

May 25, 2016

Comments on Tribal Rights Related to MBTL Coal Export Terminal Proposal

The SEPA DEIS Summary indicates the following:

#### Tribal Resources

Activities related to the Proposed Action would cause physical or behavioral responses in fish or affect aquatic habitat in the Columbia River. These impacts could reduce the number of fish surviving to adulthood and returning to areas upstream of Bonneville Dam, thereby affecting the number of fish available for harvest by the tribes. Trains related to the Proposed Action would **travel through areas adjacent to and within the usual and accustomed fishing areas of Native American Tribes** and could restrict access to tribal fishing areas in the Columbia River. Because other factors besides rail operations affect fishing opportunities, such as the number of fishers, fish distribution, timing, and duration of fish migration periods and seasons, the extent to which rail operations related to the Proposed Action would affect tribal fishing is difficult to quantify. Making a determination of significance related to treaty reserved rights related to traditional fishing sites on the Columbia River is not determined in this SEPA Draft EIS.

Based on the Longview Public Testimony on May 24, 2016 from the Cowlitz, Warm Springs, Crow, and Cheyenne Tribal Officials and membership, it appears that tribal rights have been basically ignored and undetermined in the relation between the proposed Coal Export Terminal and the Tribal rights of usual and accustomed activities.

This is unacceptable behavior and although the White European settlements began nearly 400 years ago, the tribal inhabitants have been in the area for nearly 10,000 years.

Items to think about in the DEIS Review are as follows:

Tribal Access to Fishing in the seven states related to the MBTL – Coal Export Terminal are as follows: Washington, Oregon, Idaho, Montana, Wyoming, Utah, and Colorado.

Tribal Access to Hunting in the seven states related to the MBTL – Coal Export Terminal are as follows: Washington, Oregon, Idaho, Montana, Wyoming, Utah, and Colorado.

Tribal Rights of the more than 60 Federally Recognized Native American Tribes or Reservations in Washington, Oregon, Idaho, Montana, Wyoming, Utah, and Colorado.

It is my recommendation to choose the “No Action Alternative” for this project.

Thank you for the opportunity to make public comments on the MBTL Coal Export Terminal.

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