



**2. Fish, Wildlife and Law and Order  
Committee  
FY 2013  
OFFICIAL ACTION**

**(XX) FISH      ( ) WILDLIFE      ( ) LAW & ORDER**

**DATE:**      February 26, 2012

**TOPIC:**      2013 Yakama Nation Tributary Fisheries

**ACTION REQUESTED:**    Forward the attached resolution with Committee recommendations for 2013 tributary seasons and regulations to the Tribal Council for action.

**FORMAL ACTION TAKEN:** Pursuant to the Revised Law and Order Code, the Fish, Wildlife, and Law and Order Committee met to review projections for 2013 spring Chinook returns to the Columbia River and ceded area tributaries as well as staff recommendations for tributary fisheries. Spring Chinook returns in 2013 are expected to be fair providing for fishing opportunity in ceded area tributaries. Regulations for proposed tributary seasons are contained in the attached resolution. The Tribal Council must adopt regulations into law before these fisheries can begin. It is hereby requested that the Tribal Council approve the attached subsistence fishing resolution and regulations during the March 2013 Tribal Council Session.

**DECISION:** APPROVED     DISAPPROVED     TABLED   
**VOTE:**    TOTAL   4      FOR   3      AGAINST   0      ABSTAINED   0  

Members		Committee Activity			
		Roll Call	Motion	Second	Vote
Virgil Lewis, Sr.	Chairman	P			
Richard George	Secretary	P		<i>RG</i>	<i>for</i>
Sam Jim, Sr.	Member	<i>Present</i>			<i>for</i>
Gerald Lewis	Member	P	GL		<i>for</i>
	Ex Officio:				

**OTHERS PRESENT:** \_\_\_\_\_

**CERTIFICATION:** *Virgil Lewis*  
 CHAIRMAN

**COMMITTEE ACTION NUMBER:**      #135        2013-  

Distribution:      Original Committee File  
 Copies:            Committee Members  
                          Tribal Chairman  
                          Department/Program



Confederated Tribes and Bands  
of the Yakama Nation

Established by the  
Treaty of June 9, 1855

RESOLUTION

T-056-13

**WHEREAS**, the Yakama Nation Tribal Council is authorized and empowered by Resolutions T-38-56 and GC-07-98 of the Yakama General Council and Yakama Tribal Council Resolution T-10-61 to protect the Yakama Nation Treaty of June 9, 1855 with the United States, and

**WHEREAS**, Article III in the Treaty reserves to the Yakama Nation the exclusive right to take fish, hunt, trap, etc. within the exterior boundaries of the reservation and also the exclusive right to take fish at all usual and accustomed fishing locations off of the Yakama Reservation, and

**WHEREAS**, the Fish, Wildlife, and Law and Order Committee of the Yakama Tribal Council is delegated authority to protect, promote, and enhance natural and artificial propagation of anadromous fish in streams and rivers within the reservation as well as in streams and rivers off the reservation where Treaty-usual and accustomed fishing is exercised by Yakama enrolled members, and

**WHEREAS**, the Fish, Wildlife, and Law and Order Committee has diligently worked to preserve and protect fish resources and tribal treaty rights to the benefit of past, present, and future tribal members, and

**WHEREAS**, anyone violating the provisions of this resolution shall be subject to the jurisdiction of the Yakama Nation, Yakama Nation Game Wardens and Police are authorized to enforce the laws adopted by the Yakama Tribal Council and to post such laws at all fishing locations for fisher's review. Guidelines set forth for enforcement:

1. Tribal Law and Order Code Act of 1953, Chapter 5, Sec. 23 and 24 for Fish and Game Violations authorized by Chapter 1 Sec. 1 of the Act.
2. Revised Yakama Law and Order Code 2008, Sec. 32.10 (et. seq.).
3. T-90-66, approved by the Secretary of the Interior for annual conservation regulations on off-reservation fisheries.
4. T-56-70, and Revised Law and Order Code of 2008, Sec. 32.18.05, to reduce drowning in on and off-reservation fisheries, that all fisherman must wear a safety rope while fishing on platforms of at least one-half (1/2) inch diameter. Intoxicated persons and persons under the influence of drugs will not be allowed to fish.
5. T-14-82, to protect salmon and steelhead spawners, closes Marion Drain and Harrah Drain to subsistence fishing from October 1 to April 1.
6. Yakama Law and Order Code of 2008, Sec. 32.16.03, describes waters of the Columbia River closed to subsistence fishing to protect migrating salmon and steelhead, and

**WHEREAS**, unauthorized blockage of fish passage at dams, fish ladders, and in rivers has occurred in the past, to the detriment of the runs and to the fishers not responsible for these actions, making it necessary that intentional blockage of any river, fishway, or fish ladder not authorized by the Yakama Nation Tribal Council shall be a violation of Yakama Tribal Law punishable pursuant to Section 32.16.05 of the Revised Law and Order Code of 2008, and

**WHEREAS**, this resolution establishes subsistence fisheries for enrolled members of the Yakama Nation, any loaning or unauthorized use of an enrollment card shall be a violation of this resolution and Section 32.30.09 of the Revised Law and Order Code of 2008, and

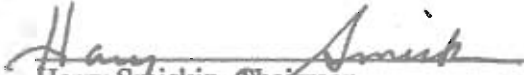
**WHEREAS**, pertinent biological data are necessary for the Yakama Nation to properly manage its fish resources. Tribal fisheries staff from time to time must monitor tribal fisheries to collect data on catch and fishing effort. Fishers shall allow fisheries staff to collect such information when so requested.

**NOW, THEREFORE, BE IT RESOLVED**, that the Yakama Nation Tribal Council, meeting in regular session at the Governmental Headquarters of the Confederated Tribes and Bands of the Yakama Nation, with a quorum being present, that the subsistence fishing seasons in the Columbia River and its tributaries within the ceded area of the Yakama Nation described herein and as recommended by the Fish, Wildlife, and Law and Order Committee are hereby adopted for 2013. The regulations for the specific areas detailed on the attached pages will remain in effect until regulations are adopted for 2014, and are intended to supersede any conflicting regulations from previous law. None of these recommendations concerns tribal commercial fisheries on the Columbia River or its tributaries.

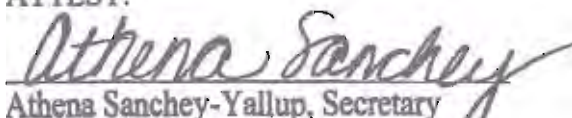
**BE IT FUTHER RESOLVED**, that the Yakama Tribal Council reserves unto itself authority to manage tribal fisheries according to conservation measures, and authorizes the Fish and Wildlife Committee under Section 32.18.05. of the Revised Law and Order Code of 2008 to enact such measures as deemed necessary for conservation purposes upon forty-eight (48) hours advance notice to the fisherman, and also the authority to extend seasons as they deem necessary to harvest fish where it will not seriously affect and destroy fish populations contrary to conservation of same.

**BE IT FINALLY RESOLVED**, that the Yakama Nation does not waive, alter, or otherwise diminish its Sovereign Immunity, whether expressed or implied, by virtue of enacting this resolution, except as otherwise expressly stated herein, nor does the Yakama Nation waive, alter, or otherwise diminish any rights, privileges, remedies, or services guaranteed by the Treaty of 1855.

**DONE AND DATED** on this 5<sup>th</sup> day of March, 2013 by the Yakama Nation Tribal Council by a vote 9 for, 0 against, 0 abstention.

  
Harry Sphiskin, Chairman  
Yakama Tribal Council

ATTEST:

  
Athena Sanchey-Yallup, Secretary  
Yakama Tribal Council

YAKAMA NATION SUBSISTENCE FISHERIES  
Fishing Regulations for 2013

I. GENERAL PROVISIONS

- A. Unless otherwise specified, the following provisions shall apply to all waters running through or bordering the Yakama Reservation and at the usual and accustomed fishing areas described in Part II of these regulations.
- B. These provisions apply only to the harvesting of salmon, steelhead, and sturgeon for traditional, non-commercial subsistence use. However, the Fish, Wildlife, and Law and Order Committee may, from time to time, authorize commercial fishing periods. Commercial fishing regulations will be issued prior to each commercial fishing period.
- C. It shall be unlawful to:
1. Fish on Sundays, due to conservation purposes.
  2. Place fishing platforms, or to take, injure, molest, or fish for salmon or steelhead within 25 feet of the entrance or exit of any fish ladder, fishway, fish bypass pipes, or fish screens.
  3. Construct a fishing platform or actively fish within 25 feet of an existing platform unless the owner of such platform has agreed otherwise.
  4. Fish from boats or other floating devices at any place other than the waters of the Columbia River, except by permit from the Fish and Wildlife & Law and Order Committee.
  5. Fish for salmon, steelhead, or sturgeon with any fishing gear other than dip nets, hoop nets, setbag nets, or rod and reel with bait or lures. Any other method, **such as snagging fish**, is expressly prohibited.
  6. Fish with more than two fishing gears at one time unless specifically authorized by the Fish and Wildlife & Law and Order Committee.
  7. Fail to attend fishing gear or care for the catch in a reasonable manner so as to avoid spoilage of fish caught.
  8. Engage in subsistence fishing except during such seasons as prescribed below, provided the Fish and Wildlife & Law and Order Committee has given 48-hour notice of any emergency closure or modification of such seasons.
- D. Special provisions for the Columbia River:
1. It shall be unlawful to fish in waters of the Columbia River closed to subsistence fishing under the Revised Law and Order Code of 2008, Section 32.16.03, except as may be modified by the Fish and Wildlife & Law and Order Committee.
  2. It shall be unlawful to fish with hoops exceeding 26 feet in circumference.
  3. It shall be unlawful to set in position to catch fish more than three nets on any one platform at any one time.
  4. It shall be unlawful to place Fishing Pole Holders closer than 10 feet except with permission, and ALL Pole Holders must be removed daily with NO Spot Saving for H&L Gear.

5. It shall be unlawful to retain sturgeon less than 38 inches or greater than 54 inches in fork length in the Bonneville Pool, or less than 43 inches or greater than 54 in fork length in The Dalles and John Day Pools.

## II. SPECIFIC ANNUAL PROVISIONS

### A. Yakima River

1. Fishing is allowed from the **BNRR Bridge 500 feet below Roza Dam** downstream to **one mile below** Horn Rapids Dam, **except from the Yakima Ave, Terrace Heights Bridge upstream to a marker 400 feet.**
2. Subsistence fishing will be allowed according to the following schedule:
  - a. Fishing is allowed from **Noon Tuesday to 6 PM Saturday** each week from **April 16 to June 29.**
  - b. **AND** fishing is allowed from **6 AM Tuesday to 6 PM Saturday** each week from **September 10 to November 30.**
3. At times of the year other than the spring and fall seasons, Subsistence fishing in the Yakima River where it borders the Yakama Reservation, using dipnets setbag nets and hook and line, will be allowed year around, **except for Sunday closures.**
4. Satus Creek and its tributaries, Toppenish Creek and its tributaries, and Ahtanum Creek and its tributaries are closed for salmon and steelhead fishing. However, fishing for trout is allowed above known barrier falls (Satus Falls, Dry Creek Falls, and Logy Falls), and additionally, fishing for trout between 9 inches and 20 inches is allowed from June 2 to November 30. Fishing for bull trout is not allowed anytime.

### B. Klickitat River

1. Fishing in the Klickitat River is allowed from the confluence of the Big Muddy Creek with the Klickitat River downstream to the river mouth, except fishing is not allowed inside the posted signs for the Klickitat Hatchery.
2. Subsistence fishing in the Klickitat River fishing area will be allowed according to the following schedule:
  - a. Fishing is allowed from **Noon Tuesday to 6 PM Saturday** each week from **April 9 to June 1.**
  - b. Subsistence fishing will resume on a weekly schedule of **Noon Tuesday to 6 PM Saturday** not later than **July 2** or sooner if, in the opinion of the Fish, Wildlife and Law and Order Committee, the spring Chinook escapement to Klickitat Hatchery is assured. Subsistence fishing will continue on the same weekly schedule through **December 28.**
  - c. The Fish and Wildlife & Law and Order Committee may, from time to time, authorize the commercial sale of salmon and steelhead taken in the Klickitat River.
3. Sturgeon between 38 inches and 54 inches in fork length may be retained for subsistence.

### C. Icicle River

1. Fishing in the Icicle River is allowed where it borders the property of the U.S. Fish and Wildlife National Fish Hatchery at Leavenworth.
2. Subsistence fishing, both hook and line and dipnet, will be allowed according to the following schedule:
  - a. Fishing is allowed between the hours of **Noon Thursday to 6 PM Saturday**, weekly from **May 2 to July 27**.
  - b. The subsistence fishing schedule may be expanded once the Leavenworth Hatchery broodstock goal is assured.
  - c. Additionally, Fishing may be allowed in late September to early December, if, in the opinion of the Fish Wildlife, Law and Order Committee there are enough Coho surplus to production needs.
3. Special Gear Restriction for the Icicle River: Legal fishing gears for salmon and steelhead are dipnets, setbag nets, or rod and reel with bait or lures having single hooks only. **Double or treble hooks are prohibited. Any other fishing methods, such as snagging of fish, are unlawful.**
4. The Fish and Wildlife & Law and Order Committee may, from time to time, authorize the commercial sale of salmon and steelhead taken in the Icicle River.

D. Wind River

1. Fishing in the Lower Wind River Area is allowed from the bubble area at the river mouth to a marker 100 feet downstream of Shipperd Falls. Fishing in the Upper Wind River Area is allowed from 200 feet above Shipperd Falls upstream to a marker **25** feet below the outlet stream for Carson National Fish Hatchery.
2. Subsistence fishing with dipnets, setbag nets or hook and line, will be allowed according to the following schedule:
  - a. Fishing in the Lower Wind River Area below Shipperd Falls is allowed from **Noon Monday through 6 PM Saturdays** weekly from **March 11 to June 29**.
  - b. Fishing in the Upper Wind River Area above Shipperd Falls is allowed from **Noon Mondays through 6 pm Saturdays** weekly from **May 6 to June 29**.
  - c. The Fish and Wildlife & Law and Order Committee may, from time to time, authorize the commercial sale of salmon and steelhead taken in the Wind River during commercial salmon seasons in Zone 6 of the Columbia River.
3. Sturgeon between 38 inches and 54 inches in fork length may be retained for subsistence.

E. Ringold Ponds

1. Fishing is allowed only in the waters of the Columbia River from a marker approximately  $\frac{3}{4}$  mile upstream of Spring Creek (hatchery rearing pond outlet) downstream to a marker approximately  $\frac{1}{4}$  mile downstream of Ringold wasteway outlet.
2. Subsistence fishing, both hook and line and dipnet, will be allowed according to the following schedule:

- a. Fishing is allowed each day **except Sundays** from **May 6 to July 27**.

F. Little White Salmon River (Drano Lake)

1. The Fish and Wildlife, Law and Order Committee will conduct a weekly, **Tuesday night** Fishery for Drano Lake starting **April 23 through June 12**. Participants will be limited to maximum of 20 Permits drawn by Lottery in public with results posted at the Tribal Council Office.
2. Fishing will occur by Permit only from **9 PM Tuesdays to Noon Wednesdays**. Please contact the Tribal Council Office to put your name in for lottery drawings. Eligible entries for the Lottery will be limited to Yakama Nation Enrolled Members at least 18 years of age that have not had their fishing rights suspended by the Yakama Nation Tribal Court.
3. The Fish and Wildlife & Law and Order Committee may, from time to time, authorize the commercial sale of salmon and steelhead taken in the Little White Salmon River during commercial salmon seasons in Zone 6 of the Columbia River.
4. Subsistence fishing with dipnets, setbag nets or hook and line, from Platforms in Drano Lake will be closed Until Further Notice due to the smaller return expected in 2013. Fishing from Platforms may be authorized, if in the opinion of the Fish Wildlife, Law and Order Committee enough surplus fish are available.
5. A Yakama Nation Drano Parking Pass is required to be displayed during treaty fishing in Drano Lake.
6. Sturgeon between 38 inches and 54 inches in fork length may be retained for subsistence.

G. White Salmon River

Due to the removal of Condit Dam and the resulting changes and instability in movement of sediment and the unknown short-term effects on fish populations, season regulations are not adopted at this time. The Fish and Wildlife, Law and Order Committee will continue to assess opportunities and may adopt season regulations at a later date.

H. Willamette River

The Fish and Wildlife, Law and Order Committee will evaluate fishing opportunities at usual and accustomed fishing places on the Willamette River as the season progresses. Fishing regulations will target the peak of the spring Chinook run at Willamette Falls.

I. Wenatchee River

1. Fishing is allowed in the waters of the Wenatchee River within one-mile of Dryden Dam, except fishing is not allowed within 25-feet of the entrance of any fishway.
2. Subsistence fishing in the Wenatchee River fishing area is allowed from 6 AM Tuesday to 6 PM Saturday, weekly from July 18 to August 17.
3. Special Gear Restriction for the Wenatchee River: Legal fishing gears for salmon and steelhead are dipnets, setbag nets, or rod and reel with bait or lures having single hooks only. **Double or treble hooks are prohibited. Any other fishing methods, such as snagging of fish, are unlawful.**

4. The Fish and Wildlife & Law and Order Committee may, from time to time, authorize the commercial sale of salmon and steelhead taken in the Wenatchee River during commercial salmon seasons in Zone 6 of the Columbia River.

#### J. Columbia River

1. Subsistence fishing is allowed year around **except Sundays** in the waters of the Columbia River. However, the Fish and Wildlife & Law and Order Committee may, from time to time, authorize the commercial sale of fish taken with the subsistence gears in Part I, sections C and D during commercial fishing seasons in Zone 6 of the Columbia River.
2. It shall be lawful to fish with up to six fishing rods until June 15, 2013. On June 16 the standard subsistence limit of two rods per person takes effect.
3. Due to the smaller expected return of spring Chinook, **fishing will be closed** in the Yakama Nation fishery from the banks of the Columbia River in the area bounded by a deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse No. 1) in a straight line through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock up the river to a point 600 feet below the Bonneville dam, but excluding the following four areas: (1) between markers located 150 feet upstream and 450 feet downstream from the mouth of Tanner Creek out to the center of the Columbia River, during the period August 16 to October 15; (2) Inside the south navigation lock at the Bonneville Dam from a marker on the western-most point of Robins Island to a marker on the Oregon mainland shore; (3) From Bradford Island below Bonneville Dam from the south shore between the dam and a line perpendicular to the shoreline marker at west end of riprap and from north shore between fishway entrance and a line perpendicular to the shoreline marker 850 feet downstream; and (4) From Robins Island below Bonneville Dam downstream to a line perpendicular to the shoreline marker on mooring cell.
4. In the geographical area specified in J.3., fishing with dip nets or setbag nets from Platforms and ONE rod per person is allowed from 5 AM to 10 PM daily beginning June 17, except Sunday closures remain in effect.
5. Additionally, in the geographical area specified in J.3., which does not include Hamilton Creek, fishing is closed during November and December to protect spawning Chum salmon.



### Spring Chinook Forecasts & Returns

River	2012			2013		
	Return	Season	Catch	Forecast	Recommended Season	Projected Catch
Columbia (Z6)	203,100	Closed Sundays	5,790	141,400	Closed Sundays Closed below Bonn	4,800
Wind	5,400	March 7 to June 25 Noon Mon to 6 PM Sat	562	3,000	March 11 to June 29 Noon Mon to 6 PM Sa	220
Drano Lake	9,900	May 8 to May 29 4 Tues Lottery	1,816	4,900	April 23 to June 12 8 Tues Lottery	800
Klickitat	2,100	April 5 to July 28 Noon Tue to 6 PM Sat	450	2,200	April 9 to June 1 Noon Tue to 6 PM Sat	560
Yakima	11,100	April 12 to June 25 Noon Tues to 6 PM Sat	1,227	7,300	April 16 to June 29 Noon Tues to 6 PM Sa	530
Icicle		May 5 to July 30 Noon Thurs to 6 PM Sat			May 2 to July 27 Noon Thurs to 6 PM Sa	
Willamette	65,100	No Regulations set		59,800	No Recommendation	

Notes: Icicle River weekly fishing periods were expanded to opening 6 AM Tues mid-way through season. Klickitat River fishery did not close during month of June. Drano had some openings cancelled due to low availability of fish.