



Confederated Tribes and Bands  
of the Yakama Nation

Established by the  
Treaty of June 9, 1855

May 4, 2022

Sent via Electronic Mail

RE: PROPOSED "UNCOMMON DIALOGUE" AMENDMENTS TO THE FEDERAL POWER ACT

Dear Congressional Representatives:

I write on behalf of the Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation") regarding proposed Federal Power Act amendments ("Proposed Amendments") developed through the Uncommon Dialogue on Hydropower, River Restoration, and Public Safety ("Uncommon Dialogue"). The Yakama Nation supports those provisions in the Proposed Amendments that strengthen tribal authority, protect Treaty-reserved rights, and address environmental effects during the federal licensing process for hydropower projects.

Since time immemorial, the original, free, and independent tribes and bands that later confederated as the Yakama Nation have depended on the rivers and streams of the Pacific Northwest for cultural, spiritual, and economic wellbeing. In Article III of the Treaty with the Yakamas, U.S. – Yakama Nation, June 9, 1855, 12 Stat. 951 ("Treaty of 1855"), the Yakama Nation expressly reserved the right to fish at within and at "usual and accustomed places" outside of the Yakama Reservation. The Yakama Nation's Treaty negotiators knew that securing this right was crucial to guaranteeing the vitality of their people. For the Yakama Nation's people, the exercise of fishing rights was "not much less necessary...than the atmosphere they breathed."<sup>1</sup>

Not long after the Yakama Nation and the United States signed the Treaty of 1855, non-Indian communities began utilizing the rivers and streams of our Treaty Territory for hydropower purposes. These hydropower projects affected the Yakama Nation's Treaty-reserved rights and resources. Nevertheless, the Yakama Nation was rarely consulted or had any role in the development or licensing of hydropower projects.

The Proposed Amendments are a positive step forward in correcting this history. We understand the proposed amendments are the product of a year-long effort by the Uncommon Dialogue participants, including Native Nations, industry representatives, and environmental stakeholders, to develop a package of changes to the Federal Power Act. The Proposed Amendments add provisions to the Federal Power Act which: promote tribal sovereignty and decision-making authority; ensure that Treaty-reserved

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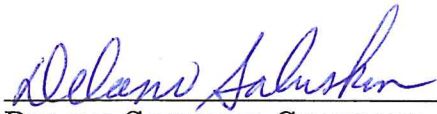
<sup>1</sup> *U.S. v. Winans*, 198 U.S. 371, 381 (1905).

rights are considered; and require evaluation of environmental effects, including how climate change impacts a hydropower project's overall environmental effect.

The Yakama Nation supports these additions to the Federal Power Act. We appreciate the opportunity to weigh in on the Proposed Amendments and look forward to further engagement with the Uncommon Dialogue participants regarding this matter.

If you have any questions regarding this letter, please contact Mr. Ethan Jones, Lead Attorney for the Yakama Nation Office of Legal Counsel, at (509) 865-7268 or [ethan@yakamanation-olc.org](mailto:ethan@yakamanation-olc.org).

Sincerely,



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DELANO SALUSKIN, CHAIRMAN  
YAKAMA NATION TRIBAL COUNCIL