

Confederated Tribes of the Umatilla Indian Reservation COLUMBIA BASIN SALMON POLICY

March 8, 1995

I. Preamble

Salmon are in a state of crisis. We must act immediately and decisively if we are to save them from extinction and restore them to the levels guaranteed in our Treaty.

For thousands of years, salmon thrived in the Columbia Basin. Salmon always have been central to our religion and our culture, and we honored them accordingly. We had plenty of salmon to sustain us and plenty more to trade with others from far away.

In less than 150 years, the newcomers to our homeland have driven the once-plentiful salmon to the brink of extinction. Many salmon species already are gone forever.

It is not just the salmon which are endangered. Salmon are only a small symptom of a dying ecosystem. It is the Columbia Basin and the Pacific Ocean which are endangered. The salmon are telling us that the mountains, valleys, plains, rivers and ocean are all sick. Many other species now face extinction.

For thousands of years, we managed our resources with respect. This land was rich in natural resources when the first non-Indians arrived. The wasteful and disrespectful practices of the last 150 years have used up nearly all of these resources, creating ugly conflicts between those people now dependent on them.

These resources would be healthy if the Treaty of 1855 had been honored, and if the United States Government had honored its own laws. Salmon, sturgeon, eels, and many other fish face certain extinction unless immediate and drastic changes are made in the human management of the Columbia Basin and the Ocean.

Salmon have been a source of sustenance, a gift of religion, and a foundation of culture for our people since time immemorial. Their existence is vital and linked to ours. We will not allow them to go extinct.

We have the answers to this problem. We can save the salmon and make the economy of the Pacific Northwest even stronger at the same time. We must implement plans which meet not only our needs, but the needs of our grandchildren and their grandchildren.

A New Energy Plan, which would promote new economic development and which would significantly reduce the impacts of hydropower on the salmon is needed and is possible. This New Energy Plan must be a critical component of our solutions.

It is time to heal the resources of this region. We call upon the other Tribal Nations, upon the people of the United States of America, and upon the people of Canada to support our policy:

IT IS THE POLICY OF THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION THAT THE HEALTH OF THE COLUMBIA BASIN AND THE PACIFIC OCEAN BE RESTORED, AND THAT ALL SALMON AND OTHER NATIVE FISH SPECIES BE RESTORED TO THE SAME POPULATION LEVELS AND TO ALL RIVERS IN WHICH THEY LIVED PRIOR TO THE TREATY OF 1855.

WE HEREBY DECLARE THAT A STATE OF EMERGENCY EXISTS IN THE COLUMBIA BASIN AND PACIFIC OCEAN WHICH REQUIRES IMMEDIATE ACTION.

II. Background

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) are made up of the Umatilla, Cayuse, and Walla Walla Tribes. Before the Treaty of 1855, our Tribes had a thriving fishing economy. We traded salmon up into Canada, down into California, and far to the East for goods from those regions. We were a wealthy, self-sufficient nation at that time.

“This multitude of fish is almost inconceivable. The water is so clear that they can readily be seen at the depth of fifteen or twenty feet.”
Captain W. Clark, Lewis and Clark Expedition, October 1805

In 1855, our Tribes entered into a Treaty with the United States Government in which we ceded 6.4 million acres in what are now the States of Oregon and Washington. We never gave up certain rights, however. Instead, we reserved them in the Treaty and the Federal Government promised to protect them for us.

The rights we reserved were the basis of our economy and the core of our culture and religion. These rights include the right to fish at our usual and accustomed fishing stations throughout the Columbia Basin, and the right to a sufficient quantity and quality of water to maintain these fish runs. The Treaty also reserved the right of continued Tribal access to certain lands for hunting, for gathering traditional foods and medicinal herbs, and for religious purposes. Without the promise that these rights and resources would be protected, our ancestors would not have signed the Treaty.

The 6.4 million acres which we gave to the people of the United States contained a vast wealth of natural resources. The non-Indian economies of the Pacific Northwest are based upon these Treaty-given resources.

Our economies can co-exist. Instead, non-Indians have taken not only the resources we gave them, but the resources which we specifically reserved to ourselves. As a result, their economies have thrived, while ours has been driven to extinction.

The construction of the Hells Canyon Dam on the Snake River resulted in the complete extinction of all anadromous fish in all upstream watersheds. Within our ceded lands, this includes the entire Powder, Burnt, Owyhee, and Malheur watersheds. Each of these watersheds were significant producers of the Columbia and Snake River salmon runs.

Salmon are on the verge of extinction in the Grande Ronde, Yakima, Imnaha and Tucannon watersheds, and are now listed under the Endangered Species Act. Already, the Snake River coho, the Wallowa Lake sockeye, the Walla Walla chinook, and the Grande Ronde lamprey are extinct, among others.

The fish populations are so low in the Grande Ronde, Imnaha, Tucannon, and Walla Walla watersheds that we can no longer fish these tributaries. We have cut our harvest on the Columbia River to virtually nothing.

Our people are suffering because the United States has not honored our Treaty. In addition, the Federal Government and the States have many laws of their own which would have prevented the decline of salmon, but which they have not enforced. This policy calls for the enforcement of existing laws, and for new laws where necessary to right the wrongs of the past.

III. Overview of Ecosystem Restoration and Management

A. Water

Water is one of our most sacred gifts from The Creator, and is an essential part of our religion. Water is the lifeblood in the veins of the Pacific Northwest. Without good clean flowing water, nothing will survive. Instream flows and good water quality must be restored.

“It is the National Goal...that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish...be achieved by July 1, 1983.”
Clean Water Act, 33 USC 1251(a)

Water is the home of the salmon. Like the salmon, water travels from the mountains to the ocean, and back again. Impacts to the water are felt throughout the ecosystem.

Inadequate instream flows are killing salmon by the millions, throughout the Columbia Basin tributaries and in the mainstem of the Snake and Columbia Rivers. Hydropower management changes the quality, timing and quantity of river flow. Irrigation permanently removes large quantities of water from the rivers.

Columbia and Snake River instream flows are now "managed" for power production. The Columbia River has become the energy "engine" for the economy of the Pacific Northwest. This economy is dependent on billions of dollars of Federal subsidies. To maximize energy output, the Federal agencies literally reverse the timing of instream flows. As a result, instead of a clean flowing river for salmon, the Columbia and Snake Rivers are a series of stagnant lakes.

Irrigation withdrawals dry up many tributary rivers, even the mainstem. For example, below Milner Dam in Idaho, the Snake River has zero flow. Further down the mainstem, flow velocities have dropped significantly as the once free-flowing Snake and Columbia Rivers have been changed into reservoirs. The many huge irrigation withdrawals from the mainstem further reduce the flow velocities.

The water itself is sick. Grazing, timber, mining, agricultural and recreational practices in the tributaries are drastically changing and damaging the health of the rivers.

Many tributaries now have temperatures which are lethal to salmon. Only high elevation streams with cool water now are utilized by salmon for spawning, rearing, and other needs, while formerly productive salmon habitat in the mid and lower parts of those same streams have become an aquatic wasteland.

Mainstem dams and reservoirs have increased water temperatures to dangerous levels. These high temperatures not only weaken salmon, but provide excellent habitat for their predators, such as squawfish. High temperature water from the tributaries only makes the mainstem temperature problems worse.

Land management practices have increased erosion and sedimentation. High levels of sediment smother redds, suffocate salmon, and reduce fish food production.

Toxic pollutants poison the water. In the mountains, forest managers apply pesticides and herbicides which end up in the water. In the valleys and plains, farmers add more pesticides and herbicides, plus fertilizers. The Hanford Nuclear Reservation adds highly toxic radioactive and chemical wastes, much of it through contaminated groundwater which seeps into the Columbia River. Pulp and paper mills add millions of gallons of organochlorine wastes, including dioxins and related chemicals of extreme toxicity. Aluminum smelters also contribute a significant amount of pollutants to the Columbia Basin's ecosystem.

“Salmon can’t get up here on their fins and say what they want; a cup of water can’t get up here and talk...we’ve got to talk for the salmon and for the water, that is our duty.”
Brian Conner, CTUIR Tribal Member
Testimony at Special General Council
Hearing on Salmon Restoration,
August 27, 1994

From the tributaries to the ocean, cities and industries add their wastes. This waste accumulates in the Columbia River estuary, a critical rearing ground for young salmonids.

The failure of the Federal Government and the States to honor our Treaty and to enforce their own laws has created these problems. Salmon have the superior legal claim to water in the Columbia Basin under our aboriginal rights, under our Treaty and under the States' Prior Appropriations Doctrine. Likewise, both our Treaty and laws such as the Clean Water Act mandate cleaning up the water.

From time immemorial, water has been the giver of all life. We must honor and protect it, from the tributaries to the ocean.

It is the Policy of the CTUIR that:

- 1. The Federal and State Governments must begin honoring our reserved instream water rights, immediately. For instance:**
 - a. The Federal Government must recognize our superior legal right to instream flows for fish in its actions which affect instream flows, such as the development of the System Operation Review, the System Configuration Study, the Pacific Northwest Coordination Agreement, and the Canadian Entitlement Allocation Agreement.**
 - b. The Federal Government must release all uncontracted stored water for augmentation of instream flows for fish.**
 - c. The States must stop issuing new water rights anywhere in the Columbia Basin until our water rights are satisfied and the salmon have enough water for their needs.**
- 2. To reduce the impacts of honoring our senior water rights on the power system, the Pacific Northwest needs a New Energy Plan which will reduce the energy production burden on the Columbia and Snake Rivers so that fish can, once again, live in these great Rivers.**
 - a. We will work with the Federal Government, the State Governments, local communities, and with other Tribal Nations to develop this Plan.**
 - b. We call upon the Federal Government, in particular, to work with us to develop and implement this New Energy Plan before the end of this century.**
- 3. To reduce the impacts of honoring our senior instream water rights on junior irrigation water rights holders, the Federal and State Governments must:**
 - a. Require water conservation measures to reduce out-of-stream needs for water.**
 - b. Discourage economically unjustifiable uses of water, such as to grow surplus crops and low value crops.**
- 4. The Federal and State Governments must begin monitoring water withdrawals and must halt all uses which are illegal under Federal or State law, immediately.**
- 5. The Federal and State Governments must comply with our Treaty and with Federal and State laws which require protection and restoration of good water quality.**

- 6. The Federal, State and Local Governments must aggressively enforce all existing laws governing toxics, and must themselves comply with such laws. They also must strengthen those laws to further minimize and eventually eliminate the discharge of toxics. Further, they must initiate and mandate clean-up measures to remove existing toxics from the water.**

B. Harvest

Our harvest of salmon is not what is killing off the salmon. Salmon are being destroyed for economic profit by hydropower, irrigation, timber and grazing interests.

We harvested salmon for thousands of years at levels far higher than today. To protect the salmon, we have been reducing our harvests for decades. Over twenty years ago, we began shutting down our fisheries altogether in the tributaries. Now, even our mainstem harvest season lasts only a few days.

Yet, the industries which have been responsible for destroying the salmon runs have not made any sacrifices. They continue to slaughter salmon by the millions, while enjoying economic prosperity. Most of the salmon are killed as smolts, when they are only a few inches long. Few people witness this slaughter.

Meanwhile, many blame Tribal harvest for the decline of salmon. The participation of the Federal Government in perpetuating this lie is unconscionable and is a breach of its Trust Responsibility to protect our Treaty-reserved fishery.

For instance, the National Marine Fisheries Service reported that mainstem dams kill up to 93% of juvenile Snake River fall chinook. Yet, it determined that these Federal dams do not jeopardize Columbia River salmon. At the same time, they demanded that we shut down our tiny remaining harvest, which accounted for about 2% of all man-made mortalities.

Even with commercial harvest, this double standard continues. Tribes are told to shut down our harvest, while international and Alaskan fisheries on these same fish continue. Federal law requires that the burden of conserving a species be shared equally. When Indian Treaty rights are involved, those rights are to be limited only after all other nonTreaty users have shouldered their burden. This legal requirement has been grossly violated.

Federal courts have interpreted our Treaty to mean that half the salmon runs are ours and half are for non-Indians. The non-Indians have used up all of their half, and now have used up nearly all of our half as well.

We have voluntarily reduced our harvest to almost nothing to protect the salmon. We have opposed completely shutting down our fishery. Our connection to salmon is based on harvest for religious, cultural and economic purposes. We oppose any efforts to separate us from the salmon, and to keep us from asserting our Treaty right to demand restoration of the salmon runs.

It is the Policy of the CTUIR that:

- 1. The Tribes, Federal Government and States must establish harvest and escapement goals which enable the recovery and restoration of all salmon and other native fish.**
- 2. The Tribal fishery must meet the needs of Tribal members for cultural and religious purposes, for subsistence food, and for economic purposes.**

3. **The needs of the bear, eagle, cougar, and others for salmon must also be fulfilled. This balance between humans and our animal brothers is way out of balance, with humans consuming more than our fair share.**
4. **All killers of salmon must be considered as harvest.**
 - a. **The artificial distinction between 'harvest' and those who kill salmon for other economic reasons must cease.**
 - b. **Treaty reserved Tribal harvest must be met before harvest by the dams, irrigation, agriculture, grazing, timber harvest, and the Alaskan and Canadian fisheries.**
5. **We will re-establish traditional Tribal fisheries in all of our usual and accustomed fishing stations, and will support other Tribal Nations' efforts to do the same. The Federal Government must actively assist in restoring our Treaty-reserved access to our usual and accustomed fishing sites.**
6. **The Federal Government must stop blaming our fishery for the decline of salmon, and must take affirmative steps to correct this lie. The dams are by far the biggest 'nets' in the Rivers. It is time for the Federal Government to take responsibility for exterminating our salmon runs.**

C. Supplementation

Hatcheries have been used by the Federal Government to mitigate for salmon losses due to the construction of hydroelectric dams. Now, under the Endangered Species Act, the Federal Government is telling us that hatcheries are no longer an appropriate tool to restore salmon, but rather only to preserve salmon as a museum piece.

Despite their intended purpose, hatcheries have never been used to restore salmon populations. Instead, hatcheries have been used to provide a fishery, primarily for nonIndians. Almost all of these hatcheries were located so that the fish would return below Tribal fishing areas.

Federal and State hatcheries failed to restore salmon because they never allowed the salmon to return to their habitat. The past hatchery policies have been "concrete to concrete" management. Instead of allowing the salmon to return to the river to reproduce naturally, they were returned to the hatcheries to reproduce artificially.

The population levels have fallen so low now that supplementation is mandatory if salmon are to be prevented from going extinct. Artificial propagation has been used successfully with many endangered species.

Now, however, the National Marine Fisheries Service is significantly limiting the use of hatcheries in this crisis situation. Using an arbitrary definition of species, the "evolutionarily significant unit", the agency is pursuing a policy which may well cause the extinction of the species they purport to be protecting.

Currently 75% of all returning salmon are hatchery-reared. This situation is not the result of Tribal actions nor is it our desire. Hatcheries need to be used, but they must be used properly.

Our philosophy is "gravel to gravel" management. Hatcheries should be used to reintroduce salmon into their habitat, from which they can continue to reproduce naturally. The CTUIR, working with the Federal and State Governments, has successfully reintroduced three stocks of salmon in the Umatilla River using

this philosophy. We now watch fall chinook salmon spawning in river gravels where they have not spawned for nearly 80 years.

Hatcheries also have failed because the dams slaughter salmon by the millions. The current Federal policy of pretending the dams are not responsible for the decimation of Columbia River salmon, and using illogical interpretations of the Endangered Species Act to restrict the use of hatcheries, is a recipe for salmon extinction.

It is the Policy of the CTUIR that:

- 1. Hatcheries have failed to mitigate the impacts of the mainstem dams on our Treaty fisheries.**
- 2. Salmon populations are in a state of crisis. Supplementation must be used to supplement existing remnant salmon populations and to restore lost salmon runs. The Federal Government must:**
 - a. Rescind its "evolutionarily significant unit" definition.**
 - b. Implement supplementation measures which are based on sound genetic science for survival and restoration of the species.**
 - c. Install adequate supplementation facilities in the upstream portions of the Columbia Basin to assist in the restoration of the salmon to their traditional habitat and to supply our Tribal fisheries.**
 - d. Use supplementation to assist in rebuilding all treaty-protected species, rather than just those favored by non-Indian fishery interests.**
 - e. Use supplementation as a tool to rebuild the salmon runs to the levels protected under the Treaty Of 1855 and to restore our Treaty fishery as quickly as possible.**
- 3. The Federal and State "concrete to concrete" hatchery practices must be replaced with a restoration-based "gravel-to-gravel" use of supplementation.**
- 4. Artificial production is a very important tool to restore salmon, but it is only one tool. Supplementation must be accompanied by other mandatory restoration efforts, such as habitat restoration (mainstem and tributary) and reductions in harvest.**
- 5. Salmon and other native fish (such as bull trout and whitefish) must be restored to harvestable levels in all rivers they inhabited prior to 1855. Supplementation must be used, in combination with other restoration measures, to achieve this overall goal. General goals for CTUIR ceded area subbasins are as follows:**
 - a. The once extinct spring chinook, fall chinook and coho must be fully re-established in the Umatilla River.**
 - b. Currently extinct spring chinook, fall chinook and coho must be re-established in the Walla Walla River.**
 - c. Currently extinct coho and Wallowa Lake sockeye must be re-established in the Grande Ronde River.**

- d. **Depressed populations of spring chinook and fall chinook must be restored in the Grande Ronde, Imnaha, and Tucannon Rivers.**
- e. **Depressed populations of spring chinook, fall chinook and coho must be restored in the Yakima River.**
- f. **Depressed eel populations throughout the Columbia Basin must be restored.**
- g. **All salmon and other native fish must be re-established in the Burnt, Owyhee, Powder and Malheur Rivers.**
- h. **The Umatilla Basin salmon restoration program should be used as a model for the proper use of supplementation.**
- i. **The Grande Ronde River should be used as a model to develop a state of the art restoration program using hatcheries as a tool, in conjunction with (rather than in lieu of) increased survival in the mainstem and in the tributaries.**

IV. Regional Ecosystem Restoration and Management

A. Tributary Ecosystem

The tributary rivers and creeks, once the home and spawning grounds of the salmon, have now become hostile environments. High temperatures and pollutants kill, weaken and reduce productivity of the salmon. Silt smothers their eggs.

Watershed degradation has drastically changed the rivers and has made salmon habitat unlivable. The impacts of logging, road building, grazing, mining, farming and development run down hills, into streams, and progressively through watersheds.

Irrigation diversions compound the problem by dewatering streams. Because of poor or absent screens, diversions draw fish into ditches and then flush them onto fields.

Many of these impacts could have been prevented by respectful use of the watersheds. Although Federal, State and Local Governments and private interests have long pushed for voluntary measures to restore and protect salmon streams, very little has been done.

We have worked cooperatively with Federal and State agencies and with private individuals to develop methods to minimize the impacts on salmon while allowing continued use of the watersheds' resources. We have solutions, but they are not being implemented.

For instance, in 1989, we helped the U.S. Forest Service develop the Tri-Regional Anadromous Fish Policy and Implementation Guide. In 1992, at the request of the Wallowa-Whitman National Forest, we used our scarce resources to help them develop the Upper Grande Ronde River Anadromous Fish Habitat Protection Restoration and Monitoring Plan. Neither plan has been implemented by the Federal Government.

The Upper Grande Ronde has "...severe temperature and sedimentation problems."

Forest Supervisor, Wallowa-Whitman National Forest, Fire Bug Timber Sale, Environmental Assessment, March 26, 1990

"We see no evidence to support speculation that [a stream temperature] increase has occurred."

District Ranger, LaGrande Ranger District, Wallowa-Whitman National Forest letter to National Marine Fisheries Service, September 14, 1992

We have shown, however, that our solutions work. We used the Upper Grande Ronde River Anadromous Fish Habitat Protection Restoration and Monitoring Plan to guide our own timber sales on Tribal lands in the Upper Grande Ronde. We have shown that we can harvest timber profitably and still protect our watershed.

Economic use of watershed resources can co-exist with salmon restoration. Federal implementation of the Plan would similarly streamline the Federal timber sale program.

To restore salmon to their homes in the tributaries, watershed restoration efforts should be accompanied by supplementation measures where the salmon are gone or their populations are critically depressed. Our Umatilla Basin salmon restoration effort should serve as a model. Our goal is to restore our Treaty fisheries in the tributaries, fisheries which we had to begin shutting down decades ago.

It is the Policy of the CTUIR that:

- 1. Watershed health must be restored to all of the Columbia River tributaries, from the headwaters to the ocean.**
- 2. Federal and State agencies must begin enforcing all existing laws which prohibit or limit impacts to the watersheds, such as limitations on in-river activities.**
- 3. Private landowners also must comply with our Treaty and must participate in all watershed restoration efforts as well.**
- 4. Floodplains must be protected from further degradation and restored to a healthy condition:**
 - a. Federal, State, Local and Tribal Governments should place a moratorium on new development within floodplains.**
 - b. Critical floodplains should be identified for priority restoration efforts such as:**
 - i. Re-establishment of wetlands.**
 - ii. Reopening of old channels.**
 - iii. Identification of sites where houses, roads, fences, etc. can be relocated.**
- 5. The beaver must be restored to all rivers. Beavers restore wetlands, reconnect floodplains with rivers and streams, and otherwise restore watersheds. Bring back the beaver and good quality salmon habitat will follow.**
- 6. Farming practices must be modified so that they no longer degrade the watershed.**
- 7. All irrigation diversions must be screened. The States must begin enforcing existing laws requiring screening of irrigation diversions, immediately.**
- 8. All irrigation diversions must be gauged and monitored to assure the legal diversions of water.**

9. Dams and other passage barriers in the tributary systems must be removed or modified to allow free passage of migrating salmonids.
10. Areas including and surrounding culturally sensitive areas should be closed to all activities.
11. Fire suppression should be used sparingly, and fires should be allowed to burn much as possible. Salvage logging after fires should be limited to only what can be removed without damaging the watershed.
12. All watersheds in the Columbia Basin must be managed with standards comparable to those in the Upper Grande Ronde River Anadromous Fish Habitat Protection Restoration and Monitoring Plan.
13. The U.S. Forest Service must implement the Upper Grande Ronde River Anadromous Fish Habitat Protection Restoration and Monitoring Plan immediately.
14. Salmon spawning streams such as the Grande Ronde, Umatilla, John Day, Tucannon, and Walla Walla have been stressed beyond their capacity and must be rested to allow recovery.
15. Kop Koppa ('the Place of the Cottonwoods'), otherwise known as the Grande Ronde Valley, must have its cottonwoods restored, and along with it the beaver, camas and wetlands.
16. In the Walla Walla River, where the United States Government first promised to protect our fish and water, the river itself must be restored.
17. The CTUIR will continue to take the steps outlined above to protect and restore the watersheds within our Reservation and, with our co-management authority, throughout our remaining ceded lands.

B. Mainstem Columbia and Snake River Ecosystems

The Columbia and Snake Rivers were magnificent rivers, around which we lived our lives. Celilo Falls and other great fishing places like it on the mainstem were central social, economic and religious places for us.

“We can no longer look at the symptoms of the salmon’s destruction, but must stop the deadly actions that have caused it.”
 Donald Sampson, Chairman, Board of Trustees
 CTUIR letter to System Operation Review lead federal agencies, December 15, 1994

Nothing can ever make up for the inundation of Celilo Falls and the others. No words can explain away the dams that have been built or allowed by the Federal Government, who had pledged to protect our fishing stations. No words can express the loss.

The mainstem Columbia and Snake Rivers are critical habitat for salmon and other native fish. Salmon restoration efforts, however, typically refer to these great rivers as the "Hydrosystem".

This label ignores the fact that these rivers are fish habitat, and enables agencies to view them only as hydropower generating machines. Ignoring the rivers' role as habitat also enables agencies to substitute the interstate highway system and barges as appropriate "transportation" for salmon.

The eight lower Columbia and Snake River dams and reservoirs kill an estimated 77-96% of migrating juvenile salmon and an estimated 37-61% of migrating adults. Extremely warm temperatures in the reservoirs have disastrous effects on salmon, causing disease, stress and death. The reservoirs create ideal conditions for squawfish and other predators which feed on young salmon.

Conversion of the Columbia and Snake Rivers into reservoirs has resulted in a major loss of salmon habitat. The mainstem used to provide critical habitat for rearing of juveniles, overwintering of juveniles and for spawning.

Federal and State efforts to restore Columbia Basin salmon have failed because restoration of salmon has been separated from restoration of the Columbia and Snake Rivers. Rather than restoring these great rivers to the conditions needed by salmon, these efforts have treated only the symptoms.

For instance, rather than address the altered habitat conditions which favor predators of the salmon, river managers began a harvest program on squawfish. Other "solutions" have included removing the fish from the rivers altogether, and putting them in trucks and barges to take them to the ocean.

A cool, free-flowing Columbia River is good for salmon and sturgeon and the other cultural resources reserved by our Treaty. Salmon need a river. Salmon cannot live in a series of dammed stagnant reservoirs.

It is the Policy of the CTUIR that:

- 1. Mainstem habitat conditions required by salmon, sturgeon, eels and other native fish must be restored. The Columbia and Snake Rivers must flow again.**
- 2. Actions to decrease smolt travel times and to improve water quality sufficient to prevent extinction must be implemented immediately (March, 1995). These measures include:**
 - a. Structural modifications at dams including better juvenile bypass systems and adult fishways.**
 - b. Immediate improvement in river velocity.**
 - c. Increased spill when necessary.**
 - d. Implementation of drawdowns of the lower four Snake River dams and the John Day Dam.**
 - e. Release of stored water from the Upper Snake and Upper Columbia reservoirs to augment instream flows.**
- 3. The Federal and State Governments must implement every action necessary to restore river velocity and improve water quality immediately. Every effort must be made to protect every juvenile salmon in the 1995 smolt out-migration.**
- 4. The removal of juvenile salmon from the Columbia River for artificial means of "transportation" must be halted.**
- 5. The Northwest Power Planning Council and the States of Oregon, Washington, Idaho and Montana should implement emergency mandatory energy conservation standards in 1995 as another means to increase flexibility in the operation of the Columbia hydrosystem.**

6. **We support the staged, strategic modification or removal of dams, such as the lower four Snake River Dams and the John Day Dam, coincident with development of a New Energy Plan for the region and implementation of aggressive energy conservation programs.**
7. **The Federal Government must take financial responsibility for mitigating the impacts of drawdowns and dam removal.**

C. Estuary Ecosystem

The Columbia River estuary is a critical rearing ground for young salmon as they change from being fresh water fish to being salt water fish. They depend on the rich nutrients of the estuary for their growth and development before proceeding into the open ocean.

From 1870-1970, around two-thirds of all tidal swamps, marshes, and flats have been lost as a result of dredging, filling, diking, channelization and other development activities. The toxic material added to the waters from the headwaters through the mainstem accumulate in this sensitive estuary system.

It is the Policy of the CTUIR that:

1. **The States of Oregon and Washington should take all steps necessary to have this estuary formally added to the National Estuary Program, enabling Federal funding to assist in estuary restoration and in understanding the condition of the estuary.**
2. **The Federal and State Governments must take all steps necessary to halt further estuary degradation and habitat loss. They must:**
 - a. **Take all steps necessary to significantly reduce in-river and off-shore discharges of waste water, toxic effluent, and other pollutants which are building up in this estuary.**
 - b. **Prohibit further loss of tidal swamps, marshes or flats.**
3. **We will enlist the aid of other Tribal Nations, Federal and State Governments, private citizens and environmental groups to proactively bring about the necessary restoration in estuarine habitat conditions for the benefit of salmon and other anadromous fish.**

D. Ocean Ecosystem

Salmonids spend the majority of their lives in the ocean. Despite this fact, the National Marine Fisheries Service has failed to designate the ocean as "critical habitat" under the Endangered Species Act. Degradation of the ocean habitat along with poorly regulated international fishing are having an unknown effect on salmon survival.

It is the Policy of the CTUIR that:

1. **The National Marine Fisheries Service must begin focusing its attention on the ocean. In 1995, this agency must assess the scope and impacts of Canadian and Alaskan fisheries, offshore foreign fisheries, ocean water quality degradation, and the condition of food chain processes that influence Columbia River salmon survival and productivity.**
2. **Any impacts to Columbia River salmon from ocean fishing or habitat degradation must be identified and curtailed immediately.**

V. Obligations to Uphold the Treaty of 1855

The Treaty of 1855 is our "contract" with America. It is much more than a contract, however. Under the United States Constitution, the Treaty Of 1855 is considered "the Supreme Law of the Land."

"It is hard to have a thriving economy when the basis of your economy is listed as an Endangered Species."

Antone Minthorn, CTUIR General Council Chairman, Speech to the President's Council on Sustainable Development, November 3, 1994

The United States Government has a solemn obligation under both its own laws and under international laws to uphold our Treaty. This obligation extends to the individual States which make up the United States, and to the individual citizens of the United States.

The Federal Government, in addition, has a special Trust Responsibility to protect Tribal resources. This doctrine has been recognized by the United States Supreme Court and was first articulated by the first Chief Justice, John Marshall. This doctrine recognizes that States and citizens often are hostile to Tribes and greedy for our resources. It places a special obligation upon the United States Government to protect our people, our rights and our resources from those who do not honor our Treaty.

The Federal Government, however, is responsible for much of the hostility that we and our Treaty rights face. The conflict between salmon and other economic interests in many cases was the direct result of Federal actions. For instance, Federally constructed dams encouraged non-Indians to become dependent on the water we reserved for the fish. Now, non-Indian hydropower and irrigation interests view themselves as pitted against the restoration of the Treaty-reserved water needed by the fish.

It is the Policy of the CTUIR that:

- 1. Our Treaty, in which we gave the people of the United States over 6.4 million acres of land rich with resources, has been violated. Our Treaty rights must be honored, and our Treaty resources restored.**
- 2. The Federal Government has breached its Trust Responsibility to this and other Tribal Nations by managing the Columbia Basin and the Pacific Ocean in a way which has destroyed our Treaty resources.**
- 3. In many cases, the conflict between our Treaty rights and other economic interests was caused by Federal actions. These situations are a particularly outrageous violation of the Federal Trust Responsibility. The Federal Government has an obligation to fix the conflicts it has created. Specifically, the Federal Government must restore our Treaty resources, and take responsibility for the resulting impacts on other users of those resources.**
- 4. The Federal Government's Trust Responsibility requires that it protect and restore the salmon, sturgeon, and eels, and the Columbia Basin-Pacific Ocean habitat they require.**
- 5. We will use our Sovereign powers to protect ourselves by using whatever means necessary to protect and restore the Columbia Basin and its Treaty-protected fish, wildlife, plant, water and cultural resources.**
- 6. We call upon the Federal and State Governments to enforce the laws and policies you have adopted. If compliance were met with the National Forest Management Act, the Clean Water Act, the Northwest Electric Power Planning and Conservation Act, and the Endangered**

"[C]onflicting responsibilities and federal actions taken in the 'national interest,' however, do not relieve [the Secretary of the Interior] of his trust obligations."

Federal District Court of Montana, Northern Cheyenne Tribe v. Hodel, 12 Indian Law Reporter 3065, 3071 (1985)

Species Act, among others, the Columbia River salmon would not be on the brink of extinction. We support these laws and call for Congressional and administrative efforts to implement and strengthen them where necessary.

7. The policy of using hatcheries in lieu of protecting habitat in the mainstem and tributaries has failed. Restoration plans must be comprehensive, using both habitat restoration (mainstem and tributary) and supplementation.
8. Federal and State agencies must implement recovery and restoration actions which are consistent with the standards and procedures of U.S. v. Oregon.
9. Short-term and long-term management standards must be developed for operation of other economic activities and to restore the habitat within the tributaries and the mainstem.
 - a. Immediate (1995) standards should recognize that a State of Emergency exists, and should be based on the goal of preventing extinction and initiating recovery of Snake River salmon as quickly as possible.
 - b. Long-term (permanent) standards must restore our Treaty resources to their condition prior to 1855 as quickly as possible.
10. We call for the Pacific Salmon Commission, established under the Pacific Salmon Treaty, to live up to its established goal of rebuilding Columbia River salmon stocks by 1998. This is a first step towards rebuilding the salmon runs to their 1855 levels.
11. We call upon all other Tribal Nations in the Pacific Northwest to join with us to protect Tribal resources and Tribal people. The time for burying age-old conflicts is at hand. Let us join together as Indian People to protect what is rightfully ours and to show the non-Indian world that salmon, shellfish and wildlife can survive along with people and industry.
12. We call upon the non-Indian citizens of the United States to learn and understand from Indian people, and to remember what promises the United States made to us. We ask for you to do everything in your power to ensure that our Treaty rights are honored and that the salmon are restored to sustainable, harvestable populations.

VI. Conclusion:

The restoration of the salmon and the honoring of our Treaty rights is just as important to the American people as it is to us. For us, it is a matter of our religion, culture and economy. For the citizens of the United States, it is a matter of honor. Right now, the integrity of the American people is being stripped away one salmon at a time, just as when the buffalo were slaughtered a century ago.

“Great Nations, like great men, should keep their word.”

The late Supreme Court Justice Hugo Black, Federal Power Commission v. Tuscarora Indian Nation, 362 U.S. 99, 142 (1960)

In implementing this policy, we will initiate actions to protect the salmon, the rivers, our religion, and our people. We are willing to work with others to minimize the impacts of these actions. We will, however, do everything in our power to restore salmon and their habitat, by any means necessary.

It is our vision and our hope that the Columbia Basin once again will be the largest salmon producer in the world. It is our vision that salmon once again will be a strong economic foundation in the Columbia

Basin. We know that the existing economies of the Pacific Northwest can co-exist with salmon. We are going to make it happen.

YOGH KALO.