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TO: MEMBERS OF THE HOUSE COMMITTEE ON ENVIRONMENT
AND ENERGY

FROM: MOLLY MCGREW, LOBBYIST FOR THE CONFEDERATED TRIBES
AND BANDS OF THE YAKAMA NATION

SUBJECT: OPPOSITION TO HCR 9, SPECIFICALLY THE GOLDENDALE, WA
PROJECT

DATE: JANUARY 29, 2019

INTRODUCTION:

Members of the House Committee on Environment and Energy, thank you for the opportunity to appear before you today. For the record, my name is Molly McGrew and I am here today to provide testimony in opposition to House Concurrent Resolution 9 (HCR 9) on behalf of the Confederated Tribes and Bands of the Yakama Nation and specifically of Tribal Council. At issue with the bill is reference in HCR 9 of the proposed Goldendale Washington energy project, also known as the John Day Pump Storage Project.

BACKGROUND:

The Confederated Tribes and Bands of the Yakama Nation are a Treaty Tribe, created in [1855](#) with usual and accustomed hunting, fishing and gathering rights of all traditional foods on the reservation as well as the [ceded area](#). They, along with the Confederated Tribes of the Umatilla, The Confederated Tribes of Warm Springs and the Nez Perce are co-managers of the Columbia River in efforts to restore salmon throughout this vast ecosystem.

In negotiating and assenting to their treaties, the Columbia River tribes reserved not only the right to take fish at their usual and accustomed places, but also retained a property right in adjacent lands “to the extent and for the purpose mentioned” in the treaties. *U.S. v. Winans, 198 U.S. 371, 381 (1905)*.

The *Winans* Court considered the treaty language and found that taken together with the social and factual setting of the treaty negotiations, supported the right of access. “In

other words, the Indians were given a right in the land –the right to occupy it for the purpose mentioned.”

The proposed project in Goldendale is on ceded lands of the Yakama Nation which has cultural and historical significance (see exhibit letter from Lonnie Selam, Deputy Director of Yakama Nation Cultural Resources). The Yakama Nation is concerned that the construction project impacts will cause detrimental and irrevocable harm to significant cultural resources near the John Day Dam and the Columbia Hills. These cultural resources are sacred and include archeological, ceremonial, burial, petroglyph, monumental and ancestral use sites.

In addition to the concern about the destruction of cultural artifacts, the proposed project consists of two reservoirs, each requiring 7,100-acre ft of water. The proposed project will use water from the Columbia River (Lake Umatilla) for the initial filling of the lower reservoir and an undisclosed amount of water “as needed” using an existing pumping station in a closed-loop system (Pg. 12, Application for Preliminary Permit; Goldendale Energy Storage Project).

While the Yakama Nation is very much in support of addressing the impacts of climate change, this project is no more than a storage battery that takes water from the Columbia River, which is considered the life source for the Tribe. One or two pump storage projects is not going to address the full measure and impact of climate change on our energy grid – especially when the proposed projects don’t take into consideration the importance of the changing climate patterns in the region, which is already affecting the peak flow of energy. This project is a limited duration fix to a multi-factorial set of problems.

The creation of hydropower dams on the Columbia River were initially designed to ensure access to inexpensive energy, economic development and to foster recreation. The price of constructing those dams destroyed fishing sites, villages and the historical landscape of this area. Expecting the Yakama Nation to continue to erode their Treaty Rights to usual and accustomed hunting, fishing and gathering by establishing a pump storage facility in their ceded lands is not the right way to address climate change, nor to address the long - term issues of balancing the need for renewable energy in a state-by-state based electrical grid.

Based on our arguments above, we respectfully ask the members of the committee to please remove the reference to the pump storage project in Goldendale, WA from this legislation.

Sincerely,

Molly McGrew, Lobbyist

Confederated Tribes and Bands of the Yakama Nation