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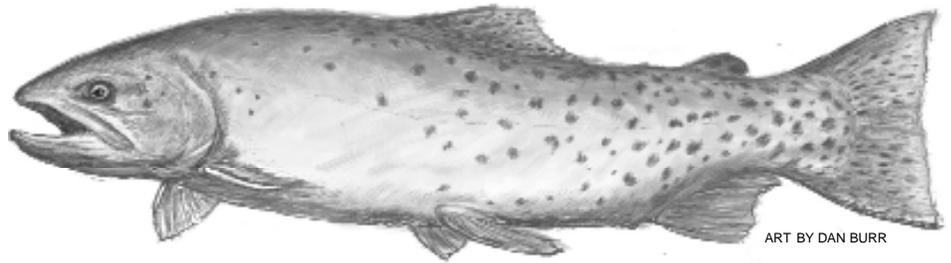
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The Friends of the Teton River is dedicated to understanding and improving ground and surface water resources in the Teton Basin, including the Teton River, its tributaries and wetlands. We will further this mission by conducting scientific research about the Teton watershed, effectively communicating this information to the public, and implementing on-the-ground improvement projects. In carrying out this mission we will actively cooperate and collaborate with all other groups, agencies and individuals working for the welfare of the Teton Basin.

Friends of the Teton River WATER LINES

A QUARTERLY NEWSLETTER PUBLISHED BY FRIENDS OF THE TETON RIVER



Since 1998, the cutthroat population in the upper section of the Teton River has declined by 94% while rainbow and hybrid populations have increased by 51% and brook trout populations have increased by 166%. In the lower valley section of the river, cutthroat populations have decreased by 95% and rainbows and hybrids have increased by 319%.

2003 Idaho Fish & Game survey reveals startling cutthroat decline

There is no easy way to reverse the trend

BY LYN BENJAMIN
Executive Director

The Yellowstone cutthroat trout is considered by many to be the flagship species of the Yellowstone ecosystem. However, unlike many land-dwelling creatures such as the elk or the grizzly, its status has not received much attention until recently. Fish biologists in the Rocky Mountain region, though, have been tracking cutthroat trout population trends. As 2003 drew to a close, serious range-wide cutthroat trout population declines became evident. Although the four-year drought plays a prominent role in the precipitous drop in cutthroat numbers, extended dry spells are only a part of the story.

So what is the rest of the story, and, in particular, how much applies to the Teton River fishery?

Old timers in the valley talk longingly about cutthroat trout spawning

runs in spring creeks on the valley floor and many of the rest of us remember releasing large, beautiful cutthroats back into the river. As recently as our December 2001 newsletter, we discussed the Teton and the South Fork of the Snake Rivers as the most important cutthroat strongholds in Idaho. However, in November 2003, Idaho Department of Fish and Game trout population surveys on the Teton River revealed new data that was shocking to all of us.

Two sections of the Teton River were surveyed, one in the upper valley, one in the lower valley. Since 1998, in the upper valley section of the river, cutthroat populations have declined by 94%, rainbow and hybrid populations have increased by 51% and brook trout populations have increased by 166%. In the lower valley section of the river, cutthroat populations have decreased by 95% and rainbows and hybrids have increased by 319% (in 1998 there were too few

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LAYOUT & DESIGN BY
MARY LOU HANSEN

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brook trout to be part of the population estimate).

This level of decline was one of the worst in the region and is particularly worrying because of the huge increase in non-native trout (rainbows and brook trout).

What are some probable causes for this decline?

There are two different sets of factors: cumulative and recent. The cumulative factors, including introduction of non-native species (rainbow and brook trout), loss of habitat and alteration of the natural hydrologic regime, have had an influence for the past hundred or so years. Recent factors, like drought and climate change, have combined with these long-term factors to produce the situation that we are facing now.

Brook trout compete successfully against cutthroat trout for food and cover from predators, particularly in small streams. Rainbow and cutthroat trout are able to cross-reproduce, however the hybridization always favors the rainbow trout so hybridized populations quickly lose cutthroat trout genetic markers.

Cutthroat trout habitat loss results from siltation of spawning areas, reduced woody debris (resulting from devegetation of riparian areas) and the placement of dams and other migration barriers.

As Rob Van Kirk discusses in his article on the South Fork of the Snake River (see page 6), alteration of the natural hydrologic regime can also have negative impacts on the cutthroat trout whose life cycle patterns have evolved to cues from snowmelt runoff. Although we don't have a dam in the Teton Valley, diversion of the flood peak flows have likely altered timing and amount of streamflows. Additionally, the lack of flows in tributary streams through much of the summer and fall reduce connectivity between headwater streams and the mainstem river.

The final potential factor, which Utah and Idaho State Universities and FTR

are currently studying, is whirling disease, a neurological disease that can cause mortality in juvenile trout and a typical "whirling" behavior in surviving adults.

This is a long list of probable causes for population declines, and as a result the formulation of recovery strategies is not an easy task. Fortunately, regional non-profits and local, state and federal agencies have recognized the critical need for collaboration and started conversations about a cutthroat recovery plan in January at the FTR offices. The goal of a recovery plan is to assure the long-term persistence of a species. The details of such a plan for the Teton Basin continue to be discussed but will most likely contain the following components:

- 1** Assessment of the population status (where cutthroat trout occur, how many are present and if non-natives are present) of cutthroat trout in headwater tributaries, spring creeks on the valley floor, and the Teton River.
- 2** Assessment of risk factors such as habitat conditions, barriers, connectivity, non-natives and hydrologic regime where cutthroat are present.
- 3** Based on the above information, the protection of pure cutthroat populations where no rainbow or brook trout exist.
- 4** Designation of specific streams and specific recovery activities.
- 5** If necessary, adjustment of fishing regulations.

What are possible recovery strategies for the Teton Basin?

Let's start with the Teton River itself and work upstream. During FTR's past two years of habitat assessment, we have observed that woody debris (a critical habitat need of adult cutthroat trout) is very rare on the upper parts of the Teton River probably due to devegetation of riparian areas. FTR started restoration work on five sites on the Teton River last year, and will continue to expand this project as funds allow. As riparian zones are replanted

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Become a Teton River Steward

The FTR Board of Trustees has created a new society to encourage and recognize philanthropic support of the Friends of the Teton River mission. The organization is named the Teton River Stewards to demonstrate the importance of citizen involvement in protecting and restoring the Teton Watershed, its tributaries and wetlands.

Founding membership is being extended to the first 50 individuals contributing \$1,000 or more to FTR over the course of a single fiscal year. Membership is then renewable each



subsequent year. Qualifying contributions can be made to the FTR general fund or to specific program areas. Teton River Stewards will provide the foundation to continue preserving and protecting vital water resources in the Teton Valley.

All Teton River Stewards will receive invitations to a Teton River float and reception, grateful recognition in the Annual Report and on

the founding member plaque, updates from the Executive Director on a semi-annual basis, the quarterly newsletter Water Lines, a beautiful Dan Burr Cutthroat Print and an Elisa Davis FTR T-shirt.

For more information on joining the Teton River Stewards, please contact Bonnie Berger, FTR Finance and Development Director, at 208-354-3871.

Thanks to our Generous Donors

Thank you to the following members, donors and foundations for their contributions from November 2003 through February 2004. Their support played a vital role in our ability to protect water resources and the Teton Valley fishery.

David C. Adams	Community Foundation of Jackson Hole	Douglas Hancey	Lucey Electric	Douglas Naylor	Terry & Bob Rosa
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				Douglas & Heidi Riggs	David Whitney
					Skip Wright Clark



With a grant from Teton Springs Foundation and a generous in kind contribution from Hyde Boats, FTR is the proud new owner of a Hyde Legacy drift boat and deluxe trailer. FTR will use the boat during restoration work, habitat assessment, the juvenile fish study, water quality testing and educational outings. Pictured at left are Tom Fenger, FTR Board President, LaMoyne Hyde, Hyde Boats owner, Bonnie Berger, FTR Development Director, and the new boat. Thank you to everyone who loaned FTR a drift boat over the years and a Special Thanks to Teton Springs Foundation and Hyde Boats.

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with willows and native sedges and grasses, available cover for trout will increase.

Spring creeks on the valley floor have historically provided spawning and rearing areas for trout. Habitat degradation resulting in siltation and decreased stream flows has contributed to loss of spawning areas. Although restoration of stream banks and gravel spawning beds in these streams are important components of recovery, there are two important concerns that need to be addressed as this work is undertaken.

First, because of the reproductive overlap with rainbow trout, any available spawning habitat will be used by both cutthroats and rainbows and likely lead to hybridization. Secondly, brook trout will also use available habitat and will out compete cutthroats for available food and space.

Despite our best intentions, by restoring habitat we might be simply giving rainbow and brook trout another edge over cutthroats. A couple of strategies, discussed below, are currently being used to exclude non-natives.

On five tributaries to the South Fork, weirs have been placed that enable biologists to sort fish that are swimming upstream to spawn. Cutthroat traffic is directed upstream to spawn while rainbows and brookies are sent downstream! A more controversial strategy employed in other western watersheds is electrofishing and killing brook trout in drainages where they are out-competing cutthroats.

Moving further upstream in the Teton watershed, headwater tributaries including South Leigh, Darby and Teton Creeks were extensively surveyed for trout in 1998. Yellow-

stone cutthroat trout were found in 89% of the surveyed habitat and in 19% of that habitat were the only trout present. Darby and South Leigh Creeks held the strongest populations of just cutthroat trout. It is important to track these populations closely and protect them carefully because it is possible that if the Teton River population declines even further, these tributary populations will be the only native trout left in the watershed.

Several other recovery strategies need to be discussed. First, the issue of stocking ... planting fingerling or catchable size cutthroat trout creates a better fishery but doesn't create a self-sustaining population.

However, placing fertilized or "eyed" cutthroat trout eggs in fresh spawning gravels will hatch out a generation of young cutthroats with the scent of the natal stream in their

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CHEERING FOR THE CUTTHROATS!



Cameron Edwards, FTR's youngest member, displays his Elisa Davis original with pride.

“Placing fertilized or ‘eyed’ cutthroat trout eggs in fresh spawning gravels will hatch out a generation of young cutthroats with the scent of the natal stream in their system.”

system, which will drive them to spawn in those streams. In order to conduct an eyed egg project, a “brood stock” of parent trout needs to be created, which can be difficult when numbers are so low in the Teton Basin. Additionally, the new generation of cutthroat needs to be protected by the placement of barriers to non-native trout.

Second, the petition to list the Yellowstone cutthroat trout under the Endangered Species Act (ESA) has been taken back to court by the group whose petition was originally rejected in 2001. A benefit from listing would be increased visibility, and ability to leverage funds for its recovery. However, many individuals feel that an attempt to list the cutthroat would waste critical resources that might better be invested in on-the-ground action.

Finally, on the South Fork, fishing regulations have been changed to permit unlimited, year-round harvest of rainbows. On the Teton River regulations could be changed to prevent any harvest of cutthroat (currently the limit is two above 16 inches). However if we encouraged unlimited harvest of rainbows it is possible that nothing will replace them.

There are no easy answers to this situation. Here at FTR we are committed to work hard to protect our native trout. It is hard for me to imagine what the Teton River would be like without the beautiful Yellowstone cutthroat trout.

THANKS TO ROB VAN KIRK FOR INVALUABLE ASSISTANCE WITH THIS ARTICLE.

Introduction to Water Law:

Prior Appropriation and Riparian Doctrine

Since western water law provides the framework within which water resources are managed, FTR will be publishing a series of articles about water law and how it affects natural resource management. This first article describes the differences between water law in eastern and western states. It was written by Beth Richards, a second year law student at the University of Wyoming who has written for Trout Unlimited in a soon to be published report on Idaho Rivers.

The doctrine of “prior appropriation” has governed the water laws of the western states for over a century. This doctrine is distinct from the “riparian” system used in the water rich eastern states. These two methods of water allocation developed in response to the very different water needs of users on either side of the 100th Meridian.

Under the riparian system, an owner of land bordering a waterway has a right to the use of that water by virtue of his or her land ownership. A riparian owner’s water right is limited by notions of reasonableness: the owner must use the water in such a way so as to not injure other upstream or downstream riparian owners. Water was historically used to turn water wheels of mills (a non-consumptive use), and thus water was generally left in the river for the next user downstream. When there is not enough water to satisfy everyone’s needs, all riparian owners must reduce their water use to bear the loss equally. Traditionally, water use was limited to use on riparian parcels of land, and water could not be diverted for use outside of the watershed of the source river.

Though the rules of riparianism were applicable to eastern private lands with plentiful rain for uses that were non-consumptive, things were different in the early nineteenth century West. Since most western land was still owned by the government, the crucial element of land ownership giving rise to a riparian right was missing. Also, the “reasonable use” rules limited consumptive use, thus inhibiting the use of water for irrigation. Finally, limiting water use to riparian parcels conflicted with development of mineral deposits that often were located on non-riparian tracts of land. In fact, the doctrine of prior appropriation grew out of the customs of early miners working federal lands who gave the best rights to those who first used the water.

The overriding principle of prior appropriation is summed up in the oft-repeated phrase “first in time is first

in right.” This means that the earlier, or “senior,” user who diverts the water from the river and applies it to a “beneficial use” has obtained a right to that water which must be fully satisfied before any later, or “junior,” users can divert any water at all. In times of scarcity, senior appropriators may divert the entire flow of the river to fulfill their claims, leaving nothing for the junior user or the river itself. Beneficial use has always included such traditional uses as irrigation, manufacturing, hydropower, and municipal use, but many states have expanded the list to include instream flows for recreation, fish, and wildlife benefits. Idaho, for example, has passed a “Minimum Stream Flow” statute in recognition of the importance of instream flows for fish and wildlife habitat, aesthetic beauty, and water quality.

Often described as “the basis, the measure and the limit” of any water right, beneficial use is derived from the concept that a water right is only the right to use the water that is actually owned by the people of the state; it is not a right to the water itself. “The basis” is the application of water to a use, “the measure” means the water right is quantified as the amount necessary for that application, and “the limit” emphasizes that there is no right to water beyond the amount that is necessary. Thus, it follows that the prior appropriation doctrine prohibits the wasting of water, since wasted water, by definition, is water diverted but not put to beneficial use. Since a water right is based on beneficial use, a water user who fails to exercise a water right for a certain number of years may lose that right (commonly referred to as “use it or lose it”).

Volunteers are needed to help with the **Fox Creek Restoration Project** May 12-13 and May 19-20. We will be planting willows on the banks of Fox Creek and need some extra hands to help. **If you are free** on those dates and would like to join us on one of the most beautiful streams in the Teton Valley, give Lyn a call at (208) 354-3871.

Flow restoration is necessary to protect the South Fork Snake fishery

By Rob Van Kirk
Idaho State University

What sets Teton Valley apart from other fishing destinations is the diversity of angling opportunities available. Near Driggs, anglers can find flat-water fishing for large cutthroat, mountain streams and lakes with brook and cutthroat trout, and the cutthroat, rainbows and hybrids of Teton Canyon. East of the Tetons are the fine-spotted cutthroat of the upper Snake. Less than an hour to the north is the Henry's Fork, arguably the greatest rainbow trout stream in the country. And to the south of Teton Valley lies the Snake below Palisades Dam, known to anglers as "the South Fork." There, among an endless variety of riffles, islands, side channels, deep pools, and cottonwood forests, anglers can pursue brown, rainbow, and, at least for now, native cutthroat trout.

Flows on the South Fork have been altered by dams and diversions. There's no argument among anglers that dams have created some great fishing opportunities in the intermountain west. Dam-created tailwater trout fisheries on warm-water streams such as the Green and Bighorn are well-known for their big trout and lots of them. The Henry's Fork rainbow fishery below Island Park Dam has benefited from downstream transport of large trout and abundant fish food from the reservoir. On the South Fork, anglers have grown accustomed to the predictable flow conditions below Palisades. However, a substantial body of research has shown that alteration of the river's natural flow by Palisades jeopardizes the very aspects that define the South Fork angling experience: riffles and drop-offs, log jams that provide trout cover, deep pools and side channels, cottonwood forests and their wildlife, and native cutthroat trout.

In 1996, Teton Valley resident Mike Merigliano showed that regeneration of cottonwood forests on the South Fork depends on the natural magnitude and frequency of the river's peak flow events. These forests not only contribute to the scenic and wildlife values of the South Fork but are essential to maintenance of its trout habitat. In separate projects just completed, researchers at Idaho State University and University of Montana found that restoring the river's natural peak flow characteristics is necessary to preserve cutthroat trout and maintain aquatic and riparian habitat over the long term. These two studies independently recommend the same management action at Palisades: release flows greater than 25,000 cfs around the first of June for at least a week. Because the natural frequency

of such flows is two out of three years, these peak flows should be released in as many years as possible. Flows exceeding 25,000 cfs have occurred in only 3 years out of the 48 since Palisades began storing water.

The Bureau of Reclamation, which is committed to restoration of the South Fork, has agreed to provide a more natural shape to the spring-time peak, to as great an extent possible under its flood control and irrigation obligations. Restoring the shape of these peak flows will require higher June flows than we have seen over the past 50 years. To maintain the South Fork's famous cottonwood forests, Merigliano recommended that a 35,000+ cfs flow occur once every 80 years or so. Although the Bureau's flood control procedures prohibit it from intentionally releasing a flow this high, 1997 proved that in a very wet (and rare) year, the watershed's natural runoff may exceed flood control capacity of the reservoir system anyway.

Anglers may initially react negatively to higher early season flows—it is certainly true that high flows make fishing difficult if not impossible, and the river's insects take a couple years to recover after a rare flow event of 35,000+ cfs. But research clearly predicts the consequences of continuing the current degree of flow alteration at Palisades Dam. In the short term, rainbow trout will continue to successfully invade the upper South Fork at the expense of cutthroat. Without high June flows to wash out rainbow trout eggs, rainbow trout have a reproductive advantage over the native cutthroats, which evolved to spawn later in the summer as flows decline. Rainbow trout made up less than 1% of the trout population in the upper South Fork in 1988; they now make up 41%. This expansion has come at the expense of cutthroat, which have declined from 81% of the total trout population in 1988 to 44% currently. Rainbow trout may be desirable from a sport-fishing perspective, but decline in cutthroat trout is not.

A petition to list Yellowstone cutthroat trout under the Endangered Species Act (ESA) was rejected a few years ago, but Yellowstone cutthroat have declined since then in some of their last strongholds—the Yellowstone River and South Fork included. A well-crafted petition would likely be successful now. An ESA listing would place severe restrictions on management options for all resources on the South Fork and would probably provoke lawsuits from the agricultural community, which is highly dependent on South Fork irrigation water. These lawsuits could poten-

→FLOW RESTORATION continued on next page



FTR welcomes new Education Director

January 2004 ushered in a welcome new addition to FTR's programming; a part-time Education Director, Brenda Schweitzer. Brenda is excited about the dynamic and diverse program that FTR offers.

Her first priority is to establish the Teton River Watershed education curriculum. She is working with teachers and agencies to create a curriculum to implement in our local schools. The primary goal of this program is to increase awareness about the Teton River Watershed as well as enhance cross-curricula critical thinking skills in math, science, English, art and history. She will be in the classrooms and in the field with students this fall.

Brenda's background is in Limnology, the study of freshwater. Her Master's degree is in Environmental Education and biology and she has worked in many facets of teaching for over ten years. Her experience includes hands on education in the field with all ages as well as classroom teaching at the high school science level. During the summers, Brenda takes her enthusiasm



Brenda Schweitzer, FTR's new Education Director, participates in a snow science day at Grand Targhee with Lou Gaylord's 6th grade science class and Andy Steele, Targhee naturalist.

for water to the local rivers as a white-water guide for River Odysseys West on the Salmon River and Snake River through Hells Canyon. She loves taking people through incredible river canyons, sharing her knowledge and love of the natural and cultural history. "It is amazing to watch people transform over five or six days simply by being on the river without the cares of day-to-day life. It is truly magical!"

This position is made possible with the generous support of the Donald C. Brace Foundation

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tially weaken the ESA, which would be a major blow to fisheries conservation nation-wide.

The long-term consequences of current management at Palisades should be of even greater concern to anglers. Without restoration of the river's peak flow, trout habitat quality and quantity will decline. Creation of gravel bars and side channels will be greatly reduced, as will underground flow of water through clean gravel on the floodplain. Loss of this flow will dry up side channels, result in more extreme water temperatures, and reduce the overall productivity of the river. Cottonwood forests will eventually die, eliminating wildlife habitat and trout cover. These changes may not be noticeable over the next decade or two, but without peak flow restoration, the very essence of the South Fork fishing experience will eventually be lost. Trout abundance on the South Fork will decline, regardless of which species remain.

The Bureau of Reclamation is taking a great risk in embracing flow restoration. It is critical to the success of the South Fork restoration project that anglers provide a strong and loud voice in support of the Bureau's efforts to restore the flow conditions that research has shown are responsible for making the South Fork a national treasure.

Summer Watershed Outings

We'll be exploring the wonderful, natural world in our own backyard throughout the summer and invite you to join us on TWO BEAUTIFUL HIKES and a FULL MOON FLOAT.

HEADWATER HIKES will be offered JUNE 11 and JULY 17. If you've always wondered where the Teton River begins, join us for what are sure to be some great outings.

FULL MOON FLOAT Our first ever full moon float will take place Saturday, JULY 31. This will be a public float where you can bring your own water craft or jump on one of our community boats. We will launch at dusk to enjoy the monthly wonder of a full moon rise.

Call Brenda at (208)354-3871 with any questions.

BE SURE TO MARK THESE DATES ON YOUR CALENDARS AND STAY TUNED FOR DETAILS!

SAVE THE
DATE

2004 Annual River Party & Auction
Saturday, June 26 at 6pm
next to Teton Valley Lodge



**AUCTION ITEMS
NEEDED**

If you would like to donate an auction item to the Annual Party, please contact Bonnie at (208)354-3871. Your contribution will help protect and preserve Teton Valley precious water resources.

Enjoy a beautiful evening
of food and music with
friends by the Teton River.

PHOTOGRAPH BY NATYKA

Artwork & photos sought for use in Teton Valley Calendar

Friends of the Teton River is seeking art and photograph submissions for a 2005 Teton Valley calendar. The pieces should relate to Teton Valley water resources. We are accepting digital photographs (300 to 400 dpi) or slides from any artists or photographers, both amateur and professional. The deadline for submissions is June 1 when they will be reviewed by an art committee. The art or photograph piece chosen for the cover will receive \$100.

THS students invited to apply for scholarship

April 12 is application
deadline for paid
summer intern program

Friends of the Teton River is thrilled to announce the new FTR scholarship donated by Karen Scheid. With this scholarship, FTR is creating an incredible opportunity for a high school student entering their junior or senior year to work on the Teton River and its tributaries with FTR staff scientists. The successful applicant will be inter-

ested in the natural sciences, water resources and how they relate to the health of the community. This scholarship will provide experience which could lead to work in the following fields: fisheries biology, forestry, wildlife management, environmental education, water quality and water resource management.

The scholarship recipient will work with several FTR staff on interesting projects including; water quality monitoring, habitat assessment, Teton River Juvenile Trout studies and restoration projects.

The successful applicant will

begin work June 1-Aug. 24 (flexible). This will be a full time (40 hours/week) appointment. The majority of the work will be in the field—love of the outdoors is a must! There will be a \$1,000/month stipend paid. At the end of the summer the recipient will be expected to write an article for the FTR newsletter describing their experience and participate in an evaluation process. For further details or to pick up an application please call Brenda at (208)354-3871. Applications are due April 12. Interviews will take place April 15-21.

Friends of the Teton River

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