

## **Nez Perce Tribal Fisheries Department**

Nez Perce Tribe

*Disagreements between tribes and their neighbors over natural resource management are common throughout the US, and local misunderstandings and differences of opinion can lead to strained and even hostile relationships. The Nez Perce Tribe founded its Fisheries Department in exactly such an environment. Declining fish stocks led to resource competition and increased pressure on treaty rights. Today, the department works cooperatively with neighboring jurisdictions to monitor fish numbers, manage fish hatcheries, and promote habitat restoration throughout the Tribe's traditional lands.*

### **Declining Fish Populations**

Historically, the Nimiipuu traveled seasonally throughout their traditional territory, a geography that includes parts of the modern-day states of Idaho, Oregon, Montana, and Washington. Known today as the Nez Perce Tribe, the nation consists of approximately 3,500 citizens with a reservation of 750,000 acres in North Central Idaho along the Clearwater River in the Columbia River watershed. Fish always have been central to the Nimiipuu culture and traditional diet. In 1855, the Nez Perce Tribe signed a treaty with the U.S. government that specifically retained the tribal right to fish within the boundaries of a 13.4 million acre area as well as in “usual and accustomed places” beyond these limits. One estimate suggests that in the 19<sup>th</sup> century, the tribe's annual fish harvest ranged from 300 to 564 pounds per person. To this day, salmon is served as the first dish of a ceremonial meal.

Over the years, increasing numbers of non-Nimiipuu moved into the region to exploit its abundant resources. The natural environment changed drastically, disrupting the life-cycle of fish in the Columbia River basin. A series of dams built along the Columbia River and its tributaries to produce low-cost energy and irrigate farmlands blocked the passage of salmon traveling upstream from the ocean to spawn. Still other human activities in the area led to fish habitat destruction. Mining and farming altered stream beds, increased temperatures and silt in the rivers, making them less hospitable to fish. Clear-cut logging and the practice of channeling streams also degraded waterway conditions.

The effect on fish populations was dramatic. A series of court cases from the 1960s through the 1980s reaffirmed Nez Perce treaty rights to fish in the Columbia River and its tributaries, but the runs were severely reduced. By the mid-1980s, not a single coho salmon could be found in the entire Clearwater River basin. By the early 1990s, every salmon and steelhead run on the Columbia River's largest tributary, the Snake River, was either listed under the Endangered Species Act or had been destroyed. Without healthy fish stocks, the tribe's treaty rights were meaningless.

## **A Tribal Fisheries Department**

In the early 1980s, the Nez Perce Tribe established its Fisheries Department, entrusting it with the mission to protect and restore aquatic resources according to Nez Perce beliefs. From a small and underfunded beginning, the Fisheries Department has grown to become a highly respected leader and partner in fisheries management throughout the Nez Perce ancestral homeland.

The Nez Perce Tribe manages a state-of-the-art tribal fish hatchery, a federal hatchery, and co-manages a second federal fish hatchery, one that is among the largest in the country. The department also runs nine acclimation sites to encourage natural fish spawning. Taken together, these Nez Perce operations release approximately 10 million salmon and steelhead annually. The department also works to counter habitat degradation and recreate conditions that are beneficial to fish. Staff identify areas throughout the watershed that can be improved and protect delicate habitat areas with fencing. In a typical year, the department's habitat restoration program helps decommission more than 70 miles of logging roads, removes more than 68,000 yards of mine tailings, and reintroduces over 27,000 native plants. The Nez Perce Tribe also employs its own enforcement officers to enforce tribal fishing and hunting regulations and protect tribal lands from trespass and timber theft. The enforcement program is a division within the Fisheries Department.

To support its operations, the Fisheries Department primarily uses funding that is available for fish and wildlife mitigation through the Pacific Northwest Power Act. The department competes with state and federal counterparts, non-profit organizations, and private firms to win dollars for specific remediation projects. The Fisheries Department employs over 190 people, over half of whom are tribal citizens, and is well known throughout the region for its professionalism. The tribe hosts resource management conferences and participates in policy setting meetings for fish management in the Pacific Ocean and the Columbia River basin. It is also an active member of the Columbia River Inter-Tribal Fish Commission.

In part because of the tribe's unwavering commitment to the fish, the recovery of aquatic resources in the Nez Perce treaty area has been a stunning success. For example, the harvest of Snake River Fall Chinook resumed in 2009 after being closed for 35 years, with fish returns rising from 300 to 80,000 fish. The Clearwater River Coho Salmon run also has bounced back, rising from no fish counted in the river in 2009 to over 18,000 in 2014. For the first time in living memory, tribal citizens can harvest a variety of fish species throughout the region.

## **A Leader in Resource Management**

The Nez Perce Tribe's fisheries program is noteworthy for its extensive operations on ceded lands. The Tribe has pursued a variety of approaches to assert resource management authority and, when needed, has resorted to litigation. But the Fisheries Department's remarkable progress has come primarily through its cooperative work with neighboring jurisdictions. Department employees collaborate closely with state fish and game officials and other tribes to co-manage the harvest, deciding together on the limits for tribal and non-tribal fishing.

The Tribe also has developed a remarkable partnership with the US Forest Service, which controls much of the forested land in the watershed. Under existing US law, the Tribe needs authorization to implement its work on these federal lands. Thus, the Forest Service and Tribe use project agreements to describe what needs to be done and what the role of tribal staff will be. Effectively, the agreements create a co-management regime for off-reservations lands that are of interest to the Nez Perce. Initiatives such as these promote mutually beneficial relationships around shared goals. Through these partnerships, the Tribe meets its resource management objectives in a way that would be impossible if constrained by the boundaries of the reservation. The Fisheries Department currently employs 51 full-time and 21 seasonal staff whose work is based off-reservation, within the tribe's traditional territory.

The Nez Perce Tribe is recognized as a leader in the region because of its reputation for scientific and management excellence. The department has built up its well-qualified workforce over time, developing a wide range of competencies in different areas such as environmental law, policy, litigation, tribal history, and funding mechanisms. State fish and game staff respect the Nez Perce Tribe's biological research, statistical sampling, harvest cut-off decisions, and on-the-river fisheries policing. The Tribe's capabilities help it affirm its sovereignty over resources in its traditional territory since it can determine its own objectives and enforce harvest limits on its own citizens without interference from non-tribal agencies.

Impressively, the department's success has led to new career opportunities for tribal citizens and powerfully motivates young tribal students to pursue college-level studies. The department currently employs 14 Nez Perce citizens with Bachelor's or Master's degrees, a remarkable achievement in a tribe with a small population. Non-tribal employees are equally devoted to resource management and treated as an integral part of the team. In the words of one employee, non-tribal staff members "quickly align themselves to the tribe's resource-oriented history and goals."

The Nez Perce Fisheries Department also brings a unique perspective to conventional resource management operations. Federal mandates focus on preventing species extinction, while state fish and game management agencies aim for sufficient fish to allow harvesting. In contrast, the Nez Perce Tribe's actions are driven by the goal of fully restoring fish runs to their natural abundance in accordance with Nimiipuu values and knowledge. The department's emphasis on

habitat restoration is just one example. The Tribe also has conducted extensive research on how to successfully supplement wild spawning and has gone beyond regular fish hatchery practices to build special areas that acclimate fish to natural stream conditions. The department pursued the re-introduction of coho salmon in the Clearwater River over strong opposition from the state of Idaho which was concerned this native species would displace other fish and reduce harvest revenues. Nez Perce persevered, and the project was so successful that the state now sells permits to fish for local coho.

Clearly, by broadening the goals of regional resource management, the Nez Perce Fisheries Department benefits all area residents. In the words of one program employee, “When a tribal program shines, when the majority non-tribal public sees better fishing, better habitat, and management on par with their own state or federal agencies, it serves to erase years of prejudice and replace it with a paradigm of the tribe doing the best by the resource.”

### **Bringing the Lessons Home**

Because the resource was depleted by factors outside of its control, the Nez Perce Tribe’s court-protected treaty right to harvest fish throughout its traditional territory had lost its practical meaning. The Tribe has responded by creating and continuously strengthening a Fisheries Department that is known for its far-reaching vision and expertise in restoring fish stocks in accordance with Nimiipuu cultural values. Working with its federal, state, and tribal counterparts, the Fisheries Department is protecting Nez Perce treaty rights by reclaiming a leadership role in managing natural resources throughout the Columbia River basin.