



# COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

700 NE Multnomah Street, Suite 1200  
Portland, Oregon 97232

(503) 238-0667  
F (503) 235-4228  
www.critfc.org

**TESTIMONY OF**  
**Jaime A. Pinkham, Executive Director**  
**Columbia River Inter-Tribal Fish Commission**  
*Addressing the Urgent Needs of Our Tribal Communities*  
**Before the**  
**Energy and Commerce Committee**  
**United States House of Representatives**  
**July 8, 2020**

Mr. Chairman and Ranking Member, thank you for the opportunity to submit testimony. I am the Executive Director of the Columbia River Inter-Tribal Fish Commission (CRITFC). I am a member of the Nez Perce Tribe—Nimiipuu in our own language.

CRITFC was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe.

CRITFC provides coordination and technical assistance to the tribes in regional, national, and international efforts to ensure that treaty fishing rights issues are resolved in a way that guarantees the continuation and restoration of tribal fisheries into perpetuity. Our collective ancestral homelands cover nearly one-third of the entire Columbia River basin in the United States, an area the size of the State of Georgia, and 84 percent of the area still accessible to anadromous fish above Bonneville Dam.

In 1855, the U.S. entered into treaties with the four tribes whereupon we ceded millions of acres of our homelands. In return, the U.S. pledged to honor our ancestral rights, with the tribes specifically securing the right to continue to take fish both on our reservations and at all usual and accustomed fishing places. Today, the anadromous fisheries in the Columbia River are nowhere near the abundance as at the time when the treaties were signed. Unfortunately, a perilous history brought the salmon resources to their current state, with 12 salmon and steelhead populations in the Columbia Basin listed under the Endangered Species Act (ESA). Some populations are already extirpated.

As co-managers, CRITFC and the four member tribes are globally recognized leaders in fisheries restoration, management, and policy. We are integral in the region's efforts to halt the decline of salmon, lamprey, and sturgeon populations and rebuild them to levels that support ceremonial, subsistence, and commercial harvests. Columbia River fish stocks form the core of high-value fisheries from the interior West to Southeast Alaska valued in the hundreds of millions of dollars. To achieve these objectives, our actions emphasize "gravel-to-gravel" management including supplementation of natural stocks, healthy watersheds, and collaboration with state, federal, and private entities.

One of CRITFC's major activities is assisting the Bureau of Indian Affairs (BIA) to provide safe and sanitary conditions at the 31 In Lieu and Treaty Fishing Access Sites developed by the Corps of Engineers to address the inundation of tribal villages and fishing sites caused by dam building on the mainstem Columbia River. <https://www.critfc.org/for-tribal-fishers/in-lieutreaty-fishing-access-sites/>. CRITFC operates site maintenance and law enforcement 638 contracts from the BIA to provide services for daily operations of the sites. The sites serve the combined populations of CRITFC's member tribes. *See generally* 25 CFR Parts 247 and 248.

My testimony will address three matters in which CRITFC is deeply engaged.

## **I. COVID Response Measures to Protect the Columbia River Treaty Fishery**

CRITFC supports the four Columbia River treaty tribes with coordination and provide services along the mainstem Columbia River such as enforcement and public safety, fishing site maintenance, research, harvest management and policy. Our current coordination role expanded to work alongside the tribes in response to the current COVID-19 pandemic and bring much needed attention and resources to mitigate the impacts to their citizens who reside and fish along the mainstem of the Columbia River.

Tribal members living along the Columbia River may have very limited access to electricity, plumbing, communications, technology or basic healthcare services. These individuals may also experience disproportionately high incidents of chronic health conditions that place them at increased risk to contract COVID-19 and develop severe complications from it. The Columbia River is distant from on-reservation tribal health clinics that serve members of the four tribes. There is no Indian Health Service clinic on the Columbia River.

From among CRITFC's member tribes, cultural and traditional leaders have perished due to COVID-19. Other tribal members and leaders have been hospitalized. Others are in at-risk categories and therefore cannot perform critical religious, ceremonial roles. The permanent loss of traditional knowledge due to COVID-related deaths and the temporary inability for tribal leaders to serve their people this year is an incalculable, horrific loss.

Here is a partial list of COVID response measures that CRITFC is undertaking:

- CRITFC has increased sanitary measures for use of the In Lieu and Treaty Fishing Access Sites. This effort included initial closure of 15 of the 31 Fishing Access Sites due to lack of maintenance resources sufficient to ensure sanitation during pandemic conditions. COVID response measures include more frequent sanitation of contact surfaces, use of PPE by maintenance workers, and providing supplemental restrooms, handwashing stations, and additional water supplies to reduce COVID transmission.
- CRITFC applied for and received a Centers for Disease Control (CDC) grant to implement COVID testing and tracing measures in collaboration with a federally qualified health center. The intent of the grant is to help reduce the incidence of COVID infections affecting the treaty fishery and use of the IL/TFAS. CRITFC received approximately 25% of the total need described in its grant application to the CDC. By supplementing limited health care resources, CRITFC is nevertheless working to help ensure the safety and health of those most impacted by COVID-19 by increasing

accessible basic healthcare services and supplementing limited resources, most importantly by COVID-19 testing, contact tracing, follow-up services, and medical screenings for high risk comorbidities. A mobile medical unit would dramatically increase the delivery of these medical to tribal populations along remote areas of the Columbia River.

- Acquisition and distribution of basic safety supplies for fishers and tribal field crews is an ongoing challenge. We are fortunate to have innovative staff to secure supplies of masks and hand sanitizer. However, financial resources that will be needed to secure future supplies of masks, hand sanitizer, and other safety measures are uncertain.
- CRITFC has implemented adjustments of tribal catch monitoring practices to assure COVID-safe practices, including application of new technologies in net counting procedures by aircraft. Resources to sustain these more expensive measures are uncertain.
- COVID education and outreach, particularly to tribal participants in the Columbia River treaty fisheries is being well received by tribal leadership, <https://www.critfc.org/covid/>. These education measures work best when coordinated with onsite programs.
- Food deliveries to tribal members living along the Columbia River whose subsistence and ceremonial fisheries this spring were disrupted by the COVID pandemic.
- CRITFC is in the process of seeking additional COVID-related grant funds from Commerce, Treasury, BIA as well as state and local grantors.

We thank the Committee for its interest in addressing the urgent needs of our tribal communities. We would be pleased to provide further information upon your request regarding our emergency operations.

## **II. Implementation of *Wy-Kan-Ush-Mi Wa-Kish-Wit***

*Wy-Kan-Ush-Mi Wa-Kish-Wit* is the Spirit of the Salmon Plan of CRITFC's member tribes. It describes a comprehensive "gravel-to-gravel" approach to restoring anadromous fish to the Columbia River Basin. <https://www.critfc.org/fish-and-watersheds/fish-and-habitat-restoration/the-plan-wy-kan-ush-mi-wa-kish-wit/>. We are pleased to have many important partners in implementing the plan. These include the Bonneville Power Administration, US Army Corps of Engineers, Northwest Power and Conservation Council and the Pacific Northwest states. Current items of interest include:

**Predator Management** - CRITFC appreciates the support from Congress in enacting the Endangered Salmon Predation Prevention Act that modified the Marine Mammal Protection Act to ease restrictions on the controlled removal of sea lions that have been decimating Columbia River salmon runs. Avian predators are still relatively unchecked, and their management is complicated by the regional administration of the Migratory Bird Treaty Act. Among the species of concern are double-crested cormorants that have established large colonies in the Columbia River estuary.

**Federal Hydro Operations** – CRITFC and its member tribes have developed and supported the Flex Spill operations as innovative hydro system measures that should provide an important interim level of protection for migrating juvenile salmon and steelhead. These operations were designed to be a "win-win" for the region's fish and energy needs.

<https://www.nwcouncil.org/news/former-litigants-agree-innovative-spill-strategy-columbia-and->

[snake-dams](#). Adaptations of the flex spill operations and many other measures are described in the Columbia River System Operations Environmental Impact Statement, which is nearing completion. Our member tribes have raised concerns about the rapid pace and content of this EIS process.

**Lamprey Passage Measures** - Older than the dinosaurs, Pacific lamprey have inhabited North America for more than 400 million years. We are just beginning to understand their migratory and related habitat needs. <https://www.critfc.org/blog/advocacy/lamprey-restoration/> The precipitous decline in Pacific lamprey population levels is a great concern for all co-managers in the Columbia Basin. We are pleased that the Corps of Engineers and Bonneville Power Administration are working closely with CRITFC's member tribes. We need to build upon these actions and sustain an increased effort for years to come.

**Hatchery Modernization** - Columbia River Basin hatchery facilities produce salmon and steelhead that is required by law to mitigate for hydropower and related water resources development impacts in the basin. Many of these hatcheries suffer from outdated technology, deferred capital replacements, and long-overdue maintenance. Over a period of more than 60 years, multiple federal authorizations allowed for the construction and operation of these hatcheries. For operational efficiencies, the facilities and their broodstock management is coordinated to the extent permitted by the underlying authorization, but institutional barriers hamper efficient and coordinated implementation. Solutions are likely to require congressional authorization and appropriations.

**Sturgeon Propagation** - "For centuries, sturgeon the size of great white sharks swam the Columbia River. Its currents spread their eggs, scattering them across the bottom. Its waterfalls churned up food for them to eat. Some lived as long as 150 years and grew longer than 15 feet." <https://www.nytimes.com/2020/06/02/dining/sturgeon-caviar-yakama-nation.html> Supported by the Bonneville Power Administration and Grant County PUD, the long-term goal of the tribes' sturgeon management efforts is to restore healthy, harvestable populations and fisheries for white sturgeon in mid-Columbia River and lower Snake reservoirs. This is one of the many successful programs implemented by the tribes.

**Columbia River Treaty Modernization** – The United States and Canada are well into substantive discussions on a modernized treaty for the Columbia River. The four CRITFC member tribes provided substantial time and expertise in association with the other eleven Columbia Basin tribes to inform the U.S. Entity Regional Recommendation for the Future of the Columbia River After 2024 (December 13, 2013)<sup>1</sup>. The CRITFC tribes, while long-seeking full participation in the negotiation are pleased with progress made with a limited tribal team. We support and request the Committee use the Regional Recommendation as the guidance document and blueprint for a modernized Treaty.

**The Northwest Power Act** – The Act is both praised and vilified by regional and out of region interests since its 1980 enactment. Its fundamental principles of mitigating the fish and wildlife impacts of the Federal Columbia River Power System and assuring equitable treatment through balancing of hydropower and species protection are key components in ensuring other laws like

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<sup>1</sup> <https://www.bpa.gov/Projects/Initiatives/crt/CRT-Regional-Recommendation-eFINAL.pdf>

the Endangered Species Act and court-ordered tribal treaty management agreements can be met. Altering or modifying the Act should not be done lightly and without the full participation from and consultation with Columbia Basin Indian tribes.

### **III. An Energy Vision for the Columbia River**

A Tribal Energy Vision for the Columbia River was originally prepared in response to the energy crisis of 2001. That year Federal agencies curtailed hydropower operations designed to protect migrating salmon in response to drought conditions and manipulation of newly deregulated electricity markets. Resulting salmon mortalities were high. The Bonneville Power Administration also cut fish and wildlife programs to address its financial problems.

CRITFC adopted the original Energy Vision in 2003 and updated it in 2013. This year we will prepare a third update. The original and subsequent plan called for a series of actions to avoid another energy crisis and lift some of the burden of the region's energy supply from the Columbia River.

One of the most important aspects of restoring salmon and ensuring their resiliency to withstand energy and environmental catastrophes like that which occurred in 2001 is the continued investment of the region in fish and wildlife protection, mitigation, and enhancement. In this regard, the Bonneville Power Administration is an unrivaled leader. The Tribal Energy Vision does not address discrete fish mitigation measures. Rather it is a vision for a long-term regional energy system that places a lesser burden on the Columbia River.

Appropriate planning of regional resources can provide the Northwest with a robust energy system that withstands most unknown future events and keeps costs stable, while protecting fish and wildlife. This Energy Vision for the Columbia River has four goals:

- Reduce the stress of new and changing energy demands on the Columbia River's fish and wildlife resources.
- Lessen the demand for fossil-fuel generation that contributes to climate change.
- Serve the energy demands of consumers more cheaply than they are served today to better capture the value of the Columbia River for the Northwest.
- Provide increased protection for ratepayers and fish and wildlife against unanticipated events, such as those the region faced in 2001.

Issues to be addressed in the next update include the continuing development and integration of renewable power supplies in the western United States. These actions must be taken in a manner that is sensitive to the Columbia River ecosystem and the species that depend on it.

In conclusion, thank you for the opportunity to briefly bring these needs and actions to your attention. For questions related to CRITFC contact: Charles Hudson, Director of Government Affairs, (503) 731-1257, [hudc@critfc.org](mailto:hudc@critfc.org)