

For The Hearing Record

WILDERNESS HEARINGS TESTIMONY

SUBMITTED BY:

NEZ PERCE TRIBE OF IDAHO

(8/17/83)

LEWISTON, IDAHO

The Nez Perce Tribe of Idaho is very concerned in respect to the current debate regarding the Wilderness Act. As the Nez Perce Tribe understands it, the debate focuses upon the need for a strong and healthy economy and the protection of the wilderness area for both the present and future generations. The stance of the Nez Perce Tribe is based upon the premise that we must provide wilderness areas for future generations to continue the debate. Hopefully, the future generation will have a choice just as we have had a choice.

The intent of the Wilderness Act is to protect and preserve the wilderness areas in its natural state. The Nez Perce Tribe certainly agrees with the intent of the Wilderness Act. This is clearly evident as the heritage, tradition and culture of the Nez Perce Tribe is natural resource management at its finest. In this respect, the intent of the Wilderness Act is both applauded and supported by the Nez Perce Tribe.

The economic trade-off is a major issue as expounded by the opponents of the Wilderness Act. The contention of the Nez Perce Tribe is, however, that more effective and efficient Forest Management practices on designated commercial forest acreage will provide for the anticipated needs. The private industry continued

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need for old growth and virgin stands can be offset with intensive management on a sustained yield basis. This forest management practice should be utilized and targeted for second growth timber stands. The other major point is the overall potential reduction in world supplies of wood and fiber. The impacts of this reduction of the current supply has long range negative implications to the world ecosystem. Careful management of existing forests will therefore reduce such impacts only if no further loss is experienced through exploitation of the few remaining "roadless" areas.

The areas that are proposed and supported by the Nez Perce Tribe have an even stronger meaning. These areas contain the burial grounds of our ancestors. Not only the burial grounds, but also the areas are steeped in religious and spiritual significance. This significance is evident in the areas that members of the Nez Perce Tribe practice our rituals. These areas are and have always been known as Nez Perce Country.

The above discussion does provide evidence of the spiritual essence that the Nez Perce Tribe has for the wilderness area. The other basic premise is the Treaty of 1855. There is language in the Treaty of 1855 that guarantees the land areas known as Nez Perce Country are protected and preserved. These areas are presently known as the Nez Perce Reservation and the ceded areas. The current boundary of the Nez Perce Reservation provides the basis for the exclusive jurisdiction of the Nez Perce Tribe.

The Treaty of 1855 also provides protection for the ceded lands. This protection is defined in which the "use" is defined by phrases such as "usual and accustomed", and "in common". There are other phrases based on legal decisions such as "open and unclaimed land". This of course, is based upon the Treaty of 1855.

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Therefore, the intent of the Treaty of 1855 is to provide wilderness areas for the use and benefit of the Nez Perce Tribe. The ceded areas are located in the proposed wilderness area as defined by RARE II and additional areas proposed by the Nez Perce Tribe. The "use and benefit" is defined by such activities as grazing, gathering roots and berries and hunting, and fishing.

The Nez Perce Tribe of Idaho has always viewed our position as a co-manager of the natural resources within our Reservation and ceded area. As co-managers of these resources within our 13.2 million acre ceded area which encompasses most of North Central Idaho, we support efforts to designate as wilderness those areas that are critical to the religious and cultural heritage of the Nez Perce Tribe. Our Tribe believes that the wilderness designation will greatly aid in preserving and protecting salmon and steelhead habitat, wildlife habitat, root and berry gathering areas, as well as Indian religious and cultural sites.

The Nez Perce Tribe has been involved in developing recommendations for the protection and enhancement of dwindling salmon and steelhead stocks in the Columbia-Snake River system via the Northwest Electric Power Planning and Conservation Act and the Salmon and Steelhead Conservation Act of 1980. Additional wilderness designation has the ability to influence anadromous fish production in Idaho where it is most needed, that is in the perpetuation of wild salmon and steelhead stocks. Fundamental to the perpetuation of wild anadromous salmonid stocks is the preservation of natal streams and rearing areas. Further degradation and destruction of the habitat base of what still remains for wild

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runs could have far-reaching effects. For instance, the integrity of wild gene pools could be impaired, or even destroyed. Once these gene pools are gone, they will be lost forever.

Within our ceded lands the Nez Perce Tribe supports wilderness designations for those remaining wild areas that support anadromous fish runs. These areas include both the major anadromous salmonid arterials in Idaho, the Clearwater and Salmon River drainages.

The Nez Perce Tribe hopes that our request for additional wilderness designations for our ceded lands in North Central Idaho is fully considered. Because of our strong religious and cultural ties to this area, our Tribe is adamant in our belief that much of this area should be left in as natural a state as possible. Our Tribe views the designation of wilderness areas as an opportunity to preserve lands in a pristine state so that future generations of both non-Indians and Indians may enjoy them as we have.

The Nez Perce Tribe was very involved in the RARE II evaluations conducted by the U.S. Forest Service. Thus, the Nez Perce Tribe does support the RARE II allocations as the minimum acceptable limits. The RARE II proposal does not, however, provide the listing of additional lands which the Nez Perce Tribe does support. These additional lands are listed by their common names as follows:

- I. PAYETTE CREST
 - a. French Creek/Patrick Butte
 - b. Lick Creek/Needles
 - c. Secesh River
 - d. Steel Mountain
- II. RAPID RIVER DRAINAGE
- III. NEZ PERCE NATIONAL FOREST
- IV. CLEARWATER NATIONAL FOREST
 - a. White Sands
 - b. Kelly Creek
- V. GREAT BURNS - CAYUSE CREEK
- VI. MALLARD - LARKINS

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In addition, the LOLO TRAIL and the NEZ PERCE TRAIL should also be preserved and protected.

The Nez Perce Tribe has also consulted with various conservation groups, especially the Idaho Conservation League. There are also additional lands that are supported by the Nez Perce Tribe of Idaho as presented by Idaho Conservation League. The lands are listed by their common names as follows:

I. WHITE CLOUDS

II. BOULDER MOUNTAIN

III. HOODOO - GREAT BURN

IV. DEADWOOD RIVER

V. SCOTT MOUNTAIN

VI. SNOWBANK MOUNTAIN

VII. COUNCIL MOUNTAIN

VIII. BOISE & SAWTOOTH NATIONAL FOREST

a. Breadwinner

b. Lime Creek

c. Danskins - South Ford Boise River

d. Pioneers

e. Cache Peak

IX. CHALLIS NATIONAL FOREST

a. Lost River Range

b. Lemhi Range

The RARE II allocations and additional land recommendations need the preservation and protection of the Wilderness Act. This is especially important as most studies have shown that the construction of roads is the major contributor to the damage to the wilderness area. The road construction coupled with the timber

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harvest severely restricts the multiple use concept supported by special interest groups. The other area of concern is the soil erosion and siltation caused by road construction and timber harvest which affects the water drainage systems. Therefore, the major source of life of the habitat is water and to pollute the water is to destroy the habitat. Finally, there are studies that have shown that there are areas in which the road construction cost has exceeded the timber sale receipts. In this respect the economics of the timber sale is not feasible.

The other major area of concern is the release language proposed in the Wilderness Act. The "hard" release is not supported by the Nez Perce Tribe. This "hard" release would permanently bar any wilderness consideration for the lands in the future. The "soft" release is, however, supported by the Nez Perce Tribe. The "soft" release would provide for lands that are roadless at the start of the next Forest Planning cycle, to be studied again for wilderness. In this way, the process could be implemented once again and other lands could be included in the process. The wilderness areas need preservation and protection under the authority of the Wilderness Act. The most important point is the preservation and protection of the wilderness areas for the future generations so that they may also have a choice.

to members of the staff. We'll see that you're given the opportunity to testify.

Mr. Ed. Barrette [Not present.] Mr. Allen Pinkham.

STATEMENT OF ALLEN PINKHAM, CHAIRMAN, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

Mr. PINKHAM. Yes, sir. Thank you Senator McClure. Thank you for this opportunity to speak on a matter of critical importance to the Northwest's natural resources. My name is Allen Pinkham. I am chairman of the Nez Perce Tribal Executive Committee, and also the chairman of the Columbia River Inter-Tribal Fish Commission. I am testifying here today on behalf of the fish commission. The commission is formed of the Nez Perce Tribe, the Umatilla Indian Tribe, the Warm Spring Tribe, and the Yakima Indian Nation.

Senator, for thousands of years Indian peoples in the Columbia River Basin have built their livelihoods and cultures, both spiritually and physically, around recurring cycles of the region's natural resources. From the land we borrowed materials to shelter us and food to sustain us. We relied upon the roots and berries of the meadows and mountains, the deer and elk of the forests, and, especially, the salmon that annually returned to the rivers. All of these elements are still vital to our people, but today I will focus upon salmon, because he, more than any other creature in the Pacific Northwest, touches us all—Indian and non-Indian alike.

Our request is simple. We ask that you consider the needs of the salmon as you deliberate the question of wilderness in Idaho.

To understand the relationship between salmon and wilderness, we need only to consider why salmon so successfully occupied the many Idaho rivers that access the sea. What were, and in many cases still are, the conditions that existed there? Abundant clear, cold water; shade and food from the forests; and freedom from human development. These conditions allowed the fish to flourish and to extend themselves throughout the thousands of miles of rivers and streams. These conditions produced the hundreds of thousands of salmon and steelhead that annually migrated to and from the Snake and Upper Columbia River systems.

Now the runs are pitifully small. Some have entirely disappeared. Those that remain need our help.

Congress recognized the plight of the salmon when it passed major legislation, the Northeast Power Planning Act and Salmon and Steelhead Enhancement Act in 1980. Both acts affirm the necessity of maintaining naturally reproducing populations of salmon and steelhead, and contain directives toward that purpose. Senator, those directives cannot be followed or that purpose accomplished unless suitable habitat is available for the fish. And suitable habitat for naturally reproducing anadromous fish is prevalent only in rivers and streams of the wilderness. Help for those fish and wilderness protection are inseparable.

Our review of Idaho roadless areas, listed under the RARE II process, and we have attached lists to the testimony here, identifies many that directly or indirectly support salmon and steelhead production. In an ideal situation, we would probably ask that all these

areas be declared wilderness. But in the hard light of day, we know that this will not occur.

There has not been sufficient time to thoroughly examine each and every Idaho roadless area to establish its particular contribution to salmon and steelhead production. Some, of course, are known to have inordinate value in this regard. Among them the Selway, Lochsa, and Rapid River areas and those of the Mainstem, South Fork, and Middle Fork of the salmon. To properly evaluate the numerous small roadless areas supporting fish populations will require additional study, which is already underway.

Meanwhile, until study is completed, undue haste in opening these lands could spell the demise of irreplaceable components of a resource that is being pushed to the edge of existence. The enormity of the responsibility before us demands that we act with caution and judgment born of knowledge. In decisions on wilderness designation in Idaho, nothing less than the future of the State's salmon and steelhead—a considerable portion of the Columbia Basin's total production—is at stake.

The Columbia River Inter-Tribal Fish Commission asks that all Idaho roadless areas of known value to salmon and steelhead be given wilderness designation, and that all others be protected from development until such time as their fishery value is established.

I'd also—just one last statement, Mr. McClure, is that the Inter-Tribal Fish Commission is very supportive of the testimony that the Nez Perce Tribal Executive made this morning.

The CHAIRMAN. Thank you.

Mr. PINKHAM. Thank you.

The CHAIRMAN. Bayard Milne.

STATEMENT OF WILLIAM M. HOGE, JR., ACTING PRESIDENT, CLEARWATER FLY CASTERS

Mr. HOGE. Sir, I'm replacing Bayard Milne. My name is Bill Hoge, and I represent the Clearwater Fly Casters. This is, frankly, a fishing organization. And our club recommends that the proposal of the Idaho Fish and Game Department to include Cayuse Creek and Kelly Creek in the Big Burn Wilderness Area to be favorably considered. Most of the reasons for this have already been brought out here by other witnesses in great detail. And I've also submitted a memorandum for the record.

The amount of timber that's in the Cayuse Creek drainage is rather small. And most of it is lodgepole pine. And I would doubt very much that it would be profitable for anybody to go in there and log that. It does contain a great deal of browse and underbrush that's very valuable for wildlife.

Another point that I think should be emphasized—some people feel the same to the effect that the wilderness area is not being managed. As a matter of fact, Cayuse Creek right now is being managed very efficiently by the Idaho Fish and Game Department. They're doing a superb job. And we would hope that they'd be permitted to continue to do so.

The CHAIRMAN. Thank you, Mr. Hoge.

Mr. HOGE. Yes, sir.

The CHAIRMAN. Helen Wooten. [Not present.] Robert Wallace.