

TESTIMONY OF LEWIS PITT, JR,
CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION
HOUSE COMMITTEE ON ENERGY & ENVIRONMENT
SENATE BILL 3

May 3, 2017

Good afternoon, Chair Helm and members of the Energy & Environment Committee. My name is Lewis Pitt, Jr. and I am the Government Affairs and Planning Director for the Confederated Tribes of the Warm Springs Reservation of Oregon. My testimony today is in favor of Senate Bill 3, to create a strong regulatory process to protect our salmon and lamprey streams from riparian mining. 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 Towamihooks, 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 fought for over a century to protect the great salmon runs of the Columbia, and we are seeing 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 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. Moving along the river bottoms as they do, they are particularly vulnerable to disturbance of the rocks they cling to by suction dredges.

It is clear to us that our work to rebuild healthy, naturally spawning salmon runs and bring back lamprey on Oregon’s rivers should not be risked for excessive river mining. We have worked for serious regulation of riparian mining since 2013, when we learned

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 identified Reservation sites to be mined, even though this would have been federal criminal trespass on our lands held in trust by the United States and a 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, which has been 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 have worked with DEQ since then to improve its mining permit process and with the late Senator Dr. Bates in Senate Bill 838 and predecessors to SB 3.

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.

SB 3 would stop this harmful mining where it counts, preventing more harm to important fish bearing streams. It will require state agencies to work with tribes to prevent mining on our lands and keep the good work of our people and many Oregonians to restore our state's salmon runs from being undone by mining in the wrong places.

SB 3 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 fish and passage of SB 3 will do so. It is time--it is always time--to take every precaution to protect our rivers. Thank you for hearing this bill and for the opportunity to address you.