



2020 Virtual Annual Convention

RESOLUTION #2020-35

“CALLING ON PACIFICORP AND COWLITZ PUBLIC UTILITY DISTRICT TO COMPLY WITH COMMITMENT TO BUILD FISH PASSAGE FACILITIES ON LEWIS RIVER DAMS AND FEDERAL ENERGY REGULATORY COMMISSION TO ENFORCE THE SETTLEMENT AGREEMENT FOR LEWIS RIVER DAMS”

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 to 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 the ATNI; and

WHEREAS, the corporation known as PacificCorp owns and operates three dams (Merwin, Yale, and Swift dams) on the North Fork Lewis River in Washington State and Cowlitz Public Utility District (Cowlitz PUD) owns one dam on this system; and

WHEREAS, the North Fork Lewis River once produced abundant wild salmon populations that have been decimated by construction and operation of these four dams and are now listed under the Endangered Species Act; and

WHEREAS, PacifiCorp and Cowlitz PUD signed a settlement agreement in 2004 with the Cowlitz Indian Tribe, Yakama Nation, conservation organizations, and numerous federal, state, and local agencies and governments, that it would provide fish passage facilities at these dams; and

WHEREAS, these dams were issued licenses by the Federal Energy Regulatory Commission (FERC) in 2008 for hydropower production for a 50-year period that was conditioned on compliance with the settlement agreement including providing fish passage facilities at the dams; and

WHEREAS, PacifiCorp and Cowlitz PUD has over the last decade compiled information to support funding habitat restoration and improvement as an alternative to providing fish passage that is based on erroneous information and analysis in order to avoid providing fish passage at the dams, and

WHEREAS, PacifiCorp and Cowlitz PUD has submitted an Application for a Non-capacity License Amendment to FERC that would remove its agreed to fish passage obligations under the settlement agreement and FERC licenses, and instead require a significantly less effective and less costly alternative of habitat restoration and improvement; and

WHEREAS, the information compiled by PacifiCorp and Cowlitz PUD has been under dispute for several years, and remains in dispute by all the non-PacifiCorp settlement parties, and most of these parties have moved to intervene in the PacifiCorp Application to FERC in order to continue to the dispute this information; and

WHEREAS, FERC is currently considering the Application submitted by PacifiCorp and Cowlitz PUD to eliminate the requirement for fish passage at the three Lewis River dams and potentially adopt the habitat restoration and improvement alternative; and

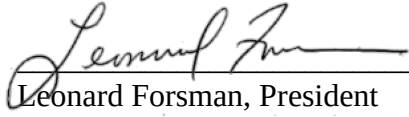
WHEREAS, PacifiCorp and Cowlitz PUD desires this amendment in order to save at least \$160 million, but as a part of Warren Buffet's Berkshire Hathaway Company it has profited from and clearly has the resources to comply with the settlement agreement and provide the agreed to fish passage facilities; now

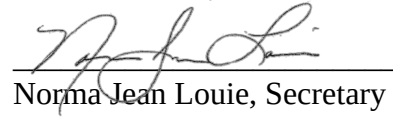
THEREFORE BE IT RESOLVED, ATNI does hereby call upon PacifiCorp and Cowlitz PUD to comply with the commitment to build fish passage facilities on its Lewis river dams without further delay; and

BE IT FURTHER RESOLVED, that ATNI calls upon the Federal Energy Regulatory Commission to enforce the settlement agreement for Lewis river dams and reject PacifiCorp's and Cowlitz PUD's Application for a Non-capacity License Amendment.

CERTIFICATION

The foregoing resolution was adopted at the 2020 Virtual Annual Convention of the Affiliated Tribes of Northwest Indians, Portland, Oregon, on October 5 – 8, 2020, with a quorum present.


Leonard Forsman, President


Norma Jean Louie, Secretary