Nez Perce

TRIBAL EXECUTIVE COMMITTEE
P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

December 30, 2004

Nez Perce and Clearwater National Forests
Forest Plan Revision Content Analysis Team
Route 2, Box 191
Kamiah, Idaho 83536

RE: Comments on Proposed Action and Notice of Intent to Prepare EIS to Revise the Forest Plans for the Nez Perce and Clearwater National Forests

Dear Revision Team:

On behalf of the Nez Perce Tribe, we offer the following comments on the Proposed Action and Notice of Intent to prepare an environmental impact statement (EIS) to revise the forest plans for the Nez Perce and Clearwater National Forests. 69 Fed. Reg. 58,384 (Sept. 30, 2004). The Tribe shares your vision "to maintain healthy, resilient landscapes and watersheds that provide diverse recreation opportunities and a *sustainable* flow of forest products and amenities." *Id.* (emphasis added). Such a vision for the future requires a tremendous commitment by Forest Supervisors, District Rangers, and other decision makers to integrate vegetation management in a sustainable manner, i.e., in a manner that does not impair or retard the attainment of tribal members' ability to exercise treaty rights to hunt, fish, gather, camp, and graze on the national forests.

Historically, decision makers have not adequately protected the interests and treaty-reserved resources of the Nez Perce Tribe to achieve this overarching desired future condition. Numeric standards and guidelines are a necessary means for tribal and public accountability to ensure that the Forests achieve this vision.

A. Interest of the Nez Perce Tribe

The Nez Perce Tribe is a federally-recognized Tribe that exclusively used and occupied more than 13,000,000 acres in what is today north-central Idaho, northeastern Oregon, southeastern Washington, and buffalo country in Montana. In 1855, the United States negotiated a treaty with

the Nez Perce Tribe. Treaty of June 9, 1855, with the Nez Perce Tribe, 12 Stat. 957 (1859). In this Treaty, the Nez Perce Tribe retained a reservation as a homeland and reserved rights outside of the Reservation necessary for the cultural, religious, ceremonial, subsistence, and commercial survival of the Nez Perce Tribe, including hunting, fishing, gathering, and grazing.

Article 3 of the 1855 Treaty explicitly reserved to Nez Perce Tribe certain rights, including the exclusive right to take fish in streams running through or bordering the Reservation, "the right to fish at all usual and accustomed places in common with citizens of the Territory; and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed lands." *Id.* Much of the land ceded to the United States by virtue of this Treaty, including areas where the Tribe continues to exercise its treaty-reserved fishing, hunting, gathering, and grazing rights, is now managed by the Forest Service, including all of the areas within the Nez Perce and Clearwater National Forests in north-central Idaho.

As a manager and co-manager of its treaty-reserved resources, the Tribe is focused on protecting, restoring, and enhancing watersheds and all treaty resources throughout Nez Perce Territory by using a holistic approach, which encompasses entire watersheds—ridge-top to ridge-top—emphasizing all cultural aspects, and helping to restore healthy, productive ecosystems. The Nez Perce Tribe has worked for decades to manage and improve treaty resources, especially fish and wildlife habitat throughout these and other national forests.

B. Government-to-Government Consultation

The Tribe appreciates the Forests' diligent efforts to coordinate and consult with the Tribe during the beginning stages of the revision process. In December of 2003, the forest plan revision team made presentations to the Natural Resources Subcommittee of the Nez Perce Tribal Executive Committee, and also met with tribal employees to solicit input from the Tribe regarding the forest plan revision process and to identify future opportunities for tribal representatives to interact with Forest staff throughout the revision process.

The forest plan revision team has met with tribal representatives over the past year to identify and discuss tribal issues of concern and how the revision process can set the stage for addressing, if not resolving those issues. The revision team has invited tribal staff to be included in a set of resource-specific workgroups, e.g., aquatics workgroup. Although these workgroups have had mixed success at communicating and addressing tribal issues of concern, in general the Tribe appreciates the opportunity to participate at this professional and technical level.

Of key concern to the Tribe is how these various workgroup efforts and conclusions will be integrated into an overall management plan for the Forests, and whether such an integration process is capable of addressing all of the Tribe's issues of concern. The integration that occurred for the existing forest plans resulted in forest plans that promised everything to everyone, but on most accounts, fell well short on delivering those promises. Integration of the

various resource issues in the new forest plans will necessitate an allocation of management strategies that operate within the confines of existing environmental laws and policies, as well as within the practical budget constraints, local economics, and various social values. Historically, those choices have not adequately protected the interests and treaty reserved resources of the Nez Perce Tribe.

C. Primary Management Revision Topics: Tribal Use and Co-management

The Tribe understands the forest plan revision process initiated with an analysis of the management situation (AMS) on the two Forests. The AMS concluded that there are five key resource areas that require a dramatic change in management in order for the Forests to meet its mandate of "caring for the land and serving people" in north-central Idaho. The Forests have identified five primary management revision topics: (1) access management; (2) watersheds and aquatic ecosystems; (3) terrestrial ecosystems; (4) noxious weeds; and (5) special designations and areas. The Tribe agrees that these five topics should be at the forefront of revising management strategies in the forest plans. In addition, the Tribe would like the Forests to add tribal use and co-management as a sixth primary management revision topic, a topic that deals with the Forests' relationship and management of treaty-reserved resources with the Nez Perce Tribe.

1. Trust Responsibility to Facilitate Co-management

As a fiduciary, the United States—through all its agencies—owes a trust duty to the Nez Perce Tribe and other federally recognized tribes to protect, restore, and enhance treaty reserved resources and their habitats. Forest Service Manual (FSM) § 1563 provides policy direction to Forest Supervisors on how to carry out cooperative land management and planning with Tribes. The manual states that the Forest Service shall "keep apprised of tribal land use plans" and "assist in resolving inconsistencies between Federal and Tribal plans; and providing for meaningful involvement in the development of land use programs." FSM § 1563.01b(1). Further, section 1563.01b(2) provides direction to the Forest Service for consulting and coordinating with tribes on forest planning. Specifically, the Forest Service must administer lands subject to off-reservation treaty rights in a manner that protects the Tribe's rights and interests in the resources reserved under treaty. FSM § 1563.01d.

A key component of the Forests' trust responsibility is the duty to protect the Tribe's treaty-reserved resources. This includes both the resources themselves and the habitats upon which they depend. Unfortunately, many of the treaty-reserved natural resources for which the Nez Perce Tribe depends upon are currently imperiled, not due to any fault of the Tribe's. For example, through commercialized harvest of roots and berries, the Forests have permitted non-Indians to impacted tribal members' ability to conduct traditional harvest of these currently depleted culturally significant resources.

Further, the exercise of the Tribe's treaty-reserved fishing rights is presently limited by the need to rebuild anadromous fish populations. Most species of Snake River Basin salmon and steelhead are currently listed as threatened or endangered under the Endangered Species Act. Although there are many causes for this population decline, removal of vegetation, soil degradation, and alteration of watershed hydrology caused by logging, mining, road construction, water withdrawals, and grazing on the national forests have contributed to the decline in salmon survival in freshwater habitats.

The Nez Perce Tribe is a signatory to *Wy-Kan-Ush-Mi Wa-Kish-Wit: Spirit of the Salmon,* the Columbia River Anadromous Fish Restoration Plan of the Nez Perce, Umatilla, Warm Springs and Yakama Tribes. The Nez Perce Tribe also was the lead entity who developed the draft Clearwater Subbasin Plan as part of the Fish and Wildlife Program of the Northwest Power and Conservation Council. The Tribe expects the Forest Service to carry out the duties of the Forest Service Manual to become familiar with these two plans that the Tribe has co-authored and to resolve any inconsistencies between the tribal plans and revised forest plans.

The objectives of *Wy-Kan-Ush-Mi Wa-Kish-Wit* are to halt the decline of salmon, steelhead, lamprey, and sturgeon populations above Bonneville Dam within seven years. To rebuild salmon and steelhead populations to annual run sizes of four million above Bonneville Dam within 25 years in a manner that supports tribal ceremonial, subsistence, and commercial harvests. To increase lamprey and sturgeon to naturally sustaining levels within 25 years in a manner that supports tribal harvests. To achieve these objectives, the plan emphasizes strategies and principles that rely on natural production and healthy river systems. Simply stated, the Plan's purpose is to put fish back in the rivers and protect he watersheds where fish live. The Plan contains subbasin-by-subbasin return goals and the watershed restoration actions that must be undertaken to achieve them. Again, the Tribe expects the Forests to carry out the duties of the Forest Service Manual to become familiar with this Plan and to resolve any inconsistencies.

In short, the protection, restoration, and enhancement of the trust resources of the Nez Perce Tribe, and the habitats upon which they depend, are greatly impacted by the land management activities of the Forest Service. Much has changed since the initial forest plans for the Nez Perce and Clearwater National Forests were adopted in the 1980s. The Tribe has dramatically increased its presence and co-management of its trust resources on the national forests. The range of co-management between the Nez Perce Tribe and the Nez Perce and Clearwater National Forests is expansive, innovative, and a national model. Co-management activities include a broad array of benefits for both the Forests and the Tribe, including but not limited too: trail and fence maintenance, road obliteration, culvert replacements, streambank stabilization, operating fish hatcheries, co-authoring TMDLs, elk research, wolf reintroduction, conservation enforcement, biocontrol, archaeological surveys, mapping, etc. Looking only at the Tribe's watershed restoration work, the Tribe has expended more than $15 million on the Forests since 1997.

The Forest Plans set the stage for forest management for the next 10-15 years, possibly more. Therefore, a key revision topic for the Forests should be to closely examine tribal co-management strategies that will assist the Forests in carrying out their trust responsibility to protect, restore, and enhance treaty reserved resources and their habitats. The forest plans will directly affect the restoration and protection of treaty rights and Indian trust resources, particularly those species listed under the ESA. The Tribe is unsatisfied that the Forests' have fulfilled their trust responsibilities unless this overriding issue of co-management with the Nez Perce Tribe is clearly identified, disclosed, and analyzed as a key revision topic in the forest plans.

2. Alternatives to Co-management

If the Forests have difficulty in analyzing tribal co-management as a key revision topic in the forest plans, we believe the Forest Service also currently has several tools available to carry out its fiduciary responsibilities to the Nez Perce Tribe. These tools include analyzing a tribal alternative during the revision process, prescribing a management standard akin to the stewardship concept with the watershed approach for restoration, examining the charter forest concept of turning management over to the Tribe, or identifying the need of transferring the national forest lands back to the Nez Perce Tribe.

At a minimum, the Forests should begin to analyze a tribal alternative in the forest plan revisions. The tribal alternative should include the practical applications of co-management discussed above, as well as the remaining comments throughout this letter for how to address each of the Tribe's issues of concern with respect to the five primary management revision topics.

Second, by prescribing a forest wide management standard akin to the stewardship concept with the watershed approach for restoration, the Forests can accomplish their vision of integrated resource management. The stewardship concept can ensure that vegetation management proceeds only in a manner that accomplishes an upward trend in watershed health. Such an approach goes a long way toward protecting treaty reserved resources, while also accomplishing other resource management needs on the Forests.

D. Social Assessment and Economic Analysis

In the Winter of 2003/2004, the Forests contracted out a social assessment of the local communities and various stakeholders whom are affected by Forest management. Tribal representatives participated in interviews for the social assessment. The Tribe encourages the Forests to closely examine the findings in the social assessment and to keep these diverse concerns at the forefront of decision making throughout the forest plan revision process.

The Tribe urges the Forests to consider the economic benefits of a healthy fishery and good water quality on an equal basis with the economics of timber, grazing, mining, and other

extractive natural resource management. For example, several economic studies have documented that recreational fisheries bring in a tremendous amount of money to the citizens and communities adjacent to the national forests. Protecting and restoring water quality and fish habitat also provides high wage earning jobs to local residents, both tribal members and non-Indian contractors. Similarly, hunting, lodging, and rafting bring a great deal of direct, indirect, and recycled revenues to local communities. The high value of the headwaters on national forests provide the primary source of drinking water for several communities.

In total, the economic benefits of clean water, and healthy, harvestable levels of fish and wildlife is likely to outweigh the economic benefits of traditional natural resource industries, such as logging, mining, and grazing. The Forests should take a hard look and give equal consideration to the economics of recreation and water quality throughout the forest plan revision process.

E. Geographic Areas, Uses and Activities, and Unique Features

In general, the Tribe commends the Forests for adopting a new strategy for defining geographic areas as "a sense of place," rather than the arbitrary and prescriptive management areas that exist in the current forest plans. The Tribe agrees that the current regime created great challenges for integrating management of vegetation, aquatic resources, wildlife, recreation, and other resources. The Forests state that changing from management areas to geographic areas will facilitate an integrated approach to resource management. However, as currently defined in the Proposed Action, watersheds across the Forests are carved up into 27 geographic areas. The Nez Perce Tribe views management in a ridge-top to ridge-top basis, which encompasses the cumulative effects to entire watersheds. Therefore, we encourage the Forests to redraw the proposed geographic areas at a larger, system-wide scale that would parallel entire watersheds, rather than parcel them into 27 geographic areas.

Given that the Forests have identified watersheds and aquatic ecosystem management as a primary management revision topic, designating "system-wide" geographic areas, roughly parallel to the 4th field hydrological unit code (HUC), makes the most sense for integrating resource management. Effective integrated resource management requires that these watersheds be managed for what they are, integrated aquatic ecosystems. Moreover, combining the proposed geographic areas into "system-wide" geographic areas provides the Forests with a better way to manage, protect, and monitor watersheds and aquatic ecosystems.

Specifically, the Tribe encourages the Forests to redefine the proposed boundaries of the 27 geographic areas into the following system-wide geographic areas: (1) Lochsa River; (2) Selway River; (3) Middle Fork Clearwater River; (4) South Fork Clearwater River; (5) North Fork Clearwater River; (6) Potlatch River; (7) Palouse River; and (8) Lower Salmon River.

The Tribe understands that for each geographic area, the Forests intend to identify permissible uses and activities. The Tribe would like the Forests to add the following uses and activities to

this analysis: (1) watershed restoration; (2) road building (both temporary and permanent); (3) fish and wildlife conservation; and (4) fuels reduction and other vegetation management.

The Tribe also understands that for each geographic area, the Forests intend to identify unique features. The revised forest plans will prescribe specific management for the unique features, separate from the forest-wide management direction. The Tribe would like to see specific management direction for the following unique features: (1) all Wilderness Areas; (2) all Wild and Scenic Rivers; (3) all Inventoried Roadless Areas; (4) the Nee Mee Poo Trail; (5) Musselshell Meadows; (6) McComas Meadows; (7) Pilot Knob; (8) Red River Hot Springs; (9) Elk City; (10) the Lochsa River Corridor; (11) the Selway River Corridor; (12) checkerboarded lands surrounding the Plum Creek Timber Company lands; (13) satellite facilities associated with the Nez Perce Tribal Hatchery at Newsome Creek and Yoosa Creek; (14) the Southern Nez Perce Trail; and (15) Smoking Place.

F. Access Management

The Forests should analyze and evaluate impacts of Forest Service management actions to access for tribal members exercising treaty-reserved rights. This includes the impacts of land exchanges, timber sales, road obliteration, and other actions that may limit access to tribal members.

The Tribe further recommends that the Forests analyze and evaluate the impacts of motorized recreation (ATVs) on fish and wildlife resources and habitat and take appropriate action to limit such use in sensitive areas.

G. Watersheds and Aquatic Ecosystem Management

The Tribe is encouraged that the Forests have identified watersheds and aquatic ecosystem management as a primary management revision topic in the forest plans. We are specifically encouraged by the Forests' recognition of the need to strengthen forest plan direction to conserve and restore aquatic resources. Since adoption of the current forest plans in 1987, many things have changed, including the listing of impaired waters under section 303(d) of the Clean Water Act (CWA), listing of threatened salmonids under the Endangered Species Act (ESA), and extreme flood events in the mid-1990s that have dramatically altered watershed functions.

1. Relationship to Salmon Recovery and the Endangered Species Act

Both the Nez Perce and Clearwater National Forests contains important spawning and rearing habitat for Snake River Basin steelhead and Columbia River bull trout, two species listed as threatened under the Endangered Species Act (ESA), 16 U.S.C. §§ 1531–1544. Both Forests also provide important habitat for Snake River spring/summer chinook salmon and westslope cutthroat trout, species listed as sensitive by the State of Idaho and by Region 4 of the U.S.

Forest Service. These fish populations are in steep decline, due in part to harmful land management.

Despite steep declines in salmon and steelhead populations, Nez Perce tribal members regularly exercise their treaty reserved rights to fish for these species on the Forests and throughout the South Fork Clearwater River. Through its own Fisheries Department, the Nez Perce Tribe has made substantial investments to restore salmon and steelhead in the Clearwater Subbasin. These efforts include a hatchery satellite facility and fish releases into several tributaries of the South Fork Clearwater River, as well as habitat improvement and sediment reduction projects such as road obliteration and culvert replacement throughout the watershed.

Existing habitat conditions in the Clearwater River Subbasin currently limit spawning success and over winter juvenile rearing habitat in tributaries managed by the Forests. Key problems include logging, road building, grazing, mining, passage barriers, and others. Limiting factors include sedimentation, low flows, water quality (temperature), migration barriers, riparian degradation, channel and bank instability.

2. Watershed Protection and Restoration

The Tribe agrees with the Forests' management theme to conserve and restore aquatic resources. Management direction in the forest plans should focus on protecting properly functioning watersheds and a strategy of aggressively restoring non-properly functioning and degraded watersheds. Such an approach is consistent with tribal co-management of habitat improvements and watershed protection on the Forests, as well as the Clearwater Subbasin Plan. Forest Service management strategies should aggressively compliment and enhance the salmon recovery efforts and watershed restoration investments undertaken by the Nez Perce Tribe in partnership with the Forest Service. Since 1997, the Tribe's contribution in this effort has exceeded $15 million, the Forests need to protect these investments.

The Notice of Intent indicates that the Forests will establish aquatic conservation areas and associated direction, with priorities being assigned to areas with the highest potential for improvement. The Tribe thinks this is a good idea, but also encourages the Forests to not "write off" any degraded watersheds as incapable of restoration. To that end, the forest plans should establish aquatic restoration areas, where vegetation and other resource management will not further degrade or impair future restoration opportunities. Moreover, there is a great need for the new forest plans to integrate the various resource management goals, e.g., vegetation management, in a manner that achieves watershed conservation and restoration while also meeting Forest Service commitments under the Endangered Species Act, as well as fulfilling its trust responsibility to the Nez Perce Tribe to protect, restore, and enhance treaty reserved resources and their habitats.

3. Cumulative Effects

The thrust of the comment above regarding changes to the geographic areas is really centered around the need for the Forests to have a more holistic management and monitoring strategy for analyzing and mitigating cumulative effects to entire watersheds. The current forest plans, provide decisionmakers with few management directives or tools to analyze and monitor cumulative effects to watersheds and aquatic ecosystems. The Tribe urges the Forests to develop management direction and tools to decisionmakers in the new forest plans that provide for meaningful analysis, management, and monitoring of cumulative effects to entire watersheds. At a minimum, the management direction should require a thorough analysis of past, present, ongoing, and future private, state, and federal actions, and use that analysis as a basis for protecting or restoring watersheds at the system-wide geographic areas described above.

4. Riparian Protection

In 1995, the current forest plans were amended by PACFISH and INFISH to protect ESA-listed fish. The Tribe is encouraged by the Forests' commitment to carry forward many of the same strategies identified in PACFISH. However, the Tribe is somewhat concerned with the statement in the Notice of Intent states there will be minor modifications to PACFISH. The Tribe needs to know what are the minor modifications. Are they more protective, or less protective than PACFISH standards and guidelines? We remain concerned that the minor modifications to PACFISH will result in more discretion for risky vegetation management, and less protection for water quality and aquatic resources.

The Tribe encourages the Forests to closely examine the width of riparian conservation areas (RCAs, also known as buffers), particularly in areas where buffers have been compromised. For example, many riparian buffers on the two Forests have been compromised by streamside roads or previous logging units that are adjacent to riparian areas. PACFISH did not adequately account for such disturbances, nor did PACFISH account for the highly unstable granitic soils that occur on steep slopes and in landslide prone areas. In sensitive areas, the Tribe urges the Forests to require a greater level of protection (wider buffers) beyond that prescribed by PACFISH.

The forest plans should set out management requirements to conduct a riparian inventory to determine the effectiveness of PACFISH buffers and to increase them where those conditions state. In addition to establishing riparian buffers, the forest plans should prescribe protective riparian management objectives (RMOs) that err on the side of riparian protection and "do no harm" to water quality and aquatic resources.

5. Numeric Standards

The Tribe strongly supports the use of numeric standards for water quality, fisheries, and desired future conditions that are utilized in the current forest plans. During the initial forest planning efforts in the 1980s, the Nez Perce Tribe and the Columbia River Inter-Tribal Fish Commission worked hard to get these standards into the forest plans (Appendix A and Appendix K). However, the Notice of Intent indicates that the new forest plans will have an emphasis on desired future conditions, with fewer standards and guidelines. The Tribe disagrees with this approach. Numeric standards are a necessary mechanism for public and tribal accountability to ensure that the desired future conditions for water quality and fisheries are being met, and that the Forest Service is living up to its trust responsibility to protect, restore, and enhance treaty reserved resources and their habitats.

The Tribe acknowledges that numeric standards for water quality, fisheries, and desired future conditions place a restraint on other resource management. The current forest plans prescribe two management alternatives scenarios for when these numeric standards are not being met. In the current Nez Perce National Forest Plan, decision makers are required to show that where forest plan standards for water quality or fisheries are not currently being met, a project must show an "upward trend." In the current Clearwater National Forest Plan, decision makers are required to show that where forest plan standards for sediment are not currently being met, a project must produce "no measurable increase" in sediment.

Through the revision process, the Forests should take a hard look at the advantages and implications of both of these management alternatives. While both of these forest plan standards appear to mitigate impacts to watershed health, in practice they lack definition and their application has not been monitored for effectiveness. That being said, given the two options, the Tribe prefers the upward trend requirement with a robust definition that requires site specific pre and post project monitoring to ground truth old and existing data, as well as modeled results.

6. Water Quality and TMDL Compliance Strategies

The Tribe is encouraged that the Forests recognize the need to integrate forest management direction with water quality and implementation of total maximum daily loads (TMDLs) under the Clean Water Act. Integration should set forward specific standards in the new forest plans.

Due to high water temperatures and high levels of sediment caused by land management activities such as logging, burning, and road building, the South Fork Clearwater River is listed by the State of Idaho as water-quality limited under § 303(d) of the Clean Water Act (CWA), 33 U.S.C. §§ 1251–1387, 1313(d). The legacy effects from past and present logging and road building—increasing water temperature and sediment in the South Fork Clearwater River—go well beyond the natural range of variability that a water body of this size would typically exhibit. This watershed has had too much logging and too many roads; it desperately needs to be cleaned up and restored. Therefore, the Tribe urges the Forests to use the forest plan revision process as

a vehicle for setting long term management direction to comply with and implement the TMDL, and restore this watershed for future generations.

The South Fork TMDL sets a sediment reduction target for the mainstem at Harpster of 25%, and it is expected that sediment reductions will need to occur throughout the upper basin, in areas that are primarily managed by the Forest Service. Sediment reductions for specific tributaries will be delineated by collaborating agencies and the Watershed Advisory Group (WAG) in the TMDL Implementation Plan. It is the Tribe's expectation that any management occurring in tributaries to the South Fork must reduce sediment in order to comply with the TMDL. The new forest plans should incorporate such a strategy as a mandatory management standard.

In addition to sediment, the South Fork TMDL also addresses water temperature. For example, Red River is in violation of the State of Idaho temperature standards, and a temperature TMDL has been written for this watershed. SF CWR TMDL at 178; Ap. C (2004). Specific temperature reduction targets and surrogate shade targets have been established by the TMDL. *Id.* at Ap. G, Fig. G-7. These targets have been set for as much as an 80% canopy increase in areas of the watershed. Therefore, management direction in the new forest plans needs to attain riparian management objectives (RMOs) in riparian areas. Another example, under the South Fork TMDL, the American River unit #36 is in violation of the maximum weekly mean temperature standard.

The need for the Forest to clearly identify TMDL compliance strategies through guidelines and standards in the new forest plans is especially persuasive with respect to the TMDL for the South Fork Clearwater River because of the downstream impacts to water quality on the Nez Perce Reservation. The South Fork Clearwater River regularly "blows out," producing vast amounts of sediment that are felt downstream to the mainstem Clearwater River—harming water quality and fish habitat across the Nez Perce Reservation—and all the way downstream to the confluence of the Clearwater River and the Snake River in Lewiston.

7. Water Flows and ECA Standards

The current forest plans provide management standards for evaluating water flows. These are numeric thresholds entitled equivalent clearcut area, or ECA. ECA is a measurement of the logging and roadbuilding that has occurred in a subwatershed. The current forest plans state that for any subwatershed, not more than 15% ECA may be exceeded. The Tribe urges the Forest to reevaluate this standard, and to analyze a more restrictive standard to ensure protection of water quality from high peak flows and excess sediment yield. The ECA level of 15% likely does not represent a standard that would allow recovery of watershed health where sediment levels exceed current forest plan standards for sediment.

The slope and aspect of many subwatersheds on the Forests lend themselves to dynamic peak flows that are exacerbated by both land management and by rain-on-snow events. These effects

also exacerbate the downstream impacts to water quality, e.g., sedimentation and turbidity, on the Nez Perce Reservation, as described above.

Another reason to evaluate the ECA standard of 15% is its effects and correlation with the timing of the spring and summer runoff. As ECA increases, snowmelt occurs earlier in the spring and produces higher peak flows, thus reserving a smaller snowmelt of cold water in the later summer months. The cold water that is being lost through increased ECA, from logging and road building, has had a detrimental effect on salmonids and other aquatic life that depend on cold clean water in the summer months. The Forests need to reevaluate this standard.

8. Implementation and Effectiveness Monitoring

The Tribe urges the Forest to analyze and prescribe an aggressive monitoring regime to ground truth project design, modeled results, and effectiveness of best management practices (BMPs), and mitigation measures. Overall, there has been a lack of a consistent and strong commitment to monitoring by the Forests. For example, monitoring of fish habitat on the Nez Perce National Forest is virtually non-existent, and monitoring on the Clearwater National Forest has been reduced in scope and intensity. In the new forest plans, the Tribe urges the Forests to display a commitment to change this gap in management by requiring an aggressive monitoring regime that provides factual feedback for adaptive management. A strong monitoring program should be characterized by early warning parameters and protocols that are linked to quantitative, numeric standards for water quality and fisheries.

H. Terrestrial Ecosystem Management

1. Management Indicator Species and Elk Habitat Effectiveness

The Notice of Intent indicates that the Forests are proposing to update management indicator species (MIS) to more accurately reflect the effects of management, under the rationale that the current MIS are inadequate to show management effects. The Tribe questions this rationale because both Forests have done little or no monitoring of wildlife MIS. Before updating the MIS list, the Forests should explain with data the basis for rejecting the current list of MIS.

The first management plan for the forests used MIS to help guide vegetation and road density management. One of the most significant of these species, in terms of interest to people, and in terms of constraints on management of adjacent areas and management of roads, was elk. The Elk Habitat Effectiveness Model (EHE) summarizes the habitat management and road development restrictions. The model calculations are quoted in terms of the percentage of habitat effectiveness. The assumption in the model is roadless and wilderness areas are not subject to development or grazing, therefore, they are at 100% of habitat effectiveness and areas with roads can never reach 100% habitat effectiveness. The model was updated in the mid-1990's, based on best available scientific knowledge and developed by respected scientists. The Tribe believed at the time the model was the best solution possible.

In 2004, 17 years after the first Clearwater and Nez Perce Forest Management plans were implemented, Idaho Department of Fish and Game (IDF&G) has documented at least the second largest, if not the largest decline in elk populations in the Clearwater basin in the last 100 years. The decline started with or was accelerated by a deep snow and flood event in the winter and spring of 1996. The Tribe believes, although we have not validated, the Forest Service has adhered to the EHE terms delineated in the current forest management plans. If the habitat was managed as we had all agreed, why has the populations declined?

The other large elk population decline in the Clearwater Basin occurred in the early 1970's and was reversed in 1976 with changes to the IDF&G harvest management strategy. Since this population decline has started, IDF&G has restricted harvest opportunity. The populations have shown little response to the IDF&G measures to restrict harvest. Habitat was managed as expected and harvest has been restricted so the other major factor many people feel may have caused the decline is predators.

There have been many concerns expressed, by the public, policy makers and by scientists, about the interaction of predators and elk herds in the Clearwater basin. From prior research in the Clearwater Basin by IDF&G, we know mountain lions and black bears prey on elk calves. From research by Jason Husseman, we know wolves also prey on elk calves. The current elk population decline has been marked by the lack of recruitment of calves into the population at or near historical rates. The IDF&G completed a calf mortality study in the Lochsa, confirming mountain lions and black bears are the predominant cause of death of elk calves in the Lochsa basin. Since the study results became available, the IDF&G has elevated harvest of bears and lions in the basin. IDF&G harvest data reports indicate sportsmen took more bears from the "Lolo Zone" than they did elk in 2003. Cal Groen, the Regional Manger for IDF&G Clearwater Region, reported to the Idaho Fish and Game Commission at their November meeting in Orofino, the number of lions harvested in the basin was declining which he interpreted to mean, the population of lions had been reduced. Cal further reported to the Commission, elk herds had failed to respond to the increased predator harvest. If predators were reducing the calf recruitment into the population and predator numbers were reduced, then the calf recruitment should increase. Since calf recruitment has not increased, then we assume predators are not the culprits causing the problem.

IDF&G elk population data indicate the population decline in the Clearwater has been most severe and lasted the longest in the roadless and wilderness portions of these two national forests. The Nez Perce Tribe believes recently reported research by the Forest Service Experimental Station in LaGrande Oregon, based on work at or near the Starkey area elk enclosure, has shown the decline in calf recruitment exhibited by elk herds in the region is based on nutritional factors affecting the health and overall condition of the adult animals. Tribal staff has shared copies of the research reports with staff of the Clearwater and Nez Perce Forests and the Wildlife working group. The Tribe concludes the roadless areas and the wilderness habitats are probably not at 100% of effectiveness for elk as was assumed in 1987. We believe this means the habitat needs of these elk populations are not being met. The Sub-basin plan has

identified, based on work from the Interior Columbia Basin Management Plan, there is less early seral stages of succession present now than historically. It is the early seral stages elk key in on for spring and summer forage where they gain the condition they need. We believe the reduction of acreage in early seral stage vegetation is related to extensive efforts to suppress fires.

Research continues to affirm traffic on roads, even bicycles can affect elk use of the surrounding habitat. The traffic patterns on the road can effectively make the surrounding habitat unfit for elk use. Road management will continue to be a critical factor to prescribe for elk habitat management on the roaded front within the forest. The plan should have standards for the miles of open roads per square mile of land

It is our conclusion that having elk as an indicator species and managing the roaded areas under the guidelines of the EHE has not resulted in retaining the habitat in the condition needed to sustain elk populations at desired levels throughout the basin. However, it is impossible to calculate, the value the EHE has been to elk herds in the roaded portion of the forest. We feel the existing data indicates a new framework and vision for managing elk habitat in the basin is required. The research from the LaGrande Experimental station indicates some of the improvements that can be made to habitat driven models for this planning cycle. We recommend updating the current model for use in the next forest management plan.

2. Relationship to the Elk Collaborative

The Nez Perce Tribe participated in the development of and endorse the final consensus report of Senator Crapo's "Elk Collaborative." The key recommendation of this report is to burn, on average, about 2% of the area (roughly 50,000 acres) within IDF&G Game Management Units 10, 12, 17, and 19 each year for the next 12 to 15 years. The Tribe encourages the Forest Service to embrace this goal and to maintain a dialog with the members of the Collaborative as the planning process continues so any concerns can be quickly clarified as they arise. The Tribe understands this is an aggressive goal the Forests may have trouble meeting as a cumulative number of acres even over a 12 or 15 year period. Therefore, the Nez Perce Tribe has agreed some of the acreage goal can be achieved through mechanical means or timber through manipulating an average of 2% of the roaded areas in units 10 and 12 each year for the next 12 or 15 years. While this is an ambitious goal recent experience indicates it can be achieved. In the summer of 2003, through a combination of managed natural ignitions and fires that were suppressed the Clearwater National Forest burned nearly 40,000 acres spread across the entire forest.

The Tribe believes that the research, the reduction of elk harvest, the population data, and the increased removal of predators with no response from elk herds, all suggests the problem, at least in the roadless and wilderness portions of the Forests, is habitat driven. We conclude, there needs to be more fire restored to the landscape to manage the habitat in the roadless and wilderness areas.

The Tribe is concerned the public has been given information supporting the recent buildup in fire suppression resources on both Forests when the habitat the elk need would benefit from more fire not less. We are fortunate the roadless and wilderness areas give us the option to treat large amounts of habitat we believe elk need. If all the burning was planned for roaded areas, we would not be able to accomplish the acreage goal because of conflicts with other resource objectives. We recommend this forest planning cycle contain an educational initiative to portray fire as a natural part of the landscape that can't be suppressed indefinitely without consequences.

The Tribe requests that the Forests evaluate the impacts and benefits, of using prescribed burns and naturally ignited fires in the roadless and wilderness areas respectively, to achieve the burning goal developed by the Elk Collaborative. Further the Forests should evaluate if they will need to use prescribed ignitions within the wilderness areas to achieve the goal or if they believe it can be achieved with naturally ignited fires in the wilderness. We expect the Forest Service analysis to determine if the goal can be achieved without causing impacts violating the Clean Water or Clean Air Act or the Endangered Species Act. If the Forest determines, in their analysis, achieving the burning goal will cause impacts they believe would cause them to violate federal law or adversely impacting other resources, the Tribe expects the analysis to determine how many acres of burning, spread over the area described in the Elk Collaborative burning goal.

3. Grazing

Through the revision process the Tribe encourages the Forests to reduce grazing impacts in the Palouse River, Potlatch River, and Elk Creek. Additionally, the Tribe urges the Forest to eliminate livestock grazing in the anadromous tributaries to Lolo Creek, Lochsa River, Salmon River, and in the Gospel Hump Wilderness Area.

I. Noxious Weed Management

In the 1987 planning cycle, there was little recognition of the growing noxious weed infestation. Now some weeds that were hardly known in 1987 are considered "naturalized" by the Forest Service, in that they have created self-sustaining populations in large areas of the Forests.

The Tribe is concerned about the present and future impacts of noxious weeds. The low elevation, drier slopes within the Lochsa, Selway, and South Fork of the Clearwater Rivers are the areas under greatest threat to become occupied by noxious weeds. They are also the same areas the regions elk herds key in on for the first green forage each spring. The elk need a forage base with a high level of digestible protein to be able to finish pregnancies, support lactation after the pregnancy and recover sufficient body condition to be ready to become pregnant in the following breeding season. It is the grasses and forbs found on these sites and at higher elevations that provide sufficient nutrition for the elk herds to regain condition lost through the winter. There is literature, documenting elk eating spotted knapweed and additional research documenting elk avoiding it if neighboring foraging areas have no knapweed. To the extent

noxious weeds interfere with elk obtaining their nutritional needs, weeds are diminishing the forests' ability to support elk herds in the desired quantities.

The Nez Perce Tribe recommends the Forest consider immediate measures constricting the vectors dispersing the weed seeds. Further, the Forests, in the planning process, should consider establishing wash stations for all traffic leaving Grangeville, Kamiah or Kooskia and Powell that would quickly and efficiently remove the weed seeds from the vehicles that use Highway 12. Just as all logging machinery is washed now before it returns to the woods.

We also believe weed infestation patterns around the Wilderness Gateway Campground strongly indicates that the hay being brought into the forest is one of the dispersal vectors. In the past, the Forests have required the people hauling hay into the back country need to acquire and use weed free hay. The Tribe believes the Forest should work with local weed control groups and agencies to obtain and sell weed free hay to people accessing the back country with horses to assure hay used is weed free.

The Forests need a strong and multifaceted noxious weed control effort following ground, disturbing activities, which aggravate noxious weed concerns. Noxious weed control measures need to be fully funded and be part of the NEPA review for any ground disturbing activity and need to be fully considered in the planning process..

J. Special Designations and Areas

1. Inventoried Roadless Areas & Wilderness Recommendations

The Tribe has a keen interest in the management of inventoried roadless areas. Attached to these comments are the Nez Perce Tribe's Comments on the Proposed Roadless Rule. In general, the Tribe has taken the policy position that roadless should remain roadless, free of logging, grazing, and road building. Specific recommendations for wilderness include the Mallard-Larkins Area and the Great Burn Area.

2. Wild and Scenic Rivers Recommendations

The Tribe encourages the Forests to make additional recommendations for inclusion of rivers into the Wild and Scenic Rivers Act. The Tribe strongly endorses the following obvious candidates for wild and scenic status: the North Fork of the Clearwater River, the Little North Fork, Kelly Creek, Cayuse Creek, Colt Killed Creek, Fish Creek, Hungery Creeks, Meadow Creek, Bargamin Creek, Running Creek, White Bird Creek, segments of the Salmon River, Johns Creek, Lake Creek, Slate Creek, Bargamin Creek, Bear Creek, Moose Creek, and the Three Links complexes.

3. Sacred Sites / Pilot Knob

The Tribe believes that the planning process provides opportunities to provide additional protections to tribal sacred sites, including Pilot Knob. We believe that the Forests should explore using the planning process to provide an extremely high level of protection to the site, including recognizing the site as a traditional cultural property (TCP), restricting non-tribal motorized access, and removing the area from any type of management action. Further, we recommend that discussions occur to include this property in any proposed current or future land exchange/transfer legislation to allow either tribal or BIA ownership/management of the property.

K. Other General and Process Concerns

1. Authority of Work Groups

The Tribe has participated in the various planning working groups. The working groups generally allow greater involvement of other federal agencies, the State, and the Tribe. The Forest Service provides someone who leads the group and reports the group's discussion to the Forest Planning Team. In the various work groups, it is not always evident whether actions considered or changes from the existing plan are based on policy from the National Forest Management Act (NFMA), regional or national direction, or from the Forest Planning Team. It is not always obvious whether the local work group or policies outside of the Forests' staff will affect the decisions made. It would be very beneficial to describe the decision space the Planning Team is working within.

2. Tribal Resources for Planning Process

The Tribe appreciates the opportunity to participate in the work groups. The Tribe is willing to dedicate available resources to cooperate on specific issues. However, the Tribe cannot take full advantage of the opportunity to address tribal concerns in the development of the plan unless those efforts can be fully funded and staffed. Currently, the Tribe does not have sufficient funding available to develop written and/or visual input for each group meeting, attend the group meetings, analyze the concerns developed in the meeting, address communications between meetings, and collaborate with participants in the planning process outside of the meeting setting in preparation for the next meeting. We would appreciate your assistance in exploring funding that may be available or ways to amend the process to address the reality of limited resources.

3. Rate of Change and Measurable Standards

The Forests have decided to develop geographic areas and prescribe styles of management for each geographic area, to achieve a desired future condition of vegetation structure and composition. In doing so, the plan implies there is a "rate of change" from the current condition each year as we move toward the Desired Future Condition – which is assumed to be the goal

reached at the end of this new planning cycle 12 to 15 years in the future. The Forests appear to have decided not to have targets for most resource outputs that were included in the last plan. We believe the "rate of change" implies there is progress toward a well-defined goal from a well, defined beginning. This leads us to conclude that the Forests must include some units of measure or targets for resources other than simply timber harvest. These may not take the same form as the standards in the last plan, but there needs to be some measures to assess progress toward the desired future outcome. We expect the new Forest Plan to address the concept that there is a "rate of change" as we move toward the Desired Future Condition that can be well documented.

The wildlife work group had some discussions about the use of target species/indicator species and their usefulness in NFMA planning direction. Those discussions with regional staff clarifying regional direction were invaluable. However, this points out that the Forests, rather than reaching out to the Tribe, sister federal agencies and the state, have chosen a path where the planning staff and Forest leadership make the decisions regarding plan direction, allowing the work group only to react to the decisions rather than help shape the decisions. We believe helping to form the decisions, framing the management plan would be more productive and would result in fewer questions and more consensuses among the work group and core planning participants. We suggest the forest planning team submit more tasks to the work groups for review and recommendation rather than make the decisions themselves and then seek input.

4. Endangered Species Act Issues

Since the first forest plans were approved, several species of fish and wildlife and plants have been listed under the provisions of the Endangered Species Act within the Clearwater Basin. The new Forest Plans need to specify how they will identify critical habitat and protect it in support of the recovery efforts.

For example, Canadian lynx habitat has been identified by the U.S. Fish and Wildlife Service and needs to be protected. Further, the Tribe has been leading the field efforts for the recovery of the grey wolf within the two Forests since the inception of the recovery effort ten years ago. The cooperation and coordination of concerns as well as the support of the staff of both Forests during this recovery effort has been very high and much appreciated.

We trust the Forests will protect known populations of plants federally protected. We would like to see the plan include efforts to systematically search for and identify other populations of protected plants.

5. Past Management Patterns

In the current forest management plans, large areas were designated and managed at 25% of elk habitat effectiveness. Roads have been built and timber harvested. It may not be possible to manage some of those areas for more than 25% of elk habitat effectiveness for years to come.

Streams like Lolo Creek, where there has been development, water quality is now limited. Further development opportunities in that drainage may be limited because of water quality concerns. The Tribe believes the Forest may have managed itself into the proverbial corner where the upper tributaries of Lolo Creek perhaps will not see significant timber harvest without contributing more sediment production and may not contribute significantly to elk population maintenance either. The decisions of the past guide options for the future.

It does not make sense for the Forests to focus on terrestrial habitat restoration plans involving activities producing sediments if the activities will not be approved because of water quality limitations. Perhaps one of the work groups supporting the Forest Planning process working with water quality issues could meet with the other work groups to have a discussion about where water quality limited stream segments exist, what activities on the forest are causing the water quality concerns, and what needs to be done to start implementing TMDLs and other restoration plans. Timber harvest must be severely curtailed or excluded from areas where water quality and fisheries habitat is limited. The work groups and the Forests should develop a strategy to speed restoration of water quality and suggest where timber harvest displaced from water quality limited environments could occur and the potential scope of that opportunity.

6. Coordination with Other Planning/Restoration Processes

It is vitally important to integrate the forest planning process with other planning efforts involving water quality, protected fish recovery and hydropower mitigation. For example, tribal and state agencies are developing Total Maximum Daily Loads (TMDL) for many streams in the basin.

Further, the new plans should fully consider and incorporate the recommendations and measures called for in the Clearwater and Salmon Subbasin Plans developed by the Tribe and State for the Northwest Power Planning and Conservation Council (NWPPC). The Nez Perce Tribe recommends that the Forests use the Clearwater Subbasin Plan as a base for the habitat management direction for the fish and wildlife sections of the forest plan. This Plan needs to be used more than a reference document and should be a guide for the habitat needs to support the goals of the fish and wildlife population managers (the Tribe and the State).

L. Conclusion

Of paramount concern to the Nez Perce Tribe is the recognition of co-management with the Forest Service. Since adoption of the initial forest plans in the 1980s, the Tribe has greatly expanded its management of treaty-reserved resources and their habitats on the national forests. Tribal members work directly on restoration of wildlife, fisheries, and habitat on the two Forests. The level of tribal investment on or near national forest lands exceeds $5 Million annually. Moreover, tribal members benefit from tribal co-management of the national forests by routinely exercising their treaty rights to hunt, fish, camp, graze, and gather. We sincerely believe that a

dedication by the Forests to work closely with the Tribe to address the issues identified above will result in better forest plans and a better work relationship in the future.

Sincerely,

Anthony D. Johnson
Chairman

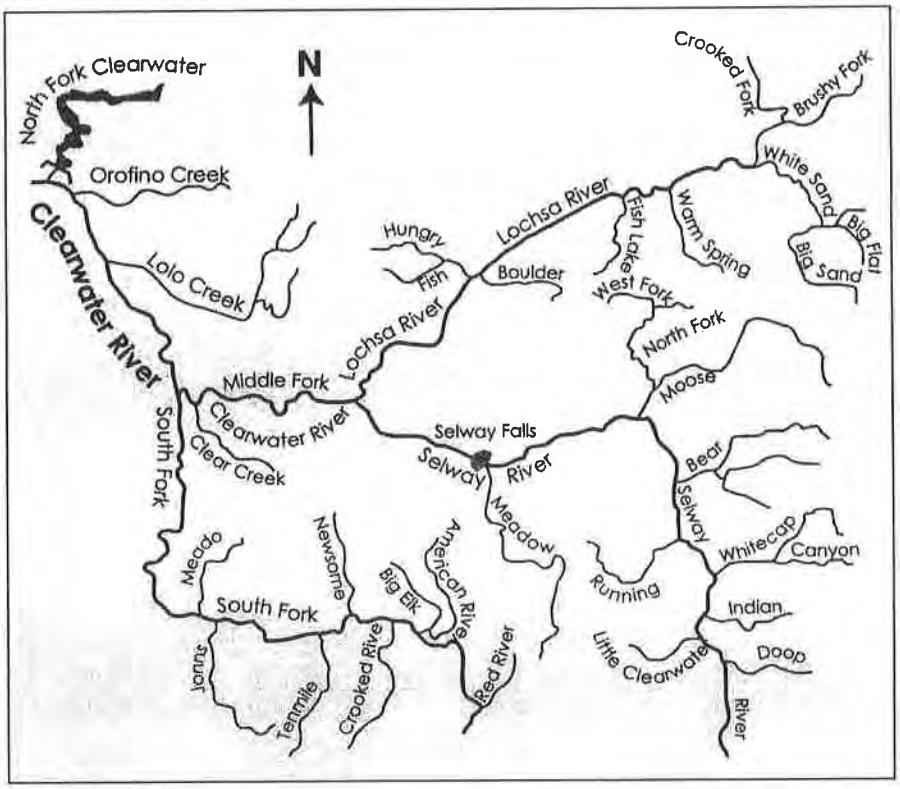
cc: Idaho Congressional Delegation

Attachment: *Wy-Kan-Ush-Mi Wa-Kish-Wit*, Vol. II. Clearwater River Subbasin.

CLEARWATER

Prepared by the Nez Perce Tribe

Introduction



The Clearwater River is located in north central Idaho and drains approximately 9,645 square miles. The subbasin extends from the Washington and Idaho border in the west to the eastern headwaters along the west slope of the Bitterroot Moun-tains along the border of Idaho and Montana. It elevations range from 9,000 feet at the headwaters to 700 feet at the mouth where it enters the Snake River at Lewiston, Idaho. The main tributaries include the Locsha, Selway, South Fork and North Fork rivers (NPT, et al., 1990). Other tributaries include the Red River, Lolo, Orofino, Newsome, Brushy Fork and Lapwai creeks.

Fish Populations Status/Goals

Natural spawning runs of spring chinook in the Clearwater River system were severely impacted by Lewiston Dam. Its removal in 1972 opened up major habitat which has led to re-establishment of natural spawning in all of the major subdrainage and tributary streams. These actions demonstrate the ability of fish runs to be re-established with dam removal and supplementation. The streams include Newsome, Meadow, and Johns creeks and the Crooked, American, and Red rivers in the South Fork drainage; Crooked Fork, Brushy Fork, Boulder Creek, and White Sands Creek in the Lochsa drainage; Selway River and Bear, Meadow, Running, Whitecap and Moose creeks in the Selway drainage; and Lolo Creek and Eldorado Creek in the Lolo Creek drainage. These natural runs have not been listed under the Endangered Species Act.

A remnant natural spawning run of summer chinook may exist in the Clearwater River system as a result of past hatchery releases. Existence of natural spawning summer chinook should be confirmed.

A natural spawning run of fall chinook occurs in the Clearwater River. These fish have been designated as endangered by the (NMFS).

Historical information regarding locations of natural spawning runs of coho in the Clearwater River system is not recorded. Attempts to restore coho runs in the South Fork and its tributaries occurred in the 1960s using egg incubation channels and fry plants. The Integrated System Plan recognized

Orofino Creek as having potential for reintroduction of coho through supplementation. Nez Perce tribal members have also noted that coho were found in such streams as Fish Creek and Clear Creek.

Natural spawning runs of both group A and group B steelhead exist in the Clearwater River system. Group A are found in the lower river tributaries. Natural spawning in the Clearwater system occurs in all of the major subdrainage and tributary streams. These include: Newsome, Meadow, and Johns creeks and the Crooked, American, and Red rivers in the South Fork drainage; Crooked Fork, Brushy Fork, Boulder Creek, and White Sands Creek in the Lochsa drainage; the Selway River and Bear, Meadow, Running, Whitecap, and Moose creeks in the Selway drainage; and Lolo Creek and Eldorado Creek in the Lolo Creek drainage.

The subbasin planners recommended a long- term objective of 60,000 spring chinook to the basin with a natural spawning component of 10,000 fish and a harvest component of 45,000 fish. The recommended long-term minimum objective for summer chinook is 50,000 fish. The long-term objective run size for fall chinook is 50,000 fish. The recommended objective for coho is 14,000 fish. The recommended long-term objective for B-run steelhead is 91,000 fish with a natural spawning component of 12,000 fish and a harvestable component of 74,000 fish. For the A-run component the objective is for 2,000 fish with an escapement of 1,000 and harvest of 1,000. Table 1 shows the fish populations, status and goals.

Problems Impacting Fish Resources

Existing habitat condition in the Clearwater system varies widely. Problems noted in the subbasin plan include logging, road building, grazing, mining, barriers and others (Ibid). The subbasin planners noted specific major habitat constraints in 45 spring chinook streams and 63 steelhead streams (Ibid). These constraints include sedimentation, low flows, water quality (temperatures), migration barriers, rearing and spawning habitat, riparian degradation and channel/bank instability (Ibid). Habitat programs are not coordinated on a watershed basis thus limiting their effectiveness to restore the habitat.

Compensation programs for the Clearwater River system have been limited or non-existent. Programs have not been developed and/or implemented with the objective of restoring the natural spawning populations. Off-station release programs for the most part occur to provide fisheries rather than to increase the natural spawning runs. Tribal production planning has been occurring since 1982 with little or no program implementation even though the programs are intended to increase the natural populations. As terminal fisheries and production programs develop on hatchery returns, the ability to modify the release to the habitat becomes more difficult. Releases of fall chinook and coho do not occur in the subbasin at this time. In 1993, returns of fall chinook to the Dworshak Hatchery were destroyed rather than used to help restore natural spawning populations. Table 2 shows the problems impacting the Clearwater River system.

Ongoing Actions In The Clearwater River System

Some habitat improvements have occurred in the basin under the Northwest Power Planning Council's (NPPC)Fish and Wildlife Program. These include improvements on Meadow Creek, Crooked River, and Red River in the South Fork; Brushy Fork and White Sands Creek in the Lochsa; and Lolo Creek and Eldorado Creek in the Lolo Creek drainage.

Hatchery production of spring chinook in the Clearwater River occurs at several major hatcheries and rearing ponds. Hatcheries constructed include Dworshak, Kooskia, and Clearwater Anadromous Hatchery. In addition to the major hatcheries, rearing ponds have been constructed at Red River, Powell, and Crooked River. Facilities being studied under the Fish and Wildlife Program include the Nez Perce Tribal Hatchery. Adult traps have been constructed at the hatcheries and rearing ponds.

Releases occur at the hatcheries or adult traps, with broodstock expected to return and be trapped at those locations. When broodstock does not arrive, eggs are acquired from other stations. Over the years, Carson, Leavenworth, Little White Salmon, and Cowlitz hatcheries have been used to provide

broodstock. The primary back-up station in recent years has been the Rapid River Hatchery.

To begin a program of tributary releases and to begin restoring natural production, the Nez Perce Tribe has utilized the Sweetwater Springs incubation and early rearing facility to rear and release spring chinook into Meadow Creek a tributary of the Selway. The program began by utilizing Rapid River broodstock. The fish are released as Time Released Fed Fry (TRFF) utilizing a helicopter to distribute the fish throughout the stream. The spring chinook reared in the Clearwater River system have not been designated by the NMFS under the Endangered Species Act.

Hatchery production of steelhead in the Clearwater River takes place at Dworshak Hatchery and the Clearwater Anadromous Hatchery. Releases of full-term reared smolts at Dworshak Hatchery occur mainly at the hatchery. Broodstock is expected to return and be trapped at the hatchery. The Clearwater Anadromous Hatchery releases occur throughout the Clearwater system. The broodstock for the program is trapped at Dworshak Hatchery.

Recommended Actions For The Clearwater River System

(1) Logging, road building and the loss of the riparian vegetation has created high cobble embededness. To eliminate or reverse this problem, those practices should be stopped or severely restricted until the streams can recover.

(2) The loss of the riparian area is occurring throughout the watershed. Practices such as mining, logging and development in the riparian area must be halted and the riparian vegetation be allowed to recover.

(3) Sedimentation due to logging is occurring throughout the watershed. In addition, mining and road building also continue to create sedimentation problems. The watershed must be left to recover by eliminating or severely restricting these practices. Riparian restoration must be carried out.

(4) High water temperatures like the other problems are mainly due to logging, road building and grazing. Establish-ment, adoption and enforcement of standards under the Clean Water Act are necessary. As noted, eliminating or severely restricting logging, grazing and road building are needed.

(5) In lower river tributaries where agricultural diversions exists, high water temperatures and low stream flows are a problem. The adoption and enforcement of instream flows are needed.

(6) Land use practices in highly erodible streams such as Deadman and Canyon creeks must be controlled and limited to ensure that little to no erosion occurs.

(7) Practices such as logging which removes large woody debris from the riparian areas must be terminated. Large woody debris must be maintained to help ensure the stream integrity.

(8a) Spring chinook

The Dworshak Hatchery spring chinook program is part of the Lower Snake River Compensation Plan. Dworshak Hatchery is located on the North Fork of the Clearwater River approximately one mile below Dworshak Dam. It has been constructed to rear 1,200,000. Although the program calls for off-station releases, most of the smolts have been released at the hatchery site to ensure broodstock needs are met. The release of fingerlings excess to program needs have occurred off-station. Additionally, smolts have been released at the Powell Adult Trap site. Fingerlings are also provided to Red River Pond, Crooked River Pond and Powell Pond. Returns will be used as broodstock in the Clearwater Anadromous Hatchery program.

Development of the Dworshak run has utilized numerous hatchery runs including Carson, Leavenworth, Little White Salmon and Rapid River. The Dworshak program is very representative of the Clearwater River spring chinook programs in that a variety of spring chinook runs have been used to develop the program. Currently, there are adult trapping facili-

ties on the upper Lochsa at the Powell Adult Trap and the upper South Fork at the Red River and Crooked River adult traps.

Clearwater Anadromous Hatchery was constructed as part of the Lower Snake River Compensation Plan. It has been designed to rear and release 1,369,500 spring chinook smolts. Additionally, the facility will provide 1,050,000 fry for rearing and release at three satellite facilities in tributaries of the Clearwater. The facility should provide the fry for the satellite rearing facilities. In conjunction with other rearing programs, the smolts should be released to the natural production areas of the Clearwater River system. Broodstock acquisition should use, to the extent possible, the currently constructed traps. Construction of additional traps will be necessary in other natural production areas. Final rearing and/or acclimation facilities should be constructed in the natural production areas.

Red River Rearing Pond was originally constructed in the early 1970s. It was incorporated as a program of the Pacific Northwest Regional Commission, composed of the governors of Washington, Oregon, and Idaho. The Red River Program is unique in that it rears spring chinook under semi-natural rearing conditions. The fish are introduced into the pond in early summer as fed fry and allowed to leave the pond in late fall as fingerlings to over-winter in the natural environment of the Clearwater River system. Most of the fish have been acquired from Rapid River Hatchery.

Recently, the facility has been upgraded and adult trapping capabilities installed as part of the Lower Snake River Compensation Plan. Broodstock is now taken from the returning adults. The program should continue and the unique nature of the past rearing and release program maintained. The program had been very successful in returning adults. A significant increase in the natural spawning population had been demonstrated. In recent years the program has taken too many adults. The tribal recommended broodstock trapping protocol that does not adversely affect the natural production is needed.

Crooked River Pond, located on the South Fork, and Powell Pond, located on the upper Lochsa, are operated in a manner similar to Red River. As with Red River, a broodstock trapping protocol is needed at the facilities. All three are considered part of the Clear-water Anadromous Hatchery program.

Kooskia Hatchery is a federally constructed enhancement hatchery constructed on the Nez Perce Indian Reservation and is capable of rearing 800,000 spring or summer chinook smolts. It is located near the mouth of Clear Creek, a tributary of the Middle Fork. Over the years, the hatchery has used numerous upriver broodstocks for its program. Like the other programs in the Clearwater system, its current primary backup station is Rapid River Hatchery. In recent years the hatchery has been operated in conjunction with Dworshak Hatchery. Releases have been mainly at the hatchery.

Releases from this facility should include off-station releases in tributaries of the Clearwater. Although the Clearwater system has had numerous releases of non-indigenous stocks, the primary option for broodstock acquisition should be trapping at release sites. Secondary programs could include any of the other trapping facilities on the Clearwater system. Releases should be done utilizing final rearing and/or acclimation facilities. Because of the wilderness designation, construction of facilities for releases into Selway River, even temporary ones, may not be allowed. In such a case, direct stream releases should occur. Helicopter releases may be necessary.

The Nez Perce Tribal Hatchery has been planned under the NPPC Fish and Wildlife Program since 1982. The spring chinook program has been designed to consist of a central incubation and early rearing facility. Fish will then be moved to eleven tributary facilities. Fish will be reared at the tributary satellite

facilities during the summer months and will be released in late fall to over-winter in the natural environment. Once reestablished and adult trapping facilities constructed, broodstock will be acquired in tributaries where fish will be released.

(b) Summer chinook

Kooskia Hatchery is capable of rearing 800,000 spring or summer chinook smolts. Although it is currently rearing spring chinook, future rearing at this facility may be converted to summer chinook to begin a program for that stock in the Clearwater River basin. Broodstock for the program would originally be acquired from the South Fork Salmon River. Releases would all be off-station in tributaries of the Selway. Future broodstock could be acquired by trapping at Selway Falls if feasible.

The Clearwater Anadromous Hatchery should provide 400,000 smolts to assist in the restoration of summer chinook in the Clearwater River system.

Besides the facilities currently on-line, additional facilities proposed under the Integrated System Plan would provide up to an additional 500,000 summer chinook smolts for the Selway River.

c) Fall chinook

Lyons Ferry Hatchery, which is located in Lower Monumental Pool, was designed to rear 9,100,000 fall chinook smolts for release into the Snake River. Broodstock for the program has been developed by trapping adults at the hatchery and Ice Harbor Dam. Smolts are released in the Snake River at the hatchery. Past releases have also occurred below Ice Harbor Dam. Trapping broodstock at the hatchery and Ice Harbor Dam should be terminated and a trapping program begun at Lower Granite Dam. Releases at the hatchery and below Ice Harbor Dam should be terminated and all releases should occur above Lower Granite Dam in natural production areas. Up to one-half of the production should be considered for release annually into the Clearwater River.

The Nez Perce Hatchery being studied under the Fish and Wildlife Program may include a fall chinook component. Currently, the Nez Perce Hatchery program is being designed to consist of a central incubation, rearing, and release facility. Broodstock will be acquired from trapping at Lower Granite Dam.

d) Coho

The Sandy River Hatchery is part of the Mitchell Act program. It is located on the Sandy River near the town of Sandy, Oregon. It currently rears 1 million early run coho for release at the hatchery. To begin a program in the Clearwater River system, current operations would be modified by releasing smolts into Orofino Creek and Fish Creek. Final rearing and/or acclimation and release facilities should be developed on Orofino Creek.

e) Steelhead

The Dworshak Hatchery steelhead program is mitigation for the construction of Dworshak Dam on the North Fork of the Clearwater. Dworshak Hatchery is located on the North Fork of the Clearwater River approximately one mile below Dworshak Dam. It rears 1,300,000 to 2,500,000 group B steelhead smolts. Most of the smolts are released at the hatchery site to ensure broodstock needs are met. Off-station releases of smolts are made mainly to provide harvest. The release of fry, fingerlings, and adults in excess to program needs have occurred off-station. In recent years Kooskia Hatchery, has been used as an early rearing station for Dworshak Hatchery.

Broodstock development has occurred by trapping fish from the North Fork. The broodstock has been manipulated over the years to provide for sport fishing needs. These stocks should no longer be used as a predominate source for release to the natural production areas. New broodstock acquisition programs should be undertaken to acquire broodstock from the tributaries of the Clearwater. This program should

be done in conjunction with the Clearwater Anadromous Hatchery.

Clearwater Anadromous Hatchery has been designed to rear and release 2,500,000 steelhead smolts. All the fish are to be released off-station to provide additional fishing opportunities and supplement natural production. Currently no broodstock source other than Dworshak Hatchery has been identified for the program.

Broodstock acquisition should be changed to work in combination with the spring chinook trapping facilities. Final rearing and/or acclimation facilities should be constructed in the natural production areas.

(9) A program to restore lamprey should be developed by the relevant fishery managers. This program should be under the overall leadership of the tribes.

Table 3 shows the tribal recommended actions needed to restore the fish resources of the Clearwater River system.

Table 1
Clearwater River Fish Populations Status and Goals

Species	Current Population (5-year average)	Adult Return Goal
Spring Chinook	270[1]	60,000
Summer Chinook	NA	50,000
Fall Chinook	NA	50,000
Steelhead	NA	91,100 B 2,000 A
Coho	NA	14,000
Lamprey	NA	NE

[1] Based on 1989-1993 redd counts. Assumes 2.5 fish per redd. Number rounded to nearest ten.
NA — Information not available
NE — None established

Table 2
Problems Impacting the Clearwater River Fish Resources

	Basinwide	South Fork Clearwater	Middle Fork Clearwater	Tributaries
High Cobble Embededness				•
Loss of Riparian Area	•			
Sedimentation	•			
High Water Temperatures		•	•	•
Poor Water Quality		•	•	
Irrigation Diversions				•
Severe Erosion				•
Lack of Large Woody Debris				•
Inadequate Production Compensation	•			

Table 3
Recommended Actions for the Clearwater River System

Problem	Recommended Action
High Cobble Embededness	(1) Eliminate or severely restrict logging, road building, restore riparian area
Loss of Riparian Area	(2) Restore riparian vegetation, reduce or eliminate mining
Sedimentation	(3) Eliminate or severely restrict loggng and grazing, restore riparian area
High Water Temperature	(4) Enforce Clean Water Act, reduce diversions, reduce or eliminate grazing, reduce roads
Irrigation Diversions	(5) Reduce diversions, provide instream flows
Severe Erosion	(6) Control land use in highly erodible areas
Limited Large Woody Debris	(7) Retain large woody debris
Inadequate Production Compensation	
Spring chinook, Steelhead Summer chinook, Coho	(5) Implement new broodstock programs, release programs, production programs
Lamprey	(6) Develop and implement programs