

UPPER SNAKE RIVER TRIBES FOUNDATION, INC.

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June 30, 2020

Idaho Department of Environmental Quality State Office
Water Quality Division
1410 N. Hilton
Boise, ID 83706

RE: 2020 Idaho Department of Environmental Quality Water Quality Standards Triennial Review Issue Paper: Salmonid Spawning Use Designation

The Upper Snake River Tribes (USRT) Foundation is composed of four federally recognized Indian tribes of the Upper Snake River region in Idaho, Nevada, and Oregon: the Burns Paiute Tribe, Fort McDermitt Paiute-Shoshone Tribe, Shoshone-Bannock Tribes of the Fort Hall Reservation, and Shoshone-Paiute Tribes of the Duck Valley Reservation. The four tribes have common vested interests to protect rights reserved through the United States Constitution, federal treaties, federal unratified treaties (e.g., Fort Boise Treaty of 1864, Bruneau Treaty of 1866, and Malheur Treaty of 1864), executive orders, inherent rights, and aboriginal title to the land, which has never been extinguished by USRT member tribes. USRT works to ensure the protection, enhancement, and preservation of the tribes' rights, resources, cultural properties, and practices and that those rights remain secured. These include but are not limited to hunting, fishing, gathering, subsistence uses, and religious and ceremonial activities.

In this comment letter, USRT recommends that not only should Idaho designate salmonid spawning in waters where it is an existing use, but Idaho should also designate salmonid spawning use in all waters where salmonid spawning and rearing historically occurred throughout Idaho. By doing so, Idaho will help protect vulnerable fish populations from harmful temperature and dissolved oxygen during spawning and rearing periods, thus helping ensure the restoration of salmonids in Idaho.

Because of the extreme cultural significance of salmon and other anadromous fish to the Tribes, USRT is undertaking the task to restore anadromous fish populations to historic conditions. Before historic salmon and salmonid spawning areas were hindered or blocked by dams throughout the Columbia River Basin

and Snake River Basin, the abundance of fish was remarkable. For example, the historical abundance of fall Chinook salmon in the Lower and Middle Snake Rivers and Sockeye salmon in the Stanley Basin were 500,000 and 84,000, respectively.¹ Recently, those numbers have plummeted to 8,360 for fall Chinooks in the Lower and Middle Snake Rivers, and 100 for Sockeye in the Stanley Basin.²

Historically, the Bannock, Paiute, and Shoshone peoples harvested salmon and steelhead throughout the Columbia River Basin for subsistence. Annual salmon and steelhead runs in what is now Idaho provided harvest opportunities throughout the year. Due to hydropower development in Idaho, three of USRT's member tribes have lost complete access to salmon and steelhead. In an effort to rectify this situation, USRT and its member tribes developed the Hells Canyon Complex Fisheries Resource Management Plan (Plan).³ Through a phased approach, the Plan would restore spring/summer Chinook, fall Chinook, and steelhead to their historic range in the Upper Snake River Basin. The NOAA Fisheries Columbia Basin Partnership Task Force of the Marine Fisheries Advisory Committee is currently incorporating the quantitative goals for the Upper Snake River Basin in their Phase II report (quantitative goals listed below).⁴

It is imperative to the Tribes to implement measures that will protect already threatened fish populations from further harm. By designating salmonid spawning in all waters where salmonid spawning and breeding historically occurred, in addition to waters where it is an existing use, Idaho will help protect salmonids from further harm and in general provide for cleaner and colder water in Idaho.

If comments or questions arise in reviewing this letter, please contact Scott Hauser, USRT Executive Director, by phone ((208) 331-7880) or email (scott.hauser@usrf.org) at your convenience.

Sincerely,

s:/ *Scott Hauser*

Scott Hauser
USRT Executive Director

¹ Upper Snake River Tribes Foundation, *Hells Canyon Complex Fisheries Resource Management Plan* 14 (April 27, 2018).

² *Id.*

³ *Id.*, at 4.

⁴ *A Vision for Salmon and Steelhead: Goals to Restore Thriving Salmon and Steelhead to the Columbia River Basin* (May 2019), available at <https://www.fisheries.noaa.gov/vision-salmon-and-steelhead-goals-restore-thriving-salmon-and-steelhead-columbia-river-basin>.

SNAKE Spring/Summer Chinook

Natural Production			Abundance (mean)		USRT near-term	Potential Goal Range			
MPG	Population		Recent	Historical	harvest goal**	Low	Med	High	
Upstream from Hells Canyon Dam	Middle Snake (Pine to Weiser)	Pine Creek	0	na	--	--	500	1,000	
		Wildhorse Creek	0	na	--	--	500	500	
		Eagle Creek	0	na	--	--	500	500	
		Powder River	0	na	--	--	500	1,000	
		Burnt River	0	na	--	--	500	750	
		Crane Creek/Lower Weiser	0	na	--	--	500	750	
		Little Weiser	0	na	500-2,000**	--	500	750	
	Upper Weiser	0	na	--	--	500	750		
	Payette/ Boise	Big/Little Willow Creeks	0	na	--	--	500	750	
		Squaw Creek	0	na	--	--	500	750	
		North Fork Payette	0	na	2000**	--	500	1,000	
		South Fork Payette	0	na	--	--	500	1,000	
		Boise River	0	na	500**	--	500	1,000	
	Malheur	Willow Creek/Lower Malheur	0	na	--	--	500	1,000	
		North Fork Malheur	0	na	2,000-3,000**	--	500	1,000	
		Upper Malheur	0	na	--	--	500	1,000	
	Owyhee	Lower Owyhee	0	na	500-1,000**	--	500	1,000	
		Little Owyhee	0	na	--	--	500	1,000	
		South Fork Owyhee	0	na	--	--	500	1,000	
		Upper Owyhee	0	na	3,000-4,000**	--	500	1,000	
	Upper Snake	Canyon Creek	0	na	--	--	500	1,000	
		Lower Bruneau	0	na	1,000**	--	500	750	
		Upper Bruneau	0	na	--	--	500	750	
		Salmon Falls	0	na	--	--	500	1,000	
		Rock Creek (Upper Salmon)	0	na	--	--	500	500	
	Subtotal			0	na	9,500-13,500**	--	12,500	21,500

SNAKE Fall Chinook (Middle Snake River #'s Represent Blocked Area Goals)

Natural Production		Abundance (mean)		Potential Goal Range		
MPG	Population	Recent	Historical	Low	Med	High
Snake	Lower Snake R	8,360	500,000	4,200	9,280	14,360
	Middle Snake R	0		--	1,500	9,000
Totals		8,360	500,000	4,200	10,780	23,360

SNAKE Sockeye

Natural Production		Abundance (mean)		Potential Goal Range		
ESU/MPG	Population	Recent	Historical	Low	Med	High
Stanley Basin	Redfish Lake	100	25,000	1,000	5,750	9,000
	Alturas Lake	0		1,000		
	Hell Roaring Lake	0		--		
	Stanley Lake	0		--		
	Pettit Lake	0		500		
	Yellow Belly Lake	0		--		
(SF Salmon)	Warm Springs	0	--	--	--	
(Payette)	Payette	0	35,000	--	--	--
(Wallowa)	Wallowa Lake	0	24,000	500	1,000	2,500
Totals		100	84,000	3,000	6,750	11,500

SNAKE Summer Steelhead

Natural Production		Abundance (mean)		USRT near-term	Potential Goal Range			
MPG	Population	Recent	Historical	harvest goal**	Low	Med	High	
		Upstream from Hells Canyon Dam	Hells Canyon	Hells Canyon	0	na	--	--
Powder River	0			na	--	--	500	1,500
Burnt River	0			na	--	--	500	1,000
Weiser River	0			na	500-2,000**	--	500	1,500
Payette Boise	Lower Payette		0	na	2,000**	--	500	1,000
	North Fork Payette		0	na		--	500	1,000
	South Fork Payette		0	na	500**	--	500	1,000
	Boise River		0	na		--	500	1,500
Malheur Owyhee	Lower Malheur		0	na	2,000-3,000**	--	500	1,000
	Upper Malheur		0	na		--	500	1,500
	Lower Owyhee		0	na	500-1,000**	--	500	1,500
	Upper Owyhee		0	na	3,000-4,000**	--	500	1,500
Bruneau Salmon Falls	Bruneau		0	na	1,000**	--	500	1,500
	Canyon Creek	0	na	--	--	500	1,000	
	Salmon Falls/Rock Creek	0	na	--	--	500	1,500	
Subtotal		0	na	9,500-13,500	0	7,500	19,000	
Total		28,000	114,800	--	21,000	70,500	124,000	

** Upper Snake River Tribes near-term harvest goal identified for outplanting of unlisted hatchery-origin adults.