

A Nez Perce Tribe Perspective – LSRCP Next 10 Years

Jack Yearout (NPT DFRM, Harvest Deputy Director)

The Nez Perce Tribe appreciates this opportunity to convey our vision of the LSRCP for the next 10 years. Our view is centered around the primary goal of the LSRCP which is to “mitigate loss of harvestable salmon and steelhead from operation of four Lower Snake River Dams.”

The Nez Perce Tribe has been tremendously impacted by the four Lower Snake River dams that were constructed 60 years ago. The hatchery program that was meant to mitigate for the loss of 48% of spring/summer Chinook returning to the Snake Basin has not achieved the mitigation responsibility of 58,700 – not even once. This is a broken promise and we need this to change.

There are three critical inter-related aspects to what we want this program to focus on in the next 10 years.

Nez Perce Treaty Rights

The Nez Perce Tribe are involved as a cooperator in the LSRCP because we are a fishing tribe with traditional territory in the Snake Basin. Our homeland overlaps areas of what is now known as the LSRCP project area.

At the 1855 Treaty Council, the rivers within Nez Perce Country were considered by the United States as the best fisheries in the region. Nez Perce reserved to themselves the right to harvest fish and a fishing economic cycle. 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.

Through our Treaty of 1855 the Nez Perce reserved to themselves the right to harvest fish in all these rivers. These rivers were major salmon and steelhead producers. This dependence on salmon and other fish species to meet dietary, spiritual, cultural, economic and basic subsistence needs is still a prevailing necessity of Nez Perce life.

The vision of the Tribe’s Fisheries Department is to ensure “all species and populations of anadromous and resident fish and their habitats will be healthy and harvestable within Nez Perce Usual and Accustomed areas.”

Indian treaties are considered part of the Supreme law of the land. As a federal program, the LSRCP plays a critical role in mitigating losses to Nez Perce treaty fisheries, and in providing fish to support the culture, economy and health and wellbeing of our people.

LSRCP Mitigation Obligation & LSCRCP Infrastructure Needs

Snake River spring/summer Chinook is critically important species to the Tribe and its members. LSRCP produces about 60% of the spring Chinook released in the Snake Basin – and almost

50% of the spring Chinook released above Bonneville. Moreover, if we didn't have this production, we would have very few treaty fishery seasons, and allowed harvest on wild natural production would be exceedingly small.

Hatchery production in the Snake is a promise (a responsibility) to compensate for all the fishery losses associated with the 4 lower Snake dams. LSRCP has failed to achieve the adult return goal of 58,700 spring Chinook and has not fully mitigated fishery losses on an annual basis. We don't have anything close to the best fisheries on the Snake River anymore.

Consider the following:

- A 58,700 spring Chinook adult return would support annual harvest of approximately 26,000 fish (see table below and Figure 1);

	Hatchery Broodstock Need	Harvestable Fish	NPT Harvest Share
Adult Return Goal	6,729	51,971	25,986
58,700			

- Over the life of this program (40 years), our analysis indicates that there has been a deficit of approximately 1 million fish that the Tribe should have been able to harvest to support its fishing-based economy.
- Looking at the past 10 years (2013 – 2022), at a Tribal population size of approximately 3,600, the Nez Perce treaty harvest of spring/summer Chinook has averaged 2,489 adult fish, which amounts to a little less than 1 adult fish per tribal member.
- Additionally, The Program has failed to provide 234,000 spring Chinook for fisheries downstream that the Nez Perce participate in as well. The 40-year deficit of harvest mitigation for mainstem Columbia River fishery losses is significant.

Because of this, Nez Perce tribal members are not able to sustain a livelihood from its treaty-reserved fishery resources, nor can we enjoy the cultural and social benefits these fish are to provide.

Since the last review, we have made good progress in implementing this program to manage spring/summer Chinook. The following are some examples of what we have done for this program:

- The Tribe uses harvest rates or abundance-based harvest sliding scales to set harvest on spring/summer Chinook that are produced by LSRCP, in past 10 years we experienced harvest restrictions and fishery closures because of poor or low adult returns of natural and/or hatchery fish (see Attachment 1 for NPT average 10-year harvest information by river, subbasin, and state),
- We developed a strong collaborative process to manage LSRCP adult returns and hatcheries consistent with the LSRCP production commitments and HGMPs to provide mitigation harvest opportunities and conserve wild fish,
- We conducted extensive monitoring and evaluation of these programs to evaluate their effectiveness and status and trends of spring/summer Chinook,

- Together we developed sound-science and best hatchery management practices for implementing supplementation programs, the value of which should be showcased as conserving wild runs while supporting “fish to tables”, and
- These core data sets and science help the cooperators and FWS evaluate progress towards meeting LSRCP mitigation for “in kind and in place” replacement values.

The Tribe expects that adequate funding will be provided to fully address the extensive backlog of hatchery facility repairs and upgrades.

Simply put, we need a program that can reliably achieve the 58,700 adult returns to the Project Area. What we have now doesn’t do that and falls substantially short of that goal. We understand that we would need \$131 million dollars to address the backlog of non-recurring maintenance and infrastructure needs to get our facilities up to par. That should be one of our top priorities to achieve immediately.

Support NPT Treaty Management Needs to Produce Fish for the Future

The Tribe has done its part to manage and regulate its treaty harvest to ensure LSRCP hatchery programs are able to collect the adults necessary to satisfy the broodstock needs identified for each program. We help produce fish and monitor and evaluate harvest and effectiveness of our actions. We have upheld our end. We have been accountable to this program. We have contributed directly to efforts to meet this federal mitigation obligation – the program needs to be accountable and uphold its part.

The FWS and LSRCP need to take seriously its Federal Treaty and Tribal Trust Responsibilities to the Nez Perce Tribe in the following ways:

- Honor legal obligations such as treaty-reserved fishing rights like those of the Nez Perce Tribe;
- Maintain fish runs that maintain our connection between fishing, the fish, land and water,
- Maintain the customs, traditions, and family use and history of these parts of our homeland,
- Fund critical hatchery, harvest, and research activities, that allows the Tribe to manage these treaty resources and to continue to contribute to the federal mitigation adult return goal to Project Area,
- Maintaining and operating hatchery facilities and programs consistent with strategies for conserving wild stocks while maintaining full mitigation level treaty fisheries,
- Support values spring Chinook bring to the Nez Perce (subsistence, ceremonial and spiritual, medicinal, economic/commercial, social and intrinsic),
- Understand the connections between the Columbia Basin Partnership quantitative goals for spring Chinook, and the NOAA’s “Rebuilding Interior Columbia Basin Salmon and Steelhead” Report, to our collective 10-year vision for the LSRCP.

Our sacrifice in treaty fisheries and harvest must be reciprocated by exploring all options available to improve SARs so that the adult return goals can be met every year.

The Tribe is encouraged that the FWS recognizes that the status quo has not worked to fulfill the spring Chinook mitigation obligation, and that more must be done to improve fish survival back to project area.

An area of interest of the Tribe is the four lower Snake River dams themselves. The operation of the four lower Snake River dams continue to impose significant mortality to Snake River spring/summer Chinook, among other fish species. We support restoring the Snake River to a natural, free-flowing river by removing these dams. If the dams were removed, we don't believe the mitigation obligation ends. We consider NOAA's "Rebuilding Interior Columbia Basin Salmon and Steelhead" relevant to LSRCP's 10-year vision for "Fish For the Future."

Ultimately, if we can do what's necessary to achieve the 58,700 adult returns on a regular basis, then this will require an increase in funding to implement a broader management program tailored to managing at this run size level sustainably and support tribal harvest and fishery objectives.

Together we can refine this program to fulfill mitigation obligations and provide benefits to treaty fisheries in the project area and downstream.

Thank you for your time and attention to this vision.

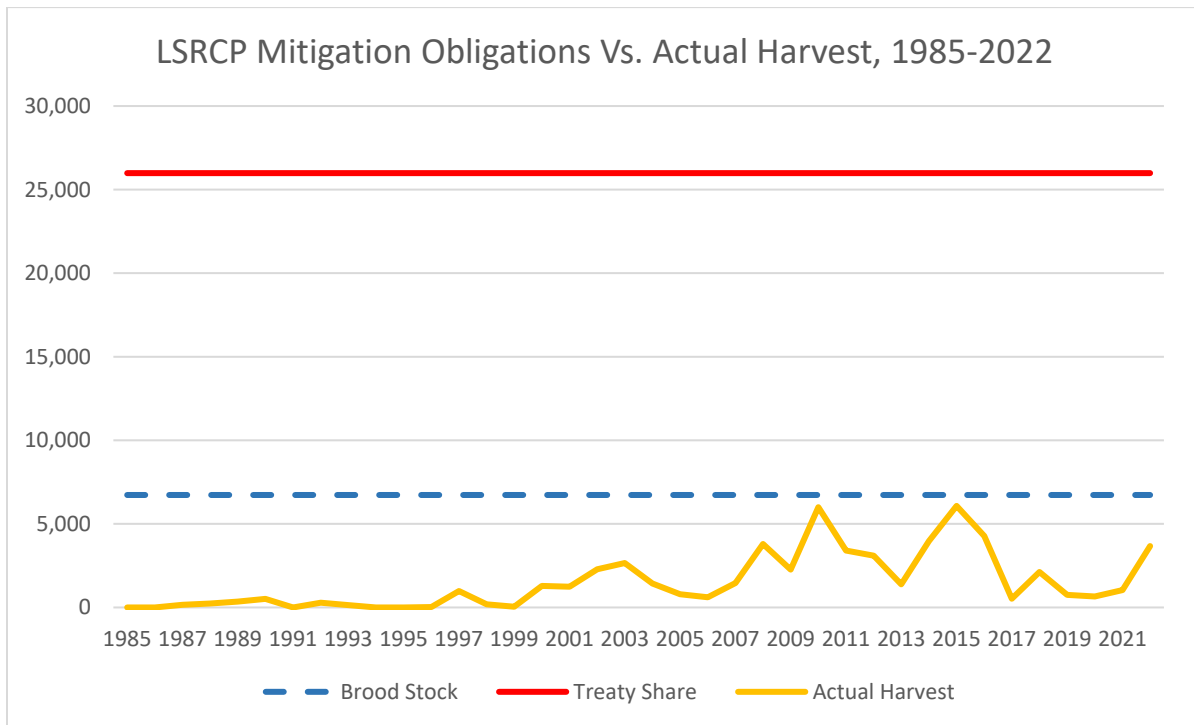
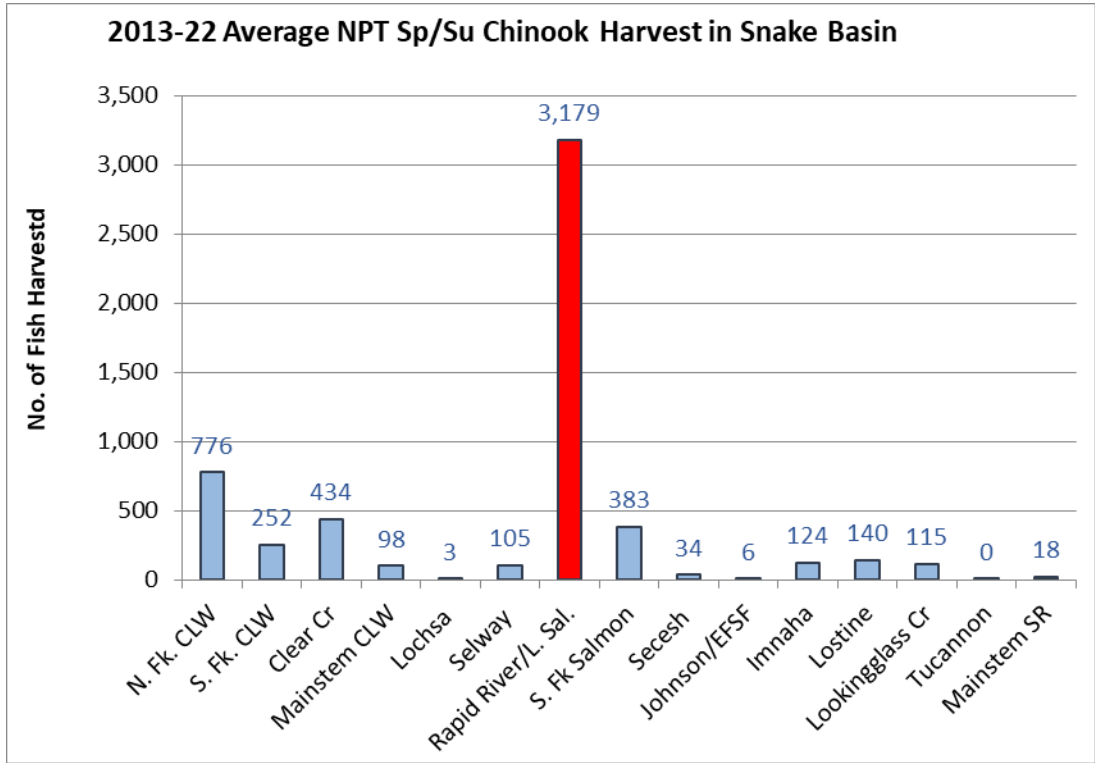


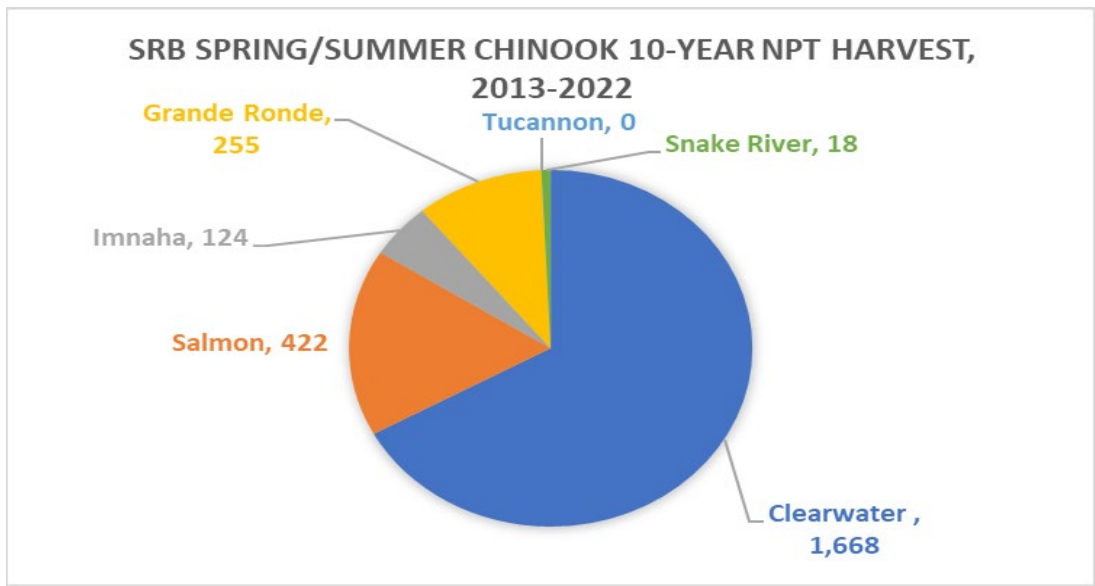
Figure 1. Comparison of actual harvest to the treaty harvest share that annual 58,700 spring Chinook should support.

Attachment 1: NPT Harvest of Spring/Summer Chinook Produced by LSRCP Program

By River:



By Subbasin:



By State:

