



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

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**TESTIMONY OF NEZ PERCE TRIBE IN SUPPORT OF FUNDING FOR
WALLOWA LAKE DAM REHABILITATION CONTAINED IN SENATE BILL 5534**

MAY 7, 2021

Co-Chairs Holvey and Girod and Committee Members:

My name is Shannon F. Wheeler and I serve as Chairman of the Nez Perce Tribal Executive Committee, the governing body of the Nez Perce Tribe ("Tribe"). Thank you for the opportunity to testify on the authorization of the issuance of lottery bonds for certain natural resource projects contained in Senate Bill 5534. The Tribe fully supports the \$14 million in state funding for the rehabilitation of Wallowa Lake Dam provided in Section 10 (g), within Section 15 of the bill. The Oregon Legislature approved this funding in 2019, however financing for all approved lottery bond projects was delayed because of the negative impacts of COVID-19 on lottery revenues.

The Tribe is a co-manager of the fisheries resources in Northeast Oregon, including those in the Wallowa River and its lake. Most of what is now Northeast Oregon, and all of what is now Wallowa County—whose name is a *Nimiipuu* word—is the homeland of the Nez Perce Tribe. In the Nez Perce Treaty of 1855 with the United States, the Tribe reserved all rights not expressly ceded to the United States and—in partial consideration for ceding land that became parts of the future states of Oregon, Washington, and Idaho—specifically reserved rights it had exercised since time immemorial, including the right to take fish at all usual and accustomed places, and the right to hunt, gather, and pasture animals on all open and unclaimed land.¹ The Treaty rights reserved by the Tribe are vested solely in the Nez Perce Tribe and its members.² The Tribe's reserved rights in Northeast Oregon are continually exercised by its members, and are critical to the present-day subsistence, culture, religion, and economy of the Tribe.

The Tribe's work as a fisheries co-manager through the federal case of *U.S. v. Oregon*, and our coordination with the Oregon Department of Fish and Wildlife, has provided for local fisheries that benefit both Indians and non-Indians alike in Oregon. The Tribe's Department of Fisheries Resources Management ("DFRM") office in Joseph, Oregon employs 19 full-time, and eight to ten part-time employees to serve as staff for DFRM's Research, Production, and Watershed divisions throughout Northeast Oregon. The Tribe's local office has an annual operating budget of approximately \$2.4 million that contributes significantly to the region's economy through implementation of multiple fisheries projects on Northeast Oregon rivers.

¹ Treaty with the Nez Perces, June 11, 1855, 12 Stat 957.

² *United States v. Oregon*, 29 F.3d 481 (9th Cir. 1994).

The Tribe has long partnered with state and local governments and private entities to help restore fish populations and to create a sense of stewardship throughout Nez Perce Treaty territory in Oregon, Washington, and Idaho. The Tribe provided congressional testimony in support of the Wallowa Lake Dam Rehabilitation and Water Management Act of 2005. We sent letters to congressional delegations urging their backing, submitted multiple press releases, participated in numerous public and private meetings, and made commitments to seek further funding. The Tribe's driving concern was, and remains, the historic opportunity to reintroduce Sockeye salmon and ecologically reconnect Wallowa Lake to its river. The Tribe also supports and acknowledges that rehabilitation of the dam will provide many other benefits to Wallowa County including enhanced flood control, improved water management for irrigation withdrawals and downstream flow releases, and greater stability of the city of Joseph's water supply.

The Tribe has worked collaboratively with the state of Oregon, the Oregon Department of Fish and Wildlife, the Confederated Tribes of the Umatilla Indian Reservation, and local public and private partners ("Parties") to learn more about the Wallow Lake Irrigation District's rehabilitation plan. Repairing the dam will result in additional water storage capacity and the opportunity for fish passage. Consequently, the Parties entered into a Memorandum of Agreement ("MOA") to address some of the instream uses of this additional capacity to maximize the ecological benefit of releases. The MOA, signed in June 2020, satisfied the legislative requirements for the project to be eligible for the funding approved in 2019. All Parties affirmed their support and commitment to the MOA earlier this year after the project funding was cancelled.

The Nez Perce Tribe strongly supports the language in Senate Bill 5534 to allocate \$14 million to rehabilitate the Wallowa Lake Dam. Rehabilitating this dam should be viewed as a positive opportunity for the region as a result of the significant economic, recreational, and ecological benefits the dam and potentially volitional fish passage to and from Wallowa Lake would represent. The Tribe appreciates Oregon's leadership on this important issue. It is our belief that healthy fish populations and healthy communities are not mutually exclusive—and indeed should be naturally linked. The Tribe is hopeful that the collaborative efforts of many individuals, local governments, non-profits, and the state of Oregon will result in the return of Sockeye salmon to Wallowa Lake and a vibrant economy for Wallowa County.

Thank you again for your time and consideration of funding for this important project. I am happy to take any questions at this time.