

Statement of Jonathan Smith
Chairman, Confederated Tribes of Warm Springs
Testimony before the Senate Committee on Energy and Natural Resources
Subcommittee on Water & Power
Hearing to examine drought impacts on drinking water access and water availability
September 20, 2023

My name is Jonathan Smith and I serve as Tribal Council Chairman for the Confederated Tribes of the Warm Springs Reservation of Oregon. Our 640,000-acre reservation in central Oregon lies in the heart of 10 million acres that our ancestors ceded to the U.S. government in the 1855 Treaty of Middle Oregon. Our tribal members continue to exercise treaty rights throughout that territory, including the right to fish at usual and accustomed locations.

Our historic territory is largely defined by watersheds, where our people have been nourished by its fish. Water is of the utmost importance to us – it sustains all life on earth. In our language, water is called “chuush”. In our cultural practice, water is considered the ‘first gift of the Creator’, because it sustains all life including our First Foods: salmon, deer and elk; root vegetables and berries. According to our traditional teachings, water is the foundation of the interconnected whole of our natural world. Our approach to water resource management is holistic -- borne from our traditional indigenous knowledge accumulated and passed from generation to generation since time immemorial. We focus on watershed health, which includes access to water for our personal needs and as well as assuring that there is water available to meet our other needs, including sufficient instream flows (both quantity and quality) for our treaty-protected fisheries.

WATER CHALLENGES

The Warm Springs Reservation has a highly variable precipitation regime. The western boundary of the Reservation runs along the crest of the Cascades Mountains and receives as much as 100 inches of precipitation a year. The eastern part of the Reservation is “high desert” receiving little precipitation. For example, the community of Warm Springs receives about 8 inches of precipitation annually.

The Deschutes River forms the eastern boundary of the Reservation. We rely on the Deschutes River as the source of our drinking water for the Warm Springs community. Our point of diversion is located in the lower Deschutes River, below rapidly growing communities like Bend and Redmond, Oregon. We are also located below thousands of acres of irrigated agriculture. As a result, our drinking quality is impaired. We have significant concern about the safety of the drinking water for our people.

Snowmelt high in the Cascades Mountains has traditionally been the principal source of water for the Deschutes River. We, however, receive less snow now and have been suffering through persistent drought, which is affecting the Deschutes River flows and those of its tributaries, such as the Crooked River and the Metolius River. The drought is worsening the water quality issues throughout the Deschutes Basin. For example, we are seeing poor water quality conditions in the Crooked River, which is affecting our ability to reintroduce anadromous fish above the Pelton Round Butte Hydroelectric Project.

In addition, the Warm Springs Reservation has suffered the consequences of crumbling water treatment and distribution infrastructure. I want to specifically thank Senator Wyden for his assistance in securing federal aid to rehabilitate our infrastructure. Like Senator Wyden, we believe that access to safe drinking water is a basic human right. With the Senator's leadership, we are now able to get to work on a new, and modern, water treatment plant—one that has to be designed to address an ever increasing list of water treatment needs. These needs are caused by a variety of factors, but persistent drought and a changing climate exacerbate the challenges. While we look forward to having reliable, safe drinking water, the fact remains that will need on-going funding for the operation and maintenance of the new system so that it does not fall into disrepair like our old system.

We also appreciate Congress generally for its appropriation of funds to fix our water system and its investments in the Deschutes Basin and the broader Columbia River basin. We understand that you have the 'power of the purse' and that as a co-equal branch of our federal government, your support is essential for assuring that we have access to water and, otherwise, have water available to serve our sovereign needs.

SOLUTIONS

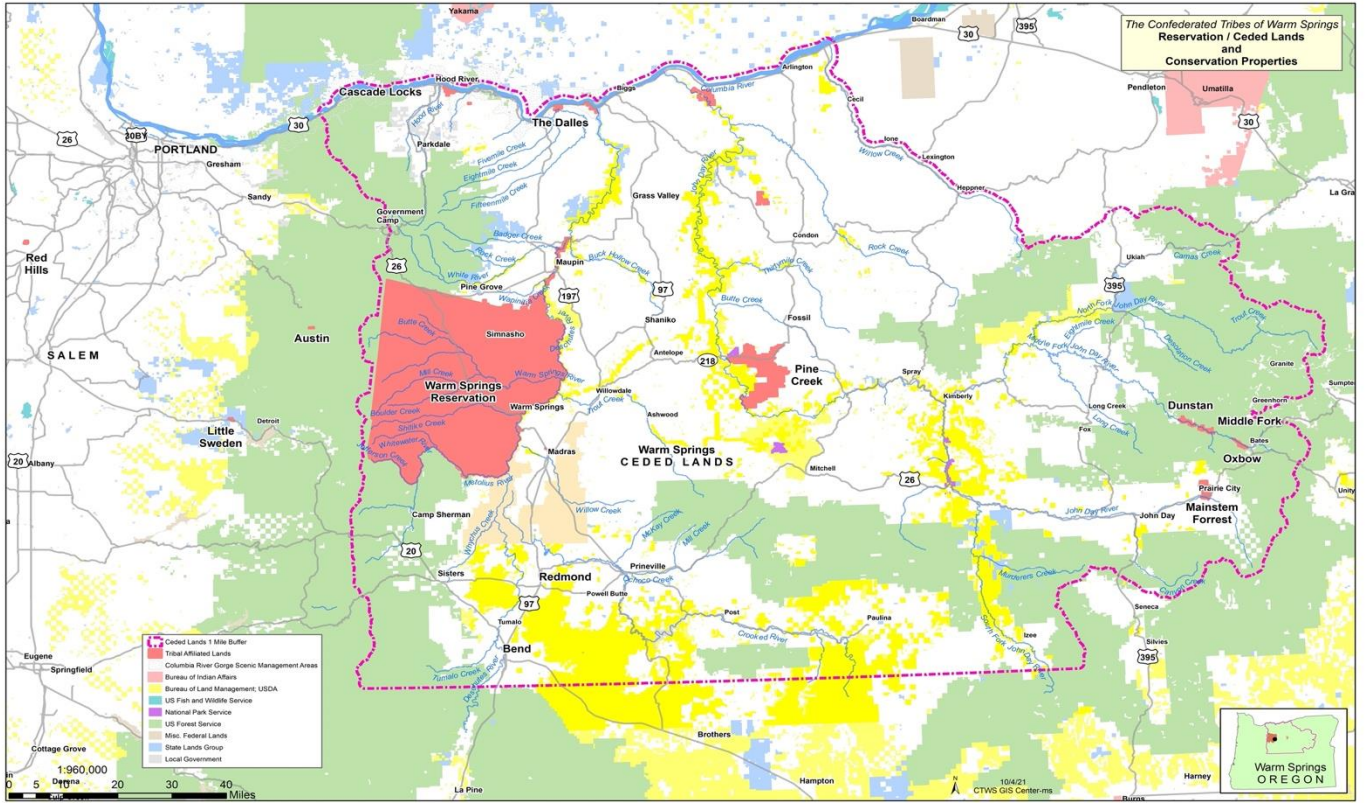
We may not have the solution for all of Indian Country, but here are examples of congressional and other federal support that have benefited our Tribe::

Funding for The Deschutes River Conservancy: In 1992, we helped form the Deschutes Resources Conservancy in 1992, which has served as a consensus-based, collaborative, conservation organization where important water issues of the Deschutes Basin are identified and addressed. To be clear the Deschutes River Conservancy is not an environmental organization; rather, it is a comprised of diverse stakeholders including municipalities, irrigation district, environmental interests, and the Tribe. The Deschutes River Conservancy is a shining example of placed-based decision-making infrastructure; it is a 'big tent' designed to elicit critical discourse and support good water resource decision-making. Given its record of success, we urge that Congress pass S. 2020: Deschutes River Conservancy Reauthorization Act of 2023.

Bureau of Reclamation: Warm Springs has worked with the Bureau to get funding for meadow and marshland restoration. Those projects help improve both water quantity and quality. We ask that Congress continue to fund such project.

BPA Mitigation funds: Warm Springs has received funds from the Bonneville Power Administration to mitigate the impacts of the federal hydro system on tribal fisheries. We have used those funds for fish habitat improvement projects on the Columbia River and its tributaries, including the John Day river. Those projects benefit our treaty-protect fish and wildlife populations, which, in turn, allow us to continue harvesting those species for important ceremonial and cultural purposes. Traditionally, however, BPA mitigation funds have not been used in the Deschutes River above the Pelton Round Butte Hydroelectric Project because of lack of fish passage. The Tribe now owns the Project with Portland General Electric, and we are introducing anadromous fish into the upper Deschutes Basin. We need stable source of funding for mitigation and habitat improvement projects to support our reintroduction efforts.

Thank you for this opportunity to share my tribe's perspective with the subcommittee and I look forward to working with you on solutions to address ongoing drought and water access.



Lands ceded by the Confederated Tribes of Warm Springs in the 1855 Treaty of Middle Oregon.



Warm Springs Water Treatment Plant on the Warm Springs Reservation.



Historical picture of Warm Springs tribal fishermen at Celilo Falls on the Columbia River.



Sherars Falls on the Deschutes River.