



**2. Fish and Wildlife
Committee
FY 2018
OFFICIAL ACTION**

DATE: February 22, 2018

TOPIC: 2018 Yakama Nation Subsistence Platform/Hook & Line Fisheries

ACTION REQUESTED: Forward the attached resolution with Committee recommendations for 2018 Columbia River and tributary seasons and regulations to the Tribal Council for action

FORMAL ACTION TAKEN: Pursuant to the Revised Law and Order Code, the Fish and Wildlife Committee met to review projections for 2018 Chinook returns to the Columbia River and ceded area tributaries as well as staff recommendations for tributary fisheries. Chinook returns in 2018 are expected to be good, which provides fishing opportunity. Regulations for proposed Columbia River and 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 2018 Tribal Council Session.

DECISION: APPROVED (X) DISAPPROVED () TABLED ()

VOTE: TOTAL 3 FOR 2 AGAINST 0 ABSTAINED 0

Members		Committee Activity			
		Roll Call	Motion	Second	Vote
Gerald Lewis	Chairman	Present			
Leland Bill	Secretary	P		LHB	For
Vivian Babs George	Member	Absent/S			
George R. Meninick	Member	P	GM		For
	Ex Officio:				

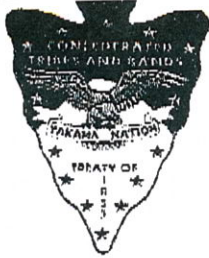
OTHERS PRESENT: _____

CERTIFICATION: Gerald Lewis 02.26.18
CHAIRMAN

COMMITTEE ACTION NUMBER: 137 2018-

Distribution:
Copies:

Original Committee File
Committee Members
Tribal Chairman
Department/Program



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

RESOLUTION

T-084-18

WHEREAS, the Yakama Nation is a federally recognized Nation pursuant to the Treaty of 1855 (12 Stat.951), and

WHEREAS, the Yakama Tribal Council is the governing body of the Confederated Tribes and Bands of the Yakama Nation of the Yakama Reservation by the authority delegated by the Resolution of February 1944 and Resolution T-38-56, and

WHEREAS, the Yakama Nation Tribal Council is authorized and empowered by Resolution 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 and Wildlife 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 and Wildlife 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 of 2017, 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 2017, Sec 32.18.05, to reduce drowning in on- and off-reservation fisheries, that all fishermen 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. Revised Yakama Law and Order Code of 2017, Sec. 32.16.03, describes waters of the Columbia River closed to subsistence fishing to protect migrating salmon and steelhead, and

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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 2017, 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 2017, 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, by the Yakama 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 usual and accustomed areas of the Yakama Nation as described herein and as recommended by the Fish and Wildlife Committee are hereby adopted for 2018. The regulations for the specific areas detailed on the attached pages will remain in effect until regulations are adopted for 2019, 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 FURTHER 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 2017 to enact such measures as deemed necessary for conservation purposes upon forty-eight (48) hours advance notice to the fishers, 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 Confederated Tribes and Bands of the Yakama Nation does not waive, alter or otherwise diminish our Sovereign Immunity whether expressed or implied by virtue of this resolution for any and all administrative or legal action which may arise directly or indirectly from the same. Nor does the Yakama Nation waive, alter, or otherwise diminish our rights, privileges, remedies or services guaranteed by the Treaty of 1855.

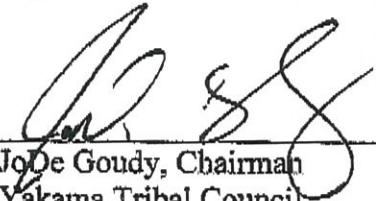
Tribal Council Resolution

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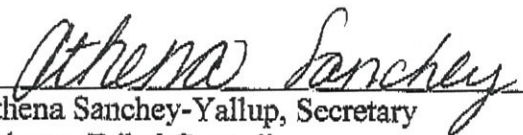
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DONE AND DATED on this 7th day of March, 2018 by the Yakama Tribal Council by a vote of 11 for, 0 against, 0 abstentions.



JoDe Goudy, Chairman
Yakama Tribal Council

ATTEST:



Athena Sanchey-Yallup, Secretary
Yakama Tribal Council

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YAKAMA NATION SUBSISTENCE FISHERIES
Fishing Regulations for 2018

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 and Wildlife 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.
 2. Engage in treaty fishing when fishing rights have been suspended by the Yakama Nation Tribal Court.
 3. Engage in treaty fishing without having a valid Yakama Nation Enrollment Card in possession.
 4. 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.
 5. Construct a fishing platform or actively fish within 25 feet of an existing platform unless the owner of such platform has agreed otherwise.
 6. 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 Committee.
 7. 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.
 8. Fish with more than two fishing gears at one time unless specifically authorized by the Fish and Wildlife Committee.
 9. Fail to attend fishing gear or care for the catch in a reasonable manner so as to avoid spoilage of fish caught.
 10. Engage in subsistence fishing except during such seasons as prescribed below, provided the Fish and Wildlife 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 2017, Section 32.16.03, except as may be modified by the Fish and Wildlife Committee.
2. It shall be unlawful to fish with hoops exceeding 26 feet in circumference.
3. It shall be unlawful to set in position 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 Bonneville Pool, and less than 43 inches or greater than 54 inches in fork length in The Dalles and John Day Pools.
6. Fishing with hoop nets suspended from buoys, commonly referred to as "buoy sets" on the Columbia River will be allowed for up to 3 hoopnets per buoy set on the Columbia River outside of standard gillnet sanctuaries at river mouths and standard platform sanctuaries at Dams.
7. It shall be unlawful to fish buoy sets within 50 feet of existing hoopnet or setbag net gear or within 400 feet of gillnets without permission.
8. It shall be unlawful to fish buoy sets outside of the Columbia River.

II. SPECIFIC ANNUAL PROVISIONS

A. Yakama River

1. Fishing is allowed from the **BNRR Bridge 500 feet below Roza Dam** downstream to **one mile below Horn Rapids Dam**, except fishing is closed 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 10 to June 30**.
 - b. **AND** fishing is allowed from **6 AM Tuesday to 6 PM Saturday** each week from **September 4 to November 24**.
3. At times of the year other than the spring and fall seasons, Subsistence fishing in the Yakama 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 1 to November 30. Fishing for bull trout is not allowed anytime.
5. Fishing for sockeye is not allowed anytime.
6. The Fish and Wildlife Committee will explore options to allow fishing from boats or other floating devices on the Yakama River.

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 3 to May 26.
 - b. Subsistence fishing will resume on a weekly schedule of Noon Tuesday to 6 PM Saturday not later than July 3 or sooner if, in the opinion of the Fish and Wildlife Committee, the spring Chinook escapement to Klickitat Hatchery is assured. Subsistence fishing will continue on the same weekly schedule through December 29.
 - c. The Fish and Wildlife 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. Due to low expected returns to Leavenworth National Fish Hatchery, subsistence fishing, both hook and line and dipnet, will not be set for 2018.
 - a. Subsistence fishing opportunity will be assessed throughout the season and a fishery may be scheduled if, in the opinion of the Fish and Wildlife Committee, there are Spring Chinook surplus to production needs.
 - b. Additionally, fishing may be allowed in late September to early December, if, in the opinion of the Fish and Wildlife 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 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 12 to June 30**.
 - b. Fishing in the Upper Wind River Area above Shipperd Falls is allowed from **Noon Monday through 6 pm Saturday** weekly from **May 7 to June 30**.
 - c. The Fish and Wildlife Committee may, from time to time, authorize the commercial sale of salmon and steelhead taken in the Wind River.
3. Sturgeon between 38 inches and 54 inches in fork length may be retained for subsistence.

E. Ringold Ponds

Currently there is no spring chinook production at Ringold Fish Hatchery. Therefore season regulations are not adopted at this time. However, there is consideration of restarting the spring chinook program at this site and fishing opportunities may be available in the future.

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 24 through June 5**. 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 Committee may, from time to time, authorize the commercial sale of salmon and steelhead taken in the Little White Salmon River.
4. Subsistence fishing with dipnets, setbag nets or hook and line, from Platforms in Drano Lake will be closed Until Further Notice in 2018. Fishing from Platforms may be authorized, if in the opinion of the Fish and Wildlife Committee, enough surplus fish are available.
5. A Yakama Nation 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.

H. Willamette River

The Fish and Wildlife Committee will evaluate fishing opportunities at usual and accustomed fishing places on the Willamette River, and season regulations may be adopted as the season progresses.

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 10 to August 18.**
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 Committee may, from time to time, authorize the commercial sale of salmon and steelhead taken in the Wenatchee River.

J. Columbia River

1. Subsistence fishing is allowed year around, **except for Sunday closures**, in the waters of the Columbia River. However, the Fish and Wildlife Committee may, from time to time, authorize the commercial sale of fish taken with the subsistence gears in Part I, sections C and D of the Columbia River.

2. It shall be lawful to fish with up to six fishing rods until June 15, 2018. On June 16 the standard subsistence limit of two rods per person takes effect.
3. Due to possible high catch rates, **fishing will be closed through June 15** 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 westernmost 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 opportunities will be reevaluated and may open before June 16 if, in the opinion of the Fish and Wildlife Committee, enough fish are available.
5. Additionally, in the geographical area specified in J.3., which does not include Hamilton Creek, fishing with dip nets or setbag nets from Platforms and ONE rod per person is allowed from 5 AM to 10 PM daily from June 16 through October 31, except Sunday closures remain in effect.