



Yakama Nation Fisheries and the Columbia Basin Fish Accords *Update*

Yakama Nation General Council Annual Meeting, January 2024

Accord Historic Context

- **Years of litigation** over federal Columbia River hydrosystem operations
- In 2008, the BPA, Army Corps of Engineers, and Bureau of Reclamation, entered into a **10-Year Columbia Basin Fish Accords agreement** with the Yakama Nation, Umatilla, Warm Springs, and CRITFC

“2008 Fish Accords”

Accord Policy Objectives



- **Expand Treaty fishery management capacity**, consistent with its sovereignty and co-management authority
- **Put an end to over 15 years of litigation** which, while generally successful, had not produced significant new or additional federal actions or commitments to improve fish habitat or abundance.
- **Secure long-term, stable funding** for current and additional fisheries projects (both ESA and non-ESA).
- **Provide guaranteed spill** at Columbia River System dams, and **a seat at the table** for tribes to support ongoing Treaty fisheries advocacy in hydro management.

Historic Benefits: **ESA** & **Non-ESA** Species

Yakima Basin

- Spring Chinook
- Summer Chinook
- Fall Chinook
- **Steelhead**
- Coho
- Pacific Lamprey

Klickitat Basin

- Spring Chinook
- **Steelhead**

Upper Columbia

- **Spring Chinook**
- **Steelhead**
- Coho
- Pacific Lamprey

Mainstem Columbia

- White Sturgeon



Shusháyynsh



Asum; K'súyas



Kálux



Tkwinat; Núsux



Sinux



Wilaps

Benefits: Stable Funding

- **Historically:** YN competed for funding on annual funding cycles
 - Limited project scale & inhibited strategic planning
 - Significant staff time to compete
- **Now:** **Stable funding** and carryforward allows YN to spend majority of funds
 - Accord enables **large scale restoration**, cost shares, experimental projects
 - Facilitates **YN leadership** in regional habitat project design, prioritization
 - **Hire and keep excellent staff** – maintain low employee turnover rates

Accord Implementation: YN Status and Trends Reporting

METRICS HIGHLIGHTS

Yakama Nation Restoration Accomplishments 2008-2023*



**17,300
Acre-feet/year**
Water secured or returned
through conservation in-stream



238 Miles
Stream habitats made
accessible to fish through
barrier/diversion removal



1,900 Miles
Stream & riparian habitat
improved, treated, or protected



319 Miles
Stream habitats made
accessible to fish by passage
structure installation



14,000 Acres
Wetland habitats
improved or protected



**3,700
Habitat Features**
Large Woody Material & Pool
structures created instream



161 Beavers
Released & relocated



6 Fish Species
Being restored
(8 populations/runs)



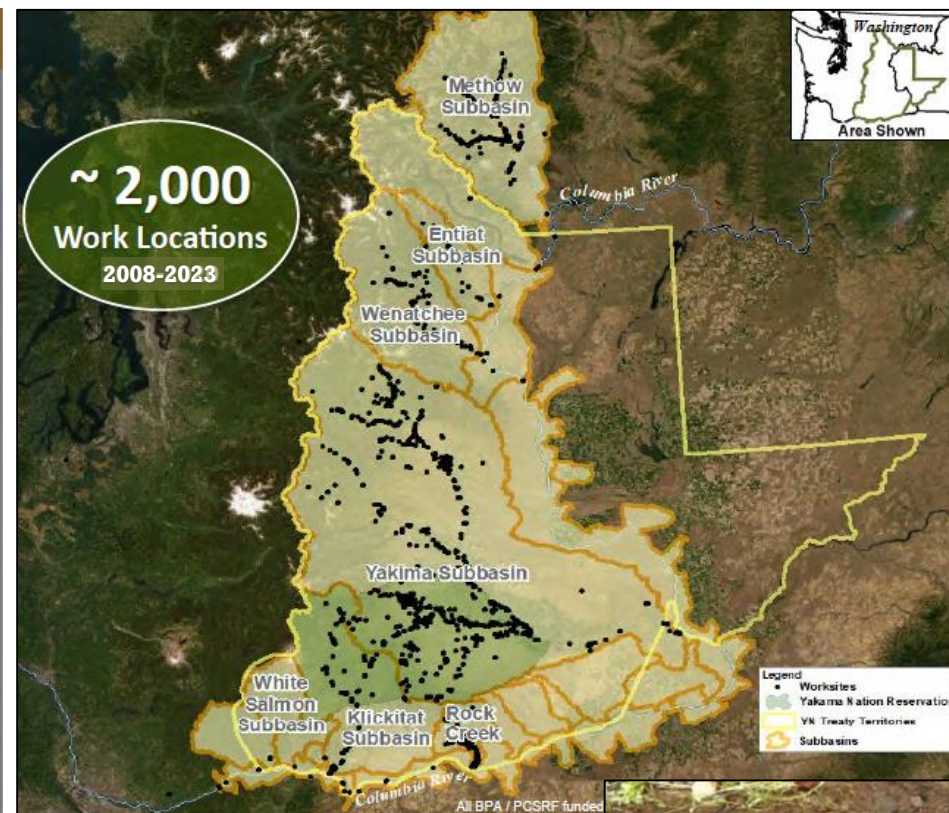
22,000 Pounds
Trash removed



211,000 People
Educated and informed

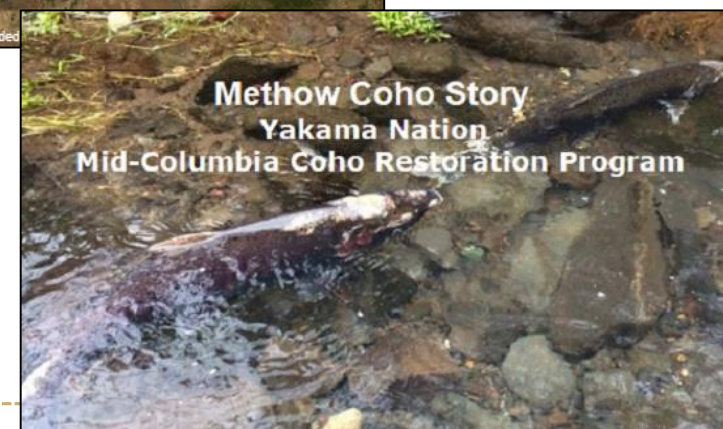
*Funded by Bonneville Power Administration. Source cbfish.org. Additional restoration work funded from other sources.
Reported as of 1/11/2024

**Additional 21,530 individual, unanchored logs and boulders installed instream for habitat complexity.



[See: yakamafish-nsn.gov](http://yakamafish-nsn.gov)

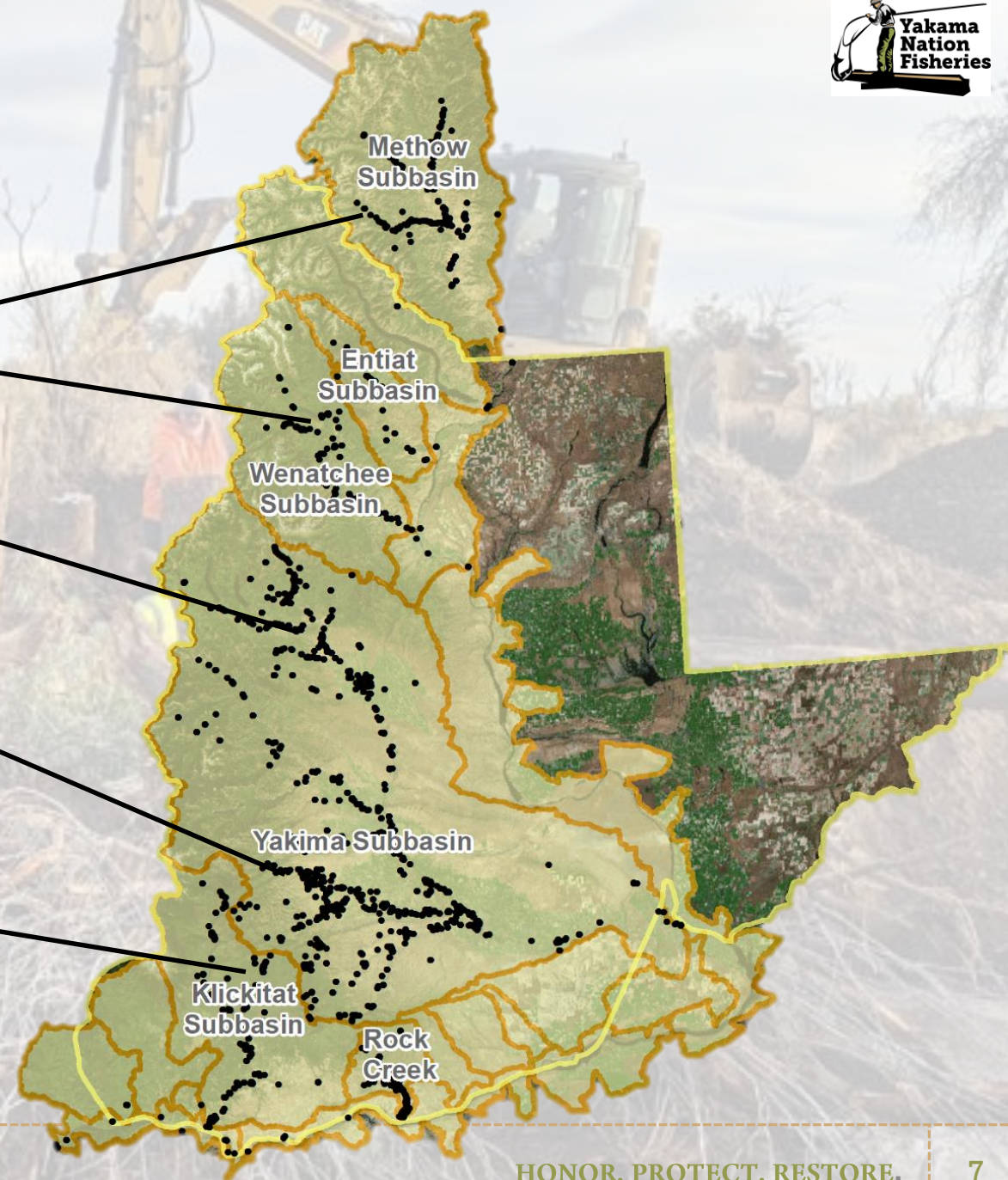
→ Our Work → Videos,
Restoration Stories



HONOR. PROTECT. RESTORE.

2023 Highlights: Habitat Restoration

- 3 habitat restoration projects in Upper Columbia
- Upper Yakima large wood, vegetation replanting
- Fish passage, habitat improvements in Simcoe and Wahtum Creeks
- Southern Ceded wet meadow, flow restoration, passage improvement



2023 Highlights: Hatcheries/ Production

- Working towards on-reservation trout production facility
- Expansion of Upper Columbia multispecies acclimation and kelt reconditioning
- Expansion of white sturgeon production and restoration
- Klickitat Hatchery upgrades, expanding spring Chinook production
- Translocated Pacific Lamprey successfully reproducing



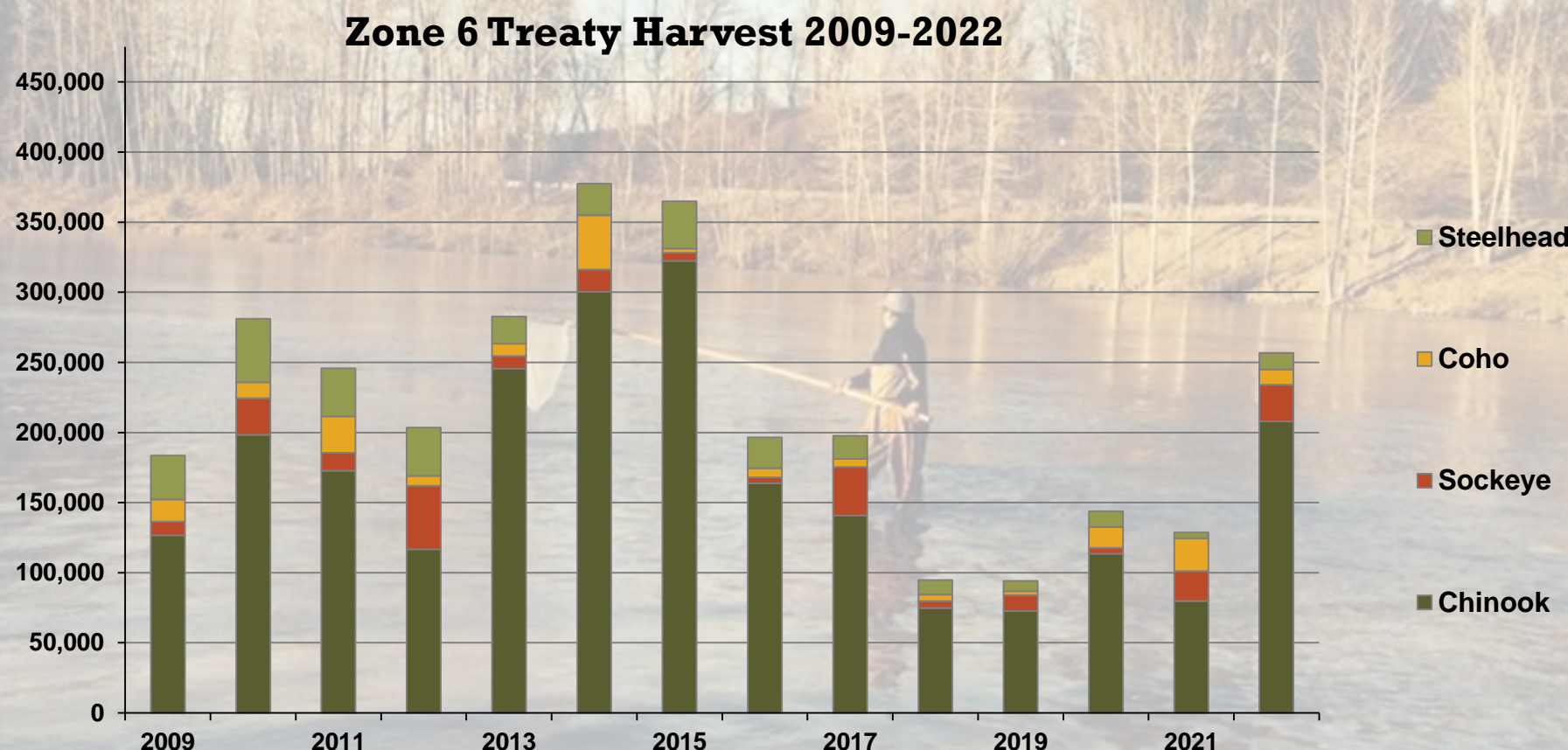
2023 Highlights: Hydro

- YN participated in negotiation of a Stay of Litigation in the ongoing hydro system lawsuit
- Secured “whole of government” approach to restoring salmon in the CRB
- Presidential Memo directing federal agencies restore healthy and abundant populations
- Compromised on hydro operations due to explicit path to dam breaching



2023 Highlights: Harvest

- Although Tribal Harvest numbers dipped during the recent 5 years, last year they returned to above the previous 10-year average.



Historic Benefits: Hydro Operations

- 2008 Fish Accord provided 10 years of guaranteed spill levels for fish.
- 2018 Extension led to implementation of regional Flex Spill Agreement:
 - Provided increased spill for fish (particularly spring juveniles), up to 125% total dissolved gas
 - Allowed spill timing flexibilities to maximize both power and fish benefits
- Continued funding for the Fish Passage Center, which provides technical analysis regarding hydro operations and fisheries impacts.

Benefits: Partnership

- ‘**Accord table**’ to quickly elevate & **resolve concerns** with project implementation and hydro operations.
- **Recognition of Tribal expertise** in project selection and implementation:

*“The Tribes, as long-term stewards cultural stewards of their treaty resources and legal co-managers of treaty resources, have developed extensive project and resource expertise. The Action Agencies **recognize the Tribes’ substantial expertise regarding the biological, physical, cultural and social environments** within which they operate to manage treaty fisheries and implement projects.”*

Evolution of Litigation Prohibitions:

- **2008 “Complete Forbearance”:** The 2008 Accord expressly **prohibited** Columbia Basin and Snake River Basin **dam removal advocacy** of all kinds, in addition to requiring tribal affirmations of legal adequacy regarding the 2008 plan of operations.
- **2018 “Affirmation of Adequacy”:** The 2018 Accord required tribes to affirm that improved “flex spill” hydro system operations + Accord commitments satisfied the federal agencies’ legal obligations under the Endangered Species Act, the Northwest Power Act, the Clean Water Act, and the National Environmental Protection Act. However, it **permitted dam removal advocacy on other grounds** (e.g. cultural resource and general tribal policy grounds).

Evolution of Litigation Prohibitions:

- **2020 & 2022 “Just Don’t Sue”:** The 2020 Accord and 2022 Amendment permit the tribes to question the legal adequacy of the federal **hydrosystem operations**, and engage in all types of technical and policy advocacy for fisheries mitigation and hydro operations actions, including dam removal; *provided*, that they do not sue the Action Agencies under the NWPA, ESA, CWA, or associated procedural statutes.
- **The Fish Accords do not prevent Yakama Nation from filing Treaty-rights claims if necessary.**

2022 Amendment & Supplemental Agreement

2022 Fish Accord Amendment

- **Extends the term** of the Fish Accords, and maintains general Accord commitments, through Sept. 30, 2025
- Updates BPA funding commitments:
 - **Restores annual base budget** (~\$2 million for FY23, ~ 2 years worth of the savings YN granted in the 2018 Accord)
 - Provides 2.5% **inflation adjustments** to base budget in FY24 and FY25
 - **Removes annual budget cap** (was 120%) **on use of carryforward funds** in each fiscal year, the Tribe's full carry-forward balance will be available for allocation across its Accord project portfolio
 - **Affirms BPA's continuing capital project commitments**

2022 Fish Accord Amendment

- Memorializes BPA's **commitment to consider fish & wildlife needs** when distributing unexpected power revenue*
- Reaffirms the Action Agencies' **commitment to negotiate an updated, long-term Accord package**
- Maintains and enhances **'off ramp' flexibilities** that would allow YN to withdraw from the Accords if necessary

*BPA has proposed that \$50M from FY22 UPRs (10% of total UPRs) go to priority fish hatchery needs, including ~\$6.4 million to YN's hatchery needs; but this proposal must still be finalized through a revenue distribution process.

2022 Supplemental Agreement with BPA



Additional Yakama Nation hatchery project funding:

- BPA commits \$11.8 million in additional capital project funds for the **Klickitat Hatchery upgrade**
- BPA commits to address appropriate **additional production project funding** if they become ripe during the term of the 2022 Fish Accord Amendment:
 - Sturgeon Hatchery Expansion Operation and Maintenance
 - Yakima Subbasin Summer/Fall Chinook Production Facilities Construction

2024 Fish Accord Status Update

- The Yakama Nation's current Fish Accord agreement with BPA expires September 30, 2025.
- As part of recent commitments made by the Biden Administration to Columbia Basin salmon restoration, BPA agreed to maintain Fish Accords funding for Columbia Basin tribes and states during the next 10 year period.
- Under the direction of the Yakama Tribal Council and the F&W Committee, Yakama Nation Fisheries will work with the YN Office of Legal Counsel to negotiate a renewed agreement with BPA.



For More Information see:
yakamafish-nsn.gov