

Confederated Tribes of the Colville Reservation

P.O. Box 150
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Secretary, U.S. Section
International Joint Commission
1250 23rd Street, NW, Suite 100
Washington, D.C. 20440

International Joint Commission

ACTION: 31
INFORMATION: LE, FC, CMRS
FILE:

Secretary, Canadian Section
International Joint Commission
234 Laurier Ave. West 22nd floor
Ottawa, ON K1P6K6

Dear Secretaries,

The Confederated Tribes of the Colville Reservation (Colville Tribes) appreciates the opportunity to comment on your invitation for input on the Canadian Columbia River Inter-Tribal Fish Commission's (CCRIFC) request that the International Joint Commission (IJC) take further action pursuant to its 1941 Order of Approval for the construction and operation of Grand Coulee Dam.

First, the CCRIFC submission requests the IJC to issue additional orders that will ensure compliance of the applicant to make suitable and adequate provision for the protection and indemnification of Canadian interests resulting from impacts to First Nations salmon fisheries that affect their culture and economy. In addition, they request an order from the IJC to assess the impacts of the construction and operation of Grand Coulee Dam and provide options for mitigation and compensation, including the restoration of salmon to the Canadian portion of the Columbia River.

At the outset we provide some legal and historical background to the Colville Tribes' interest in the upper Columbia fish and water resources. The Colville Reservation was established by Executive Order issued in July 1872. At that time the Reservation consisted of all lands within the United States bounded by the Columbia and Okanogan Rivers, an area of roughly 3.0 million acres. In the Agreement of May 9, 1891, the Colville Tribes ceded the North Half of the 1872 reservation to the United States, thereby reducing the reservation to its current size of approximately 1.5 million-acres. However, this 1891 Agreement expressly reserved the rights of Colville tribal members to hunt, fish and gather on all the ceded lands, without interference by the State of Washington. These rights were confirmed in a 1975 decision of the United States Supreme Court. Other federal courts in the United States have affirmed that one of the principal purposes of the Colville Reservation was to preserve tribal members' access to traditional fisheries. Today the Colville Tribes hold federal reserved fishing rights in the entire length of the Okanogan River within the United States and in the Columbia River from the Okanogan confluence to the Canadian border (over 150 river miles). Anadromous fish are still available in

the Okanogan River and in the five miles of the Columbia within the Reservation between the Okanogan confluence and Chief Joseph Dam.

By the early twentieth century, 12 aboriginal tribes or bands had been located on the Colville Reservation, including the Colville, Nespelem, San Poil, Lake, Palus, Wenatchi (Wenatchee), Chelan, Entiat, Methow, southern Okanogan, Moses Columbia and Nez Perce of Chief Joseph's Band. The members of all of our tribes were, and are, salmon people. Salmon were at the heart of our culture and formed the cornerstone of our diet and our economy. Salmon were central to our spiritual life - and still are. We have lost a great deal in the last few hundred years, but we are still a salmon people. Our people were historically nomadic. We followed the seasons and the salmon and traveled freely throughout our homeland in the upper Columbia River basin. We have lived in harmony with this place and its many fish, birds, animals and plants, for over 10,000 years.

We know that salmon are an essential indicator of the overall health of our ecosystem. The salmon's migratory journey and life cycle is a perfect reflection of the interdependence of the Circle of Life. We know that restoring healthy, self-sustaining populations of salmon is essential to returning balance to the Circle of Life and thus to restoring health to our forests, our streams, to the creatures that live in those streams, to the animals that walk on this earth, and the birds that soar above. Toward this end, we will do everything in our power to return salmon to the rivers in such numbers that our children, and their children's children, will always know what it means to be a salmon people.

The upper Columbia River once fostered some of the most important anadromous fisheries in the Columbia Basin. The fishery at Kettle Falls alone was one of the greatest salmon fisheries found in the entire Columbia River basin. But the construction of Grand Coulee Dam and later Chief Joseph Dam changed all of that. When Grand Coulee Dam was completed, Kettle Falls along with 1,140 lineal miles of anadromous fish habitat above the dam was no longer available for salmon production. Grand Coulee and Chief Joseph Dams were both constructed with no fish passage. Conservative estimates suggest that the runs of salmon and steelhead lost as a result of this choice exceed 930,000 fish a year (we note that the choice not to include fish passage over these dams was also a choice based on values we did not share). Roughly 27 percent of all anadromous fish losses in the Columbia River basin occurred in the areas blocked by Grand Coulee and Chief Joseph dams. Salmon were extirpated from the majority of our reservation and our traditional fisheries. Today, the Okanogan basin and upper mainstem Columbia River below Chief Joseph Dam, support the sole remaining anadromous fish trust resources of the Colville Tribes. The vast majority of those losses have not been adequately mitigated.

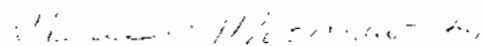
The Northwest Power and Conservation Council's Fish and Wildlife Program which the Bonneville Power Administration funds, provides an important piece of the overall mitigation provided to the Colville Tribes for losses caused by the Federal Columbia River Power System (FCRPS), which includes Grand Coulee and Chief Joseph Dams. Mitigation to the Colville Tribes for losses related to the FCRPS has long been inadequate and in some cases is still virtually unmet. To address these unmet mitigation needs, the Council's Fish and Wildlife Program now emphasizes the protection and restoration of mainstem spawning and rearing habitats and populations, which includes blocked areas above dams where feasible, such as Grand Coulee. In fact, the sub basin plan adopted by the Council's Fish and Wildlife Program

contains a measure designed to investigate the feasibility of restoring anadromous fish in the Columbia River and its tributaries above Chief Joseph and Grand Coulee Dams.

The Colville Tribes have been a salmon manager on the Columbia River for thousands of years, however, for the past twenty-five years we have been working with other salmon managers with the goal of protecting and enhancing anadromous fish populations that currently return to upper Columbia River, including the Colville Reservation. In anticipation of restoring salmon populations to their historical habitats where feasible (including above Grand Coulee), we have focused on improving fish survival through the nine downstream hydro-projects to reduce cumulative losses of both adult and juvenile migrants. In addition, the Tribe has been funding an effort, with assistance from the Army Corps of Engineers to investigate the feasibility of restoring anadromous fish above Chief Joseph Dam. In order to reach our objectives, we have sought out and developed innovative partnerships with County governments, local irrigation districts, Canadian First Nations, and local landowners. We have developed projects which address all of the four-H's -- habitat, hatcheries, hydropower and harvest. We have developed both long-term and short-term strategies to accomplish our goals. And we have sought to work cooperatively with other regional planning groups to prioritize implementation of salmon restoration projects.

In conclusion, the Colville Tribes believe the IJC should consider the CCRIFC application and view it as an important step in the restoration of upper Columbia anadromous fish populations.

Sincerely,



Harvey Moses, Chair
Colville Business Council