlife populations

Nowhere in the United States is there a closer tie between fish, wildlife and the production of electricity than in the Pacific Northwest states. The bond that links these states is the 1,200-mile long Columbia River and its tributaries, which flow through the Northwest like life-giving arteries. These rivers are the nation's most prolific producers of hydroelectric power, providing some of the cheapest electricity in the nation. This inexpensive energy is a cornerstone of the region's economy. It has attracted business and industry to the Northwest—and by powering irrigation—has turned arid regions east of the Cascade Mountain Range into some of the most productive farmland in the world.

But, the rivers and shorelines are also home to important biological resources—salmon and steelhead, as well as a variety of wildlife. Unfortunately, the production of electricity and the survival of the creatures of the river often conflict. Each affects the other. It is the Council's role to strike a balance between these two important resources.

The Council was designed to be a publicly accountable body to give Northwest citizens a stronger voice in determining the future of key resources common to all four states.

The Northwest Power Act

Through the Northwest Power Act of 1980 (Public Law 96-501), the U.S. Congress authorized the states of Idaho, Montana, Washington and Oregon to enter into an interstate compact to create the Northwest Power Planning Council. The four state governors each appoint two members to the Council. Congress

gave the Council three charges:

1. Develop a 20-year electric power plan that will guarantee adequate and reliable energy at the lowest cost to the Northwest.
 2. Develop a program to protect and rebuild fish and wildlife populations in the Columbia River Basin that have been affected by hydroelectric development.
 3. Conduct an extensive program to involve the public in the Council's decision-making processes.
- The Council is a planning and policy-making body. The chief agencies that implement the Council's power plan and fish and wildlife program are the Bonneville Power Administration, the U.S. Army Corps of Engineers, the Bureau of Reclamation and the Federal Energy Regulatory Commission. The Council also works with utilities, environmental groups, state and local governments, fish and wildlife agencies, Indian tribes and others who are involved in energy and fish and wildlife issues.

The Northwest Power Plan

The Council's 20-year Northwest Power Plan serves as a blueprint for ensuring that the region has adequate and reliable electrical power to meet the needs of a growing economy at the lowest possible cost. The plan is based on the premise that the future is uncertain. Therefore, the Council develops a range of forecasts of the region's future energy needs and plans flexible resources to meet any eventuality within that range. The power plan includes risk management strategies aimed at reducing costs to the region and stabilizing electric power rates.

Because the existing hydropower system can no longer meet all the Northwest's electricity needs, the Council's plan proposes new resources. Energy conservation, as well as generating resources are analyzed for their cost-effectiveness, availability, reliability, compatibility with the existing hydropower system and environmental acceptability. Based on this analysis, the Council develops an action plan for adding new resources only when they are needed and acquiring the most cost-effective resources first.

Cost-effective energy conservation is the plan's priority resource for meeting regional growth in demand for electricity.

The Fish and Wildlife Program

Congress also required the Council to develop a program to "protect, mitigate and enhance" fish and wildlife populations that have been affected by hydroelectric development in the Columbia River Basin. While the dams undeniably brought huge benefits to the Northwest, they also came at great cost. The impact on the basin's fish and wildlife populations was profound. Not only did the dams present physical barriers to fish migrating between upriver spawning gravels and the ocean, but the regulation of the river altered water flows and temperatures. Reservoirs behind the dams flooded thousands of acres of habitat. It is estimated that today's salmon and steelhead populations are approximately 15 percent of what they were 100 years ago, and 80 percent of today's runs are hatchery fish.

The Council's Columbia River

Basin Fish and Wildlife Program is one of the most important efforts in the world to save a natural resource. The program is the first vehicle to address the Columbia River and its tributaries—a watershed covering more than 259,000 square miles—as a single system. Under the Council's oversight, the region's fish and wildlife agencies, Indian tribes, power system operators and federal regulating agencies are working together to protect and rebuild fish and wildlife populations in the basin.

Public Involvement

Congress also called on the Council to provide opportunities for the participation of the states, local governments, Indian tribes, Bonneville customers and the public at large in its planning processes.

The Council works in a variety of ways to ensure widespread participation in its activities. Its monthly meetings are open to the public. Public comment periods are offered at these meetings. Before every major decision, issue papers are distributed to solicit comments and reactions. Those unable to attend meetings may submit written testimony or call in their comments on a toll-free phone line.

For more information or to request publications, contact the public affairs division at the Northwest Power Planning Council's central office in Portland, Oregon.

Northwest Power Planning Council, 851 S.W. Sixth Avenue, Suite 1100, Portland, Oregon 97204; Telephone, 503-222-5161; Toll-free, 1-800-222-3355; FAX, 503-795-3370.

Water rights negotiations ensures instream flows in Deschutes River

Background Information

The Water Rights Negotiations taking place between the Confederated Tribes of Warm Springs; The State of Oregon and the United States of America.

In the early 1980s, the Confederated Tribes of Warm Springs made the decision to negotiate with the State of Oregon to come to a settlement of their water rights. This decision was, in part, in response to Department of the Interior policy statements that encouraged negotiation of Indian water rights as an alternative to litigation. The first few years were spent working closely with State legislature to enable the state to actually come to the Negotiation Table. In 1987, the State of Oregon enacted legislation authorizing the State to enter into negotiations with the United States and the Tribes.

This legislation authorized the State Water Resources Director to negotiate with representatives of the Tribes and the Federal Government in a forum which is open to the general public. In addition this law allows for the submission of a negotiated water rights agreement to an "appropriate court," and for notice to all owners of water rights certificates or permits that may be affected by the agreement. Finally, the statute provides procedures and standards for judicial review of the negotiated agreement.

In 1991, the Tribes formally presented a written agreement to the State. The agreement represents the Tribes' proposed settlement/quantification of its On-Reservation water rights which include the reach of the

Deschutes River and Metolius River bordering the Reservation. A Federal Negotiation Team, a Tribal Negotiation Team, and a State Negotiation team have been named and all sides are actively pursuing a negotiated settlement of the Tribes' claims.

A Public Advisory Group also has been appointed, and a Memorandum of Understanding drafted which governs the conduct of the negotiations. Four public negotiation sessions have been held among these negotiation teams.

There are two remarkable aspects to these negotiations:

1. The negotiations are ongoing despite the fact that there is no ongoing general stream adjudication of the Deschutes River Basin.
2. The settlement agreement proposed by the Tribes is not cast in terms of the amount of water that may be diverted and used, but rather in terms of establishing limits on tribal action that will ensure that flows in the Deschutes River will not be reduced beyond agreed standards.

The proposed agreement put forward by the Tribes deals specifically only with the Water Rights associated with the Warm Springs Reservation and does not address any of the Water Rights associated with their Off-Reservation rights as secured by the Treaty of June 25, 1855.

The Tribes have a very early water right at a minimum the Treaty of June 1855 with some uses reaching beyond limits of memory, recorded history or tradition (time immemorial).

The Tribes Rights consist of two basic components:

The first is the Consumptive Right

which is the right to use water for the benefit of the Reservation. The priority date would be June 25, 1855. The Tribes retain the right to manage all of the water resources totally within the boundary of the Reservation. Stream flows needed for fisheries, wildlife and riparian areas will be maintained.

The second component is the Instream Right which is associated with the Stream Flows necessary to preserve a productive fishery, wildlife and riparian areas. (Riparian Area - Land next to streams and bodies of water where the water, soil and vegetation interact.) The quality of water reaching the Reservation is also of great concern to the Tribes. The Tribes have included Water Quality Standards in their proposed agreement.

Stream Flows proposed by the Tribes for the Deschutes River are based on Hydroelectric Standards and a need to maintain fisheries, wildlife and riparian areas. These flows vary month to month.

The Tribes would guarantee that the minimum flows would be maintained and protected within the Deschutes River channel. The difference between actual flows and the minimum flows would be available for the Tribes Consumptive needs. The amount of water available will vary from year to year based on actual stream flows.

In order to make this proposed agreement more acceptable to the Water Users within the Deschutes River Basin the Tribes are willing to subordinate their "future" Water Use Rights to existing State Water Right Holders. This would provide the

following Priority System for water rights on the Deschutes River:

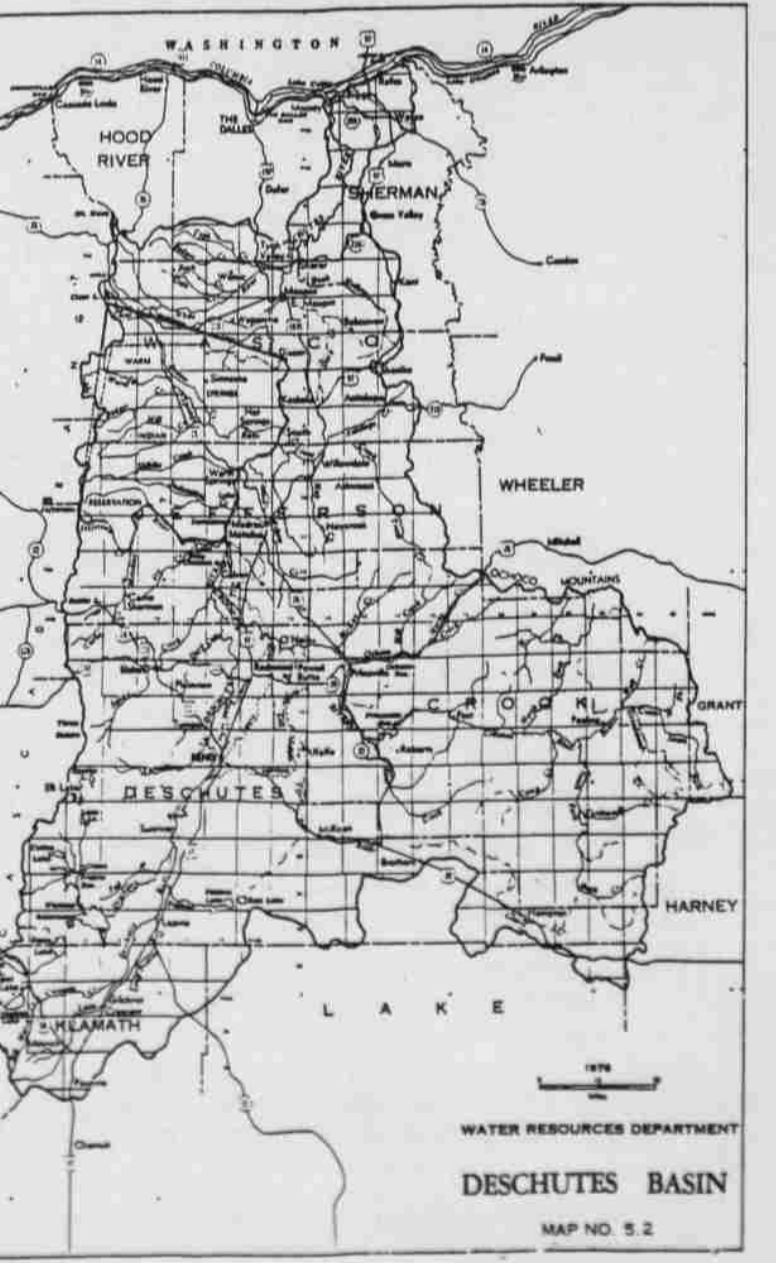
- Highest Priority listed first:
1. Minimum Stream Flows - Time Immemorial priority Date;
 2. Existing Tribal Uses - Treaty Date of June 25, 1855;
 3. Existing State Users - Priority established by State System;
 4. Tribes Consumptive Right - Date of Negotiated Final Agreement;
 5. Other future Users.

Benefits to the State include:

- * Will know the impact of Tribal actions on Stream Flows.
- * Will know stream flows will not be reduced beyond agreed standards.
- * Existing State water right holders will have assurances that their rights will not be affected by Tribal water use.
- * All parties will benefit because instream flows will be maintained.

Benefits to the Tribe include:

- * Will have maximum flexibility in water use.
 - * Will know that water quality and quantity reaching the Reservation will not be adversely impacted by State actions.
- In the negotiation sessions the State of Oregon has indicated that it wants to review the Tribes' water rights proposal based upon a "traditional" analysis using the "practically irrigable acreage" standard. The Tribes and the United States are assisting the State in the collection of information the State needs to complete its analysis. Legal and technical subcommittees have been appointed, and these committees are addressing various issues of mutual concern.



WATER RESOURCES DEPARTMENT

DESCHUTES BASIN

MAP NO. 5.2