

Fish plan: an end to years of litigation

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The Biological Opinion came after the signing last year of three major fisheries agreements: The U.S. v. Oregon harvest management agreement; the Pacific Salmon treaty between the U.S. and Canada; and the Columbia Basin Fish Accords.

These three 10-year agreements, coming at about the same time, presented the chance to consider at once the major elements of Columbia fisheries management.

U.S. v. Oregon is the case, dating back to the 1960s, affirmed the Tribes' treaty fishing rights on the Columbia and tributaries. A new 10-year plan is in place protecting the tribes' treaty fishing allocation on the Columbia.

The Pacific Salmon Treaty addresses salmon harvest levels in the ocean. A new agreement there promises more fall Chinook returning to the Columbia.

The Columbia Basin Fish Accords, signed last May by the

tribes and federal agencies, focus on dam operations in the Columbia, and fisheries restoration with many habitat and hatchery actions to boost fish numbers in tributaries. Also, the Accords give the tribes a real "seat at the table" with the federal government over the next 10 years so we can track the progress of this new plan, and make adjustments if needed.

The Accords commit the government to the major funding of fisheries improvement projects. In recognition of the commitments in the Accords, combined with those in the Biological Opinion and new U.S. v. Oregon Agreement, the tribes agreed to support the new federal plan and in ongoing lawsuits challenging operation of the Columbia dams.

The Accords are the result of years of negotiation, and are the foundation of the NOAA Fisheries Biological Opinion.

Some environmental groups continue the nearly two decades of challenge to the Biological

Opinion in court. In the past, the tribes sided with the environmental groups in opposition to government management plans.

Now, the tribes see the new plan, established by the Accords, as the way to sustainable and harvestable levels of Columbia salmon and steelhead. We believe it should be given a chance to work — it relies on tribal science and views, and it provides resources and involvement like none before.

In supporting the plan, the tribal focus is not on the immediate removal of Snake River dams, nor on the requirements of the Endangered Species Act.

The tribal focus is on the actual health of the fisheries and the tribal Treaty fishing rights, which go beyond the Endangered Species Act to sustainable and harvestable levels.

Recent court hearing

The NOAA Fisheries Services Biological Opinion was the subject of a daylong hearing last week in federal court before U.S.

District Judge James Redden.

Environmental groups who are party to the lawsuit contend the plan does not go far enough in ensuring the survival of the Columbia salmon and steelhead species.

The tribes and federal agencies are of the opinion that the plan is the best way to ensure the survival of the species. Our focus is on the fish instead of litigation.

Judge Redden has presided over the court aspect of this process for several years, and has considered a large volume information.

He said he may give his opinion on the court challenge to the plan within the next several weeks. Warm Springs policy, legal, and technical representatives will continue to work with whatever process Judge Redden develops after the hearing. We are hopeful that he will direct the energies of all to the work to be done for salmon, eels, and the water and away from the continued gridlock of lawsuits.

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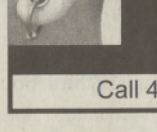


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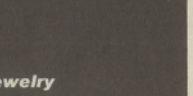
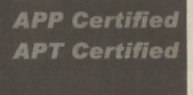


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