

THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

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



RESOLUTION NO. 13,240

WHEREAS, The Treaty with the Tribes and Bands of Middle Oregon on June 25th, 1855 secured to the Confederated Tribes of the Warm Springs Reservation of Oregon the right to take fish at all usual and accustomed stations in common with citizens of the United States, and **Sherars Falls** of the Deschutes River near Maupin, Oregon is one such treaty-reserved "usual and accustomed" fishing station; and,

WHEREAS, For not less than time immemorial Warm Springs tribal members have harvested eels (also known as lamprey), salmon, steelhead and other fishes at Willamette Falls, Bull Run, Sandy River, Clackamas River, North Santiam River, Deschutes River, 15-Mile Creek, John Day River and at other "usual and accustomed" fishing stations to use for ceremonial, subsistence, and other purposes; and,

WHEREAS, It is important as an exercise of sovereignty and to meet the conservation needs for the resource that the Tribe actively manage the eel fishery at Sherars Falls and tribal members exercise their treaty rights; and,

WHEREAS, Those take or harvest levels of eels at Sherars Falls are managed by and through Warm Springs tribal regulations establishing the time, place, and manner of eel harvest, subsistence use comes before commercial use and tributary sales are prohibited (2018-2027 U.S. v. Oregon Management Agreement, page 42); and,

WHEREAS, It is unknown, without further research, if harvest at Sherars Falls is exceeding the capacity of the eel population to meet tribal subsistence needs and conflict exists between subsistence harvest and eel research studies; now, therefore,


BE IT RESOLVED, By the (30th) Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(1) and (u), of the Tribal Constitution and By-Laws, and Warm Springs Tribal Code Section 340.300, that the **2025 EEL Fishery regulations for Sherars Falls** are hereby approved, adopted and enacted by Tribal Council:

1. Tribal members wishing to take eels for ceremonial and subsistence purposes must carry tribal enrollment cards to fish under claim of treaty rights. Enrollment cards must be in possession while fishing.
2. Harvest is allowed at Sherars Falls by hand or with hand powered tools.


3. Harvest is open 24 hours per day Friday, Saturday and Sunday for general subsistence harvest; Monday, Tuesday, and Wednesday for research tagging operations and Thursday for gathering eels for the tribal freezer. Fishers must share the falls with fellow tribal members.
4. Harvest for the freezer will cease after 500 eels are obtained and Thursday will become a general subsistence fishing day. Fishers will be chosen by the Fish & Wildlife Committee.
5. This is a subsistence fishery as defined by Tribal Code 340.100, there are no sales allowed (2018-2027 U.S. v. Oregon Management Agreement, page 42).
6. BNR personnel shall monitor and enforce the fishery with regard to Warm Springs members participating in the 2025 fishing season at Sherars Falls;
7. Harvesters will allow Warm Springs BNR personnel to examine their eel harvest.

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 a meeting thereof, duly and regularly called, noticed, convened and held this 19th day of May, 2025; 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:


Kenneth E. Borchert
Acting Superintendent

Attachment: EEL Consumption Advisory

cc: Secretary-Treasurer/CEO
Superintendent
Administrative Service Center

LAMPREY CONSUMPTION ADVISORY

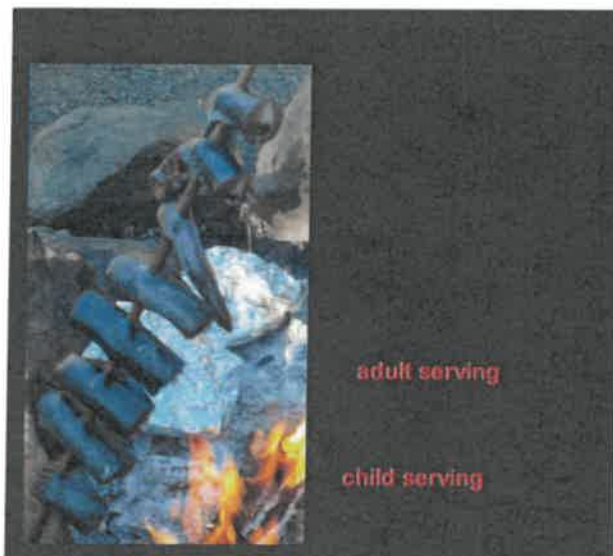


Oregon Health Authority has issued a Consumption Advisory for Pacific lamprey collected in the **Columbia River and its tributaries in Oregon.**

OHA recommends people to limit consumption of lamprey (eels) to:

2 SERVINGS PER MONTH				4 SERVINGS PER MONTH	
					
Children under 6	Those who are pregnant or who may become pregnant	If nursing a baby	People with thyroid or immune system problems	Children 6+ and teens	Adults

OHA sampled Pacific lamprey from the rivers listed above and found **PCBs** and **mercury** (both can impair brain development and immune system function, especially in developing fetuses, babies, and children). The levels were similar among all three rivers, which leads scientists to suspect the contaminants came from the lamprey's time in the ocean.



Babies, children, people with thyroid or immune system problems, and those who are pregnant, planning to become pregnant, or are nursing should take extra efforts to follow this advisory.

The health effects on developing fetuses, babies, and small children of eating contaminated fish can include lifelong learning problems and cancer.

This advisory recommends limiting lamprey consumption, **not removing it from your diet**. Fish (including lamprey) are a healthy food source and rich in nutrients like omega-3 fatty acids. Omega-3s provide protection from heart disease and are an important brain food for you, your children, and your unborn child.

