

## **Yakama Nation Testimony To The Columbia River Task Force**

**July 28, 2005**

Members of the Task Force, staff, and guests,

My name is Virgil Lewis, Vice Chairman of the Yakama Tribal Council.

Thank you for the opportunity to speak with you about a resource that has been a central part of our culture, economy, and sustenance for hundreds of generations: the Columbia River. We appreciate the chance to discuss policy alternatives for the river at the formative stage. Through Tribal staff we have submitted some material including the report on “Tribal Circumstances and Impacts from the Lower Snake River Project”.

The debate about the Columbia River has been stated in the wrong terms. Supporters on one side talk of water for people and water for fish. On the other side it is people versus fish. The correct way of describing the conflict is in terms of economics. The conflict is between the fishery based economy and the agricultural economy. Water for fish is water for people just the same as water for cows, and potatoes, and carrots is water for people.

One sector of society uses water out of stream to grow food and other commodities.

Indian people have relied on food grown instream for thousands of years. The fishery-based source of food supported the first regional economy that existed when Europeans first arrived, and without it, Lewis and Clark probably would have starved to death on

their journey through the northwest 200 years ago. The Tribes have strived to satisfy the needs of both out of stream and instream based economies. We have a large agricultural enterprise on the Yakama Reservation as well as a fishery- based economy.

The Tribes' water rights for both fish and out of stream uses are guaranteed by Treaty. Article 3 of the Treaty reserves the right of taking fish at usual and accustomed places. The water rights to support the tribal fishery are the senior water rights in the Columbia River.

The regional salmon-based economy has been devastated in the last century by many practices, some on the mainstem Columbia, some in the tributaries. As was predicted at the time, the construction of the dams has slowed the river, delayed the salmon's migration to the ocean, damaged the river's food web, killed young fish in turbines, and gravely limited both the tribal and non-Indian fish-based economies.

The problem is that the Columbia River, as it is currently managed has inadequate flows to support the fish runs. The task force needs to recognize that water in the Columbia River is tightly budgeted. There is already intense competition for water between fish and hydropower. It is a mistake to assume that because there is water in the river that it is available for new state-approved consumptive uses. New withdrawals are inconsistent with salmon recovery.

The Yakama Nation opposes any state policy that will harm fish in the Columbia Basin. The State of Washington, not just its Department of Fish and Wildlife, is a party to the *U.S. v. Oregon* Treaty fishing rights litigation. We have been unable to reach a new Columbia River Fisheries Management Plan in that process due primarily to the states' reluctance to bind themselves to specific and measurable habitat actions that will protect the fish that the Tribes have protected through voluntary restrictions of their fisheries. No less an expert scientific body than the National Academy of Sciences agrees that new water withdrawals increase the mortality of the very fish that the tribes are attempting to protect and rebuild by these harvest restrictions. The Tribes will oppose a policy that seeks to benefit out of stream uses and deprive the river of flows needed to support the instream economy.

A fundamental shortcoming of the Columbia River Initiative was its isolation from other State management policies on the Columbia. That has been made clear by the State's opposition to summer spill on the Snake and Columbia in the case recently decided by Judge Redden. Any new management initiative for the Columbia will fail to gain Tribal support and fail to achieve the stated benefits for fish unless it complements sound, scientifically based measures to restore the Columbia River flow regime to a form necessary for salmon to survive and thrive. The state seems to be headed in the opposite direction. The state's drive to permit new out of stream uses of Columbia River water while opposing necessary flow augmentation casts doubt on the sincerity of the state's goal to protect and restore salmon and instream-based economies. The state should

withdraw its brief in opposition to summer spill if it wants its management proposals to be taken seriously by Tribes and other fisheries interests.

We think that the National Academy of Sciences Report that Ecology commissioned on “Managing the Columbia River: Instream Flows, Water Withdrawals, and Salmon Recovery” is correct in concluding that the fish runs are in peril and that increased withdrawals would increase risk to fish life. The State should take the science to heart and work to restore adequate flows while refraining from permitting new consumptive withdrawals. We support the idea of a new management initiative that will increase flows to levels necessary for healthy fish runs. Any new consumptive uses must be compensated by providing new real wet water that is not taken from the river at a time needed by fish.

Thank you again for the opportunity to testify.