

**TESTIMONY OF
LARRY ROBERTS
PRINCIPAL DEPUTY ASSISTANT SECRETARY – INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
ON
S. 3222, THE COLUMBIA RIVER IN LIEU AND
TREATY FISHING ACCESS SITES IMPROVEMENT ACT**

SEPTEMBER 14, 2016

Chairman Barrasso, Vice-Chairman Tester, and members of the Committee, my name is Larry Roberts. I am the Principal Deputy Assistant Secretary for Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to testify before the Committee on S. 3222, the “Columbia River In Lieu and Treaty Fishing Access Sites Improvement Act,” a bill to authorize the Secretary of the Interior to assess sanitation and safety conditions at Bureau of Indian Affairs (BIA) facilities that were constructed to provide treaty tribes access to traditional fishing grounds and expend funds on construction of facilities and structures to improve those conditions. The Department supports S. 3222, with amendments.

Background

United States entered into treaties with tribes along the Columbia River in the 1850s guaranteeing the tribes the rights to their fisheries in exchange for the peaceful cession of most of their territory. However, by the late 1880s, non-Natives had encroached on many of the tribes’ treaty fisheries. The United States filed lawsuits to protect the tribes’ fishing rights, and resulting court determinations re-affirmed their treaty-protected right of access to usual and accustomed fishing grounds.

Currently, the Columbia River Inter-Tribal Fisheries Commission (CRITFC) provides the operations and maintenance of 28 fishing sites along the Columbia River through a BIA Indian Self-Determination and Education Assistance Act Title I, P.L. 93-638 contract, for the exclusive use of Indian fishers from the four CRITFC member tribes.¹ The sites, which are held by the United States for the benefit of the tribes, offer a wide range of amenities for the fishers including access roads and parking areas, boat ramps and docks, fish cleaning tables, net racks, drying sheds, restrooms, mechanical buildings, and shelters.

S. 3222

S. 3222, if enacted, would authorize the Secretary of the Interior to assess sanitation and safety conditions at BIA facilities that were constructed to mitigate 400 acres of traditional fishing

¹ Yakima Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Nez Perce Tribe, and the Confederated Tribes of the Warm Springs Reservation of Oregon.

villages inundated by federal hydro development. Today many of these facilities receive high use in excess of what they were originally designed. Any funds appropriated would be expended on facilities and structures to improve those conditions, and for other purposes set forth in Section 2(c).

The Department agrees that S. 3222 would help ensure that the lands necessary for Indians to conduct treaty protected fishing remain wholesome and open for Indian fishers actively engaged in the continued use of these fisheries.

The Department notes that Section 2(a) of the bill applies to sites “owned” by BIA. We think it would be more accurate to describe the sites as “lands held by the United States for the benefit of the Treaty Tribes.”

In addition, the Department recommends extending the Secretary of the Interior’s exclusive authorization-delegation authority in Sec. 2 (b) of S. 3222, to include other agencies, (in addition to tribes or tribal organizations already in the bill), that have expertise in the issues facing some sites.

Section 2(c)(2) of S. 3222 would authorize the improvement of “...access to electricity, sewer and water infrastructure, where feasible, to reflect needs for sanitary and safe use of facilities.” When such structures exist it is important to note, that water sources and washrooms are community structures, and where it is feasible, such community structures could be improved or expanded. The Department would not interpret this provision to include improvements for individual electricity and/or sewer water hookups associated with recreational vehicles.

Conclusion

Thank you for providing the Department the opportunity to provide input into S. 3222. The Department supports S. 3222, with amendments. I am available to answer any questions the Committee may have.