



Tribal Perspectives on the Columbia River

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“...the right of taking fish at all usual and accustomed places, in common with the citizens of the Territory, and of erecting temporary buildings for curing them: together with the privilege of hunting, gathering roots and berries....”

—1855 Treaty with the Yakima



Project History



1855
Treaties

1889
Gordon Report

1934
Bonneville
Dam
construction
begins

1952
The Dalles Dam
construction begins



1972
CTUIR v Callaway
*Protects In-Lieu sites, rebuilds sites,
authorizes new fishing sites to
be explored*

Supreme Court
decisions: access to
Columbia River



1905 Winans
1919 Seufert

1945
Rivers and Harbors Act
In-lieu sites authorized
(5 sites; 40 acres)

1958
John Day Dam
construction begins

1988
P.L. 100-581
*Treaty Fishing Access
Site authorization*

1986
Columbia River
Gorge National
Scenic Area Act





Celilo Falls Tribal Fishery

On the Columbia River near The Dalles, Oregon
(inundated by The Dalles Dam in 1957)

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Background

Columbia River Treaty Fishing Access Sites

- Authorized by PL 100-581, Title IV (November 1988). The project was authorized to mitigate for Bonneville Dam impacts on the treaty-reserved fishing rights of four Pacific Northwest Native American tribes.
- The Treaty Tribes worked on a Government to Government basis with USACE and with Congress through the planning, design and construction of this project.
- In FY 2012, USACE completed construction of the specifically authorized treaty sites.



CRITFC Responsibilities

- BIA transferred long term O&M responsibility to CRITFC in 2003 (funding until 2022?)
- BIA transferred enforcement authority to CRITFC in 2010
- CRITFC Strategic Plan – 1.4.5
Coordinate with tribes and other appropriate entities to include tribal housing to address social issues affecting operations and maintenance needs at the sites so they are family-friendly and available to tribal fishers for the intended purpose.



IL-TFAS Clean-up 2011-13

- Disposal of abandoned vehicles
- Disposal of personal property
- Address behavioral and unlawful activities
- Significant O&M funds expended for clean up of the TFAS



On-going USACE Obligation

- The loss of villages and homes caused by the construction of the Columbia River dams has been a contentious issue for the tribes and the United States.
- The tribes continue to insist:
 - As long as the dams exist, the USACE has a continuing obligation for the impacts caused by the dams, including the loss of villages and homes along the river.



Tribal Villages and Fishing Sites Destroyed by Dams and Reservoirs



Displaced Tribal Community:

Associated Press Story November 9, 2014

Picked up by over 100 news outlets



Additional Press in the Oregonian:

Sunday Feature Story March 11, 2016

Front Page March 30, 2016

Opinion from Blumenauer and Merkley April 10, 2016

Appropriations efforts by Murray and Merkley April 14, 2016



Tribal Housing Study Initiated

- Tribal Council Resolutions in 2011 requested USACE review housing issues before closing out the TFAS project.
- USACE Portland District completed a Fact Finding study in 2013 using TFAS funds

Is there a federal obligation to replace tribal homes?

Study conclusion: Yes.



USACE Fact Finding Study

- Documents that there is a tribal housing obligation
- Clarifies that Federal Documents provide minimal estimate of tribal homes lost to dams
- Includes tribal perspective that federal documents were biased and that many more families lived in the area
- Includes increased emphasis on tribal interviews
- Mentions, but does not include, tribal homes inundated by John Day Dam



Congressional Response

- There have been multiple site visits by Congressional members/staff and USACE (2014-2016)
- Congressional letter to USACE, asking USACE to complete needs analysis to address unmet housing obligation (Nov 2, 2015)
- Congress passed the Water Infrastructure Investment Act (Dec. 2016) providing USACE more study/build authority
- Senate FY 2017 Energy and Water Development Appropriations bill directs USACE to complete a development plan for a new village at The Dalles Dam
- NW Delegation reintroduces Treaty Fishing Sites Act



USACE Next Steps

- Develop Implementation Guidance for WIIN 2016 authorization
- Walla Walla district probably needs to be involved in study because of John Day reservoir
- Portland District to proceed with The Dalles Village Development Plan with funds available under FY 2017 Continuing Resolution



Current Tribal Housing Needs

- Tribal community has expressed immediate tribal housing and social services needs
- USACE tribal housing process might take another 10 years before homes become available
- How to access non-NAHASDA funds?
 - What is the potential to establish a Tribally Designated Housing Entity (TDHE) for the Columbia River
- Could a TDHE assist with social needs (economic development plan) or long-term O&M of USACE housing?

