

**Testimony of Mr. Olney Patt, Jr.**  
**Executive Director**  
**Columbia River Inter-Tribal Fish Commission**  
**Before the**  
**United States Senate Committee on Indian Affairs**  
**On June 4, 2003**

Mr. Chairman, Mr. Vice-Chairman, members of the committee. My name is Olney Patt, Jr. I am the new executive director of the Columbia River Inter-Tribal Fish Commission as well as the immediate past chairman of the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon. While I am providing oral testimony to the committee on behalf of the commission, I would like to direct your attention to the written testimony provided by the member tribes of the Commission and I will reference some of the points and issues made there.

Two years ago, a former member of this committee, the distinguished Senator from Oregon, Mark Hatfield, addressed a broad group of Columbia Basin stakeholders and governments concerning the governance of the Columbia River. His message simply and eloquently recounted the history of the Bonneville Power Administration and its goal of rural electrification and employment in the Pacific Northwest during the Great Depression. He further stated that this mission had been accomplished but that Bonneville needed to redefine its societal goals to take into account new realities in the Pacific Northwest . . . or risk losing the benefits of the Federal Columbia River Power System to the Pacific Northwest. He believed that the redefinition of the Bonneville mission could be found at the core of its history . . . "high social purposes that could improve lives." With his permission, I have included Senator Hatfield's remarks as part of this testimony and request that it be included in the record.

Senator Hatfield was correct in stating that the original goals of the Bonneville Project Act of 1937 were accomplished. However, they were achieved while leaving both the tribes of the basin and the ecosystems and salmon upon which tribes depended in Bonneville's wake.

The passage of the Northwest Power Planning and Conservation Act in 1980 (the Regional Act) under the leadership of Senator Hatfield and the early work of the Act's Council under the chairmanship of Senator Dan Evans were important attempts to remedy the damages caused by the system. The Regional Act's mandate was for the project operators "to protect, mitigate and enhance" fish and wildlife resources affected by the hydro system through a planning process that included rigorous consultation with the tribes in terms of a statutory trust responsibility and the use of the Bonneville revenue stream consistent with a fish and wildlife program. As our written testimony yesterday and today points out, during the first twenty years that the Act was in place, we made great progress in our efforts to rebuild our ecosystems and salmon populations while providing significant economic benefits to our own and surrounding communities. These included the multiplier effects of capital expenditure and the stream of benefits in terms of fishing opportunities that are helping to buoy up our sagging rural economies that suffer from high unemployment and hunger rates.

However, during the last two years, Bonneville and, for that matter, the Council, which has the responsibility to develop an effective fish and wildlife program, have failed

to fulfill the mandates of the Regional Act. The Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe are providing written testimony to the Committee. In each testimony they provide a detailed account of the problems they have encountered since the year 2000. They include:

- Failure to implement the Fish and Wildlife Program and the hydrosystem Biological Opinion that was recently held invalid by a federal district court.
- Placing the risk of energy-related financial mismanagement on fish and wildlife funding.
- Failure to consult and coordinate with tribes over the funding of the Fish and Wildlife Program.
- Failure to honor numerous commitments to the tribes made in their 1996 MOA, and in its rate case.
- Failure to employ efficient contracting procedures and prompt expense reimbursement resulting in missed opportunities and unnecessary costs to the tribes.
- Providing an increase of \$4 million to its \$8 million Fish and Wildlife Division budget resulting in new impediments to efficient fish and wildlife funding.
- Emphasizing certain federal agency funding needs in the name of the ESA at the expense of successful tribal fish and wildlife programs that address both watershed and systemwide needs.

I would also direct your attention to a memo attached to this testimony from the Nez Perce Tribal Department of Fisheries Resource Management detailing the contracting problems that are wreaking havoc on the time and resources of our tribal programs.

Bonneville continues to provide the cheapest electricity in the United States in part because it has not internalized the full cost of its fish and wildlife responsibilities that are normally borne by power plant operators. As noted in the Yakama testimony, our analysis shows that BPA could meet funding levels for high priority fish and wildlife projects and still be six to 14 percent below market prices for electricity. This additional funding would add only about \$1.90 per month for the average consumer.

In order to provide the impetus for BPA to recognize and fund its obligations, our tribes believe that greater oversight at the national level is essential. In this regard, we greatly appreciate this committee's effort and call on you to ensure that BPA's trust responsibilities are implemented. BPA must also honor its commitments by providing adequate funding to pay for high priority fish and wildlife projects and not use fish and wildlife funding as a shock absorber for bad water years or bad management.

Most importantly though, echoing Senator Hatfield's words, BPA needs to redefine its commitment to societal values including environmental justice. This federal agency needs to assist in honoring the obligations of the United States when the Congress ratified our treaties securing our right to take fish at all usual and accustomed fishing places. Tribes are partners to the states and federal government and exercise jurisdiction over the waters and the fish and wildlife of the Columbia Basin. As partners

under the supreme -laws of the United States, we must be treated as true partners at the same table, not as supplicants whose needs can be arbitrarily and capriciously ignored.

I would also like to enter in the record the unanimous resolutions of both the Affiliated Tribes of Northwest Indians and the National Congress of American Indians that detail our grievances and call upon the Congress and the Administration to remedy them. Along with the Yakama testimony, these resolutions call for specific remedies for the problems that tribes have identified in their relationship with the Bonneville Power Administration. These remedies include:

- Providing strong oversight including GAO review and regular reports to this committee.
- Improving implementation by streamlining contracting or transferring implementation to another federal entity.
- Providing assured and adequate long-term funding for Bonneville's fish and wildlife obligations.
- Providing a coordination mechanism among the federal, state and tribal governments consistent with section 4(h)(11)(b) of the Regional Act.
- Improve BPA Tribal Policy and set measurable objectives.
- Require BPA to document compliance with the substantive standards of the Regional Act especially the equitable treatment standard.

Thank you for this opportunity to testify. If you have any questions about our testimony or our programs, other members of the Commission or myself would be happy to attempt to answer them.