

## Tribal Perspectives

The following are Tribe specific perspectives provided by the Nez Perce, Shoshone-Bannock, the Upper Snake River Tribes Foundation, Coeur d'Alene, and Kootenai Tribes.

### **Nez Perce Tribe:**

Since time immemorial, the Tribe has occupied and used a territory encompassing more than 13 million acres in what is today north-central Idaho, southeast Washington, northeast Oregon, and western Montana. The Tribe's aboriginal territory encompasses salmon country – along the Salmon, Snake, Grande Ronde, Imnaha, Clearwater and Tucannon Rivers which historically were major salmon and steelhead producers. The Tribe's economic cycle involved traveling year to year, primarily to follow the salmon runs. The Tribe has historically and contemporarily fished for salmon and steelhead, lamprey, and several species of resident fish and some shellfish.

In 1855, the United States entered into a treaty with the Tribe (Treaty of June 11, 1855 with the Nez Percés, 12 Stat. 957). In this treaty the Tribe explicitly reserved, and the United States secured, among other provisions, a permanent homeland as well as, in Article III, 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...”. The Tribe's treaty fisheries include the mainstem Columbia, the Snake, Clearwater, Salmon, and their tributaries.

At the 1855 Treaty Council, the rivers within Nez Perce Country were considered by the United States as the best fisheries in the region. Through our Treaty of 1855 the Nez Perce reserved to themselves the right to harvest fish in all these rivers. The United States, and its citizens, gained millions of acres of lands in exchange for an agreement that the tribe would always be able to fish to meet their needs. This dependence on salmon and other anadromous species to meet dietary, spiritual, cultural, economic and basic subsistence needs is still indispensable to the Nez Perce Tribe and its people.

The Tribe is a leader and integral part of any discussion and effort to address the conservation and recovery of salmon and steelhead to their habitat in the Snake River basin. The Tribe's commitment to restoring salmon and steelhead to healthy, harvestable levels emphasizes a gravel-to-gravel, ridge-top to ridge-top approach, throughout the Northwest, coastal and international waters, bringing leadership on nearly every issue that involves salmon, and in turn, our people. The Tribe is actively working to restore habitat, protect water flows and passage for downstream and upstream migrants, manage hatcheries to supplement the runs and support non-Indian and tribal fisheries, and co-manage fisheries. The Tribe has long supported restoring the Lower Snake River through breaching the four lower Snake River dams and investing in local communities such as the Lewiston and Lewis-Clark Valley. The Tribe's 2013-2028 Management Plan, available at <https://nezperce.org/wp-content/uploads/2020/09/DFRM-Management-Plan-2013-2028.pdf>, provides additional details on the Tribe's initiatives and perspectives.

### **Shoshone-Bannock Tribe**

The Shoshone-Bannock Tribes (Tribes) of the Fort Hall Indian Reservation, located in Southeast Idaho, is a federally recognized Indian tribe with approximately 6,000 members. The Tribes appreciate the Governor providing this opportunity for the Tribes to participate in the Salmon Policy Workgroup. This Workgroup comes at a critical time for Columbia River Basin (Basin) salmon and steelhead and could have long-reaching effects for restoration and recovery of these iconic anadromous fish species and the Tribal members who rely upon them. Although we believe our interests in salmon restoration is shared by all Idaho tribes, we are here to represent the Tribes rights and interests and in no way do we claim to represent the interest of all Idaho tribes.

It can be said with total confidence that all of those who lived in Idaho during historic and pre-historic times procured fish as a basic part of their diet. Sadly as a people, The Tribes have gone from relying on anadromous fish runs that provided year-long subsistence resources for our communities to ingesting merely ceremonial amounts of salmon during a short window each fishing season. Throughout the 20<sup>th</sup> Century, anadromous fish runs began to diminish in both total abundance and distribution. Salmon currently occupy a mere 40% of their historic habitat while Idaho's iconic Salmon River, named for these fish, is estimated at 0.5% of its historical runs size. Commercial over-harvest was one of the earliest issues, but it was the development of the contemporary hydro-power system from 1927-1978 that severely limited the ability of salmon, steelhead, and Pacific lamprey to access their historic range; in some instances this development completely blocked entire watersheds.

The Tribes and our tribal consortium the Upper Snake River Tribes Foundation accepted invitations to participate on the Governor's Salmon Policy Workgroup, but it must be stated that our participation in the development of policy recommendations must not be construed as satisfaction. Given the limiting factors affecting the recovery of anadromous fish throughout the basin, we believe it is time for Idaho to develop policy that provides for the restoration of component resources to conditions which most closely represents the ecological features associated with a natural riverine ecosystem. If one conclusion can be effectively drawn, it is that with the current hydro-power system configuration we will be unable to meet our collective goals of species conservation and sustaining Tribal treaty rights. The Tribes endorse a more holistic perspective where humans work to restore the natural processes that support healthy ecosystems, healthy economies, and healthy cultures.

The Tribes resource management directives are dictated by Treaty and policy. The Tribes act in good faith to protect our subsistence rights to harvest foods, medicine, and materials from our homelands, while promoting a safe, secure permanent homeland on the Fort Hall Indian Reservation. Article IV of the Fort Bridger Treaty of July 3, 1868, secured the off-reservation right to procure subsistence resources:

*The Indians herein named agree, when the agency-house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied land of the United States so long as game may*

*be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.*

Article IV of the Fort Bridger Treaty extended the right to take salmon, but it has become very clear that anadromous fish will no longer be found in the same abundance as were necessary to sustain our people with subsistence resources unless intensive management objectives are implemented by all parties. Recent salmon harvest opportunities for the Tribes amounted to approximately 1.2 pounds of salmon per person compared to historical harvest of about 700 pounds per person annually. It is essential that the Tribes continue to actively support restoration, supplementation and cooperative efforts with interested parties so that those anadromous fish species continue to be 'found thereon' in harvestable abundance.

The Tribes have shifted to become an active co-manager of anadromous fish resources which has led to new policy that would guide future Tribal actions. The Tribes offer a policy statement that would stress the importance of initiating efforts to restore the Snake River and affected unoccupied lands to a natural condition. The Tribes Policy for Management of the Snake River Basin Resources states:

*The Shoshone Bannock Tribes (Tribes) will pursue, promote, and where necessary, initiate efforts to restore the Snake River systems and affected unoccupied lands to a natural condition. This includes the restoration of component resources to conditions which most closely represents the ecological features associated with a natural riverine ecosystem. In addition, the Tribes will work to ensure the protection, preservation, and where appropriate-the enhancement of Rights reserved by the Tribes under the Fort Bridger Treaty of 1868 (Treaty) and any inherent aboriginal rights. (1994, SBT)*

The Tribes continue to advocate for a more comprehensive approach to resolve issues with ESA-listed populations in Idaho. The populations most at risk are those populations occupying the furthest extent of anadromy in the Basin and should be the highest priority for mitigation measures. While the Tribes recognize that there are significant issues in the mainstem reaches and associated tributaries throughout Oregon and Washington, the fact remains that the majority of listed anadromous fish species occur in Idaho.

Thankfully, central Idaho has large areas of high quality spawning and rearing habitat available to anadromous fishes. These habitats, such as the Middle Fork Salmon River, are intact and functioning in a manner that best exemplifies the ecological integrity of natural riverine ecosystems; except for the absence of abundant runs of anadromous fishes and marine derived nutrients. As a whole, the suite of Workgroup policy recommendations may contribute to slight improvements in salmon abundance and distribution but it still may not provide for the necessary standard for population replacement. The smolt to adult returns (SARs) in Idaho are tragic, generally less than 1% — far below the goal of 2 to 6% SAR recognized by the Tribes and Northwest Power and Conservation Council as necessary for delisting and abundant harvest by tribes and Idaho's sportsmen.

As is the fate of the Salmon, the continued existence of Idaho tribal culture is at risk of extinction. We as Idaho's original people have survived the brutal atrocities and environmental inequities that have been forced upon us over the last 200 years. We have endured the taking of

our lands, the depletion of our food and medicinal resources, the political interests of the majority, and the legal conclusions that now govern how our culture can exist. The equitable distribution of environmental benefits has not been afforded to the tribes of Idaho. Once again we are forced to shoulder the burden of conservation to preserve our subsistence lifestyle. But we are not alone, there is commonality between the members of the Workgroup, the lack of salmon abundance has provided us all with our own set of Endangered Species Act handcuff that bind our cultures and economies. We should not be satisfied with the status quo that will keep us on the path of extinction. Our next stop may be an upgrade, not to first class, but to a status upgrade from threatened to endangered for listed Idaho salmon stocks.

### **Upper Snake River Tribes Foundation**

The Upper Snake River Tribes (USRT) Foundation is composed of four Indian tribes of the Upper Snake River region: the Burns Paiute Tribe (BPT), Fort McDermitt Paiute-Shoshone Tribe (FMPST), Shoshone-Bannock Tribes (SBT) of the Fort Hall Reservation, and Shoshone-Paiute Tribes (SPT) of the Duck Valley Reservation. In 1997, USRT's member tribes recognized that where there were common issues that affect the tribes, and it would be beneficial that they unite to strengthen their respective voices. As such, the USRT Motherhood Document was developed and established the Compact of USRT in 1997.<sup>1</sup> The USRT Charter, approved in 2007, was developed in accordance with the Motherhood Document to facilitate, coordinate, and assist implementation of USRT's policies and principles.<sup>2</sup> USRT's mission is further guided by the 2015 USRT Policy for Management of Columbia and Snake River Basin Resources (Appendix xx).

Since time immemorial USRT member tribes harvested salmon, steelhead, lamprey, and trout throughout the Columbia River Basin for subsistence. Archeological records indicate that the USRT member tribe's cultures are at least 10,000 years old in their aboriginal range. Annual salmon and steelhead runs in what are now Idaho, Nevada, Oregon, and Washington provided harvest opportunities throughout the year. The traditional cultural practices, including the use of riverine resources, are the foundation on which the USRT member tribes built sustainable communities across their homelands for millennia. Based on USRT member tribes' unique Traditional Ecological Knowledge gathered over generations as stewards of the Snake River is a desire to move toward more normative river conditions, which will support abundant salmon and steelhead populations.

In one contemporary reconstruction of fish consumption it was estimated that members of the SBT ate as much as 800 pounds of fish per year per person.<sup>3</sup> Historic fish consumption estimations for the Northern Paiute vary widely from 143 pounds per year<sup>4</sup> to 700 pound per year

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<sup>1</sup> <https://uppersnakerivertribes.org/app/uploads/2020/12/MotherhoodDocUSRT.pdf>

<sup>2</sup> [https://uppersnakerivertribes.org/app/uploads/2020/12/USRT\\_Charter.pdf](https://uppersnakerivertribes.org/app/uploads/2020/12/USRT_Charter.pdf)

<sup>3</sup> Scholz, A., K. O'Laughlin, D. Geist, D. Peone, J. Uehara, L. Fields, T. Kleist, I. Zozaya, T. Peone, and K. Teesatuskie. 1985. *Compilation of Information on Salmon and Steelhead Total Run Size, Catch and Hydropower Related Losses in the Upper Columbia River Basin, above Grand Coulee Dam*. Fisheries Technical Report No. 2. Upper Columbia United Tribes Fisheries Center, Eastern Washington University, Department of Biology. Cheney, Washington 99004.

<sup>4</sup> United States Senate Committee on Indian Affairs (U.S. Senate). 2007. Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act Hearing. One Hundred First Congress, First Session. April 26, 2007.

per person<sup>5</sup>. Contemporary harvest rates provide less than one pound of anadromous fish per member per year; resulting in a catastrophic loss of this indigenous food resource for USRT member tribes.

The SBT continue to harvest anadromous fish under rights reserved by Article IV of the Fort Bridger Treaty of 1868. While the BPT, FMPST, and SPT entered into several treaties with the U.S. government, none were ratified by the U.S. Senate. Yet, they still retain rights in their traditional homelands. The USRT Snake River Fisheries Management Program seeks to restore fishing opportunities through anadromous and resident fish management programs in the Upper Snake River Basin.<sup>6</sup> Restoration of these subsistence fisheries would be accomplished in a manner intended to complement the ongoing recovery efforts of anadromous and resident fish in the Salmon River Basin.

### **Coeur d'Alene Tribe**

The aboriginal territory of the Coeur d'Alene Tribe encompassed approximately four million acres over an area that extended into Washington and Montana and which was centered around Coeur d'Alene Lake. The aboriginal tribal economy was based upon hunting, fishing, and gathering. Their villages were established along the Coeur d'Alene, Saint Joe, Clark Fork and Spokane Rivers. The homeland included numerous sites on the shores of Lake Coeur d'Alene, Lake Pend Orielle and Hayden Lake. They are affiliated with the Upper Columbia United Tribes (UCUT) and efforts to restore fish and fish passage.

### **Kootenai Tribe of Idaho**

The Kootenai Tribe of Idaho (“Kootenai Tribe”) is part of the Ktunaxa Nation with communities located throughout Ktunaxa Territory in what is now known as Idaho, Montana, British Columbia, Washington and Alberta. The Kootenai Tribe possesses Treaty-reserved rights under the Hellgate Treaty of 1855. Kootenai River white sturgeon, burbot and bull trout are significant to Kootenai subsistence and culture. The Kootenai Tribe also participated in salmon fisheries at Kettle Falls and in the lower part of the Kootenay River in British Columbia where the Kootenay meets the Columbia River.

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<sup>5</sup> Upper Snake River Tribes Foundation. 2012. Northwest Power and Conservation Council Presentation. Boise, Idaho. 8 August 2012.

<sup>6</sup> <https://uppersnakerivertribes.org/projects/hells-canyon-complex-fisheries-resource-management-plan/>