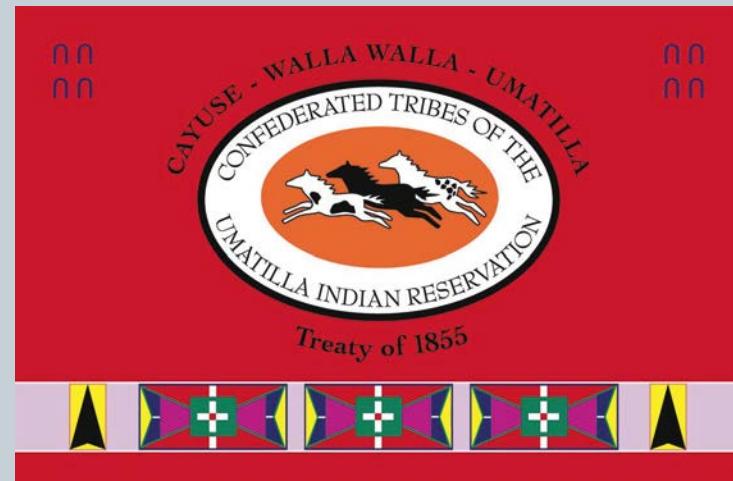


Tribal Perspectives on Sea Lions and Salmon in the Columbia River



**PRESENTED BY:
BRENT H. HALL**



Topics Covered



- I. The Treaty Reserved Fishing Right**
- II. The Full Picture of Sea Lion Predation in the Columbia River**
- III. Impacts of Predation on Tribes**
- IV. Salmon Fishery Management in the Columbia River**

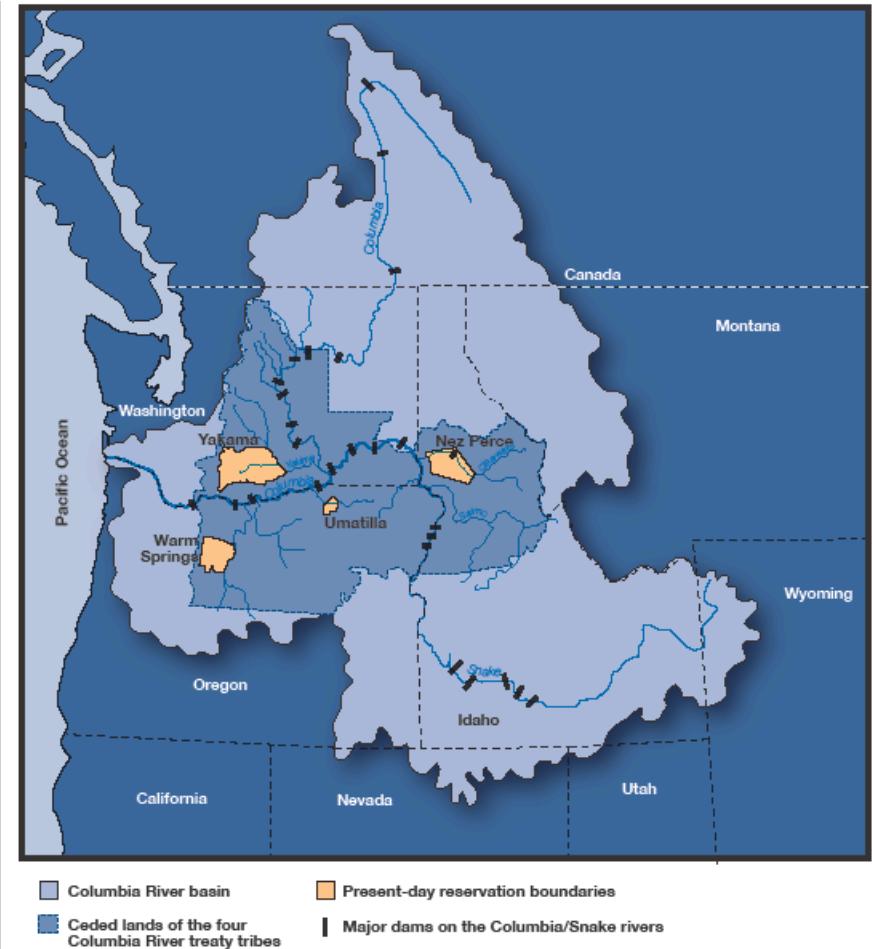
- In 1855, the United States entered into several treaties with Indian tribes and bands living along the Columbia River and its tributaries in what are now the states of Oregon, Washington and Idaho.
- The 1855 treaties were cession agreements in which the Tribes reserved homelands, sovereignty, and other rights, including fishing and hunting rights.



1855 Stevens and Palmer Treaties

Ceded Lands

- The treaties cleared title to ceded lands that opened much of the interior Columbia River Basin to non-Indian settlement.

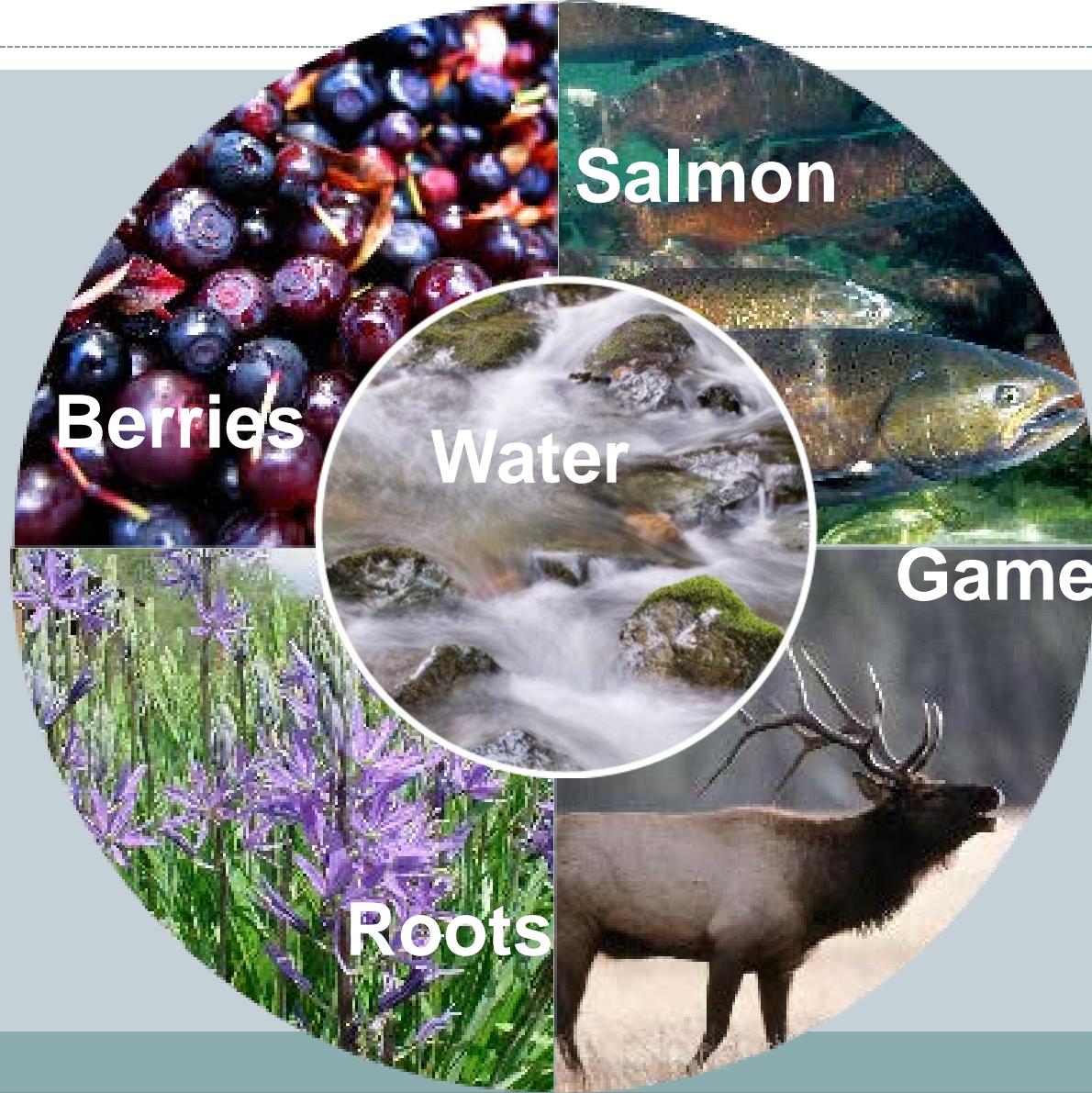


The Fishing Clause



- The treaties expressly provide: "That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians; and at all other usual and accustomed stations, in common with the citizens of the United States"
- The treaty minutes are clear that the tribes would not have entered into the treaties without the United States' promise to secure the fishing right.

First Foods

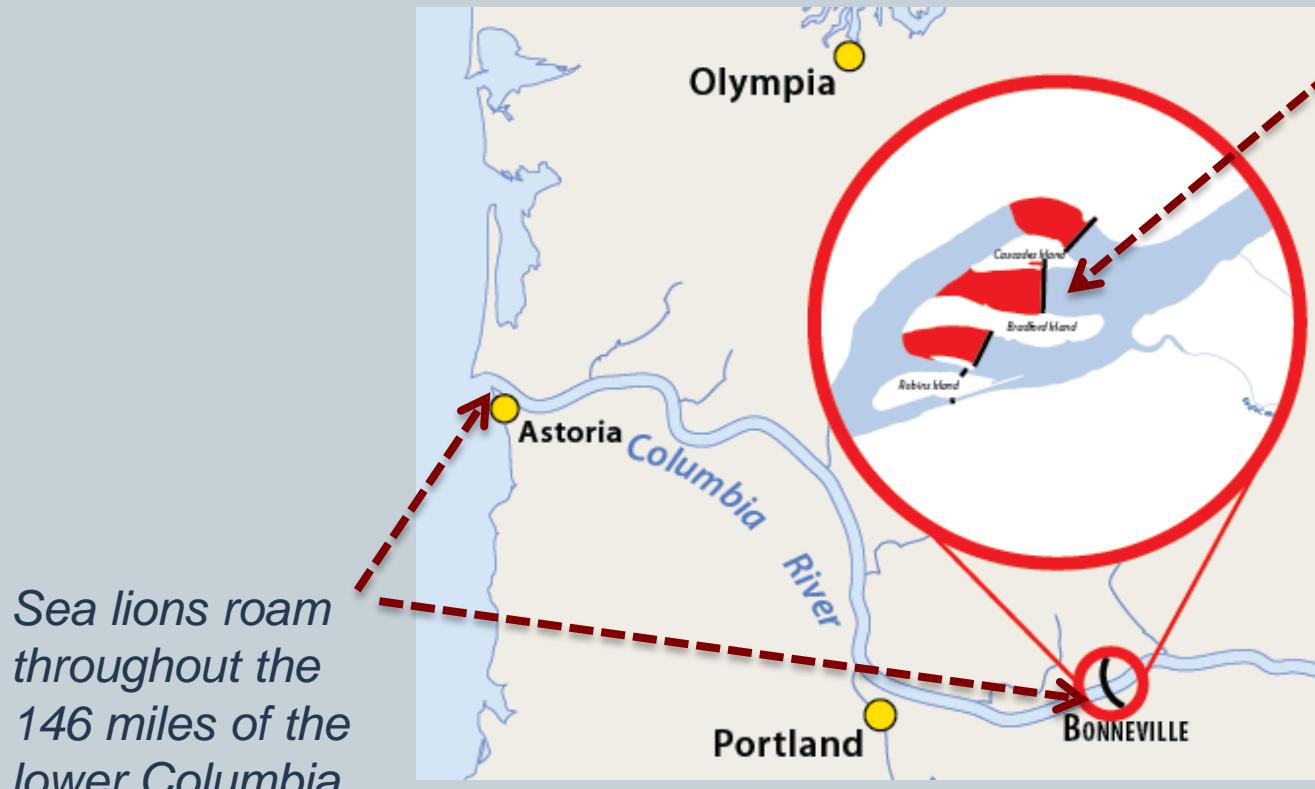


HSUS v. Bryson et al.



- Columbia River Treaty Tribes participated in amicus role in District Court, because:
- Both the plaintiffs' and the federal defendants numbers on salmon predation by Sea Lions are flawed;
- Refute arguments about nature of fishery and impacts of predation as compared to fishery;
- Predation disproportionately impacts tribal fishery.

Sea Lion Predation Accounting



4.2% predation rate is only from observations within 400 yards of Bonneville Dam

NOAA Undercounts by a Large Margin



- Only counts from the $\frac{1}{4}$ mile “observation area”
- Does not account for predation in the hazing area
- Does not account for predation in lower 146 miles of the Columbia River
- Does not account for predation in Zone 6, ABOVE Bonneville Dam

Sea Lion Accounting – Entire Lower River



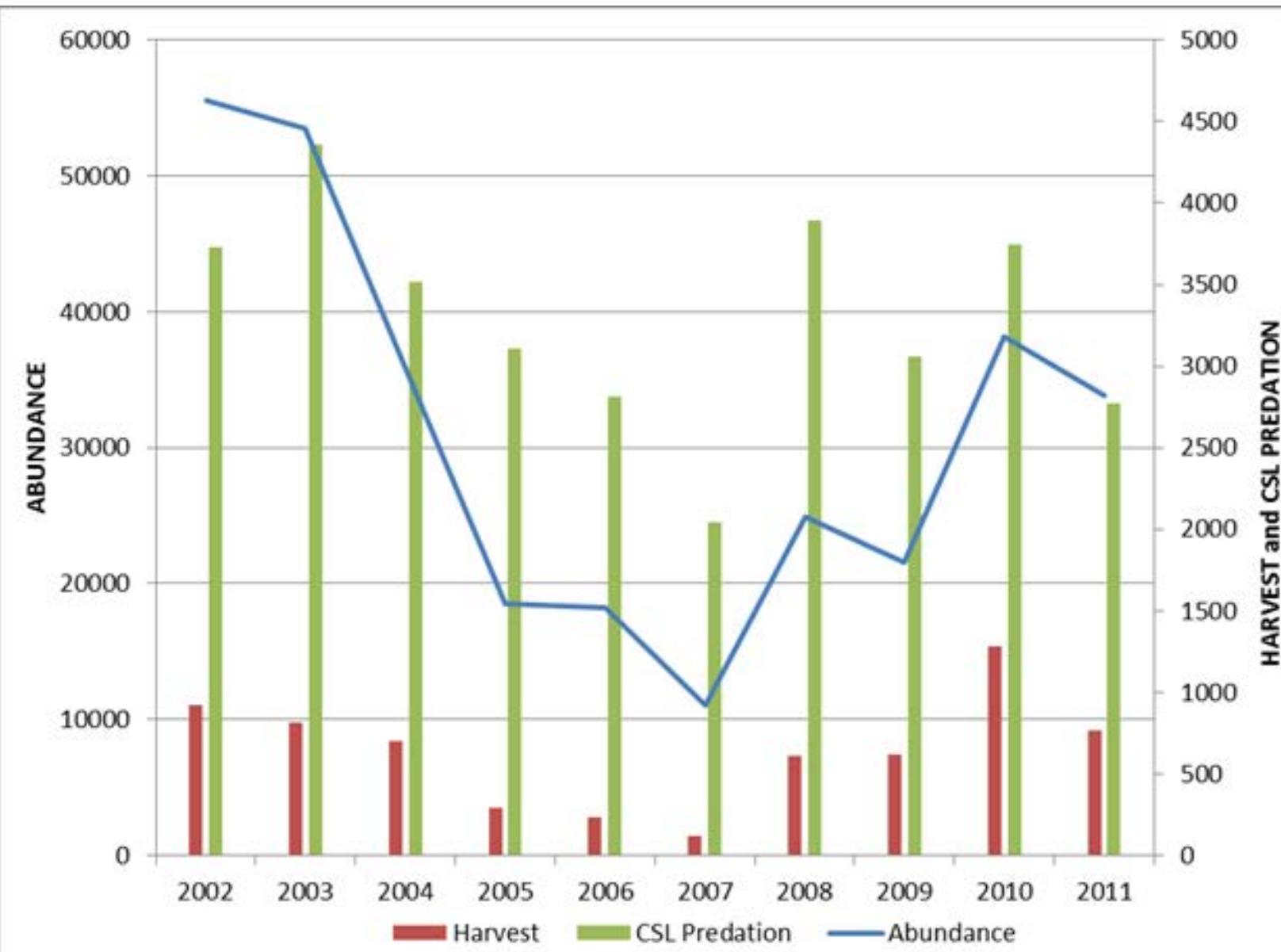
- Tribes measure predation at between 7 and 18% of the run, depending on the year.
- Accounts for predation in all 3 zones:
 - = Observation zone
 - + 5 mile hazing zone
 - + Remainder of lower river
- Over the last ten years, CSL predation averaged almost 11% of the spring Chinook run, and for the five lowest run sizes, CSL predation was between 14.2 and 18.4 % of the listed run.

“Apples to Apples” Comparison of Harvest vs. California Sea Lion Predation



River mouth Run Sizes				Harvest / California Sea lion Take of ESA Listed Chinook Salmon			
Year	River Mouth Run	Total wild (Listed)	% Listed	Zone 1-5 ESA Harvest	% Zone 1-5 ESA Harvest	Total estimated CSL ESA-listed salmon predation from river mouth to Bonneville	% Total estimated CSL ESA-listed salmon predation from river mouth to Bonneville
2002	335,214	55,534	16.6%	925	1.7%	3,726	6.7%
2003	242,605	53,483	22.0%	815	1.5%	4,356	8.1%
2004	221,675	35,941	16.2%	697	1.9%	3,516	9.8%
2005	106,911	18,516	17.3%	291	1.6%	3,111	16.8%
2006	132,583	18,276	13.8%	238	1.3%	2,815	15.4%
2007	86,247	11,098	12.9%	121	1.1%	2,042	18.4%
2008	178,629	24,935	14.0%	609	2.4%	3,890	15.6%
2009	169,296	21,539	12.7%	617	2.9%	3,059	14.2%
2010	315,345	38,189	12.1%	1,283	3.4%	3,743	9.8%
2011	221,157	33,824	15.3%	765	2.3%	2,774	8.2%
Total	2,009,662	311,336	15.3%	6,362	2.0%	33,030	10.6%

Lower River harvest, CSL predation, and abundance of natural origin ESA-listed spring Chinook



Early Season Effects Disproportionately Harm Tribes



- April predation counts sometimes exceed number of fish going upriver
- Upper Columbia River spring Chinook salmon return during the early part of run, making them more vulnerable to sea lion impacts.
- These early season impacts have a great effect on the tribes: Ceremonial fishing season.
 - No other tribal fisheries may occur until the tribal long houses are supplied.
- In recent years, the salmon return later in the spring, making the tribes wait longer.

First Salmon Ceremony



The importance of the first salmon ceremony has to do with the celebration of life, of the salmon as subsistence, meaning that the Indians depend upon the salmon for their living. And the annual celebration is just that - it's an appreciation that the salmon are coming back. It is again the natural law; the cycle of life. It's the way things are and if there was no water, there would be no salmon, there would be no cycle, no food. And the Indian people respect it accordingly.

Antone Minthorn, tribal elder, former Chair of Confederated Tribes of Umatilla Indian Reservation <http://www.critfc.org/text/ceremony.html>

Sea Lions in Bonneville Pool



- At least 4 California sea lions currently reside in the Bonneville pool.
- At least one animal has been there for more than 3 years.
- These animals impact all stocks that originate upstream of Bonneville Dam including some of the weakest stocks like winter steelhead.

Sea Lions in Bonneville Pool



- Sea lions below the Bonneville Dam tailrace generally leave within two months.
- Sea lions residing in the Bonneville pool impact stocks year-round, making their individual impacts about 6 times greater than sea lions that can leave the system.
- The impacts from the 4 sea lions in the Bonneville pool may be similar to 25 animals in the tailrace. Removing these animals needs to be a priority.

Sea Lions in Bonneville Pool



- These animals impact tribal fishers by damaging gear and catch.
- This is a particular problem at the beginning of the season during ceremonial fishing, when total fish numbers are very low.

Fisheries Management in the Columbia River



- *United States v. Oregon*, CV 68-418: a “complex judicial and administrative scheme regulates the harvest of Columbia River salmon and steelhead.”
- Managed according to consent decrees entered with Judge King.
 - 2008-2017 *United States v. Oregon* Management Agreement
- Abundance-based sliding scale for harvest:
 - More harvest when more fish; reduced harvest when less fish
- Sea lions do have a sliding scale.

2008-2017 U.S. v. Oregon Management Agreement



- Part I: Structure and Process
 - ✖ Governance and Implementation
- Part II: Harvest
 - ✖ Stock by stock fishery agreements
- Part III: Hatchery Production Commitments
 - ✖ General agreements, specific program by program details, and identification of outstanding issues



Questions?





Thank You!

<http://www.umatilla.nsn.us/>

