



## UPPER SNAKE RIVER TRIBES FOUNDATION, INC.

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Mr. Archie Gray  
Service and Regulatory Program Manager, Forest Practices Act  
Idaho Department of Lands  
3284 W. Industrial Loop  
Coeur d'Alene, Idaho 83815

Sent by email:  
[agray@idl.idaho.gov](mailto:agray@idl.idaho.gov)

September 25, 2013

**RE: Idaho Forest Practice Act changes pertaining to the Streamside Protection Rule (Section 20.02.01.030.07.e.ii), Docket No. 20-0201-1301**

Dear Mr. Gray,

Four federally-recognized tribes of the Upper Snake River region in Idaho, Nevada, and Oregon, the Burns Paiute Tribe, Ft. McDermitt Paiute-Shoshone Tribe, Shoshone-Bannock Tribes of the Fort Hall Reservation, and Shoshone-Paiute Tribes of the Duck Valley Reservation, realized well over a decade ago that they have common vested interests to protect those rights reserved through Treaty and Executive Orders. In 2007 they came together to form the Compact of the Upper Snake River Tribes (USRT) and established a 501(c)(3) non-profit corporation, USRT Foundation, Inc. USRT works to ensure the protection, enhancement, and restoration of the tribes' rights, resources, and activities that are reserved by treaties and executive orders, protected by federal laws and agreements, or are the subject of aboriginal claims asserted by the tribes. These include but are not limited to hunting, fishing, gathering, and subsistence uses. With appreciation USRT offers the following comments pertaining to the Streamside Protection Rule (Section 20.02.01.030.07.e.ii), in the Idaho Forest Practices Act, Docket No. 20-0201-1301.

In October, 2012, USRT submitted comments to the Idaho Department of Lands (IDL) and Idaho Forest Practices Act Advisory Committee (IFPAAC) on the Streamside Protection Rule and noted that the proposed rule at the time was not protective of water, riparian buffers, or aquatic species. USRT is equally concerned that the currently proposed rule is not protective either. For the following scientifically-documented reasons, riparian zones maintain good stream habitat for both aquatic and terrestrial flora and fauna:

- Helps maintain cool water temperatures through provision of shade and creation of a cool and humid microclimate over the stream

- Provides food resources for the aquatic ecosystem in the form of leaves, branches, and terrestrial insects
- Stabilizes banks through provision of root cohesion on banks and floodplains
- Filters sediment from upslope sources
- Filters chemicals and nutrients from upslope sources
- Supplies large wood to the channel which maintains channel form and improves in-stream habitat complexity
- Helps maintain channel form and in-stream habitat through the restriction of sediment input or slowing of sediment moving through the system
- Moderates downstream flood peaks through temporary upstream storage of water

In 2000, the Idaho Forest Practices Water Quality Audit Final Report recommended that changes in the shade rule “be made so that it will better protect or maintain stream temperatures preferred by the fishes that occur there.” USRT contends, for the following reasons, that the proposed Streamside Protection Rule is not protective of fish species, other aquatic species, water, and riparian zones:

- It does little to ensure the maintenance of cool water temperatures preferred by native fish species.
- Will not be compliant with Idaho water quality standards or existing Total Maximum Daily Loads. Sediment and elevated temperatures are primary factors for the vast number of 303(d)-listed waterbodies in Idaho. Protecting and enhance streamside zones would decrease both sediment transport and high water temperatures.
- “Large” trees are given no protection although they are below historic levels on many private and state-managed lands
- IDL and IFPAAC are not considering a “no-cut” riparian buffer zone like those implemented by the U.S. Forest Service and Bureau of Land Management.
- There is no linkage between the inner and outer streamside zones (e.g. before timber harvest can proceed in the outer zone, the inner zone must meet minimum standards)

For the reasons outlined above, USRT does not support the currently proposed Streamside Protection Rule. USRT members have for centuries depended on the lands and waters of Idaho for both sustenance and the fulfillment of cultural, religious, and spiritual ceremonies. Anthropogenic alterations to the Columbia and Snake River systems and adjacent lands by European settlers have severely impacted the long-standing customs and culture of USRT members. Unhealthy forest cutting practices are one such alteration that has significantly impacted both aquatic and terrestrial flora and fauna, as well as water quality. USRT members practice an ecosystem-based management approach to land and water resources. The Streamside Protection Rule proposal put forth by IDL and IFPAAC does not take such an approach. Rather, it tips the balance toward resource extraction at the expense of ecosystem-based function. IDL and IFPAAC must evaluate their current Streamside Protection Rule in the larger context of ecosystem-

based function instead of in the context of the maximum possible trees that can be extracted from the forest solely for the economic benefit of timber companies and individual landowners.

If, after reviewing this comment letter you have any questions or would like to conduct additional follow-up, please contact me at your convenience at (208) 608-4131 or [heather.ray@uppersnakerivertribes.org](mailto:heather.ray@uppersnakerivertribes.org). USRT appreciates your consideration of these critically important issues.

Sincerely,

A handwritten signature in cursive script that reads "Heather Ray".

Heather Ray  
USRT Executive Director