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TESTIMONY OF RON SUPPAH, TRIBAL COUNCIL VICE-CHAIR
CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION
IN SUPPORT OF SENATE BILL 838 BEFORE THE
SENATE ENVIRONMENT & NATURAL RESOURCES COMMITTEE

April 15, 2013

Good afternoon, Chair Dingfelder and members of the Environment & Natural Resources Committee. My name is Ron Suppah and I am the Vice-Chair of the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon. My testimony today is in favor of Senate Bill 838, to place a moratorium on motorized mining in salmon streams until a state permit process governed by clear regulations is in place that includes clear communication of mining limits to miners, as well as tribal consultation.

Our people today, as well as our ancestors, lived on and fished Che'wana, which your ancestors named the Columbia River. We have also lived and fished on the Deschutes, Metolius, John Day, Hood, and Willamette Rivers and Willow Creek since time immemorial, and our people continue to exercise our Treaty Fishing Rights on these rivers. Our people choose to be stewards of all of our lands, including rivers on which we exercise Treaty Rights.

We have fought for over a century to protect the great salmon runs of the Pacific Northwest, and we are just now starting to see recovery of salmon fisheries that many Oregonians had written off as lost. As example of our efforts is the multimillion dollar fish passage project at Round Butte Dam, which we are jointly funding with Portland General Electric Company. This project involved construction of a unique "water tower" structure that enables downstream passage of juvenile fish and will return adult Chinook and Sockeye salmon, as well as steelhead, to the Metolius and Upper Deschutes.

We learned this year that the Department of Environmental Quality issued three mining permits to people seeking to use suction dredges on the Metolius, which forms the southern boundary of the Warm Springs Reservation. The permits identify Reservation sites to be mined, even though this would be federal criminal trespass on our lands held in trust by the United States and also would be in violation of tribal law protecting the Metolius as a Tribal Wild and Scenic River. Warm Springs Tribal Council Ordinance 45. The mining would also violate the Warm Springs Integrated Resource Management Plan, Tribal Council Ordinance 75, in place for decades.

These DEQ mining permits were issued without any consultation with the Tribe, as required by the Governor's State-Tribe Government-to-Government Executive Order. When the Tribal Council learned about the mining permits, we asked DEQ to revoke the permits and, in the future, consult with us about the mining permit process and inform permit applicants about areas off limits to mining, including tribal lands and Scenic Waterways. We understand that DEQ is about to undertake a review of its mining permit

process with the goal of improving communication with applicants, including making applicants aware of the areas where mining is illegal. We have asked DEQ to include our Tribe in that review process.

Salmon and steelhead rely on the natural gravel eddies of clear, clean streams to spawn. These are the same areas targeted for suction dredge mining. It is clear to us, and it should be clear to this Committee, that rebuilding healthy, naturally-spawning salmon and steelhead runs on Oregon's rivers and streams is totally incompatible with suction dredge mining.

Senate Bill 838 would stop this harmful practice, preventing further confusion and harm to important fish bearing streams while DEQ takes these steps to reform the permitting process and conducts consultation with tribes. It will require the Governor and state agencies working together with tribes to establish strict and appropriate stream mining regulations so that the good work of our people and many Oregonians to restore our state's salmon and steelhead runs is not undone by a few "hobby" gold miners. The moratorium on mining these streams should last at least until all of this work is completed.

Senate Bill 838 is consistent with Senate Bill 770, which the Legislative Assembly passed in 2001, the main post in the legislative structure supporting our tribal-state government-to government relationship. It is time to strengthen this relationship to protect our rivers and passage of SB 838 will do so. Thank you for considering this bill and for the opportunity to address you.