



June 21, 2017

The Honorable Greg Walden  
Chairman  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Frank Pallone, Jr.  
Ranking Member  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Walden and Ranking Member Pallone:

On behalf of the Snoqualmie Indian Tribe, we write to express our continued concerns regarding proposed changes to the federal hydropower licensing approval process. The proposed changes would abrogate the federal government's overarching trust responsibility to Indian tribes and its ability to uphold tribal treaty rights. Our Tribe is particularly concerned that current legislative reform efforts to consolidate hydropower approval authority within the Federal Energy Regulatory Commission (FERC) unduly favor the interests of private industry at the expense of tribes, local and state governments, natural resources, and local citizens. As our trustee, we urge you to ensure that any hydropower legislation passed out of the Committee will only strengthen Tribes' ability to give input on hydropower licensing decisions at hydropower facilities.

The Snoqualmie Tribe is adamantly opposed to legislative reforms efforts that seek to undermine current mechanisms that ensure adequate consideration of the effects of a proposed hydropower project on affected Indian lands and natural resources. In particular, the proposed changes to §§ 4(e) and 18 of the Federal Power Act and § 401 of the Clean Water Act would enable FERC to disregard mandatory conditions imposed by federal and state land management agencies. Disregarding the established expertise and mission of such agencies to evaluate and mitigate impacts to Indian lands and natural resources directly undermines the federal government's ability to fulfill its trust and treaty obligations to Indian tribes. For example, §§ 34 and 37 of the draft legislation would allow FERC to effectively waive conditions necessary to implement the Northwest Power Act, Endangered Species Act, or the Clean Water Act if a state, tribe, or federal agency cannot meet a FERC deadline. Additionally, the proposed schedule of 120 days to complete all "federal authorizations" is unworkable in practice and will inevitably lead to such waivers.

It is imperative that any legislative reforms to the hydropower permitting process adequately consider and mitigate the impacts to Indian lands, Tribal sacred sites, and natural resources. Historically, American Indian tribes have experienced disproportionate negative effects when dams, including hydroelectric projects, were approved without adequate tribal consultation or consideration of the effects on surrounding natural resources. For example, in the past, hydropower dams have flooded Indian reservations resulting in the permanent loss or damage to Tribal lands and sacred sites.

Given the Snoqualmie Tribe is a signatory to the Treaty of Point Elliot of 1855, the federal government has an enforceable fiduciary obligation to act as trustee on the Tribe's behalf. Of critical significance to our people is Snoqualmie Falls, a 268-foot waterfall that is the place of our creation history and our most sacred site. The Falls are an essential part of our cultural and religious practices where we pray, conduct sacred ceremonies, and traditionally buried our dead. Our Tribe is all too familiar with the negative impacts of inadequately planned hydroelectric dams on our culture, lands, and very way of life. For more than 100 years, Snoqualmie Falls has been hampered by the diversion of its water for a hydroelectric dam that significantly reduces the strong flow of water and the mists coming from the Falls. Without these, our religious practices are severely limited and we cannot fully engage in our cultural heritage.

The current draft hydropower reform legislation does not appropriately balance various stakeholders' interests and, instead, prioritizes private industry interests above the federal governments' responsibility as trustee to Tribes. Accordingly, we urge the Committee to ensure that legislation passed out of the Committee strengthens Tribes' ability to give input on hydropower decisions.

Thank you for your consideration on this very important religious and cultural issue to our Tribe. We look forward to working with the Committee to ensure any hydropower reform efforts are suitably tailored to uphold the federal government's trust responsibility to Indian peoples and protect tribal treaty rights.

Sincerely,

Snoqualmie Tribal Council

cc: Members of the House Energy and Commerce Committee  
Congressman David Reichert  
Congresswoman Suzan DelBene