



Testimony of the Confederated Tribes of the Umatilla Indian Reservation  
Hearing before the Joint Committee on Ways and Means  
Subcommittee on Transportation and Economic Development  
SB 256  
June 14, 2017, 1pm

Good afternoon Co-Chairs and members of the Committee. My name is Jeremy Wolf and I am the Vice Chairman of the Confederated Tribes of the Umatilla Indian Reservation.

I began fishing for lamprey at Willamette Falls in 1999, just as my ancestors have fished there since time immemorial. When our treaty with the federal government was signed in 1855, our tribal use of resources was seasonal. We fished, hunted and gathered roots and plants from the Willamette Falls in the west to the plains of Montana and Wyoming in the east. Because of this, our treaty reserves our right to gather our first foods in what is referred to as "usual and accustomed places."

Our Treaty was signed by 36 members of the Umatilla, Walla Walla and Cayuse tribes. Congress ratified the treaty as 12 Statute 945, on March 8, 1859. While it is not top of mind to those of you who are charged with balancing the state budget and getting bills out of committee, our Treaty was signed before Oregon became a state and continues to be actively referenced on fishing platforms and in modern day courtrooms from here to Washington, D.C.

Our treaty rights are secured under the U.S. Constitution and have been specifically upheld in over a century of decisions in federal district courts, the Ninth Circuit Court of Appeals and the U.S. Supreme Court. This treaty right is a property right, protected by the Fifth Amendment to the Constitution of the United States. See *Muckleshoot Indian Tribe v United States Corps of Engineers*, 698 F.Supp. 1504, 1510 (W.D. Wash. 1998). Over the past 162 years, we have lived up to our responsibilities and obligations of this Treaty and we expect the citizens of the United States to uphold their responsibilities and obligations.

As an elected official of the Tribe, I am here to work with you to insure the Commission will include a member who is well versed in the intersection of federal and state law as it relates to tribes. We look forward to being a productive participant in decisions that will impact the entire region.

When Senate Bill 256 was originally heard in February, there was an argument made against adding seats for tribes with established federal rights at the Falls because the Commission would become unwieldy. At that time, the proposed commission would have 11 members.

We heard that message, and although it is not our first preference, we support the -3 amendment to have one seat for tribes who are a party to Treaties signed in 1855. This means we would share a seat. I do think it is worth noting that we came to the Legislature to convey our interest in adding two seats and since that time the bill has expanded to add 13 seats for a total of 24 commissioners. It will be a big tent but we appreciate your commitment to insuring that treaty tribes are a part of it.

The Willamette Falls are a significant and important natural resource to all Americans, all Oregonians. Our associated property rights to this natural resource are guaranteed by Treaty and federal law. To ensure their protection our inclusion in this Commission is a must.

In April the Corps of Engineers notified the CTUIR that they were beginning the process to deauthorize the Willamette Falls Locks and dispose of the associated lands. There is no time to waste and we must move forward with an inclusive body to make sure all voices are heard.