

BAC DISCUSSION GUIDE

South Fork Walla Walla River Violation

Prepared for September 2023 BAC Meeting

Background

Access on to privately owned cabins across federal lands has long been a challenge in this part of the watershed and the historic access road remains washed out and in accessible. The Walla Walla 2050 Strategic Plan includes Strategy 2.12: Minimize impact to South Fork Walla Walla River by providing alternative access to cabins on private land.

On August 1, 2023, the Walla Walla Basin Tri-Sovereigns (OWRD, CTUIR, and Ecology) submitted a letter to the Bureau of Land Management (BLM) requesting BLM action regarding a violation that occurred on BLM property in July 2023.

Based on reports from fisheries biologists from the State of Oregon and CTUIR, the violation consisted of:

- An unidentified party used a bulldozer to construct an unauthorized road along and through the South Fork Walla Walla River.
- Around 12 stream crossings were created, and in some locations, the bulldozer drove through the river for 40 – 100 yards.
- Multiple Chinook salmon redds were destroyed.
- One crossing occurred within two feet of an active steelhead redd.
- Salmon and steelhead fry were found in bulldozer ruts.
- One injured/crushed juvenile steelhead was found in bulldozer ruts.
- Riparian vegetation was cut down, including an old-growth fir tree (36" diameter).
- Significant amounts of soil were pushed into the river.

The Tri-Sovereigns submitted a letter of concern and request for BLM action because these actions violate the regulations that protect the South Fork as a BLM Area of Critical Environmental Concern. The South Fork Walla Walla River is designated critical habitat for two species protected under the Endangered Species Act – Mid-Columbia summer steelhead and bull trout. In addition, these actions are in violation of the federal government's tribal trust responsibility to the CTUIR, as the South Fork is within the ancestral homeland of the CTUIR and members of the Tribes have fished on the South Fork since time immemorial.

To read the August 1, 2023 letter from the Tri-Sovereigns, see letter attached below.

BAC Discussion Questions

1. Do you have any questions or comments about the incident or the status?
2. How can the BAC serve as a problem-solving forum to avoid situations like this in the future?





Bureau of Land Management
Vale District Office
100 Oregon St.
Vale, OR 97918

August 1, 2023

Re: Illegal Bulldozer Operation on BLM Property in South Fork Walla Walla River

Dear Acting District Manager DeForest,

As the sovereign entities responsible for water management in the Walla Walla basin, the State of Oregon, State of Washington, and the Confederated Tribes of the Umatilla Indian Reservation Department of Natural Resources (CTUIR) write to you today to request your immediate action regarding a recent violation that occurred on Bureau of Land Management (BLM) property.

It has come to our attention that on or before July 8, 2023, an unidentified party used a bulldozer to construct an unauthorized road along and through the South Fork Walla Walla River, near Milton-Freewater, Oregon. This road originated from a small group of cabins on private inholdings within BLM property and continued downstream through the river for over two miles.

This violation was reported to us by fisheries biologists from the State of Oregon and the CTUIR. These biologists documented the damage to the river and confirmed the presence of the bulldozer on the private inholding. The damage was appalling.

Roughly a dozen stream crossings were created. In some instances, the bulldozer drove through the river for 40 to 100 yards. Multiple Chinook salmon redds were destroyed, and one crossing occurred within two feet of an active steelhead redd. Riparian vegetation was cut down, including a 36"-diameter old-growth fir tree. Countless cubic yards of soil were pushed into the river. Salmon and steelhead fry were found in bulldozer ruts, along with an injured juvenile steelhead that appeared to have been partially crushed.

These actions are a flagrant violation of the laws and regulations that protect our public resources. The South Fork was designated an Area of Critical Environmental Concern by the BLM in 1992. It was proposed for protection under the Wild & Scenic Rivers Act last year. The waterway is designated critical habitat for threatened Mid-Columbia summer steelhead and bull trout, both of which are protected under the Endangered Species Act.

Failure to protect these resources is also a violation of the federal government's tribal trust responsibility to the CTUIR. The South Fork Walla Walla River is within the ancestral homeland of the CTUIR. Before the basin's Chinook were extirpated in the early 1900s, members of the CTUIR had fished for salmon on the South Fork since time immemorial. In an effort to restore salmon to the basin, the Tribes and Bonneville Power Administration (BPA) have invested



\$23 million to build the South Fork hatchery. The hatchery opened last year and is just the latest example of the multi-decade restoration partnership between the Tribes and BPA.

We are extremely concerned that the recent damage to the South Fork Walla is not an isolated incident, but a repeat offense. A similar violation occurred in 2020, but those responsible were not held accountable.

Oregon, Washington, and the CTUIR work closely with basin stakeholders to foster a collaborative approach in the Walla Walla. Indeed, the basin just completed its Walla Walla 2050 Plan, which is a roadmap for collaborative water management. This plan enshrines the basin's commitment to working together to improve conditions for fish, farms, and people alike.


Fundamental to the success of this approach is the good faith of stakeholders and respect for the rule of law. It is simply unacceptable that BLM has allowed private landowners to repeatedly damage the South Fork Walla Walla. Taxpayers have invested billions of dollars in an effort to restore salmon and steelhead in the Columbia Basin. BLM must take immediate action to investigate and hold the individuals responsible for this damage accountable, or they will continue to undermine efforts to restore and protect the Walla Walla basin.

We must do better.

Thank you for addressing this in an expeditious manner,



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cc: NOAA Fisheries
US Fish & Wildlife Service
US Army Corps of Engineers
OR Dept. of State Lands
OR Dept. of Environmental Quality

