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Confederated Tribes of the Umatilla Indian Reservation

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**Statement of Antone Minthorn
Chairman of the Board of Trustees
Confederated Tribes of the Umatilla Indian Reservation**

**Monday, June 14, 2004, Hearing on Bonneville Power Administration's
Proposal to Reduce Summer Streamflows for Salmon**

Good morning. For the record, my name is Antone Minthorn and I am the Chairman of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation.

I am providing formal comment today on the Bonneville Power Administration's proposal to reduce the stream flows in the mainstem Columbia River and Snake River in order to produce more hydroelectric power and revenue. The proposal was released Tuesday, June 8th, and comments were requested by today, Monday, June 14th.

I want to thank you, Brigadier General Grisoli and Administrator Wright, for calling to discuss this proposal and for the open lines of communication you have provided.

As I communicated to you both last month, the Confederated Tribes of the Umatilla Indian Reservation cannot and does not support the call for increased mortality of salmon in trade for increased hydro revenues. The Board of Trustees has evaluated your proposal, though with only two days allowed under your time frame, and we have looked at it from the technical, legal and political perspectives.

Our conclusion is that it fails the tests you set out for it on all fronts. Technically, the science is sound that spilling water over the dams is the safest means of passage for salmon—for both juveniles and adults. This tenet was established during your own process of development of the recovery plan for salmon—a process that has had the involvement of state agencies, the Northwest Power and Conservation Council, federal agencies and tribal agencies—and the courts. The best scientists in this country have endorsed this means of fish passage in a hydrosystem that is both foreign and lethal to our native fish.

From a legal standpoint, the Bonneville proposal is fatally flawed—and it is here that we will stake our ground. Spill is the only water provided for salmon. It is a fraction of the water provided for hydroelectric production, irrigation, navigation, and the other river uses that compromise salmon—and our Treaty Rights. As I said, we have only had a couple of days to review your very complex and technically involved proposal to not only reduce the flows for fish but also to supposedly make up for the increased mortality caused by this action with “off-site” actions. These proposed off-site actions—a block

of water from Idaho Power Company, increased hatchery production, flow shaping in the Hanford Reach, changes to Lyon's Ferry Hatchery fall Chinook releases and more money for habitat improvements are elusive to us. These proposals cause us concern, for many of them are unproven, unquantifiable and non-specific. They are similar to the off-site mitigations proposed in the 2000 Biological Opinion. I am left with this question—*if these actions will produce more fish and provide recovery from the threshold of pending extinction, why haven't you proposed implementing them as part of the recovery plan and in addition to spill, rather than in lieu of spill?*

More worrisome, our assessment of your proposal indicates that it may well violate the ongoing federal court Treaty Rights case United States v. Oregon, and that it may violate the Pacific Salmon Treaty between the United States and Canada.

In addition, because this most recent proposal seeks to further increase the dam-caused mortality of both Endangered Species Act-listed and non-listed fish—fish that are the basis of our Treaty-reserved Rights—it may represent a violation of our Treaty Rights as well.

I understand that you all have your priorities and that you are accountable to the directives of your superiors. In this particular case it is apparent that your priorities conflict with mine. When you send me a proposal that seems to violate existing court orders I cannot bend in that direction. When you send me a proposal with two days to consider it, and it appears to violate the rights of my people—I cannot honor your invitation to join you to help produce more hydroelectric revenues.

Let me be clear. I support your desire to reduce hydroelectric power rates. My tribal government will work directly and passionately with you, if asked, to help to produce alternative power and to help to reduce costs.

Lastly, the Board of Trustees has even looked at your proposal from a political perspective. We cannot make sense of it. During an election year it makes little sense to us to propose to dismantle the fragile Columbia River salmon recovery plan. It makes little sense to us to create discord among parties that have weathered the storms of dam breaching and reservoir drawdowns. This is a region where discordant parties have joined together to implement a recovery plan that specifically depends upon these water spills to get around more draconian actions. It makes little sense to us to look around at the positions of Oregon and Washington and Alaska and your own federal family agencies as they have been forced to weigh the vagaries and varieties within your proposals.

Mr. Wright and General Grisoli, I am not communicating to you today an arbitrary decision. I am advising you that after a careful analysis of your proposal, and after notifying you in person last month that we couldn't live with your proposal to kill more salmon and take away their stream flows, and requesting that you take the proposal off the table—and after considering our options, we have come to the conclusion that your proposal is wrong. We have concluded that it is a threat to our rights and our resources. We have made the difficult decision to stop this proposal in court—and as you will hear from the Chairman and attorney of the Nez Perce Tribe, we plan to file with the courts today.

I am communicating to you again today that my government requests that you abandon this proposal immediately. I ask that you do so in order to protect the integrity of the salmon recovery plan currently in place. For the salmon. For the eels. For the people of this great Columbia River Basin. For the people of this great country.

We'd like to get beyond this distraction of summer spill reduction. We'd like to get to real cost reduction that is linked to practical and tangible salmon protections. We'd like to get to a process that is credible and a proposal that is representative of the integrity of the U.S. Army Corps of Engineers—and of the Confederated Tribes of the Umatilla Indian Reservation.

Thank you for the time to provide these comments. I submit a copy to you for the record.

**Antone C. Minthorn
Chairman, Board of Trustees**

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