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TESTIMONY OF EUGENE GREENE, JR TRIBAL COUNCIL CHAIRMAN
CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION
HOUSE COMMITTEE ON ENERGY & ENVIRONMENT
HOUSE BILL 2131

March 13, 2017

Good afternoon, Chair Helm and members of the Energy & Environment Committee. My name is Eugene Austin Greene, JR and I am the Chairman of the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon. My testimony today is in favor of House Bill 2131, to provide for adequate fees and coverage to address spills from rail cars that could injure salmon streams crucial to our way of life. Thank you for hearing this important bill.

Our people today, as did our ancestors, live on and fish from Nchi Wana to the Warm Springs and Wimuss to our Wasco people, which your ancestors named the Columbia River. We have also lived and fished on the Towarnihooks, which the Hudson Bay men named "Deschutes", the Metolius, John Day, Hood, and Willamette Rivers and 15 Mile and Willow Creeks since time immemorial. Our people continue to exercise our Treaty Fishing Rights on these rivers. The Creator gave our people the awesome responsibility of caring for all of our lands and waters, including rivers on which we exercise Treaty Rights under the Treaty of Middle Oregon of 1855.

We have not always been able to protect our waters. You know well that one of our greatest gifts, Celilo, Great Falls of the Columbia, lies buried under water backed up behind The Dalles Dam. Through the ages, this was the Wall Street of the Oregon Country, where tribes gathered from all round the Northwest to trade and celebrate the riches of the Big River. The silencing of the thundering heart of Oregon by your forebears broke the hearts of many of our elders. The damage done to our people and the river from this one tragic act is beyond words. Now we face yet another threat from your people along the Columbia and at the largest remaining waterfall where we fish in our Treaty Ceded Area, Sherars Falls on the Deschutes River.

We have fought since time immemorial; and have used our Treaty Rights and other rights to protect the great salmon runs of the Columbia, and we are starting to see recovery of salmon fisheries that many Oregonians had written off as lost. An example of our efforts is the multimillion dollar fish passage project at Round Butte Dam, which we jointly funded with Portland General Electric and the Oregon Department of Fish & Wildlife. This project involved construction of a unique water tower structure that enables downstream passage of juvenile fish and returns adult Chinook and Sockeye salmon, as well as steelhead, to the Metolius, Crooked, and Upper Deschutes Rivers.

Now we work to preserve and revive the lamprey population that has provided important food for our people. There were so many lamprey at the close of the 20th Century, we did not think they could be reduced to be too few for our basic needs. We do not understand yet all of the causes for the



collapse of the Columbia River lamprey but we know that passage mortality at the big dams is an important one. We are studying their movement at the dams to design better lamprey bypasses. During this century, there have been hazardous material spills from truck accidents on Interstate 84 that have decimated runs.

Now to the rivers of Oregon come seemingly endless trains filled with crude oil from North Dakota. They roll across every river in our Treaty Ceded Area and they roll along our reservation, looming over the fishers still dipnetting at Sherars Falls, as our people have for countless centuries. The rail cars are not modern. They are not built to survive derailment. We saw this in Mosier last year. Just a mile in either direction and that train would have sent flames roaring through the Columbia Gorge forest or through the town. Critically for the fish, it would have sent oil into the river, which adds to the stress on salmon swimming toward the third mighty dam on their final journey home.

We were smiled upon that day, but as our fishers see the oil trains loom over them at Sherars Falls, they wonder when the next train will fall and who will stop this poison from coursing down our rivers. Who here believes that trains are the way to move large amounts of oil? Is there anyone among you who questions the only safe way to move oil is in pipelines? Just because the oilmen have not quite figured out how to build a North Dakota pipeline, we and our gifts from the Creator must face fire and destruction.

It is clear to us, and it should be clear to this committee, that all of our work to rebuild healthy, naturally spawning salmon runs and bring back lamprey on Oregon's rivers must not be risked for these dangerous trains.

We know that the railroads have improved track maintenance in Oregon and on the Washington shore of the Columbia after the Mosier wreck. We are thankful for it and we pray that it will be enough. But we have not forgotten that the tracks and cars are kept up by men and the trains are run by men, and the oil train disasters in the United States and Canada were caused by the errors of men.

We understand that the railroads are under national jurisdiction and we know that means we are left to seek solutions with our neighbors and sister governments. Sad to say, there is little even the Legislative Assembly can do to protect our great state from the lack of foresight that gave us this rolling danger. Still, House Bill 2131 would give all of our first responders a fighting chance to contain a disastrous spill and fire in our ancient and blessed home. It would guarantee enough resources from those who reap the benefits of the oil traffic to repair the damage of the next oil train wreck, to the extent it can be repaired.

You have the power to prepare firefighters, technicians, and scientists to save our rivers from further harm. After the big dams, Hanford's pollution, and habitat loss, we do not know how much more battering the fish can take. It is time to take every precaution to protect our rivers, and passage of HB 2131 will help do that. For the people of the Warm Springs Tribes and the fish who symbolize the greatness of Oregon, I urge you to act swiftly. Thank you for considering this bill and for the opportunity to address you.

