



# Nez Perce Tribe



**DEPARTMENT OF FISHERIES RESOURCES MANAGEMENT**

## **Fisheries Department Overview**

**Dave Johnson,  
Department Manager**



# Importance of Fish to the Tribe

“the economic cycle can generally be summarized as ten months of salmon fishing and two months of berry picking, with hunting most of the year”

Indian Claims Commission





## Treaty Fishing Rights

“The exclusive right of taking fish in all the streams where running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places in common with citizens of the Territory...”

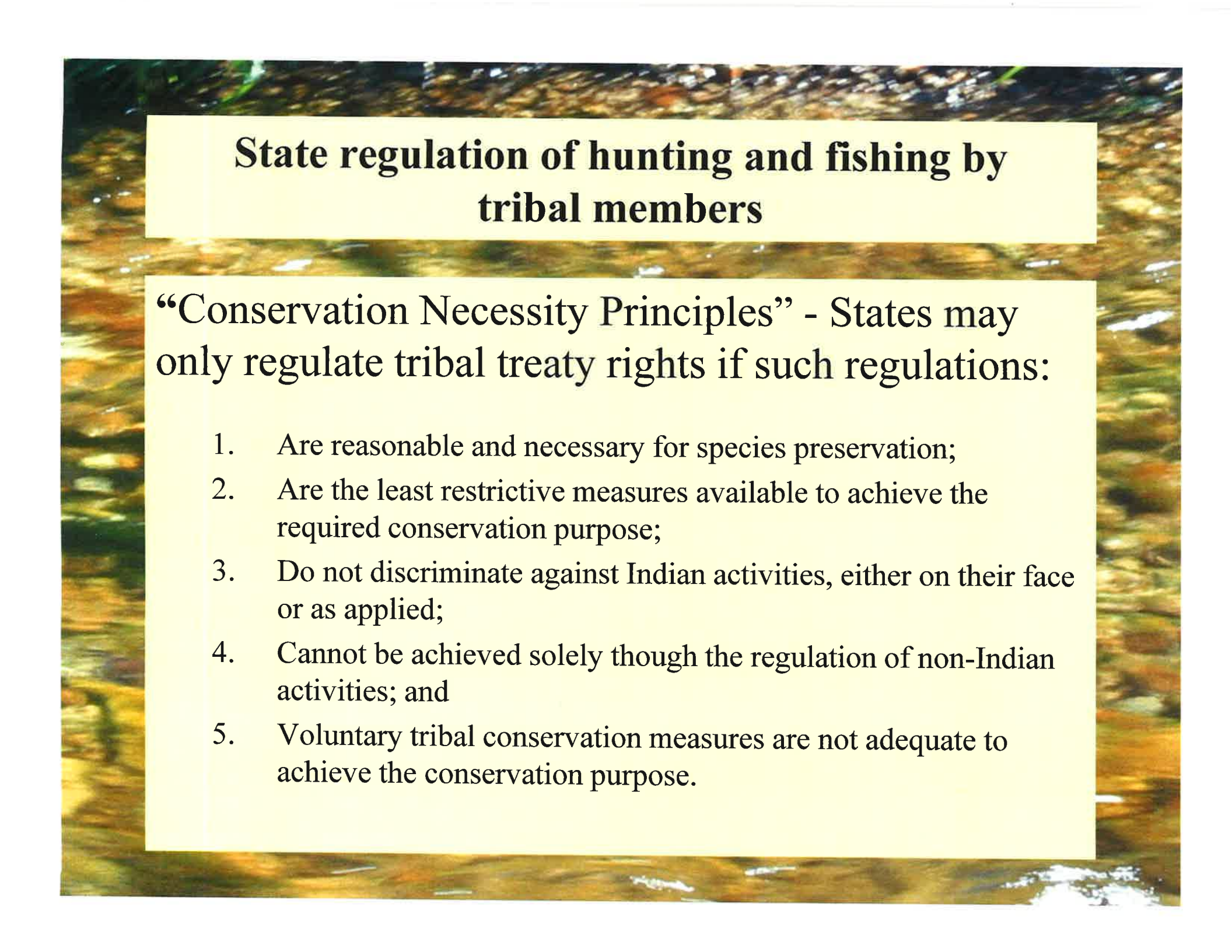
Article 3; 1855 Treaty with the Nez Perce



## What do treaty fishing-rights reserve to the Tribe?

- Exclusive right to fish on the Reservation
- Share of the harvest
  - Treaty grants Tribes the right to harvest up to 50% that would return to the Tribes' usual and accustomed fishing places.
    - *U.S. v. Washington*, 384 F.Supp. 312 (W.D. 1974) (Boldt I).
- Access to exercise the right
  - Treaty to fish at usual and accustomed fishing places includes an easement over private land to reach these places.
    - *U.S. v. Winans*, 198 U.S. 371 (1905).

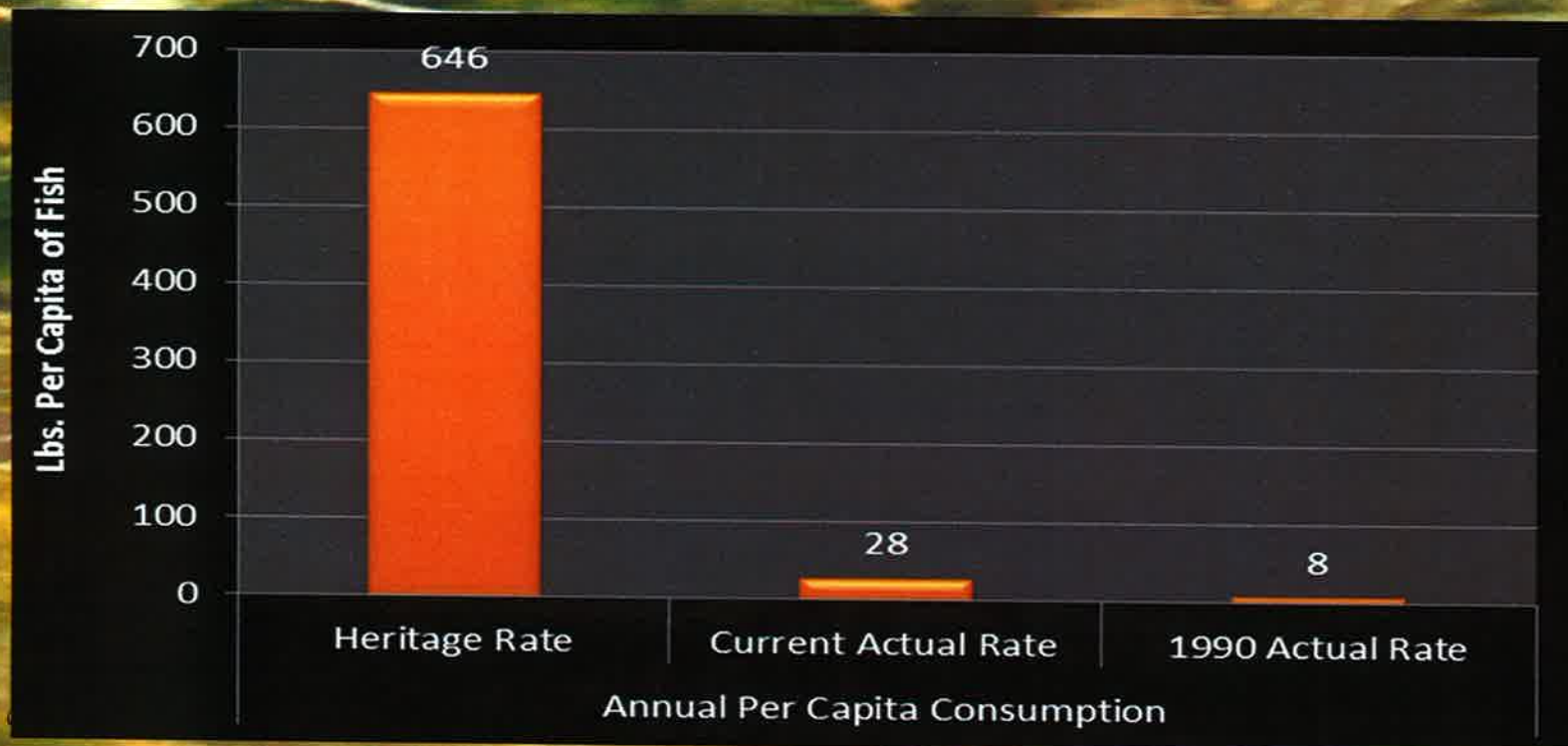
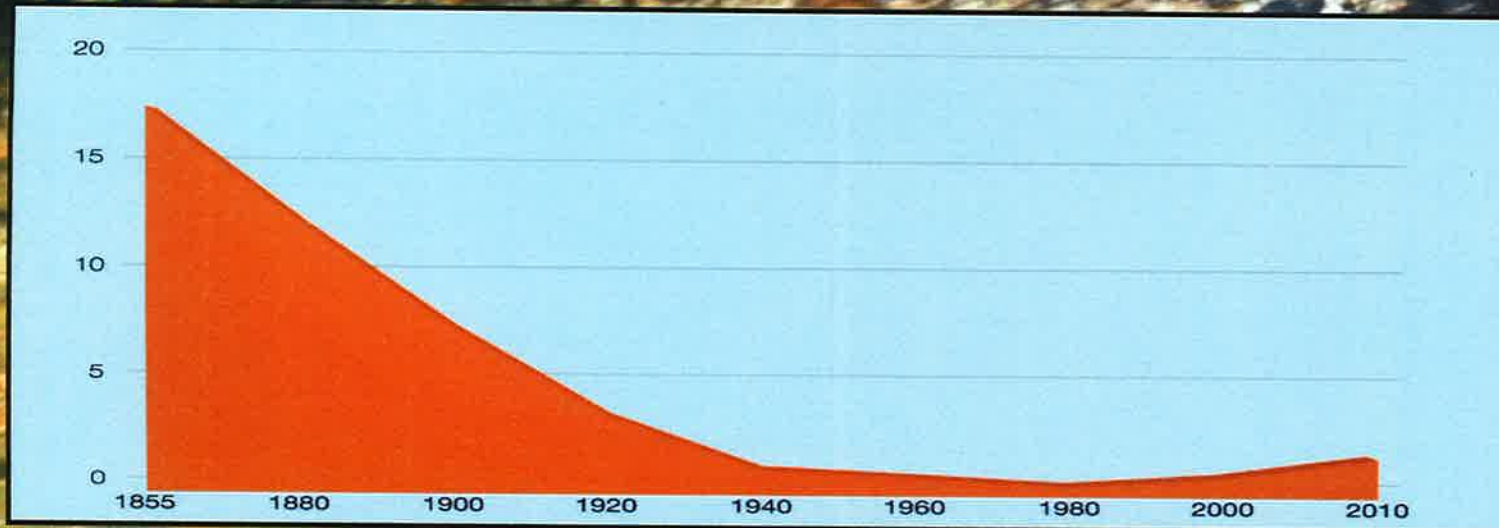




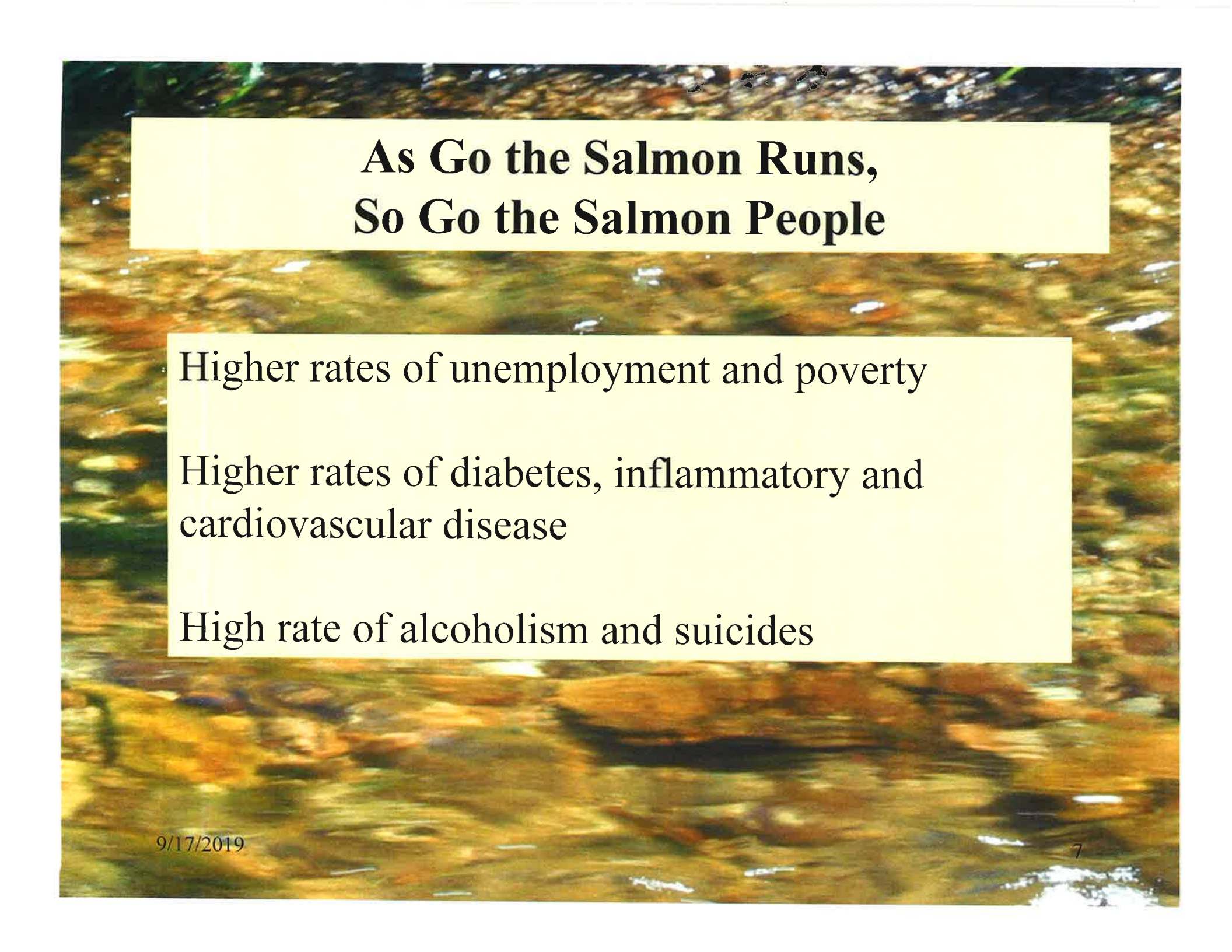
## **State regulation of hunting and fishing by tribal members**

**“Conservation Necessity Principles” - States may only regulate tribal treaty rights if such regulations:**

1. Are reasonable and necessary for species preservation;
2. Are the least restrictive measures available to achieve the required conservation purpose;
3. Do not discriminate against Indian activities, either on their face or as applied;
4. Cannot be achieved solely through the regulation of non-Indian activities; and
5. Voluntary tribal conservation measures are not adequate to achieve the conservation purpose.







## **As Go the Salmon Runs, So Go the Salmon People**

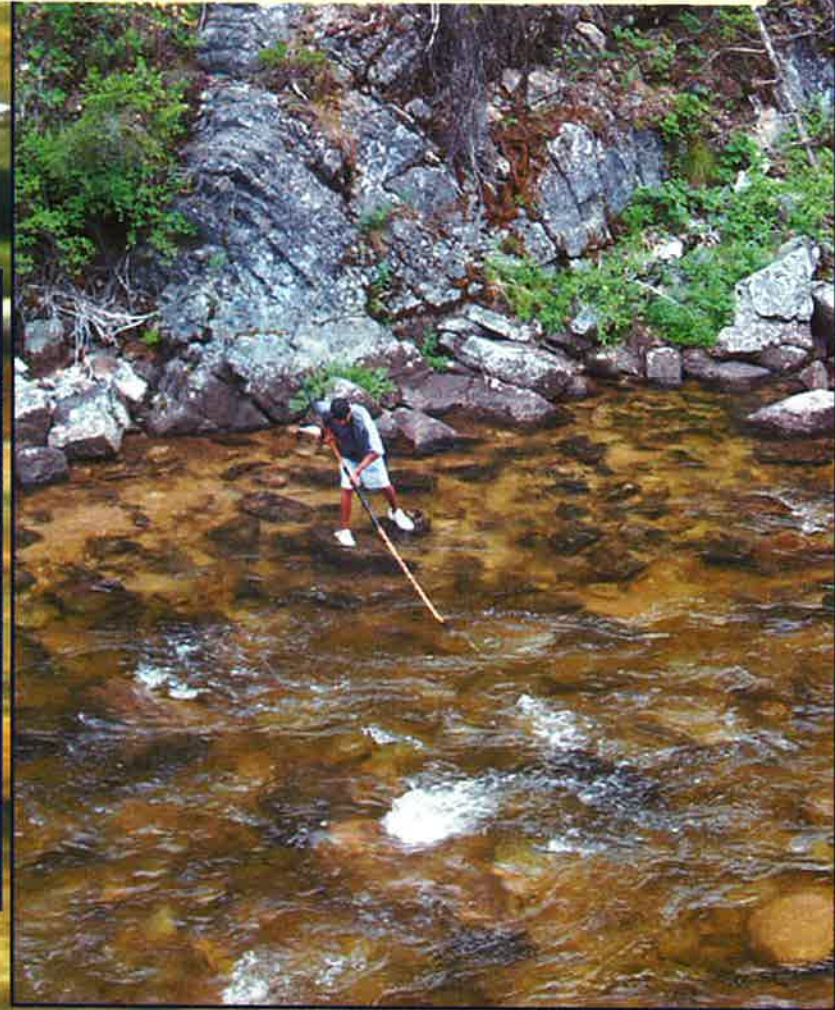
Higher rates of unemployment and poverty

Higher rates of diabetes, inflammatory and cardiovascular disease

High rate of alcoholism and suicides



# Fish and Fishing are a Necessary Part of Restoring Balance



9/17/2019



**Nez Perce Tribe**  
**Department of Fisheries Resources Management**

**Currently**

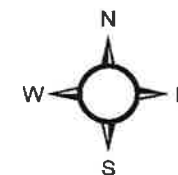
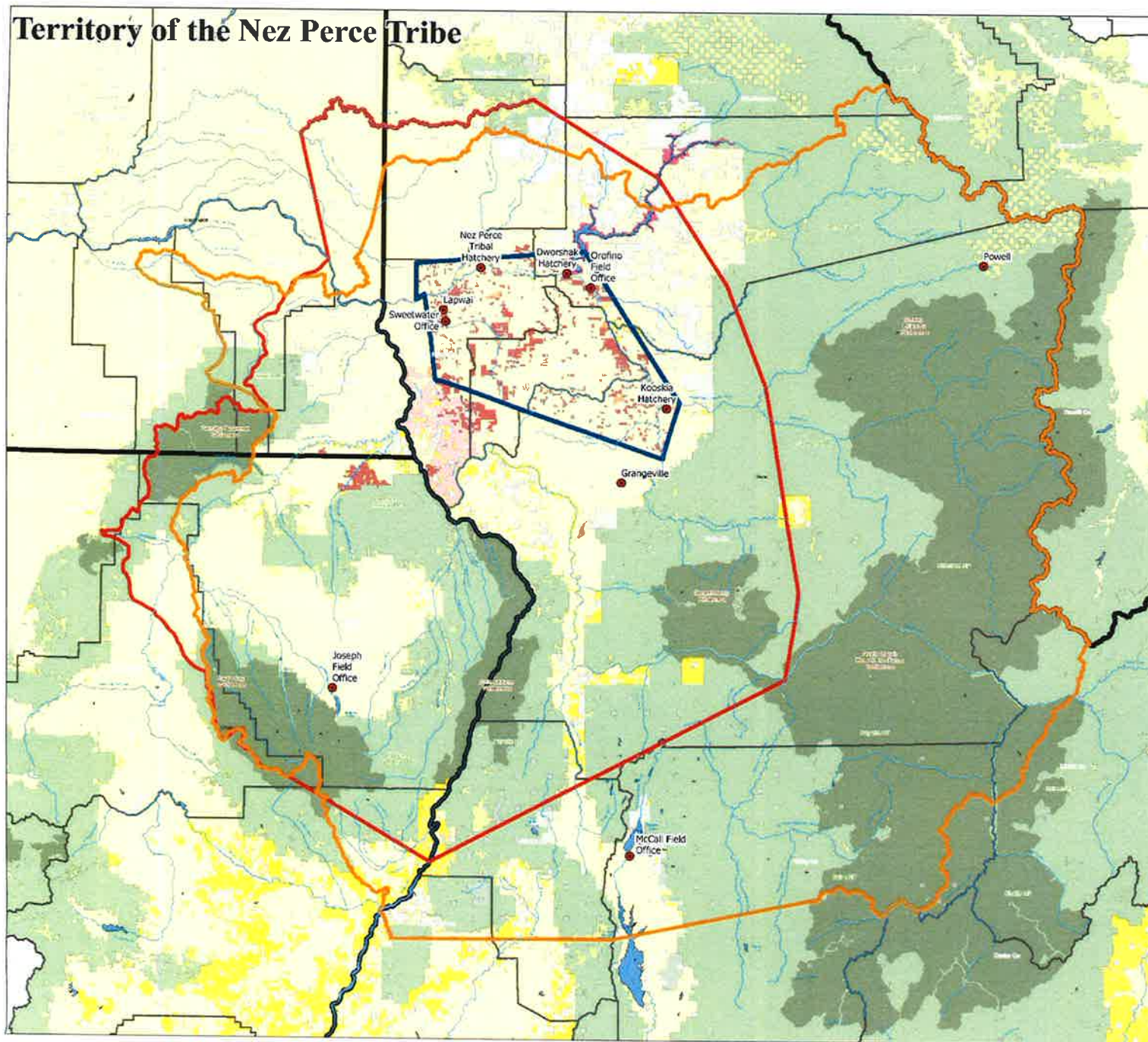


## **Nez Perce Tribe**

### **Department of Fisheries Resources Management**

- 6 “Divisions” – Administration, Conservation Enforcement, Harvest, Production, Research and Watershed
- 192 Employees 150 Full Time, 40 Seasonal.
- 51% NPT, 3% other Tribe, 46% non-Indian.
- 58 Contracts for total = \$23 million annually.
- Offices in: Lapwai, Sweetwater, Orofino, Kooskia, Joseph, McCall, Powell and Grangeville.
- Recipient of Honoring Nations – outstanding example of Tribal Governance





- Legend:**
- Fisheries Offices/Locations
  - NPT 1863 Reservation Boundary
  - NPT ICC Boundary
  - NPT 1855 Reservation Boundary
  - Lake
  - Rivers/Streams
  - State Boundary
  - County Boundary
- Ownership:**
- Private
  - Corps of Engineers
  - BLM
  - National Park Service
  - State Land
  - Idaho Fish & Game (Mitigation)
  - Nez Perce Tribe
  - Wilderness Area
  - National Forest

Nez Perce ICC Territory: The ICC boundary as described in Docket No. 175-18-1-1 (1967). Mapped onto 1:100,000 scale U.S. Geological Survey map sheet.

Nez Perce 1863 Reservation: The 1863 reservation boundary as described in the "Treaty with the Nez Perces, 1863". The boundary was mapped by the Bureau of Indian Affairs onto 1:250,000 scale U.S. Geological Survey map sheets.

October 1, 2011



0 5 10 20 40 Miles  
0 5 10 20 40 Kilometers



## Watershed Division



## Ridgetop-to-Ridgetop Management





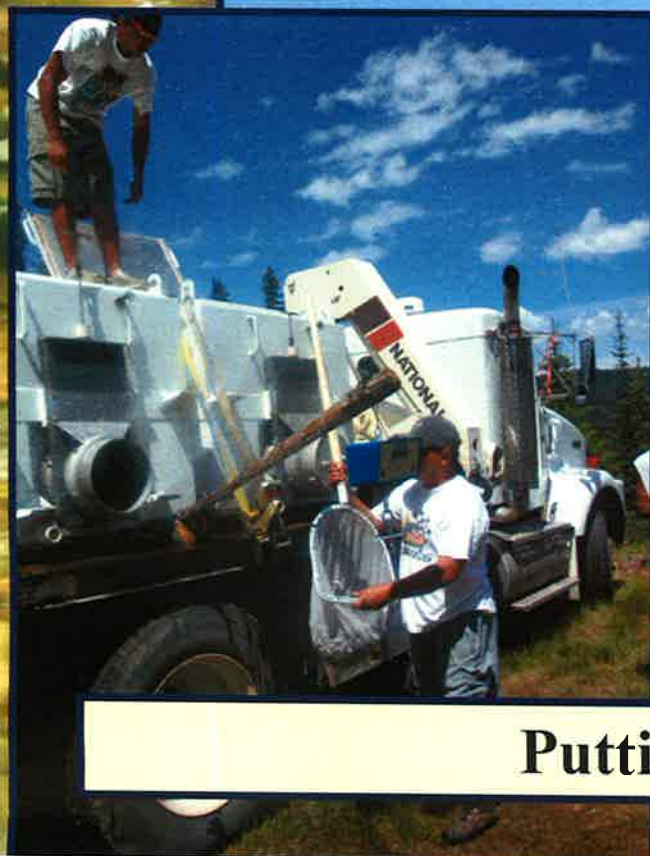
## **Watershed Division**

**Ridge-top to ridge-top watershed protection and restoration for rearing and spawning habitats and protection of water quality.**

- The Tribe implements more watershed restoration projects than any other single entity in the Snake Basin.
- Extensive partnerships with Forest Service (60 – 70% public lands).
  - Received several national awards from the Forest Service
  - Subcontracts for restoration work
- Projects overlay BiOP “gap” areas (B-run steelhead, spring and summer chinook habitat) required to mitigate for the effects of the hydrosystem.



## Production Division



Putting fish back in the rivers





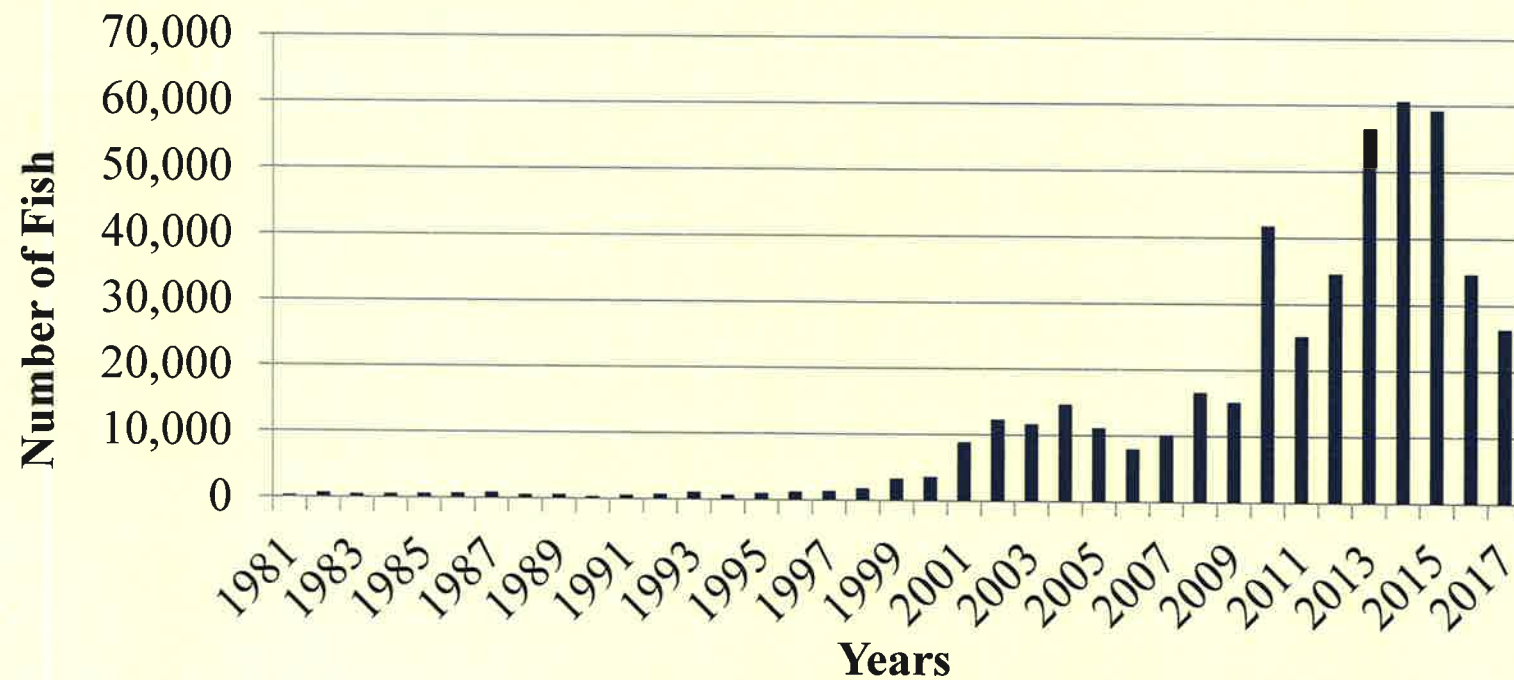
## **Production Division**

**“Putting fish back in the rivers” with intent of enhancing natural spawning and providing harvest.**

- Released over 10 million fish in 2018 (1/3 of basin’s total).
- Spring, summer and fall chinook, coho, steelhead and lamprey.
- Nez Perce Tribal Hatchery, Kooskia, Dworshak co-management, 10 other facilities.
- Significantly cooperative program with IDFG, ODFW, WDFW and U.S. Fish and Wildlife Service

# Fall Chinook Returns

Fall Chinook over LGD 1981 - 2017





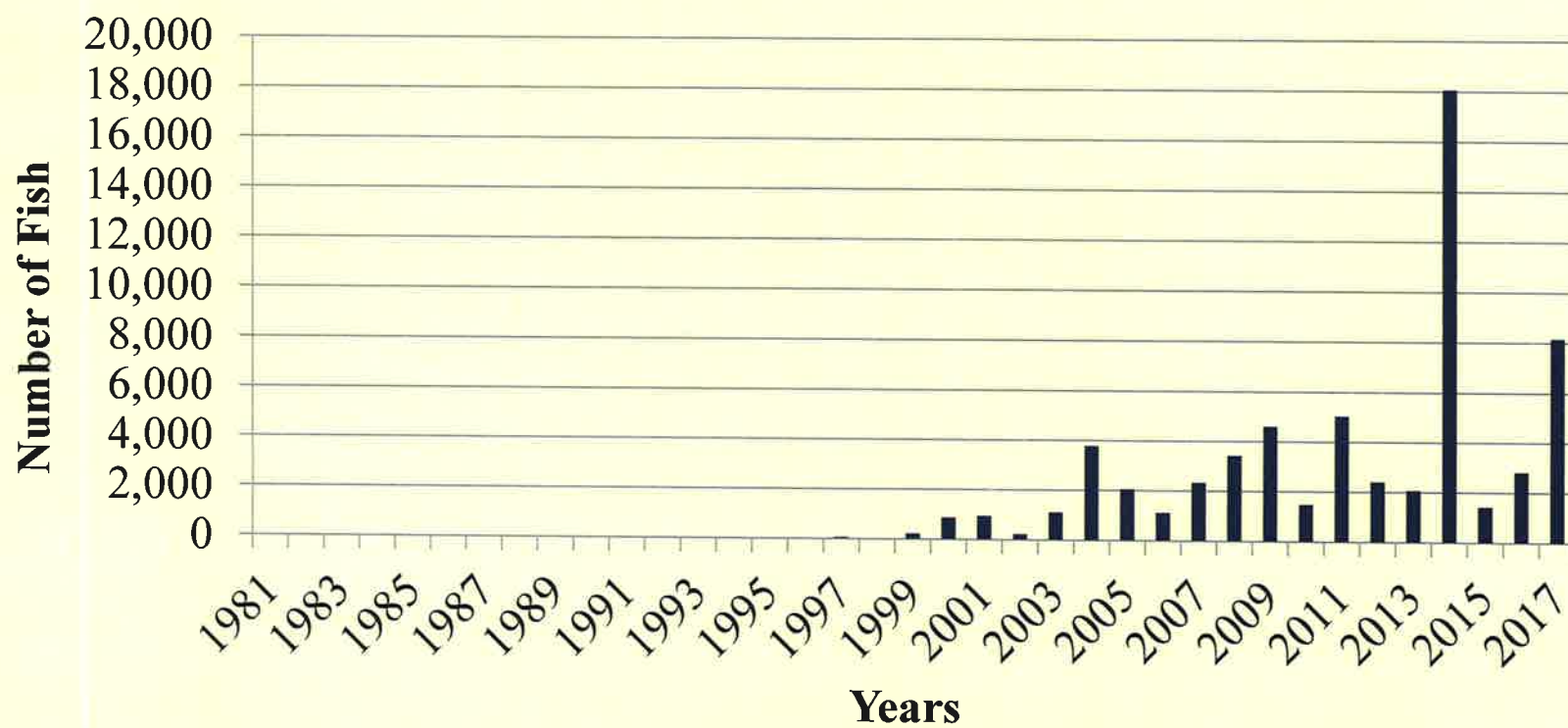
Cherrylane – 2013





# Coho Returns

Coho over LGD 1981 - 2017







HOOSIA WCH

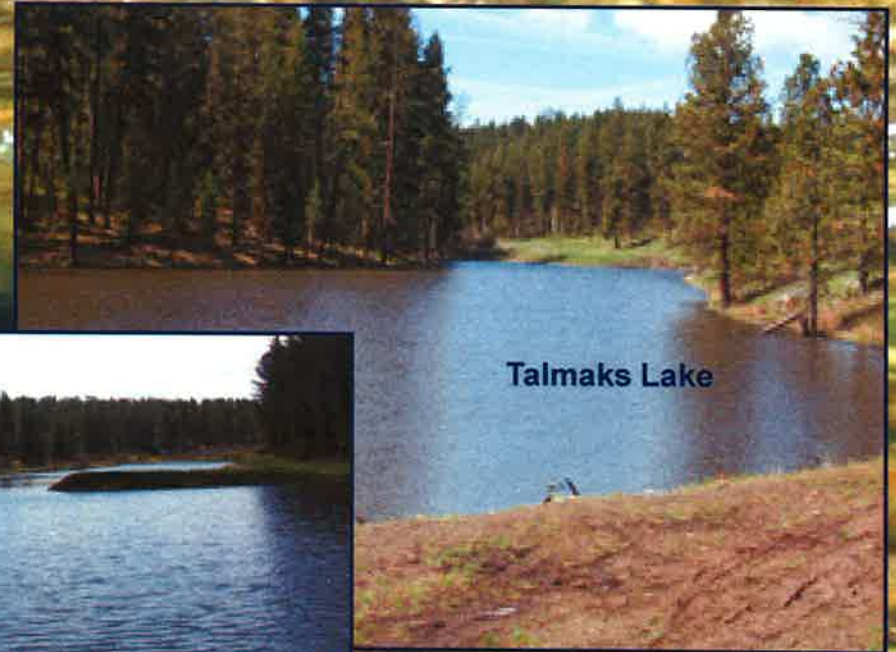
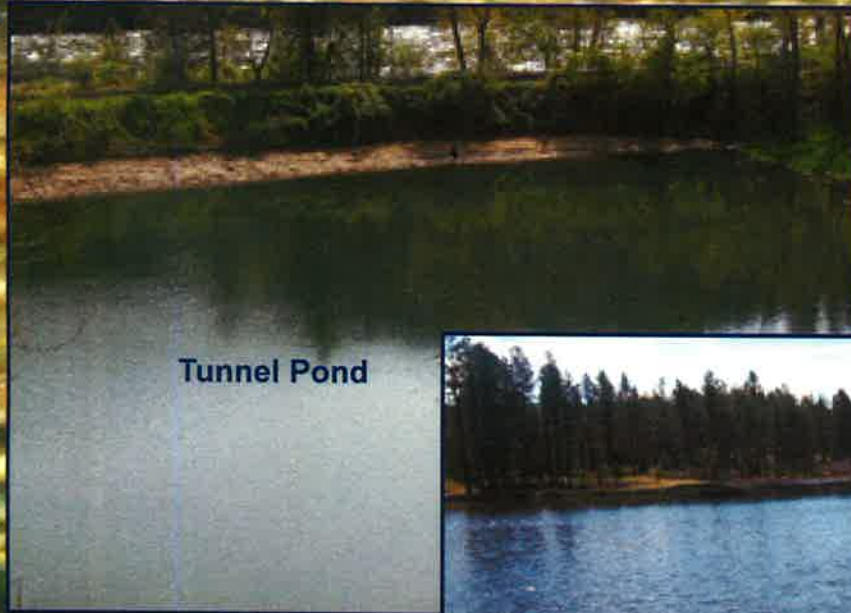
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2014

19



## **Resident Fish**



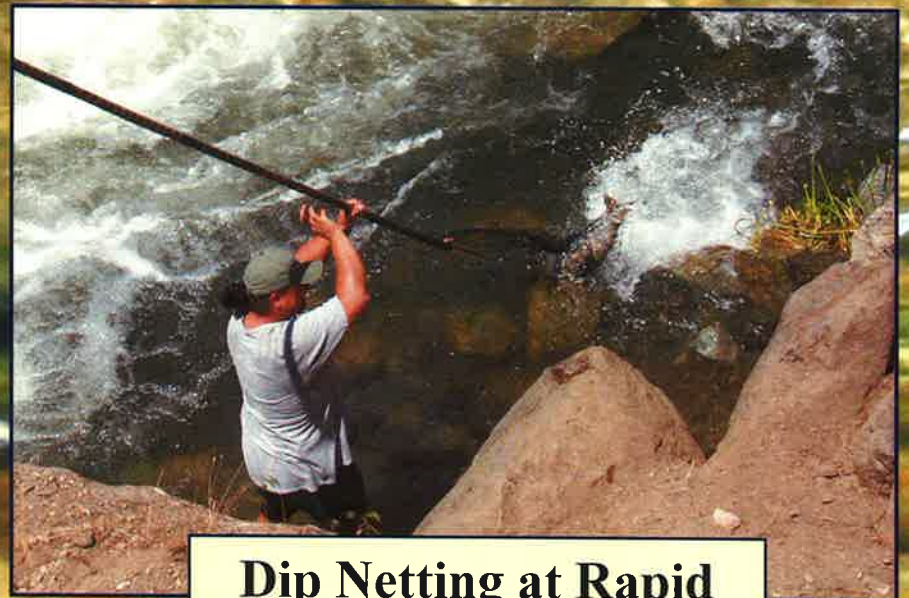
**Construct and Manage Pond Systems for Tribal  
and Non-Tribal Fishing Opportunities**



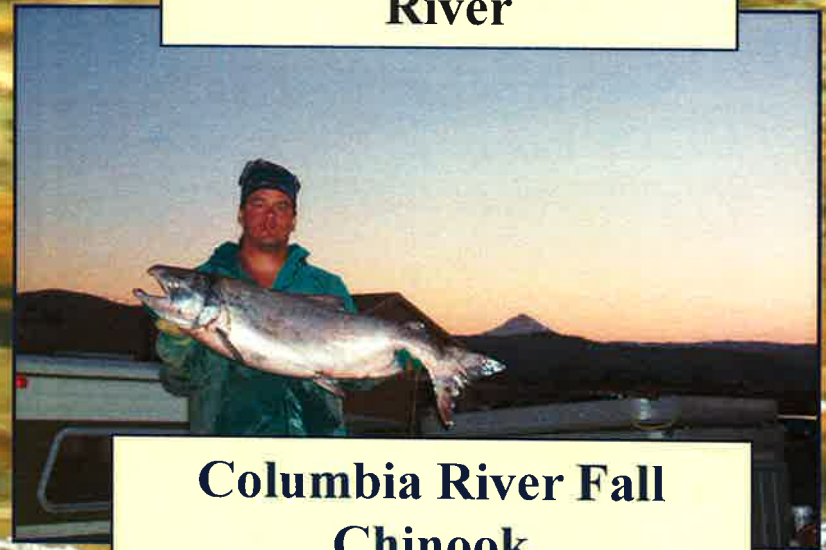
# Harvest Monitoring



**Gaffing at Rapid River**



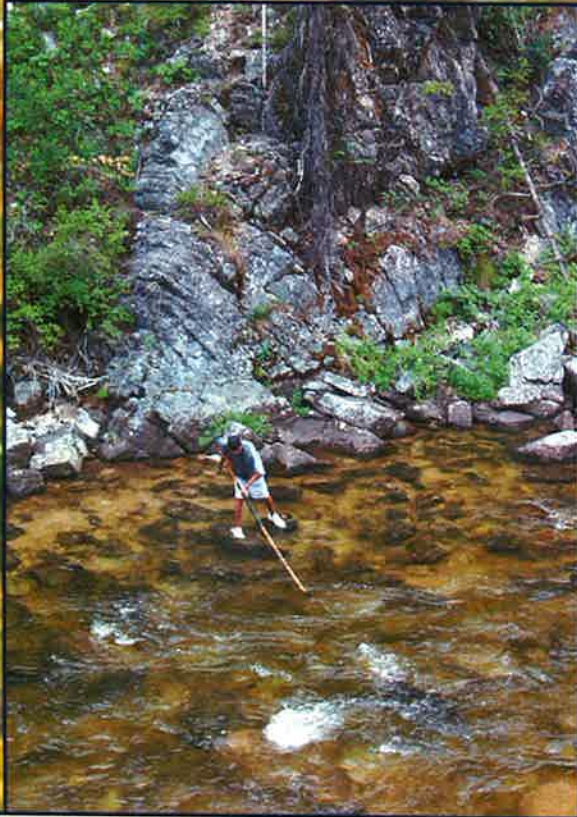
**Dip Netting at Rapid River**



**Columbia River Fall  
Chinook**



# **Conservation Enforcement**



**Protect Safety of Tribal  
Members While Exercising  
Our Treaty Rights**



**Patrol for Violators of Tribal Laws and  
Regulations**



**Patrol Tribal Lands for  
Trespassing**





## **Harvest Monitoring and Conservation Enforcement**

**Afford harvest opportunities in areas consistent with treaties and enforce the tribal regulations governing harvest.**

- Harvest Management Plans – Endangered Species Act related.
- Harvest monitoring essential to basinwide status monitoring (BiOp/F&WP) efforts.
- Logistical challenges due to extent and nature of treaty rights.
- Harvest monitoring and enforcement in cooperation with IDFG



## Research Division



## Applied Research and Status Monitoring





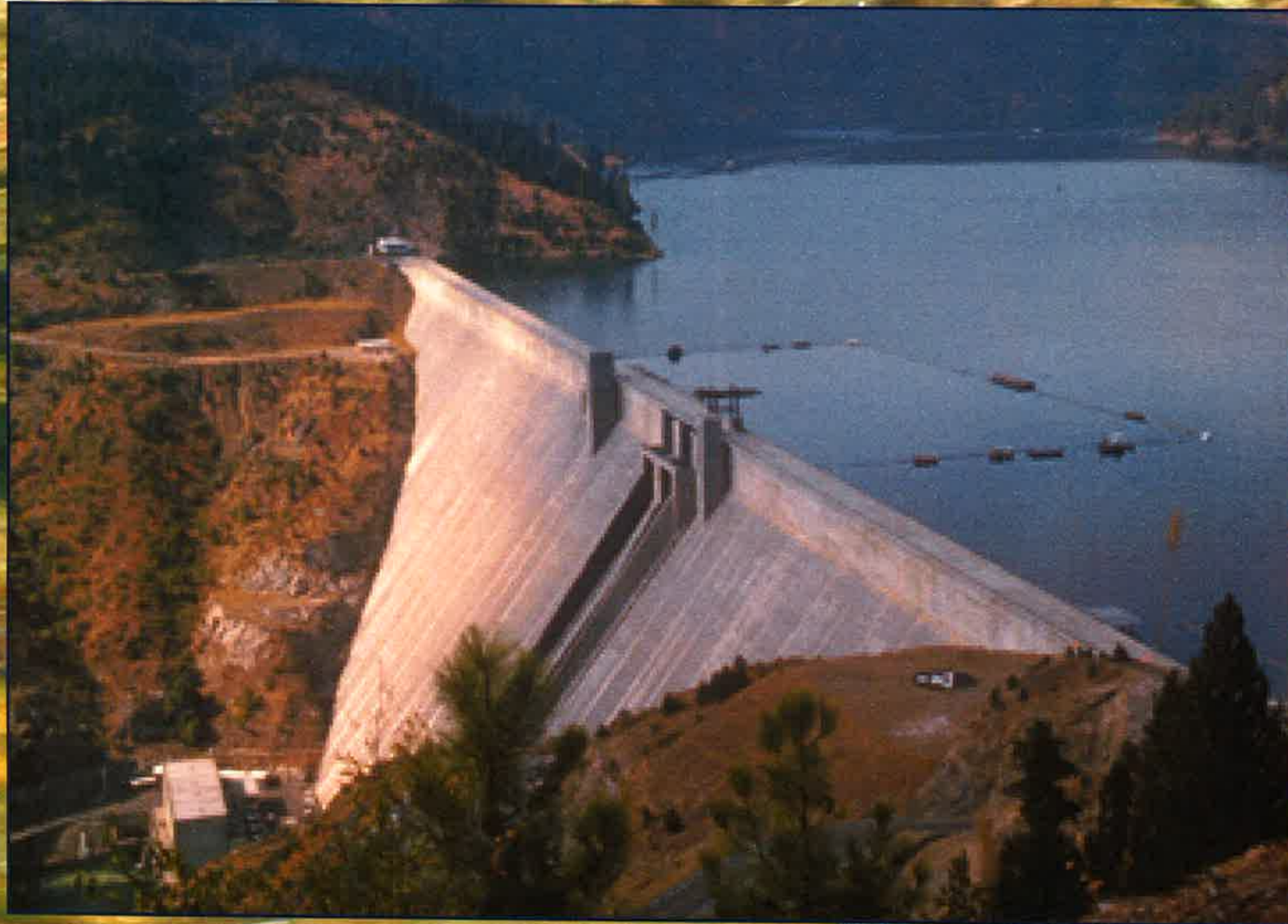
## Research Division

### Applied Research and Status Monitoring

- Intensive monitoring of supplementation programs – WxH, and WxW – fall, spring and summer chinook.
- Long-term status monitoring effort – data used by NOAA.
- At the forefront for monitoring steelhead in the Snake Basin.
- Active in coordinating basin-wide status monitoring effort – “fish in – fish out”.



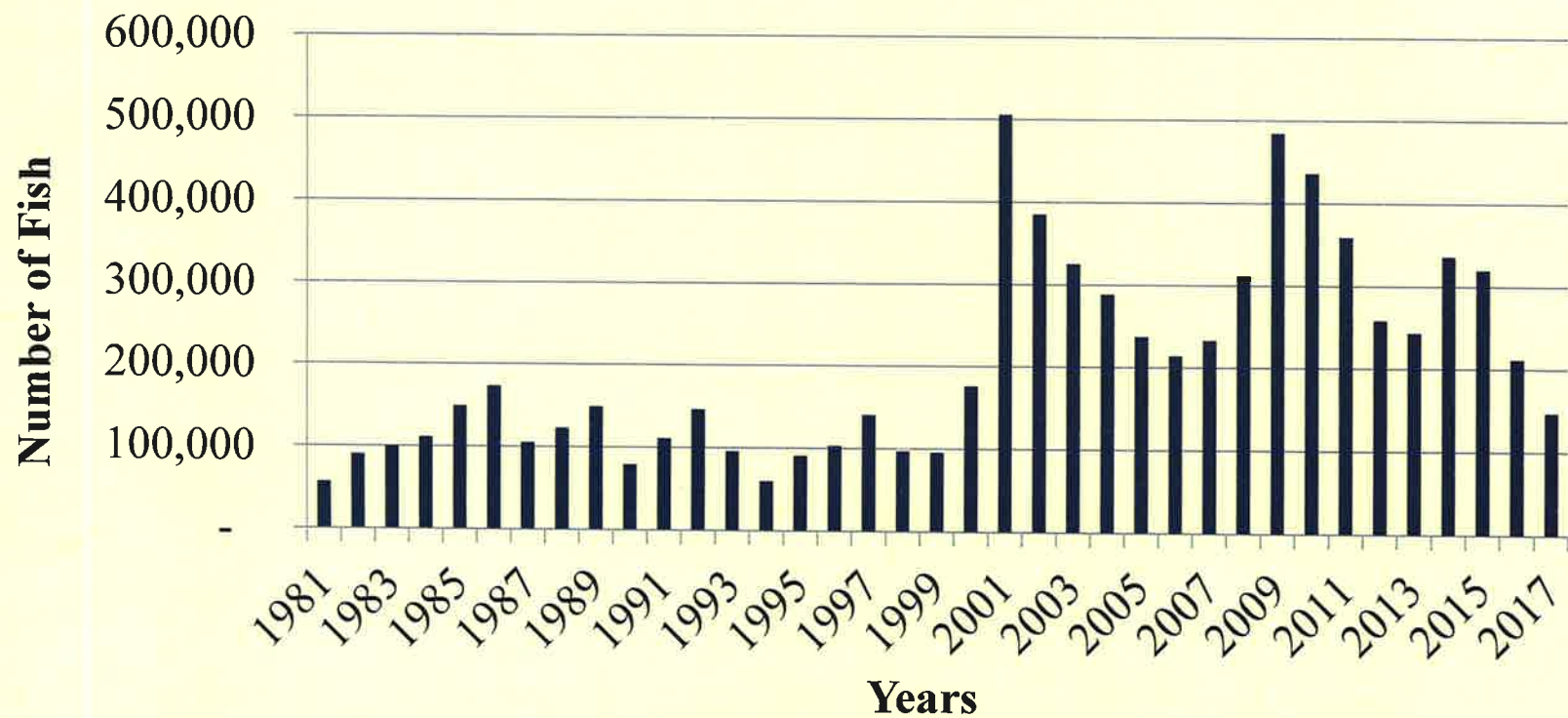
**Hydro-ops participation – Col R mainstem, Lower Snake  
River, Hells Canyon and Dworshak)**





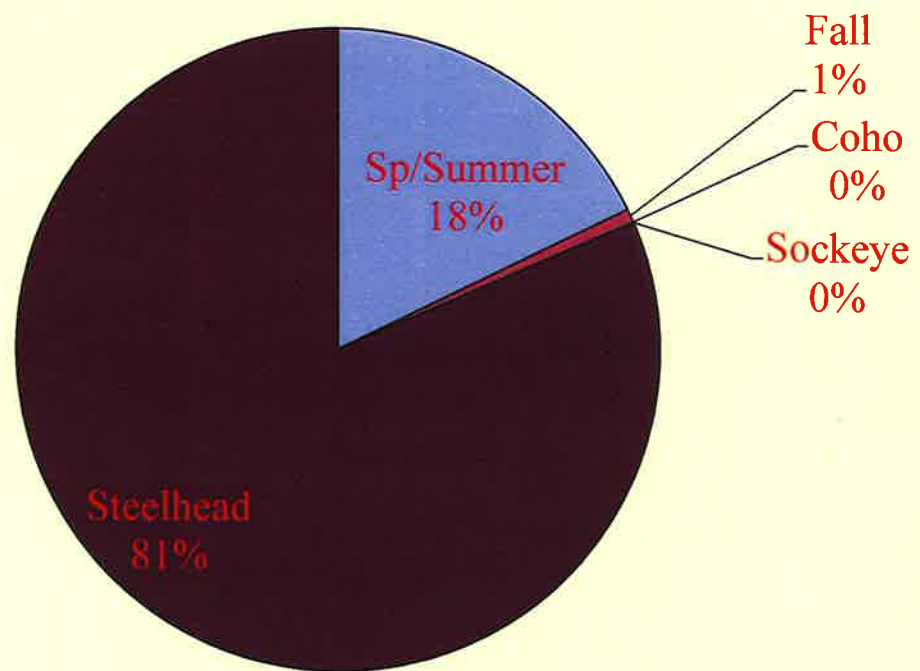
# Tribal Involvement 1981 - present

## Returns over Lower Granite Dam - all species



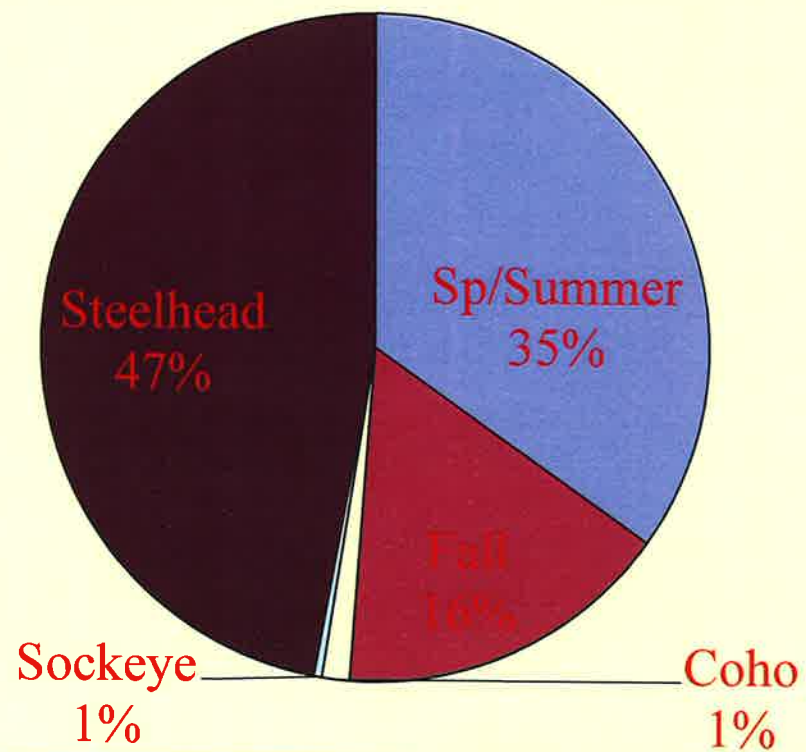


## Run Composition over LGD - 1981 - 1996





## Run Composition over LGD - 2016





**Nez Perce Tribe**  
**Department of Fisheries Resources Management**  
**Economic Benefits**



## Fisheries Program Economics

<b>Contracting Agency</b>	<b>No. of Contracts</b>	<b>Contract Amount</b>	<b>% of Program Budget</b>
Bonneville Power Administration	22	\$15,116,253	65.7%
U.S. Fish and Wildlife Service	8	\$3,599,563	15.6%
Other*	12	\$1,443,920	6.3%
Columbia River Intertribal Fish Commission	4	\$970,141	4.2%
Nez Perce Tribe (SRBA and Fuel Tax)	7	\$951,401	4.1%
Bureau of Indian Affairs	5	\$938,571	4.1%
<b>Total</b>	<b>58</b>	<b>\$23,019,848</b>	<b>100.0%</b>



## Fisheries Program Economics

Office	Amount of Contracts	Number of Employees
Cherrylane (Nez Perce Tribal Hatchery)	\$2,155,377	16
Grangeville	\$2,172,024	3
Joseph, OR	\$2,208,637	18
Lapwai	\$2,768,020	26
McCall	\$4,015,258	29
Orofino Office & Dworshak & Kooskia Hatcheries	\$5,450,803	32
Powell	\$1,364,775	21
Sweetwater	\$3,863,079	28
<b>Total</b>	<b>\$23,997,093</b>	<b>173</b>

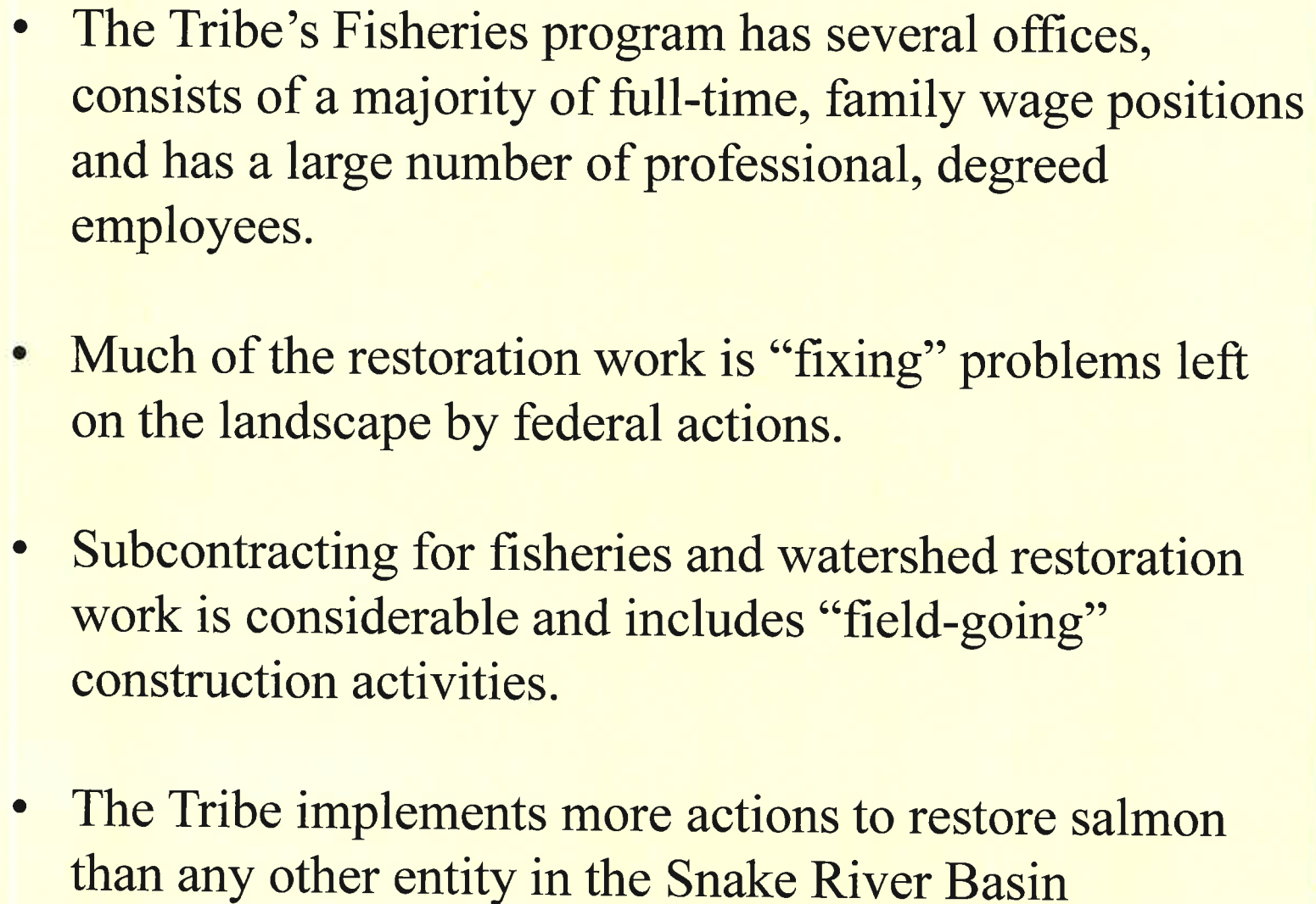




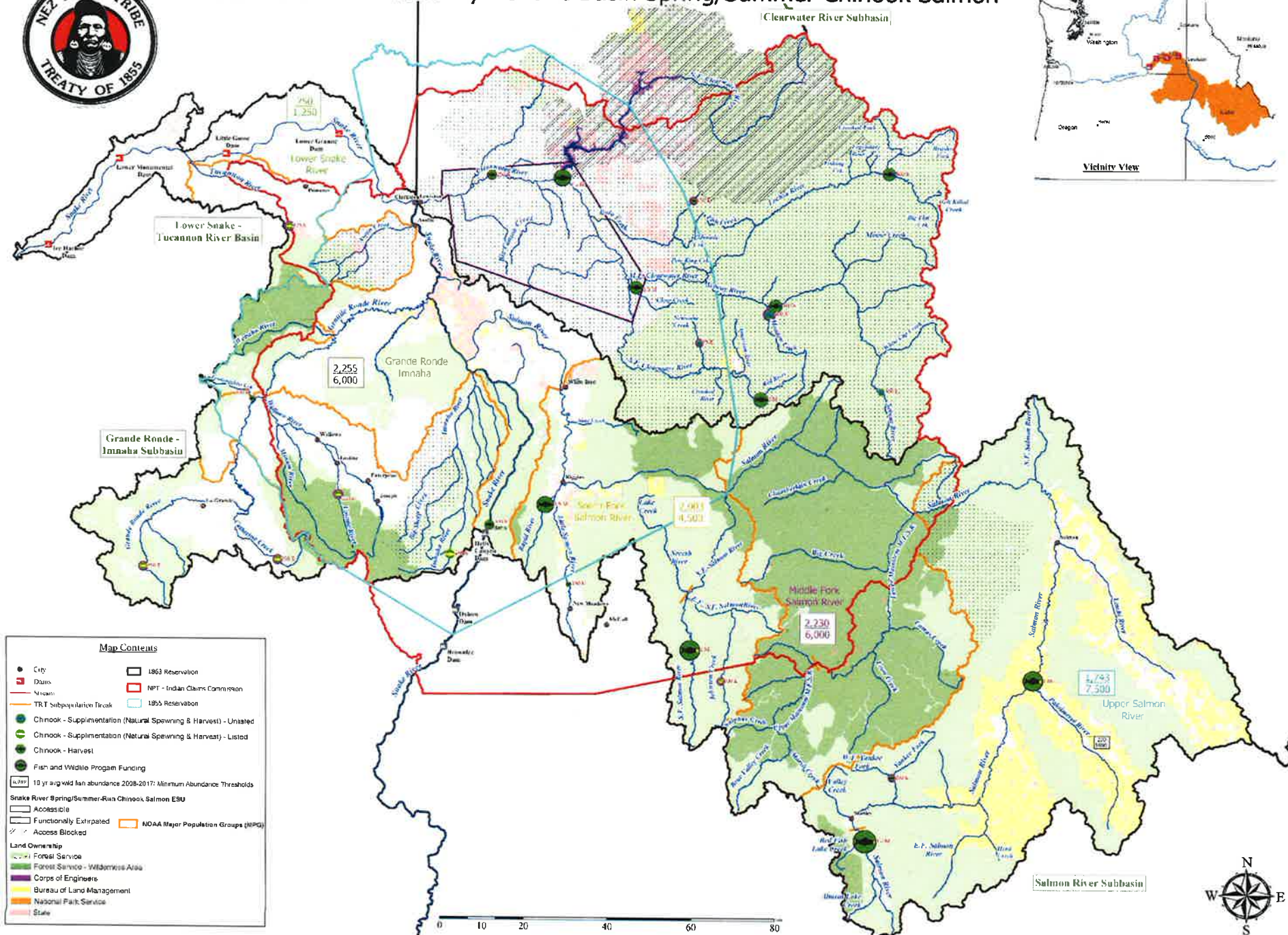
## Fisheries Economics Take Homes

- Fishing on salmon and steelhead runs is an important component of the local economy.
- Tribal members make a living from selling fish.
- Most salmon work in the Columbia Basin is to mitigate for the effects of hydro system – as long as the dams are in place, mitigation is required.
- Fisheries funding (contracts) are awarded through a competitive process – no one “gives” the Tribe its funding.



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- The Tribe's Fisheries program has several offices, consists of a majority of full-time, family wage positions and has a large number of professional, degreed employees.
  - Much of the restoration work is “fixing” problems left on the landscape by federal actions.
  - Subcontracting for fisheries and watershed restoration work is considerable and includes “field-going” construction activities.
  - The Tribe implements more actions to restore salmon than any other entity in the Snake River Basin









<http://www.nptfisheries.org/>

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