The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COLUMBIA RIVERKEEPER, IDAHO RIVERS UNITED, SNAKE RIVER WATERKEEPER, PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS, and THE INSTITUTE FOR FISHERIES RESOURCES, Plaintiffs, v. SCOTT PRUITT, *et al.* Defendants.	No. 2:17-cv-00289-RSM **DECLARATION OF FERRELL SPENCER ("BUCK") RYAN**

I, FERRELL SPENCER ("BUCK") RYAN, state and declare as follows:

1. My name is Ferrell Spencer ("Buck") Ryan, and I make this declaration based on my own personal knowledge.

2. I live in Boise, Idaho, and am the founder and Executive Director of the Snake River Waterkeeper. I earned a Bachelors in Science in Biology degree from Furman University in 2005 and a Juris Doctor degree from Vermont Law School in 2010. I am an active member in good standing of the Idaho State Bar.

3. I began trout fishing and tying flies at age seven and, as a boy, I often fished for trout in the streams of the Blue Ridge Mountains in North Carolina near my grandfather's

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vacation home. During my teenage years, my family took annual summer trips to Idaho, Wyoming, and Montana, where I fished every chance I had. For a semester in college, I researched wildlife ecology in Costa Rica, Ecuador, and the Galapagos Islands. During college, I also worked as a guide for fly-fishing trips on the North Platte River in Wyoming and, for four months after graduation, on the Talachulitna River in Alaska, where I guided and fished for salmon, Dolly Varden, and rainbow trout before deciding to pursue a legal career.

4. Throughout life, I have looked to streams and rivers for recreation, solace, and relaxation, and I expect to do so for the rest of my life. From the first time I waded the waters of the Railroad Ranch stretch of the Henry's Fork River, in southeast Idaho, I felt drawn to the Snake River's pristine waterways and limitless fishing, backpacking, and camping opportunities. The decision to transition from public interest-focused private practice to found an environmental nonprofit was easy to make, and the transition has been enormously fulfilling. Although my fishing days have decreased, the amount of time I spend in, around, on, and involved in work centering on water has increased in turn—and I now find my work far more satisfying and my fishing experiences more rewarding because of a heightened connection to waters I frequent gained from increased knowledge, stewardship, appreciation, and investment in those places. In my spare time, I teach Environmental Law at Concordia Law School in Boise and manage an online business offering traditional and modern flies of my own design.

5. I founded Snake River Waterkeeper as a licensed chapter of the Waterkeeper Alliance in 2014 because of my lifelong love of fly-fishing and my dedication to protecting our nation's rivers and streams, including the aquatic species that rely on those streams. Snake River Waterkeeper monitors water quality at more than 100 sites on the Snake River and its tributaries each summer for temperature, dissolved oxygen, pH, salinity/conductivity/total dissolved solids, ammonia, and nitrates. We independently sample water quality at targeted sites to identify

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pollution problems that inform our work to reduce water pollution in both the Snake River and the waters downstream waterways including the Columbia. The Snake and Columbia Rivers are directly adjacent and inextricably connected: pollution in the Snake River \ eventuates in the Columbia River, harming resident aquatic species as well as salmon, steelhead and other anadromous species migrating from the Pacific Ocean through the Columbia upstream to the Snake.

6. Because I am interested in fish and fishing and the Snake River, Snake River salmon and steelhead are very special to me. These species spawn in the headwaters of the Snake, Salmon, and Clearwater rivers before dying, and whole smolt migrate downstream to the Columbia River and to the Pacific Ocean before returning years later to the headwaters to spawn and begin the anadromous life cycle again. Several of these species, including Snake River Fall-run Chinook Salmon, Snake River Spring\Summer-run Chinook Salmon, Snake River Sockeye Salmon, and Snake River basin Steelhead, are listed under the Endangered Species Act due to the risk of extinction that each species faces.

7. Through the water quality sampling, other work, and personal trips I take, I spend a significant amount of time on and near the Snake River and its tributaries that either currently sustain or historically sustained salmon and steelhead. When I spend time on these rivers, I do not just see the water's surface or even just a beautiful waterway, I see a complex, dynamic system that supports an entire ecosystem including aquatic insects, aquatic invertebrates like snails and freshwater mussels, fish including king salmon, cutthroat trout, and steelhead trout, and other wildlife including otter, elk, herons, gulls, and countless native species. There is no way to talk meaningfully about the species I care about in the Snake River's headwaters without talking about the lower Snake and Columbia Rivers. The waterways are all part of the same watershed and share connected ecosystems linked not just by water but also by the species that

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travel throughout the rivers systems. Consequently, when I look at the lower Snake and Columbia Rivers with an awareness that the migration of salmon and steelhead is being harmed by high water temperatures in the Columbia and lower Snake Rivers, I know the fish populations and ecosystems I care about are being directly harmed as well.

8. In light of the reality that the Columbia and lower Snake Rivers experience high water temperatures that exceed water quality standards designed to protect fish, this awareness diminishes my enjoyment of time spent along the Columbia and Snake River and the many tributaries of the Snake that sustain, or once sustained, salmon and steelhead which I enjoy.

9. Although I am an avid fisherman and would love to fish for salmon on the Snake River and its tributaries, I refrain from doing so because I know those fish populations are depressed, threatened with extinction, and unsupportive of productive fishing on par with trout fishing opportunities in the Snake watershed. Having fished for salmon on wild Alaskan rivers, I know the great exhilaration that comes with catching large, wild king and sockeye salmon on a fly rod. I am disappointed and saddened by the fact that Snake River salmon are doing so poorly I cannot fish for them.

10. Salmon are astonishing to me because, to return to their spawning grounds, they swim past numerous Columbia and Snake River dam projects and through polluted water. At dusk on one particular July evening last summer in 2016, I watched as twenty-five to thirty salmon averaging approximately thirty pounds pushed their way into a large pool on the East Fork of the South Fork Salmon River near Yellow Pine, Idaho, hundreds of river miles from the Pacific Ocean. At the time, I was fishing for cutthroat trout that are believed to follow the salmon upriver in pursuit of their eggs. While I visit and enjoy many stretches of the Snake River and its tributaries for both work and personal reasons, the East Fork of the South Fork Salmon River is particularly special to me. I visited Yellow Pine and the East Fork South Fork Salmon River

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once again on July 20 and 21 this year (in 2017), and I intend to return to Yellow Pine to fish for cutthroat trout in the coming years.

11. I fished for steelhead once on the Upper Snake River near Lewiston, Idaho. I intend to fish there for steelhead again because my friend's father owns a home on the river, we enjoy fishing together, and he enjoys fishing for steelhead there. However, fishing for steelhead on the Snake River is not nearly as enjoyable as it should be because of the presence of hatchery-raised fish, diminished wild populations, and overall threats to the species. Furthermore, I am reconsidering fishing for steelhead this fall because of the particularly low number of steelhead returning to Idaho this year, even though I would like to go steelhead fishing. In fact, steelhead numbers this year are so low that the Idaho Department of Fish and Game took the unprecedented step of limiting steelhead harvest to catch and release only.

12. Similarly, I have declined invitations to go steelhead fishing with friends in 2012 on the North Fork Clearwater and in 2016 on the South Fork Clearwater River because of the pitiful numbers of native steelhead returning to Idaho in recent years. I would have liked to have gone on these trips, and hope to go on similar trips if and when fish species recover.

13. I am likewise deterred from steelhead fishing on the once-storied Grand Ronde with skated dry flies. Low water levels, low annual steelhead returns, and high temperatures prevent my enjoyment of what could be memorable and excellent fishing opportunities.

14. I hope that Columbia basin salmon and steelhead runs are restored to the point where I can enjoy fishing for these remarkable species.

15. A primary issue of interest and concern for me both personally and professionally is protection of the ecological value and water quality of wild native fisheries. Fish abundance, aquatic insect health, and water levels must all excel for quality flyfishing experiences to exist and persist. I value strong, healthy wild salmon and steelhead as well as native trout species and,

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in turn, have devoted and continue to devote professional time and energy to protecting the Snake River, its tributaries, and connected waters from pollution sources including, but not limited to, temperature pollution like that impairing the Columbia and lower Snake Rivers and other water bodies in the Snake River basin.

16. Using a team of interns alongside SRW staff, I intend to continue monitoring the water quality of the Snake River and working for its protection into the foreseeable future. During Summer 2017, I did so using a team of four Boise State University interns at nearly 100 sites across the Snake River basin. I plan to continue our water quality monitoring program in Summer 2018, continuing to sample for temperature and other pollution, provide sampling information to the public, and use sampling information to advocate for a healthier Snake River on behalf of Snake River Waterkeeper and its supporters.

17. One cause of the major declines and continued depression of Snake River salmon and steelhead populations is high water temperatures. As just one example, in 2015, water temperatures were so high that an estimated 250,000 adult sockeye salmon died in the mainstem Columbia and lower Snake Rivers while on their way to Idaho.

18. The Clean Water Act is the main legal tool Snake River Waterkeeper uses to protect the Snake River and its tributaries. Congress created TMDLs to be a critical part of the Clean Water Act, and TMDLs are essential to fulfilling the Clean Water Act's goals of restoring and maintaining our nation's waters. When a water body fails to meet an applicable water quality standard, a TMDL must be established, setting a pollution limit sufficient to bring the water body into compliance with water quality standards.

19. I have read EPA's draft temperature TMDL from July 2003. Snake River Waterkeeper, its members, and I are harmed by EPA's failure to issue the final TMDL. Without the TMDL, there is no Clean Water Act pollution budget in place. Had EPA completed the

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TMDL back in 2003 or 2004, significant progress could have been made toward addressing high water temperatures, such as those that killed 250,000 sockeye in 2015. An order compelling EPA to issue a TMDL will start the Congressionally-mandated Clean Water Act process for addressing high water temperatures and will benefit Snake River salmon and steelhead, and benefit me, Snake River Waterkeeper, and its members.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 25th day of August, 2017, at Boise, Idaho.

/s/ Ferrell Spencer "Buck" Ryan
FERRELL SPENCER "BUCK" RYAN

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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Dated: August 30, 2017

/s/ Bryan Hurlbutt
BRYAN HURLBUTT

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