

Social Perspectives of Stakeholders in the Lapwai Creek Watershed

Stakeholder views and opinions and in the Lapwai Creek watershed reflect a diverse range of interests and land/water uses. The fragmented land ownership within the watershed requires that we provide an in-depth view of these opinions in order to understand the complex relationship and current conditions that exist among stakeholders. Effective management of the water in the Lapwai watershed must take into account the variety of needs and desires of the individual stakeholders including but not limited to the Nez Perce Tribe, Nez Perce County, the Lewiston Orchards Irrigation District and local commodity interests. This paper is a preliminary investigation of available information on perceptions of the aforementioned stakeholders regarding water, steelhead and salmon recovery and the views of other stakeholders. This may be used for future in-depth analysis.

Nez Perce Tribe

The Nez Perce Tribe (Tribe) has many perspectives, uses and values concerning the Lapwai Creek watershed. To gain a greater understanding of the Tribe's collective view, it is helpful to divide the Tribal perspective into two categories. The two categories are broadly labeled as governmental and constituent perspectives. The tribal constituency in this paper will mean the Nez Perce tribal membership not employed by the Nez Perce Tribe (Allred, Hong & Kalt, 2002). Government agents of the Tribe consist of all technical, managerial, executive, or scientific employees, including consultants and legal counsel, whether those individuals are tribal members or non-tribal members.

A fundamental step toward understanding the governmental perspective of the Tribe is by reading the vision and goals of the organization. The affairs of all tribal departments, programs, and affiliates, are guided by the vision and goals as sanctioned by the Nez Perce Tribal Executive Committee (NPTEC), the Tribe's governing body (Tribe, 2008). Policy guidance for the Tribe as administered by the NPTEC is premised upon the Treaty of 1855 between the United States Government and the Nez Perce Tribe, Native American case law, and a cultural lifestyle unique to plateau Native Americans (Landeem, 1999). In this structure, individual departments provide specific visions and goals that compliment and strengthen the

Tribe's overall policy stance. Tribal authority for natural resource management is held within the Department of Natural Resources (DNR) and the Department of Fisheries Resource Management (DFRM) respectively. These two departments administer to water quality, watershed health, agricultural lands management, air quality, fish recovery, forest health, public utilities and cultural resource protection (Tribe, 2008).

The vision of the DNR is to *"to provide long-term cultural, social, political, and economic stability to the Nez Perce Tribe."* Examples of goals as provided by the DNR include *"...promote, protect, and perpetuate the utilization and sustainability of the tribe's invaluable treaty rights and resources,"* further, *"...improve management of all Tribal and individual-Indian lands in a manner that preserves long-term productivity, protects cultural properties, and maximizes revenue,"* and lastly *"Above all, to protect, preserve, and perpetuate all cultural resources necessary to the Nez Perce way of life"* (Tribe, 2008). For the DFRM the vision is to *"recover and restore all species and populations of anadromous and resident fish within the traditional lands of the Nez Perce Tribe."* This vision is accomplished by providing *"technical, scientific, and policy input to assure protection of treaty rights, including but not limited to harvest, fisheries management, water rights, and the effects of federal land management"* (Tribe, 2008).

As a part of the Lapwai Integrated Analysis (LIA) research effort, four interviews have taken place with the Tribe. Two interviews have been given to governmental employees at the Tribe and two interviews have been given to the constituency. Upon initial observation, the governmental perspectives can be divided into two, interrelated categories: technical/managerial issues and socio-political issues. The two constituents of the Tribe interviewed are both landowners and lifelong residents of the Lapwai Creek watershed. The perspectives of the constituents also fall in to two categories: historical uses/conditions of the resources for cultural and subsistence practices, and current/future resource conditions pertaining to cultural and subsistence perpetuation.

From the technical/managerial perspective, there is concern regarding the poor water conditions basin-wide that impact aquatic life and the food chains that rely on them. Land use influences on groundwater-surface water interactions are creating management difficulties in providing safe drinking water and healthy creek systems. Reliable flow from Sweetwater Creek to satisfy all stakeholders' needs was

discussed by both government agents. Certainty of flow regimes for aquatic life in the basin, according to them, will also provide certainty for other stakeholder uses. Low water flows have been contributing to the inability of fisheries managers to increase population levels of steelhead. The agents stated that there is no mechanism for holistic management of natural resources in the basin that would allow the stakeholders to coordinate law and order codes in managing resources held in common by all.

Strained political relationships in the basin have filtered down through the organizations. No communication takes place between political leaders or between the agencies/governments they represent. Yet communication is taking place in covert forms between staff representatives to provide some semblance of technical coordination. Increased communication for management and the building of trust are of significant concern to the technical staff. The interviewees voiced concern for the stakeholder leaders in the basin are not willing to enact codes that will restrict their respective constituent rights. Political aspiration and economics has created a “golden cow” of agriculture in the region, both tribally and non-tribally, according to one agent. Because of this fact, the interviewees assert, poor land management activities are not addressed. Building better partnerships with other stakeholders in the basin is a desired end result, with potentially, a cooperative form of governance of the entire basin’s water resources. A governance system that is respectful of stakeholder authority, identity and internal policies. Lastly, the agents believe that a bottom up approach that incorporates constituent representation is best to move forward with decision-making, rather than the current top-down approach that they feel perpetuates animosity and the current water resource management impasse.

Up until the 1950’s, according to the constituents, the Nez Perce Tribal membership had abundant resources upon which to subsist. They have witnessed massive alterations and degradations of the natural resources in the basin. Channeling the creek for the highway, inducing sediments, herbicides and pesticides, introducing noxious weeds and other invasive species to provide for non-native, bird habitat, are all historical events that have influenced the views of the constituents on other stakeholders in the basin. This mentality is consistent with a previous study that states entities inflate the impacts of other stakeholders, while minimizing their own (Allred, Hong & Kalt, 2002). The constituents talked about cold water sources, such as those out of Sweetwater Creek and at the mouth of Soldier’s Canyon, that were historically important

to a plethora of now extinct fish populations and other mammalian species. Today, the constituents are worried about the slow steady decline of natural resources, as agricultural practices have increased impacts to finite soil resources that affect many other components of the ecosystem. Specifically cited are worries over their ceremonial practices that require water from the Lapwai Creek. The constituents expressed anxiety regarding the protection of culturally-significant places and practices in the basin that are being degraded by non-tribal anthropogenic activities. Lastly, the constituents expressed anxiety about the potential extinction of traditional food sources (steelhead and salmon) and the continued existence of the Nez Perce culture into perpetuity. This was evidenced, according to the constituents, by the increasing health problems and loss of cultural knowledge as the tribal members are forced to deviate from traditional food sources and lifestyles. One constituent stated that most of the watershed degradation has taken place within the last twenty-five years and that for the sake of all the people who live in the watershed, the stakeholders should take the next twenty-five years to make sure it is repaired to what it once was.

With all of the anxiety that exists regarding natural resource management from the tribal perspective, there are also positives. All of the interviewees stated that coordination with other stakeholders in the basin at the policy and technical level was important. The reasons were different however. Agents felt that coordination will build trust between policy makers and facilitate unified decision making for resources held in common between them all. Constituents felt that the coordination was necessary to hold those accountable for the past natural resource degradation, but also to protect the resources today, and to restore them for the future generations.

Nez Perce County

Nez Perce County's interests in the Lapwai and other watersheds are various as it attempts to account for the interests of the diverse stakeholders in the land it administers. The county has several rural and urban communities throughout its widely varied topography. Many important watersheds, large and small, run through Nez Perce County. The Potlatch, Salmon, Clearwater, and Snake rivers and many tributaries can be found in the county as well as an abundant supply of groundwater. Uses of the water in the county are varied. In addition to residential water usage, waters are used for recreation, industry, and navigation, including reaching the western United States' furthest inland and Idaho's only seaport, Lewiston.

In addition to managing some of the county's water resources, the county government also can regulate development within some flood plains and along riparian areas. With all these uses and sources in mind, Nez Perce County, according to their 1998 county comprehensive plan, "strives to maintain the living qualities of the Nez Perce County area, a responsibility shared jointly by elected officials, citizens, and businesses." The comprehensive plan does not explicitly mention the environment as inherently worthy of protection and subsequently the plan generally refers to the natural world as resources for the various interest groups mentioned above. The plan only mentions fish when talking about maintaining recreational opportunities.

The Nez Perce County comprehensive plan talks mainly about natural resources in terms of development. The section in the plan which discusses natural resources attempts to "define the various natural resources in the planning area and to identify the limitations and opportunities for future development inherent in Nez Perce County's environment." Though this is an anthropocentric way of looking at the environment, it does not mean that the county is not concerned about issues such as conservation and pollution. The comprehensive plan states that "pollution prevention must be the first step in improvement of the quality of Nez Perce County's surface and ground waters." As a regional transportation and industry hub, Nez Perce County's plans for growth and development are intimately connected to its economic development policies. The seaport at the Port of Lewiston helps support a huge manufacturing industry including timber/paper, firearms, and food from the large agricultural sector. Of course along with the industry as a major contributor to the economy there are jobs which depend on the industrial infrastructure in the county. The county's plan supports and encourages growth in industry, agriculture and an increase of port facilities and water-transport oriented warehouse facilities. Growth in these areas certainly will lead to increased water usage. More waterway traffic could also contribute to a rise in pollution.

In the call for growth, the county also wants to strive to minimize the impact by those who use or live near water have on the the natural environment. Lapwai, Big Canyon and other valleys and creeks in the county have historically been the scene of extensive flooding. There are several areas designated as flood prone throughout the county. In the Lapwai Valley, the Army Corps of Engineers have done stream re-channeling and diking projects to reduce the threat floods pose to humans and their property. The county

plan calls for regulation of development and construction in floodplains. The plan also calls for planning of resource consumption rates to emphasize future over present consumption. Part of this effort must include promoting the use of renewable resources at rates not exceeding their renewal capacities and safeguarding the quality of these resources. The county's plan also encourages regulations on development in areas susceptible to geological instability, including hillsides that run towards water. If development were unrestricted, this could cause damage to waterways through depletion of vegetation in and around riparian areas, erosion, and runoff from residential or industrial development.

Finally, Nez Perce County wants to maintain water recreation throughout the county. Along with federal agencies such as the U.S. Forest Service and the Bureau of Land Management, the county contains many waterways used for various types of recreational activities. These areas are good for the local economy and help create a good quality of life for residents of the county. The county plan calls for public access to shorelines as land around waterways become more and more developed. The county plan looks to the future in its suggestion to keep the county's water resources available for recreation but not to go beyond the resources' long-term capacities in order to prevent the degradation and loss of these resources.

Nez Perce County has a large quantity of water resources and a wide variety of water users and uses. In making water policies, the county has to consider industrial, agricultural, residential, and recreational users as well as how the usage of water by these varied stakeholders will effect the future ability to use the water resources in the county. The county, in some ways, seems to want to be all things to all people, but this could change with the increasing population in Idaho and the potential changing situations with the Nez Perce Indians and the Snake River dams. While there are many different types of stakeholders and users of water in Nez Perce County, the resource is limited and can be depleted if the water is ill-managed.

Lewiston Orchards Irrigation District

In an attempt to understand the position of Lewiston Orchard District (LOID) it is important to examine its history. Why was the irrigation system developed and in what context are helpful questions to explain the current situation of LOID in regard to its water use. LOID is a case of path dependency. It arose in a time when it made rational sense as an irrigation district and since then has drifted farther away from that original purpose and validity as a predominantly agricultural irrigation district. However, it continues to get

funded and maintained for its original purposes due to dependency reasons. To understand the formation of LOID and therefore the path it is dependent on a brief historical viewpoint is necessary. This is by no means comprehensive but does explain some of the contextual reasons for LOID's development and current position in regards to water use.

At the turn of the century the prospects for Lewiston and Lewiston Orchards were promising as exhibited by this quote in *Lewiston Orchards Life* in 1913“...the situation of Lewiston gives it a position of commanding commercial advantage. Cheap power and cheap transportation will make the larger center of population inevitable. Natural conditions thus point to a great destiny for Lewiston and the Lewiston country (*Lewiston Orchard Life* 1913).” There was a publication in this time called *Lewiston Orchards Life: an Exponent of Progressive Horticulture and the Successful Rural Community* that generally indicates the building of an agricultural empire on the wings of scientific advancement and a tightly planned community that was relatively successful for a while. The relative success was in part because Lewiston Orchards matched the contemporary context of a national appreciation and value for scientific advancement, yeoman farmer ideals and rapid western economic/commercial development especially in the form of government subsidized irrigation projects.

Lewiston Orchards was originally slated in 1900 to become a leader in wines, however prohibition hit soon after and economically it made no sense to continue with grapes so the orchards shifted to predominantly fruit production (Allen 1990). In 1911 the orchard fruit industry was blossoming. Four thousand five hundred acres were irrigated and under cultivation and 500 carloads of fruits per year traveled to mining towns in predominately Montana, Dakota, Minnesota and even British Columbia and Manitoba. Lewiston itself had a vibrant fruit market and 3 canneries (Lewiston/Clarkston Improvement Company 1911). In the early records of Lewiston Orchards from 1911-1915 it was the leader and last word in scientific orcharding. . There are extensive advice columns and articles about how to grow and market commercial apples. There are reports of Lewiston apples being eaten in the east and reports from the fairly developed horticulture school in Lewiston at the time (*Lewiston Orchard Life* 1913). Furthermore, an on site horticultural specialist was available to orchard residents for consultation (*Lewiston Orchard Life* 1913). The growing commercial fruit industry and community made large-scale irrigation increasingly important.

Co-evolving to support this empire was the LOID. LOID was originally constructed by private interest in 1906. From then, there were bouts of failure in terms of funding and supply as well as several shifts in ownership. Despite all its issues large parts of the irrigation district had already been made and people were dependent on it. By 1947 the Bureau of Reclamation claimed ownership and completed the system. (Barker 2007) Residential subdivision began in the 1930s and has since increased so that in 1981 there were 44 farms, only 134 people served for farm irrigation, and 50% of the land in ownership was of 2 acres or less (Bureau of Reclamation 1981). Presently Lewiston Orchards is almost completely residential and no resident's primary income is based on agriculture. However, regardless of LOID's primary intent the population of Lewiston Orchards is still dependent on the irrigation district for residential irrigation (primarily lawn irrigation). This demonstrates the evolution of path dependency. This evolution is significant because currently residents of LOID argue their historically practiced "right" to affordable irrigation as a counter point in the negotiations regarding the Nez Perce's proposal for a new pumping infrastructure in the Clearwater to alleviate the pumping pressure in Sweetwater and Webb creeks (Barker 2007). Understanding where that argument comes from is important to understanding LOID residents' stance. Furthermore understanding the evolution of Lewiston orchards from agricultural to residential enlightens the complexities of negotiations regarding water use.

Commodity Interests

In 2005, the Nez Perce Tribe, the Federal government and the State of Idaho through the Snake River Basin Adjudication (SRBA) reached a historic settlement over water rights in Snake and Salmon River Basins that directly affected commodity interests, management, the Nez Perce Tribe and the future of the Lapwai watershed (Hays, 2006). Most of the opinions and information on current commodity interests in the basin come from written commentary surrounding this 2005 settlement.

Agriculture

According to a newspaper article by Rocky Barker of the Idaho Statesman dated May 16th, 2004, the 2005 Nez Perce agreement "Protects the current state water distribution system" and "Protects existing uses, properly modified, from prosecution under the Endangered Species Act if landowners choose" (p. 4). This protection ensures current agriculture interests will continue to realize the water they have legally owned or

used for irrigation and agribusiness and that further protection of steelhead and salmon through the ESA will not threaten these rights. The agreement also made concessions for a voluntary “habitat improvement program” for interested landowners that would provide financing for stream restoration projects on private and commercial land (Hays, 2006, p. 11). From the outcome of this agreement, two inferences can be made about the perceptions of agriculture interests in the Lapwai basin. First, water (irrigation water) is important to sustain an agricultural presence in the basin. This can be inferred by the amount of concessions made in order to secure the waiver of Nez Perce water rights: \$93 million dollars over 30 years, 11,000 acres of federal land, etc (2006). Secondly, agricultural interests in the Lapwai basin may view this settlement favorably. The agreement has no direct financial implications to agriculture in the Lapwai basin, conversely it protects water rights necessary for irrigation of cropland. As mentioned above, the agreement also provides financial incentive for eligible landowners who voluntarily engage in stream habitat restoration measures.

A series of editorials and interviews appeared in the Idaho Statesman in 2005 that paints a bleaker picture of agriculture’s view on the Nez Perce agreement and its affect on landowners such as those in the Lapwai basin. Frank Priestly (2005), the president of the Idaho Farm Bureau Federation (IFBF) came out in direct opposition of the agreement by saying “the compromise of private property rights outweighs the potential benefits” (p. 1 *Local*). In this editorial he went on to say “the agreement requires these landowners to grant access to private land to state agencies for mapping and habitat monitoring activities” (p. 1 *Local*). According to a letter from Priestly on IFBF website the bureau’s “main goals are to enhance net farm income and improve the quality of life for farm and ranch families” (2008, ¶ 2). From this we can assume that the IFBF opinion represents the majority of agriculture interests throughout the state, but in the case of this agreement, their membership was known to have conflicting positions with that of the overall organization. For example, in an editorial titled “Farm Bureau looks like a relic from Idaho’s past” Dan Popkey (2005) of the Idaho Statesman belittles the bureau for opposing the agreement in the face of statewide support and when their membership is “deeply split” on supporting the agreement (p. 3 *Local*). In conclusion, it can be inferred that agriculture holds a deep stake in the water of the Lapwai basin. Due to the positive outcome for agriculture (water rights) of the 2005 Nez Perce agreement, farmers may not be on the offensive to combat

management decisions regarding the basin and others may be voluntarily helping to restore stream habitat or around their land holdings. However as the opinion of the Farm Bureau points out, any general consensus of agricultural landowners perceptions is dangerous because of deep divisions that may exist.

Timber

One of the key points of the Nez Perce settlement was the inclusion of a forestry component that “invites owners and operators on state and private land to voluntarily comply with detailed forest practice standards... to protect water quality and Salmon habitat” (Hays, 2006, p. 11). These standards include leaving a certain density of trees within a determined riparian buffer zone and creating “no harvest zones within twenty-five feet of fish bearing streams” (p. 11). Perceptions from the timber industry, both private-landowner and corporate logging can be taken from a 2004 article that appeared in the Lewiston Morning Tribune entitled “Water settlement would affect logging” (Barker, p. 1A). The underlying tone of the article is that state-operated logging operations were fearful that the rules in the Nez Perce agreement would “lead to some harvest reductions” and ultimately a loss of income (p. 3A). Two industry points of view are cited in the article, the Intermountain Forest Association and the Idaho Department of Lands who agree that losses will be minimal in state timber harvests and non-existent in private timber harvests. The article points out that most private timber harvesters may already be implementing compliance level forest practices (2004). Another opinion noted in the article is that of Potlatch Corporation spokesman Mark Benson—which seemed to be optimistic that the forestry component of the agreement would not cause loss of profit (p. 3A). If landowners volunteer to abide by these new rules they will receive in return financial insurance against any specific yield losses, monies for stream habitat improvements or restoration and protection against ESA lawsuits for continued logging practices or stream habitat work (Hayes, 2006). From the above mentioned newspaper articles it can be inferred that logging revenues could be negatively affected by the Nez Perce agreement, but in a very minor way. Furthermore, the industry as a whole does not seem concerned about the new regulations. We can ascribe these perceptions to the Lapwai basin due to State of Idaho, Potlatch Corp. and private timberland holdings that exist in the basin.

On the other hand, any loss of state timber income is a very sensitive subject in Idaho because timber profits “help fund Idaho [public] schools” (Barker, 2007, p. 6). In an October 2007 Idaho Statesman article,

Rocky Barker reports that the NOAA Marine Fisheries Service has since proposed that “timberland owners... leave more trees along spawning streams than the agreement dictated” (p. 6). This recent proposal was not a mandate or regulation, but caused an uproar in the local logging community and heard negative response from the Intermountain Forest Association and the Idaho Department of Lands (Barker, 2007). One of the streams in direct question of the NOAA proposal was Potlatch creek, located on the opposite bank of the Clearwater River from the Lapwai basin. This proposal has put the timber industry on the apparent defense and has direct effects on timberland owner and operator perceptions in the Lapwai basin. Unlike agriculture interests detailed above, I believe that timber industry may be more hostile or charged about continued discussions, regulations or management decision when the Lapwai basin and specifically steelhead and salmon riparian habitat is concerned.

Conclusion

This paper provides just a taste of the information necessary to properly examine the complex social issues that exist among the stakeholders in the Lapwai Creek Watershed. More qualitative data, such as stakeholder interviews are necessary to supplement this research—this may be provided by the Lapwai Integrated Analysis Research Effort currently taking place. Understanding the complexity of stakeholder interests and perceptions may hold the key to exploring a framework through which these stakeholders may find viable management solutions for the future of Lapwai Creek.