

In response to Questions from Chairman Gallego:

- 1. As apparent in your written testimony, the Spokane Tribe of Indians has been seeking equitable compensation for the use of its tribal lands in the construction of the Grand Coulee Dam since the 1940s. In your experience, what barriers has your community. faced in pursuing this fair compensation?**

Even though the United States has continued to acknowledge their responsibility to compensate the Tribe in a fair and honorable manner, various United States representatives have continued to ask for more time. The Tribe traveled to Washington, DC to discuss compensation, but meetings were intended to happen on December 8, 1941, the day after the bombing of Pearl Harbor, because of the war efforts, the Spokane Tribe agreed to a commitment to work with the United States following the war. For the next fifty years, United States Administrative Departments were directed to work with the Spokane Tribe to come up with an equitable compensation agreement. No settlement was reached. For instance, pursuant to the 1940 Act, DOI worked with the Tribe to obtain a Tribal resolution regarding the Tribe's inundated lands. Yet DOI failed to exert that same level of commitment with regard to notifying the Tribe that any claims related to Grand Coulee should have been included in the Tribe's ICC claims. Instead, beginning in the 1930s and then resuming through the 1970s, the historical and legal record is replete with high level agency correspondence, Solicitor's Opinions, inter-agency proposals/memoranda, Congressional findings and directives and on-going negotiations with the Tribe to come to agreements upon the share of revenue generated by Grand Coulee which should go to the Tribe for the use of its lands. The Tribe had every reason to believe that its Trustee, the United States, was, although belatedly, going to act in good faith to provide fair and honorable compensation to the Tribes for the United States' proportionate use of our Tribal resources for revenue generated by the Grand Coulee Dam, only to be belatedly told by DOJ that the statute of limitations for the Tribe's Grand Coulee claims had run.

In 1994 when the Colville bill was passed, the Spokane Tribe attempted to attach language to the bill to pursue the Spokane Tribe claim. Instead, the Tribe was asked to take the request back with a promise of good faith to deal with our losses. Spokane Tribal Chairman, Warren Seyler stated, "We believe it would be unprecedented for Congress to only provide relief to one Tribe and not the other when both Tribes were similarly impacted". Once again Spokane Tribe complied and withdrew their request with the understanding that good faith negotiations would continue for the Spokane Tribe. As a result, statements of support for the Spokane Tribe were included in the Colville's legislation. These statements were made by Senators Murray (D-WA), Bradley (D-NJ), Inouye (D-HI), and McCain (R-AZ). Now it has been 25 years since then and we have made more concessions, including eliminating the back pay, and reducing the annual payment yet again. Another barrier experienced includes the education and re-education of United States representatives because during an eighty-year period individuals change. As a result, many different Tribal Councils have had to re-educate different individuals on the devastating impacts the building of Grand Coulee Dam had on the Spokane People. The Grand Coulee's construction destroyed our life and culture as we knew it. So, today, once again, we ask that Congress deliver on the promise made to our people for nearly 80 years ago, and many times since.

- 2. Although members of the public living in the Pacific Northwest region have benefitted from the electrical power generated by the Grand Coulee Dam, its construction and operation came at a great cost to the Spokane Tribe. How has the environmental damage associated with the construction of the Grand Coulee Dam continued to affect your nation in the present?**

Today, one of the largest issues is when Governmental Entities raise and lower the level of Lake Roosevelt, the change in depth exposes Spokane Tribe burial sites and can cause landslides, all on top of the continued loss of revenues. While the Spokane Tribe is working to reintroduce salmon, because of the Grand Coulee Dam we continue to experience the trauma of the loss of salmon.

o Has this extensive environmental damage also had an economic and/or cultural impact on the Spokane Tribe?

Because of the loss of salmon, the Spokane Tribe has lost much of our cultural practices, spiritual ceremonies, and all of the language that revolves around the salmon. The Spokane Tribe also lost economic benefits; the Tribe used to trade salmon with other tribes that did not have salmon in return for bison, horses, berries and other foods and trades. Further, the Spokane Tribe originally had the potential to build two hydroelectric dams, but when the lands were flooded, those sites no longer existed. Those sites, and our best fishery are now located at the bottom of Lake Roosevelt. Today, many elders who experienced the flooding of their lands and loss of salmon are no longer with us. Many of our Tribal Citizens continue to suffer the historical trauma caused by the loss of our culture and salmon. Perhaps Jim Wynne, an elder in his mid-eighties understands best the reason for the current day social ills and the solution. In a recent meeting where we discussed some of the current day social issues, Jim Wynne said, "Bring back the salmon and we can heal". This wise statement captures our struggles.

In response to Questions from Representative Rob Bishop:

- 1. On page 2 of your written statement, you state that the Spokane claims "remain unresolved." On page 7, you declare that the Spokane Tribe "in 1967 settled its ICCA claims ..." Isn't it correct to say the claims resolved by S. 216 are moral claims?**

The Department of Justice ("DOJ") has long taken the position that any legal claims related to the sufficiency of compensation for Spokane's inundated lands should have been filed within the ICCA statute of limitations and are therefore time-barred. During the long history of attempts to enact compensatory legislation, this was a sticking point with DOJ. Accordingly, to assuage DOJ's concerns, and similar to several beneficiary tribes to the Pick Sloan legislation enacted in the 1980's, Spokane's claims related to compensation for Grand Coulee inundation are cast as moral, not legal, claims.

2. Why is Section 8 of S. 216 necessary? Is it the opinion of the Spokane Tribe that the Tribe has, or could file, viable claims against the United States in the U.S. Court of Claims or any other federal court?

Because Congress has plenary authority over Indian affairs, a clear Congressional statement that any legal compensatory claims related to Grand Coulee inundation are extinguished would lay to rest any reasonable arguments, now or in the future, that the Tribe somehow retained the ability to litigate any such claims notwithstanding passage of S. 216.

At bottom, the operation of Grand Coulee has generated significant revenues for the United States, and has otherwise benefited millions of citizens, while the Spokane Tribe has suffered tremendous loss. Throughout this period, the United States has promised to deal fairly and honorably with the Tribe to address those losses, and we have worked in good faith for decades to achieve a semblance of fairness. Now is the time for Congress to make good on these promises.