



## **2021 Virtual Mid-Year Convention**

### **RESOLUTION #2021 – 23**

**“CALLING ON THE PRESIDENT OF THE UNITED STATES AND THE 117<sup>TH</sup> CONGRESS TO SEIZE THE ONCE-IN-A-LIFETIME CONGRESSIONAL OPPORTUNITY TO INVEST IN SALMON AND RIVER RESTORATION IN THE PACIFIC NORTHWEST, CHARTING A STRONGER, BETTER FUTURE FOR THE NORTHWEST, AND BRINGING LONG-IGNORED TRIBAL JUSTICE TO OUR PEOPLES AND HOMELANDS”**

### **PREAMBLE**

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

**WHEREAS**, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

**WHEREAS**, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

**WHEREAS**, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

**WHEREAS**, the Tribes of ATNI are united by salmon; by the Northwest rivers that salmon, steelhead, lamprey, and native fish depend upon; and by the interconnectedness of salmon with their ecosystems – from the orca in the ocean and Puget Sound to the nutrients salmon supply to the furthest inland streams; and

**WHEREAS**, the United States used federal legislation and executive orders to take land from tribal peoples, and tribes ceded most of their land through treaties but reserved certain rights to protect their cultural way of life; and

**WHEREAS**, tribal cultures and lifeways are rooted in place and tied to their homelands, but tribes cannot just relocate to access traditional resources; and

**WHEREAS**, the modern Northwest with its massive irrigation, hydropower, and storage systems was built on the backs of tribal peoples from the 1930s on, through the use and destruction of the lands, rivers, and fisheries we have lived with for thousands of years; and

**WHEREAS**, the United States shares a unique relationship with the Tribes of ATNI, with the United States being bound to honor the obligations to tribes made in Treaties, Executive Orders, adjudicated through numerous federal court decisions and its trust responsibility to tribal sovereign nations; and

**WHEREAS**, the fate of our Tribes and the Northwest salmon are intertwined; and

**WHEREAS**, in the Columbia Basin, the Northwest Power Act and its promise of “equitable treatment” for energy and fish and wildlife did prevent the mid-Columbia fall chinook from being listed under the Endangered Species Act (ESA) but failed to prevent the subsequent listings of salmon and steelhead under the ESA; and

**WHEREAS**, U.S. District Court Judge Michael Simon in his 2016 ESA and National Environmental Policy Act (NEPA) ruling – rejecting the federal government’s salmon plan for the Columbia River System dams for the fifth time – emphasized that the Federal Columbia River System remains a system literally crying out for a major overhaul, as Judge Marsh observed twenty years earlier; and

**WHEREAS**, the prior Administration’s 2020 salmon plans in response to Judge Simon’s ruling – the 2020 Columbia River System Environmental Impact Statement (EIS), Biological Opinion (BiOp), and Record of Decision (ROD) – were politicized with election-driven timelines, and used the prior Administration’s weakened NEPA and ESA regulations to justify flawed conclusions and attempt to lock in inadequate dam operations for the next 15 years; and

**WHEREAS**, Columbia Basin Tribes expressed special concerns with the prior Administration’s Columbia River System EIS with respect to its inadequate consideration of Tribal rights, interests, resources, trust lands; its failure to reveal environmental and social justice system impacts on Tribes; its failure to address fish restoration above dams that block fish passage; and its inadequate consideration of the impacts of climate warming; and

**WHEREAS**, the new Administration and the 117th Congress face a once-in-a-lifetime opportunity – a historical legacy moment – to secure congressional funding to invest in salmon recovery and river restoration throughout the Northwest; and

**WHEREAS**, Tribes throughout the Columbia Basin have supported Congressman Mike Simpson’s initiative and his “Columbia Basin Initiative” legislative proposal for:

- Identifying this historic moment and opportunity;

- Engaging with Tribes directly and regularly;
- Emphasizing the very real and imminent salmon extinction crisis;
- Recognizing a singular, generational legislative moment, because of the current Administration and current leadership in the Senate and the House, and that this is a moment for action, not for more process;
- Offering a comprehensive framework that embraces actions that have been longstanding priorities for Tribes throughout the Basin: restoring the lower Snake River by breaching the four lower Snake River dams and optimizing spill to benefit salmon at the mainstem federal Columbia River Dams; restoring salmon behind blocked areas in the Upper Columbia and Upper Snake basins; and ensuring that Tribes and State co-managers become responsible for implementing salmon restoration;
- Offering a solution that invests in a stronger, better Northwest that goes beyond salmon, ensuring that communities impacted by river restoration are made whole – and in doing so offering additional opportunities for Tribes within other sectors – from infrastructure and technology development to energy production;
- Highlighting that an interest-based solution will involve legal certainty;
- Engaging in a bipartisan manner against the backdrop of these foundational elements;
- Speaking the truth that failure to act this critical historical moment will be looked back on as the tragedy of the extinction of Snake River salmon populations; and

**WHEREAS**, the status of Columbia Basin salmon and steelhead species is dire and getting worse, with many populations of Snake River spring Chinook salmon and steelhead on a steep slope to extinction; the point where populations become doomed to extinction is identified by biologists as the Quasi-Extinction Threshold (QET); and

- right now, 42% of the Snake Basin spring/summer Chinook populations are at or below the QET; that is, 50 natural origin spawners or less on the spawning grounds for four consecutive years; and
- 77% of the populations are predicted to drop below the QET level by 2025; and

**WHEREAS**, time may be even shorter as climate warming advances, and restoring the lower Snake (now a series of slow-moving, easily warmed lakes) to a naturally flowing river that connects fish to cold, high-altitude, near-pristine Salmon and Clearwater Basin habitat is exactly what is needed for the best possible ecological resilience to warming temperatures; and

**WHEREAS**, tribal initiatives to restore salmon behind dams that block fish passage in the Upper Columbia and Upper Snake River have been limited by availability of funding and assertions of inadequate authorizations; and

**WHEREAS**, on April 14-15, 2021, the Columbia River Tribes gathered and reached agreement on a set of “common ground” principles underlying their support for Congressman Simpson’s Columbia Basin Initiative:

- The true wealth of our region begins with the health of our rivers, fish, and the ecosystem they support, which is our culture, history and future;
- Agriculture is an important part of our region’s economy;
- Affordable and reliable power is important to regional families and businesses, tribal and non-tribal;
- Providing legal certainty for the vast majority of federal dams in the Columbia/Snake River basins is a necessary element of a lasting solution;
- A significant federal infrastructure investment in alternative energy and transportation provides a unique opportunity to restore salmon while keeping power affordable and maintaining agricultural commerce;
- A comprehensive legislative solution is preferable to all other avenues and is urgently needed;
- The time for action is now. The Columbia Basin cannot become another Klamath Basin crisis; and

**WHEREAS**, the Southern Resident orcas of Puget Sound, a being sacred to many Northwest Tribes, are starving to death because culverts and dams that block and impair Chinook salmon migrations are limiting the orcas’ food source; and Governor Inslee’s Orca Recovery Task Force recommended – in addition to other dam and culvert removals – reviewing the need to breach the four lower Snake River dams to help recover the struggling Puget Sound orcas, which resulted in the Lower Snake River Dams Stakeholder Engagement Report and informed Washington’s statement of management goals and principles for the Columbia and Snake rivers:

- Protecting and restoring abundant, harvestable salmon and steelhead and other native fish species, including contributing to a reliable source of prey for southern resident orcas;
- Honoring tribal rights, including a future for salmon that supports tribes’ cultural, spiritual, and economic needs;
- Providing for a clean, affordable, and reliable energy system that meets our clean energy and climate goals;

- Ensuring affordable and reliable transportation alternatives for wheat farmers in the Palouse and Tri-Cities areas
- Ensuring reliable irrigation supplies for eastern Washington farms; and

**WHEREAS**, implementation of federal court rulings upholding Treaty-reserved fishing rights and ordering the state of Washington to replace culverts that block fish passage require funding to implement, as do other Tribal habitat, hatchery, and salmon restoration efforts; and

**WHEREAS**, ATNI stands united in supporting investment in salmon and river restoration in the Northwest; now

**THEREFORE BE IT RESOLVED**, that ATNI calls on the President of the United States (POTUS) and the 117<sup>th</sup> Congress to ensure that funding is set aside now at this critical ecological juncture for salmon and orca, to implement the bold actions for salmon and river restoration identified in the framework of Congressman Simpson’s Energy and Salmon legislative proposal, including restoring the lower Snake River by breaching the four lower Snake River dams; and

**BE IT FURTHER RESOLVED** that ATNI requests the POTUS and 117<sup>th</sup> Congress to ensure that the salmon restoration priorities of the Tribes of ATNI are prioritized and funded; and

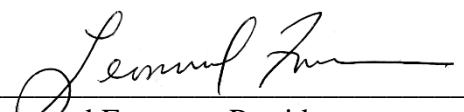
**BE IT FURTHER RESOLVED** that ATNI calls for the timely convening of a Northwest Tribal Salmon and Orca Summit, at an ATNI location, with invitations to Presidential Administration Officials and to Northwest Congressional Delegation Members, to meet and take timely action with respect to the salmon and orca restoration priorities of the Tribes of ATNI; and

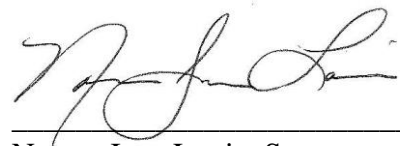
**BE IT FURTHER RESOLVED**, that ATNI requests the POTUS to prioritize working on the actions for salmon and river restoration identified as the framework of Congressman Simpson’s Energy and Salmon legislative proposal, and withdraw any federal court defense of the prior Administration’s flawed 2020 Columbia River System EIS, BiOp, and ROD as otherwise a defense of methods and conclusions inconsistent with the new Administration’s environmental and tribal principles and priorities; and

**BE IT FINALLY RESOLVED**, that this resolution be forwarded to the National Congress of American Indians.

**CERTIFICATION**

The foregoing resolution was adopted at the 2021 Virtual Mid-Year Convention of the Affiliated Tribes of Northwest Indians, Portland, Oregon, on May 24 – May 27, 2021, with a quorum present.

  
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Leonard Forsman, President

  
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Norma Jean Louie, Secretary