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**Testimony on H.R. 6247
“Saving Our Dams and New Hydropower
Development and Jobs Act”
August 13, 2012**

Thank you for the opportunity to testify today. I am testifying before you – as a proud citizen of both the United States and the Nez Perce Tribe – in opposition to H.R. 6247.

Both the United States and the Nez Perce Tribe have grounded their governance on core principles, such as making decisions that reflect the needs of future generations; keeping promises; looking before we leap; taking responsibility for the consequences of our actions; and, evaluating all information before rushing to judgment. I have had the honor of serving as the first woman Chairman of the Nez Perce Tribe, and, currently, as the Tribe’s Executive Director. In these roles, I have had the privilege of witnessing both the United States and the Tribe employing these principles in making decisions and setting policies. Simply put, H.R. 6247 runs directly counter to all of these hallmarks of good governance.

I want to emphasize that my remarks today are my personal comments. I am not before you today as a representative of the Nez Perce Tribe. Indeed, the Tribe was not invited to testify at today’s hearing. I find this extremely troubling, given all the work the Tribe has been engaged in to make the Snake and Columbia River system work for fish and our local communities. I cannot help but notice that this serves to highlight the type of flawed approach to governance that H.R. 6247 represents.

My people, the Nez Perce, have a long history of protecting the interests of future generations. In the mid-19th century, the Nez Perce were the largest tribe on the Columbia River Plateau and one of the most influential and powerful. The Nez Perce homeland consisted of 13 million acres of land in what is now Idaho, Oregon, and Washington. This original land base included significant portions of six different drainages, some of which were located here in what is now eastern Washington. This was home to my people, and the salmon that swam through the waters of the Basin were an integral part of our religion, culture, and physical sustenance. They still are today.

I am indebted to my ancestors, who at the time of the 1855 Treaty worked to ensure that the rights we had exercised since time immemorial and that are essential to our people’s culture, our way of life, and our beliefs would be reserved and secured for future generations.

Central among the rights that the Nez Perce reserved – and the United States secured to the Tribe by Treaty – is our right to take fish at all our usual and accustomed places.

Salmon are sacred to the Nez Perce. They are part of our religious ceremonies; dozens of churches and longhouses throughout the Basin rely on the salmon's return for our connection with this land and the annual return is a celebration that ensures our culture is passed from generation to generation. Salmon are a source of economic reliance and strength for our people as well. Jobs — both on and off the Reservation — depend on salmon survival and protection. Our commercial fishermen, indeed, put salmon on some of your tables as well.

Salmon are simply the lifeblood of my people. We believe that the Creator has bestowed upon us the duty to protect these creatures from harm, just as they protected and fed us when the Creator put man on this earth.

Our salmon and our people have borne the consequences of decisions to construct dams — such as the four dams on the lower Snake River — that have had devastating effects on our fish and our people. Every run of salmon and steelhead that returns up the Columbia and Snake River destined for the Nez Perce Reservation and our usual and accustomed fishing places in the Snake Basin is now either extinct or listed as Endangered or Threatened under the Endangered Species Act.

Given this backdrop, you might expect that the Nez Perce people might simply demand that the United States honor their Treaty and their promises, and that they take responsibility for the impact those dams have had on the salmon and on us — and do whatever it takes, regardless of what the impact may be on our neighbors and our local communities.

And yet the Tribe's support for breaching the four lower Snake River dams has not stopped at what is best for the fish and what it believes the best biology and best economics support. Instead, the Tribe has taken the additional step of supporting investment in local communities that will be affected by this decision. For example, decades after the construction of the lower Snake River dams, the Port of Lewiston continues to be subsidized by local residents. The Tribe's vision is not to dismantle the Port of Lewiston but to transform it from a subsidized "seaport" to an economically viable and sustainable enterprise.

This example demonstrates that each situation involving hydroelectric dams involves case-by-case considerations, full consideration of all information and all the parts of the equation, and taking responsibility for the consequences — both positive and negative — of our decisions.

It is precisely this process of consideration and evaluation, the hallmarks of good decision-making, that H.R. 6247 seeks to prevent. It is primarily because of this, in addition to the fact that this bill would do great harm to our salmon and the waters they travel and thus to Nez Perce culture and our economic viability, that I so strongly oppose H.R. 6247.

Anyone who cares about restoring salmon to healthy, sustainable, and harvestable levels will fiercely object to Section 8 of this bill which could end or severely restrict the highly successful practice of spilling water over the federal dams on the Snake and Columbia rivers. The science on this matter is clear – spill is the most effective and safest means of getting salmon past the federal dams. What’s more, the fish have told us the same story. Since spill has been implemented in 2006 on the Columbia and Snake rivers, we have witnessed salmon returning to the Basin in higher numbers. Salmon, of course are still endangered and threatened, and spill alone is not the reason for higher returns, but without spill, our salmon populations would be far worse off. Our fishermen would have emptier nets; our people would have gone hungry; thousands would have lost their jobs and hundreds more not found new jobs; and millions of dollars in the local economy would have slipped away. We understand that some believe that the so-called “cost” of spill in power revenue has been too high for the positive impacts we have seen. I ask you, what is the price for ensuring thousands of family-wage jobs, that the tribal sacrament is delivered to tribal people, that a culture and way of life – both tribal and non-tribal – continues, and that the United States honors its promises to Indian people? It is past time that the killer of more than 90% of the salmon – the Federal Columbia River Power System – do more to help this important resource. The Nez Perce has fought hard to secure the simple tool of more spill, and the Tribe will continue to fight for its implementation.

Similarly, Section 11 of H.R. 6247 – Federal Funding Prohibitions on Federal Dam Removal prohibits federal dollars from being spent both on studying “the removal, partial removal, or breaching of any Federal or non-Federal hydroelectric-producing dam on the removal of federal or private dams,” and the actual removal, partial removal, or breaching of such projects with Congressional authorization.

The bill’s prohibition on even studying potential dam removal is simply counter to sound federal decision-making. It is imperative that federal agencies have the ability to study different actions to ensure that the federal government is using its resources well, that it is not wasting precious federal dollars, that it is doing its best to protect our environment for future generations, that it is looking before it leaps, and that it is meeting Treaty and trust responsibilities to Indian people. To block the ability of federal agencies to even consider when such actions might be needed will ensure that the federal government doesn’t have the data it needs to make well-informed decisions. As I indicated, the Tribe’s perspective is that breaching the four lower Snake River dams should encompass an investment in local communities. The latter aspect would certainly benefit from additional study. In short, any legislation that essentially bans the collection of information is a bad idea and not in the public interest.

Our people have been repeatedly harmed as the Columbia Basin became the most dammed watershed on the planet. Federal, state, and tribal scientists tell us that removal of the four dams on the lower Snake is the action most likely to protect and restore salmon populations throughout the Columbia Basin. These salmon are not just an icon of the Northwest, they are an economic powerhouse and a cultural imperative. It is beneath

the integrity and intelligence of the United States to prohibit federal agencies from even studying the removal of these dams.

Section 12, prohibiting federal funding for dam removal mitigation activities unless Congress explicitly authorizes such actions, is also highly problematic. This would all but prevent lands and waters impacted by dam removals from being restored. Instead of allowing such areas to become productive and healthy, thereby paying dividends for Americans, this bill virtually guarantees that these resources would remain degraded. The Tribe has experience with restoring such mitigation activities and can attest to the benefits these actions have — both to the salmon and to the economy. Restoration and mitigation projects put people to work. Why, in the current economy, would Congress want to make it harder for federal agencies and private entities to create new jobs? Similarly, why would Congress want to make voluntary and collaboratively-developed restoration projects virtually impossible to implement? These community-driven, public-private partnerships are among the most cost-effective and successful ways to restore resources. If the sponsors of this bill are worried about federal spending, the appropriate place to address that concern is in the appropriations cycle for particular agencies. Instead, this section would hinder important job-producing projects and hamper the restoration of rivers and lands.

Our people are affected by non-federal projects, such as the Hells Canyon Complex, and the Tribe has been involved in the efforts by Idaho Power Company to obtain a new 40 or 50 year license from the Federal Energy Regulatory Commission. The H.R. 6247 proposal that the fish and wildlife Trustee agencies' (USFWS and NOAA) expertise over conditioning licenses to protect fish and wildlife resources be stripped and left to FERC seems unconscionable.

Finally, the bill's flaws are highlighted in areas such as Section 3(7), finding a National interest in protecting and promoting hydropower. This is misguided. Each dam must be judged separately, on its own merits and on a case-by-case basis, to see if its cost to society is higher or lower than its benefit. To make a blanket statement that it is in the best interest of Americans to retain all current dams is not just simplistic, it is inaccurate. It is not, for instance, in the best interest of this nation to keep in place dams that are killing what was once the largest salmon run on this planet; that have caused the loss of 10s of 1000s of jobs; that are jeopardizing a way of life for both Indian and non-Indian people; that are holding back a region from being more prosperous; and that interfere with and could indeed violate the United States' treaty trust responsibilities to Indian people.

My Tribe, the Nez Perce, is working to ensure that wild/naturally-spawning runs are rebuilt to healthy, harvestable levels, and the conservation burden is fairly shared. The Nez Perce Tribe, as a fisheries co-manager, is actively engaged in managing the Treaty fishery, improving passage conditions for salmon through the mainstem Columbia and Lower Snake River dams, improving the transparency of scientific issues concerning the needs and status of the fish, implementing habitat restoration and hatchery projects, and

ensuring that actions that are taken today are consistent with the needs of its future generations. H.R. 6247 would directly impair the Tribe's progress toward restoring self-sustaining, harvestable salmon and unwisely excuses the federal government from its own responsibilities. It is counter to careful, adaptive regional planning, and it's bad for fish. I believe the United States is – and should be – better than this.

Thank you for the opportunity to provide this testimony.