

Congress of the United States
Washington, DC 20510

March 15, 2017

The Honorable Doug Lamont
Senior Official Performing the Duties of the
Assistant Secretary of the Army (Civil
Works)
U.S. Department of the Army
108 Army Pentagon
Washington, D.C. 20310-0108

The Honorable Mick Mulvaney
Director
Office of Management and Budget
725 17th Street, N.W.
Washington, D.C. 20503

Dear Mr. Lamont and Director Mulvaney:

We write in support of the Columbia River Tribal Housing Action Plan and urge you to allocate the funding necessary in the current and future fiscal years to address the unmet obligations of the United States to the four Columbia River Treaty Tribes – the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation, and the Confederated Tribes and Bands of the Yakama Nation – for the loss of tribal homes and villages associated with the construction of the Bonneville, The Dalles, and John Day dams.

Native Americans, including ancestors of the four Columbia River Treaty Tribes, have lived and fished along the banks of the Columbia River since time immemorial. These tribes signed treaties with the federal government in the 1850s, ceding most of their lands to the United States government. The treaties reserved for tribal signatories the rights to fish, hunt, and gather at “all usual and accustomed fishing places.” Since the treaties were signed, tribal members have continued to exercise their treaty-protected fishing rights. Beginning in the 1930s, the construction of federal dams along the Columbia River inundated tribal communities, houses, and traditional hunting and fishing sites along the river, significantly impacting tribal members’ ability to exercise their treaty rights.

Since 1939, the U.S. Army Corps of Engineers (Army Corps) and treaty tribes have entered into several agreements to address the needs of the tribes, including the acquisition and construction of in-lieu and treaty fishing access sites. Section 401 of Public Law 100-581 authorized the Columbia River Treaty Fishing Access Sites project, which resulted in the Army Corps constructing seven treaty fishing access sites and five in-lieu sites on the Bonneville Pool, five treaty fishing access sites on The Dalles Pool, and 14 treaty fishing access sites on the John Day Pool in Oregon and Washington. These sites included access roads and parking areas, boat ramps and docks, fish cleaning tables, net racks, dry sheds, restrooms, mechanical buildings, and shelters.

The treaty fishing access sites and in-lieu sites were designed primarily for day-use fishing and some temporary camping. However, out of a need for housing and a desire to be closer to the

Columbia River and their heritage, many tribal members use these sites as year-round, permanent residences, in addition to seasonal use during fishing seasons. As these sites were not designed for such high volume and regular use, living conditions have become extremely unsafe and unsanitary. Tribal members have limited access to reliable utilities and live in cramped, outdated, and makeshift housing as they work to fish and to retain their ancestral connection to the Columbia River.

In November 2013, the Portland District Army Corps completed a Fact-Finding Review on Tribal Housing which found that between 44 and 85 tribal families who lived near the Bonneville and The Dalles dams prior to construction did not receive relocation assistance. In March 2016, the Army Corps completed an analysis to further clarify its legal authority to address the growing tribal housing crisis in the Columbia River Gorge. The analysis found that Section 204 of the Flood Control Act of 1950 (P.L. 81-516) authorizing construction of The Dalles Dam “specifically provide[s] for the construction of a new Indian village satisfactory to the Indians and the Bureau of Indian Affairs” and that “a new Indian village can be constructed pursuant to the Flood Control Act of 1950 because this authority has not yet been used to construct a new Indian village.”

We commend the Army Corps for their recent work to assess potentially available lands along the Columbia River to build a tribal village and comply with The Dalles Dam authorization. An initial list of 36 sites has been narrowed to three sites in collaboration with the four Columbia River Treaty Tribes and Bureau of Indian Affairs. In a January 3, 2017 memorandum, the Assistant Secretary of the Army for Civil Works directed Army Corps staff to complete a village development plan for the three sites to determine the final site for construction of a tribal village. We urge you to work together to allocate Army Corps funding in Fiscal Year 2017 to complete the village development plan through any available funding mechanism.

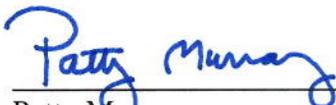
However, because fulfilling existing authorizations would be insufficient to meet the total unmet obligation by the United States government to these treaty tribes, we worked together to include Section 1178(c) in the Water Infrastructure Improvements for the Nation Act (WIIN Act, P.L. 114-322) to provide additional authorizations to make progress on the federal government’s obligations. Section 1178(c) authorizes the Army Corps to provide assistance to tribal families displaced due to construction of the Bonneville Dam based on existing Army Corps information. The law also authorizes the Army Corps to conduct a study to determine the number of tribal families displaced by the construction of the John Day Dam, thereby providing a complete understanding of the unmet obligation stemming from the construction of the three lower Columbia River dams.

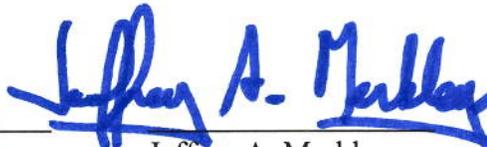
It is critical that the federal government move quickly to complete the village development plan for The Dalles Dam and to begin implementation of WIIN Act authorities. Conditions at many treaty fishing access sites and in-lieu sites are highly unsafe and unsanitary, and it is finally time for the federal government to fulfill commitments made when the dams were constructed and to honor the treaties signed with the four Columbia River Treaty Tribes. A strong commitment from the Army Corps and Office of Management and Budget is needed to make progress this year in the interest of public health and safety and upholding treaty rights. Therefore, we

encourage you to include funding in the President's Fiscal Year 2018 Budget Request to begin implementing Section 1178(c).

Thank you for your consideration of our requests.

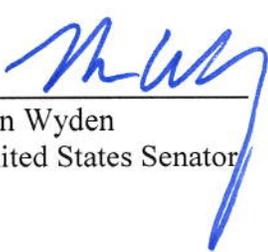
Sincerely,


Patty Murray
United States Senator


Jeffery A. Merkley
United States Senator


Earl Blumenauer
Member of Congress


Maria Cantwell
United States Senator


Ron Wyden
United States Senator