



STATEMENT OF THE YAKAMA NATION REGARDING COAL EXPORT ISSUES

November 18, 2013

Given during the Oregon Physicians for Social Responsibility's Press Conference

Good morning, my name is Kristina Proszek. I am the Environmental Review Coordinator for the Yakama Nation. I have been asked to deliver the following prepared statement on behalf of the Yakama Tribal Council. The Yakama Nation is a federally recognized sovereign Indian Nation. Through the Yakama's Treaty of 1855 with the United States, the Yakama Nation has reserved certain rights. Among the various rights our ancestors reserved to themselves and future generations is the right to take fish at all usual and accustomed places, including the Columbia River, and the right to live free of such nuisances as may impair the enjoyment of these reserved rights. The proposed transportation of coal through our Nation's ancestral lands imperils these rights and compels this Council to honor its sworn duty to protect the rights that our ancestors reserved for us and for those not yet born who have no voice to advocate for themselves.

First and foremost, given the direct and indirect impacts that the coal export proposals would have on the Yakama People and our Treaty-reserved rights and resources, Yakama Nation is fully opposed to all coal export proposals, including the Millennium Bulk Terminal project at the Port of Longview. As such, Yakama Nation continues to ask all permitting agencies, including the U.S. Army Corps of Engineers and other state and local authorities to deny any and all permits related to these proposals. To be clear, Yakama Nation will not negotiate nor agree to so-called mitigation for any violations of its Treaty-reserved rights.

If the permitting agencies are not willing or able to deny the permits outright, Yakama Nation holds firm in its request to the Federal government for a comprehensive, region-wide environmental impact statement to quantify and discuss what the cumulative impacts of the three proposed coal export projects and the current coal-related activity would have on our People and the environment in the Pacific Northwest and globally.

Additionally, Yakama Nation continues to strongly support Oregon and Washington physicians and health professionals in calling for a regional, comprehensive Health Impact Assessment of current and proposed coal transport and export in the Pacific Northwest. It's important that this HIA includes a public review and comment process to ensure that all potential impacts to human health are fully identified, quantified, and discussed.

On a project-specific level, short of a denial of the permit to move forward with the Millennium Bulk Terminal, Yakama Nation is asking the U.S. Army Corps of Engineers and the Washington State Department of Ecology to quantify and discuss all potential impacts to our People and resources in their respective environmental impact statements, including impacts from the coal's origins in the Powder River Basin, through our homelands, to Asia – and back to our region in the form of toxic coal plant emissions. This broad but legally appropriate review is requested because all transportation-related impacts from the coal's source to its destination, as well as the use of the coal at its destination, will have negative direct and indirect impacts on the Yakama People, as well as on our Treaty-reserved rights and resources.

For instance, it's imperative that the relevant agencies conduct a thorough analysis of the potential impacts of current and increased levels of rail traffic to tribal fishers, their customers, and tribal members on and near the Yakama Reservation and especially through the Columbia River Gorge. A sad history of train-related fatalities at current levels of rail traffic naturally suggests that elevated levels of rail traffic in the Columbia Basin, particularly through the Columbia Gorge, will increase mortalities to tribal members attempting to exercise their Treaty-reserved fishing and food gathering rights at usual and accustomed places. The probability of train-strike fatalities, injuries, and property damage can be quantified based on these tragic statistics, and the EISs should analyze the expected additional mortalities to tribal members and others that would be caused by the projected increase in rail traffic associated with this and all of the proposals.

Further, we have observed and it has been documented that current coal trains are already depositing coal dust on our lands and into our waters in the region. We must fully understand what the increased coal dust and rail diesel emissions will mean for our air and water quality, and for the health and wellbeing of our People and resources – with an additional 16 trains passing through the Gorge everyday going just to the Port of Longview. These cumulative impacts need to be quantified and discussed in relation to Clean Water Act requirements, among other applicable laws, regulations, and Treaty rights.

The proposed Millennium Bulk Terminal site itself would be located on a now defunct aluminum production facility that is currently undergoing a remedial investigation under Washington State's Model Toxics Control Act (MTCA). The EISs must include a full description of the extent of the contamination and how a coal port can be constructed without impeding the implementation of a remedy that protects and preserves Yakama Nation's resources. It does not seem possible that an adequate EIS can be completed if the nature of the contamination at this site is still being characterized and the method of cleanup, including cleanup levels, has not been determined. Yakama Nation expects that the post-remedy conditions of the site will be absolutely resolved before any permit is granted to commence the Millennium Bulk Terminal. The state cannot short cut cleanup of the current contamination onsite. Some of the contaminants at the proposed Millennium Bulk Terminal site include fluoride, cyanide, metals, and PCBs, which have all been shown to be toxic to aquatic receptors.

These are only a few of Yakama Nation's many concerns and the potential impacts to human health, safety and the environment that need to be fully analyzed and discussed in the environmental impact statements to be prepared by the U.S. Army Corps of Engineers and the Washington State Department of Ecology for the proposed Millennium Bulk Terminal at the Port of Longview. If the Millennium Bulk Terminal and other coal export permit applications are not denied outright, we look to the Federal, state and local government agencies to execute their public duties by fully examining the cumulative consequences of the Millennium Bulk Terminal before permitting it.

May it be clear, Yakama Nation stands firm in its opposition with other Northwest tribes, elected leaders, organizations, physicians and others – we say NO to coal.

This concludes the statement of the Yakama Nation.

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