



CONFEDERATED TRIBES  
of the  
*Umatilla Indian Reservation*

**Statement of Kathryn Brigham  
Member, Board of Trustees  
Member, Fish and Wildlife Committee  
Confederated Tribes of the Umatilla Indian Reservation  
Mission, Oregon**

**to the  
Northwest Power Planning Council  
Pasco, Washington  
December 3, 2002**

Good evening. My name is Kathryn Brigham. I am a member of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation. I am also a member of the Tribes' Fish and Wildlife Committee. In addition I serve on the Columbia River Inter-Tribal Fish Commission. Thank you for the opportunity to comment on the Council's draft mainstem amendments.

The Confederated Tribes of the Umatilla Indian Reservation opposes the mainstem amendments proposed by the Northwest Power Planning Council. The draft mainstem amendments are not supported by sound science. The draft mainstem amendments do not reflect the deference owed to tribal and state fish and wildlife managers—deference that is mandated by the basic law that established the Council itself.

The draft mainstem amendments would be a big, misguided step backwards. They would turn back the clock on two decades of progress in salmon recovery—progress not always certain, steady or consistent, but forward progress nevertheless. Finally, the draft mainstem amendments not only disregard reputable science, they fly in the face of the most basic common sense—if you want rivers to have fish in them, they must look, act and function like rivers to some degree. For our future to include fish, rivers must be more than just giant electric generators.

What would the Council achieve by this abrupt retreat from over twenty years of attempting to manage rivers to better "accommodate" fish? In average water years, a 41-megawatt increase in power output. This would increase the hydroelectric system's average annual production of

16,500 megawatts by about one-quarter percent. The chances of salmon survival are again whittled away, this time for the price of one-quarter-percent.

The Council has suggested that the science supporting flows and spills is “unclear” and “uncertain,” at best. You would therefore expect that the science supporting artificial transportation is, on the other hand, clear and certain, since the Council continues to wholeheartedly support this stopgap recovery “strategy.” You would be mistaken. Barging and trucking have never had to prove their effectiveness to the extent now demanded of flows and spills. As is so often the case, salmon measures that impact vested business and political interests have far more burdensome hurdles to jump than do those that merely skate by leaving those same interests untouched.

Those who support flows and spills as beneficial for migrating salmon include a majority of professional federal, state and tribal fish and wildlife managers. They know people depend on our natural resources for ceremony, subsistence and income. Those who oppose flows and spills include business and industrial interests that use and sometimes abuse our natural resources, and ultimately view our rivers as commodities whose worth is measured by megawatts and acre-feet. So far the Council has failed to explain its justification for disregarding the position of the natural resource managers. Courts have not looked kindly on the Council when it acted similarly in the past.<sup>1</sup>

The Council has failed to explain how its proposed mainstem amendments can be reconciled with its overall Fish and Wildlife Program and its goal of greater preservation and restoration of ecological functions. The Council has expressed support for what the Independent Scientific Group called a “Return to the River”—the name of its landmark 1996 study that highlighted the need for more normative river functions and processes if salmon are to survive and thrive. Flows and flow timing are already a pale, misshapen shadow of what they once were. The draft amendments would further distort and diminish natural river conditions.

The Council claims that insufficient evidence exists to support flows and spill for fish. It apparently chooses to ignore such evidence as the disastrously low flows last year and the correspondingly disastrous juvenile salmon survival rates.<sup>2</sup> Instead it appears to rely on selective and misleading use of scientific data, as explained in the Joint Technical Staff Memorandum signed by representatives of six agencies earlier this year.<sup>3</sup>

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<sup>1</sup> *Northwest Resource Information Center v. Northwest Power Planning Council*, 35 F.3d 1371, 1394 (9<sup>th</sup> Cir. 1994).

<sup>2</sup> See Barry Espenson, *Pit-Tags Show Snake River Steelhead In-River Survival Lags*, Columbia Basin Bulletin (Nov. 22, 2002) (Snake River juvenile steelhead survival through the eight mainstem dams during 2001 was just 3.8%, compared to 26.7% during 2002, a year with more normal flows).

<sup>3</sup> Columbia River Inter-Tribal Fish Commission, Idaho Dept. of Fish and Game, Oregon Dept. of Fish and Wildlife, U.S. Fish and Wildlife Service, Washington Dept. of Fish and Wildlife & Yakama Indian Nation, *Joint Technical Staff Memorandum* (March 19, 2002).

The Confederated Tribes of the Umatilla Indian Reservation believes in a combination of the best science and common sense. It was this approach that led to the successful restoration of salmon in the Umatilla River after they had been erased for over 70 years. We worked cooperatively with state and federal governments, and, most importantly, with affected stakeholders. We forged a “win-win” solution that both restored fish and preserved the local farm economy. We now have fishing seasons for both Indian and non-Indian fishermen. We hope to duplicate this success elsewhere, in such places as the Walla Walla River Basin.

In the Umatilla, we didn't just rely on hatcheries and supplementation. The other key element was restoring a portion of the habitat—the river itself. To restore the fish, we had to restore the flows, too. We did this to honor the salmon, to provide for the people. Today we still fish for salmon at our usual and accustomed sites on the mainstem and in the tributaries, as we have done for thousands of years. Our salmon harvest never triggered any extinctions. We “managed” the runs successfully, providing for sustainable populations of both fish and people. We did so long before there was the possibility that others could “manage” the work of the Creator into oblivion.

The Northwest Power Planning Council's draft mainstem amendments represent a dangerous reversal on the long road to successful salmon recovery. On behalf of the Confederated Tribes of the Umatilla Indian Reservation, I ask you to reconsider them carefully. Thank you.