

THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

P.O. Box C, Warm Springs, Oregon 97761



RESOLUTION NO. 13,115

WHEREAS, The Treaty with the Tribes and Bands of Middle Oregon on June 25th, 1855 reserved and retained to the Confederated Tribes of the Warm Springs Reservation of Oregon, off-reservation fishing rights in ceded and at all Usual and Accustomed stations; and,

WHEREAS, The Tribal Council regulates treaty fishing for conservation and other purposes pursuant to the inherent sovereign authority reserved in the Treaty of June 25th, 1855, and pursuant to the Tribal Constitution and By-Laws and the Warm Springs Tribal code; and,

WHEREAS, The Confederated Tribes of the Warm Springs Reservation of Oregon have historically fished for smelt at the Cowlitz, Grays, Skamokawa, Elochoman, Lewis, Kalama, Sandy and Hood rivers, other tributaries and other locations in the Columbia River basin; and,

WHEREAS, The Tribal Council has been advised by the Off-Reservation Fish and Wildlife Committee and the Branch of Natural Resources (BNR) staff that the predicted return of smelt will require a harvest restriction on the treaty fishery to ensure optimal spawning escapement; and,

WHEREAS, The Tribal Council has been advised by the Off-Reservation Fish and Wildlife Committee and the Branch of Natural Resources that NOAA-NMFS designated, in November 2011, the Columbia River and tributaries as critical habitat for smelt; and,

WHEREAS, The Tribal Council recognizes the hardship placed on Tribal members with harvest restrictions, as adopted by Resolutions in the past, but with concern for the future of the fishery resource understands the need; now, therefore,

BE IT RESOLVED, By the (29th) Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon pursuant to Article V, Section 1 (l), (r), and (u) of the Tribal Constitution and By-Laws, and Warm Springs Tribal Code Section 340.310 (2), that the following restrictive regulations are adopted for Tribal subsistence fishing for smelt at the Sandy River during 2024:

1. In recognition of the traditional methods, smelt may be harvested with dip nets 7 days per week during the run. Fish may be present from December to May with the peak month of March. Fishing will continue until the allocation of 2,500 lbs. is reached or the run ends. Harvest will be tracked by creel census. Fishing may take place between 6 am and 6 pm.

2. Gear shall be limited to dip nets.
3. The provisions of Warm Springs Tribal Code (WSTC) 340.310 (8), requiring that dip nets are attended continuously, will be enforced.
4. The BNR is responsible for the biological monitoring of the fishery. Pursuant to Warm Springs Tribal Code 340.310 (11), tribal members fishing shall, upon request, allow authorized federal, state, or tribal officers to inspect their catch. BNR will collect and share harvest information and other relevant biological and scientific information with Washington Department of Fish and Wildlife (WDFW) and Oregon Department of Fish and Wildlife (ODFW) to contribute to their information gathering objectives. Periodic reports of run status and abundance encountered by tribal fishers will be shared with WDFW and ODFW to aid in their monitoring and public information objectives.
5. Tribal members must carry enrollment cards on their person at all times fishing or transporting fish. Members must produce it upon request by federal, state or tribal enforcement officers. Any person who produces a Warm Springs tribal enrollment card will not be required to produce a state fishing license.
6. Tribal members must report catch to BNR personnel on-site at fishery locations; those not reporting on-site are to report harvest within 24 hours to the harvest manager, 541-460-0272 (cell).
7. This is a subsistence fishery, there is no harvest limit within the tribal allocation of 2,500 lbs. Subsistence is defined by Tribal Code 340.100 Definitions. (9). "Subsistence Fishing" means the taking of fish by members for the personal use of members, including the sale or exchange with other treaty Indians for their personal use but not sale or trade with non-Indians. **Commercial sale of fish is not allowed.**
8. Pursuant to Warm Spring Tribal Code 340.310 (13), the use of alcohol or drugs is prohibited when fishing under claim of treaty rights.
9. Pursuant to Warm Springs Tribal Code 340.700 & 341.140, penalties for violations will be strictly enforced to ensure compliance with rules and regulations.

CERTIFICATION

The undersigned, as Secretary-Treasurer/CEO of the Confederated Tribes of the Warm Springs Reservation of Oregon, hereby certifies that the Tribal Council is composed of 11 members of whom 8 constituting a quorum, were present at the meeting thereof, duly and regularly called,

noticed, convened and held this 22nd day of January, 2024; and that the foregoing resolution was passed by the affirmative vote of 7 members, the Chairman not voting; and that said resolution has not been rescinded or amended in any way.



Robert A. Brunoe
Secretary-Treasurer/CEO

NOTED:



Bodie Shaw
Acting Superintendent

Attachment: Graph - Warm Springs Smelt Harvest From The Sandy River -
2013 to Present

cc: Secretary-Treasurer/CEO
Superintendent
Administrative Services Center

Warm Springs smelt harvest from the Sandy River, 2013-present

