

1 Department has emergency services responsibilities. Title to these properties is held by the
2 United States for the benefit of CRITFC's member tribes. I supervise a staff of nineteen
3 officers and dispatchers in the Enforcement Department.
4

5 **Q. MR. MICHAEL BRONCHEAU PLEASE DESCRIBE YOUR JOB DUTIES,**
6 **BACKGROUND AND QUALIFICATIONS.**

7 **A.** I manage CRITFC's Fishing Site Maintenance Department (FSMD), which provides
8 operations and maintenance (O&M) services to the IL/TFAS along the Columbia River. My
9 duties include preparing and monitoring budgets and contracts; supervising O&M crews;
10 approving budgeted expenditures; ensuring that capital improvements and emergency repairs
11 to the IL/TFAS are done in a timely and fiscally responsible manner; coordinating IL/TFAS
12 maintenance and related site closures as needed; and acting as a liaison with tribal fishers,
13 contractors, USArmy Corps of Engineers, Bureau of Indian Affairs, state parks agencies,
14 port authorities and municipalities. I have worked for CRITFC since August 17, 2003 as the
15 Project Coordinator for the IL/TFAS sites; this position was reclassified as a managerial post
16 in 2012. I supervise a staff of six to seven members in the FSMD.
17

18 I am a Nez Perce tribal member, born in Grangeville, ID and graduated high school in Ukiah,
19 Oregon in 1971 . I started at Eastern Oregon College in September 1971 and was drafted
20 into the U.S. Army on January 10, 1973. I served over thirty years active duty in the U.S.
21 Army and the Oregon Army National Guard, retiring in May 2003. I am a graduate of the
22 Calvary Officer Basic and Advance Course, Command and Staff Service School, Inspector
23 General Course and the Anti-Terrorist Train the Trainer course and several non-commission
24

1 officer schools in Europe and the U.S. I have an Associate of Science degree from Blue
2 Mountain Community College in Civil Engineering Technology.

3
4 **Q. PLEASE DESCRIBE THE IN-LIEU SITES.**

5 **A.** The In-Lieu sites (IL) are those sites identified in 25 CFR Part 248. Appendix A to this
6 testimony contains maps of the sites. Among other things, the maps show the proximity of
7 the sites to the Burlington Northern Santa Fe (BNSF) railroad tracks near the Washington
8 shore of the Columbia River and Union Pacific (UPRR) railroad tracks near the Oregon shore
9 of the Columbia River. At the Cooks and Cascade Locks IL sites, the railroad tracks are
10 immediately adjacent to the sites. Tribal member dwellings are located within thirty yards of
11 the railroad tracks at both sites.

12
13 The Cascade Locks IL is located at the west end of the Port of Cascade Locks riverfront park
14 within the city limits of Cascade Locks, Oregon. There are approximately ten people who
15 reside at the Cascade Locks IL year round. The only means of egress are via a road that
16 parallels UPRR tracks for approximately 300 yards to an underpass of the UPRR tracks to
17 get to the main street out of Cascade Locks, or, alternatively, via the public boat ramp to the
18 Columbia River in the Port of Cascade Locks river front park.

19
20 The Cooks IL is on a rocky peninsula along the Columbia River near Underwood,
21 Washington at a location commonly known as Cooks Landing. The only means of egress
22 from the Cooks IL are via a road that crosses the BNSF railroad tracks at grade or via a boat
23 ramp to Columbia River by watercraft. Approximately twenty-five people reside at the
24

1 Cooks IL year round. Dwellings are crowded, there is some utility infrastructure, there are
2 many vehicles, boats and trailers, valuable commercial fishing equipment, and ancillary
3 structures.

4 The Underwood IL is within 100 yards of the BNSF railroad tracks. State route (SR) 14
5 separates Underwood IL from the BNSF railroad tracks.

6
7 None of the IL have fire hydrants or other firefighting water supply capabilities. None of the
8 IL have firefighting apparatus on site.

9
10 **Q. PLEASE DESCRIBE THE TREATY FISHING ACCESS SITES.**

11 **A.** The Treaty Fishing Access Sites (TFAS) are those sites identified in the Bureau of Indian
12 Affair's regulations at 25 CFR Part 247. Appendix B to this testimony contains maps of the
13 TFAS showing the proximity of the sites to BNSF and UPRR railroad tracks on the
14 Washington and Oregon shores of the Columbia River, respectively.

15
16 There are six sites on the Oregon side that are immediately adjacent to UPRR tracks. There
17 are fifteen sites on the Washington side that are immediately adjacent to BNSF tracks. All of
18 these sites require passage over or under rail or via watercraft transit to ingress or egress.
19 Campsites are located at each of the sites and can be quite crowded. There is some utility
20 infrastructure, many vehicles, boats and trailers, valuable commercial fishing equipment, and
21 ancillary structures.

1 Except for Wyeth, none of the TFAS have fire hydrants or other firefighting water supply
2 capabilities. None of the TFAS have firefighting apparatus on site. The proximity of
3 apparatus ranges from a one to two miles (such as at North Bonneville and Faler Road) and
4 as far as twnty miles (such as at Pasture Point and Three Mile Canyon).

5
6 **Q. HOW MANY PEOPLE RESIDE AT THE SITES DURING FISHING SEASONS**
7 **BETWEEN MARCH AND OCTOBER?**

8 **A.** Between 115 and 901 tribal fishers resided at the IL/TFAS each month between March and
9 October 2015. There is year-around residential use at Cooks (25), Underwood (4), Cascade
10 Locks (6), Lyle (18) and Lone Pine (26). See attached table for additional information
11 concerning the numbers of people residing at the IL/TFAS.

12
13 **Q. WHAT IS THE EGRESS SITUATION AT THE TREATY FISHING ACCESS SITES?**

14 **A.** There are six sites on the Oregon side that are immediately adjacent to UPRR tracks. There
15 are fifteen sites on the Washington side that are immediately adjacent to BNSF tracks. All of
16 these sites require passage over or under rail or via watercraft transit to ingress or egress.

17 For example:

- 18 - North Bonneville TFAS: In case of a derailment on the track adjacent to the TFAS, the
19 only egress would be on SR-14 to the west. The BNSF tracks are within 5-10 yards of
20 25% of the most eastern part the TFAS. That 25% area includes the drain-field, dry shed,
21 fish cleaning station, septic holding tanks and the restroom/shower facilities. There are no
22 boat ramps or docks at North Bonneville TFAS.

1 - Wyeth TFAS: In case of a derailment adjacent of the TFAS the only vehicle accessible
2 land based egress is over the bridge that cross the UPRR tracks or by boat from the boat
3 ramp and dock to the north. Almost the entire site is within 150 yards of the UPRR
4 tracks. The facilities within 150 yards include the front gate, pump house & well, fish
5 cleaning station, double vault toilet and five camp sites.

6
7 - White Salmon TFAS: The site is directly adjacent to the BNSF tracks. There is one
8 paved access road onto or off of the site. 80% of the fishing site is between 50 and 150
9 yards of the tracks. Facilities include the front gate, fish cleaning stations,
10 restroom/shower facility, drain field & septic tanks and all seven camp sites. The only
11 other egress is by boat at the boat ramp and dock. Egress by land along the banks of the
12 river may be possible but there are wooded area with a lot of under-growth that could be
13 engulfed in flames during a derailment.

14
15 Separate from the IL/TFAS, it is important to note that there are many undeveloped locations
16 that tribal members, and others, use via vehicle and pedestrian crossings to access the
17 Columbia River for fishing and recreational purposes along the 150 mile reach between
18 Bonneville and McNary of the BNSF and UPRR railway

19
20 **Q. WHAT FIREFIGHTING CAPABILITIES EXIST AT THE TREATY FISHING**
21 **ACCESS SITES?**

22 **A.** With the exception of Wyeth, none of the IL/TFAS have fire hydrants or other firefighting
23 water supply capabilities. The proximity of apparatus ranges from a mile or two for North
24

1 Bonneville and Faler Road and as far as twenty miles for Pasture Point and Three Mile
2 Canyon.

3
4 **Q. WHAT EMERGENCY SERVICES DOES THE COLUMBIA RIVER INTER-
5 TRIBAL FISH COMMISSION PROVIDE TO THE TREATY FISHING AND IN-
6 LIEU SITES?**

7 **A. Mitch Hicks.** The Enforcement Department provides twenty-four hours a day, seven days a
8 week law enforcement services at the IL/TFAS. These services include fish and wildlife law
9 enforcement, response to criminal calls, investigations, search and rescue, community
10 policing, and interagency mutual aid. However, given the geographic area that we must
11 cover, our capabilities are very limited.

12
13 The Enforcement Department provides water-borne rescue services along the Columba River
14 between Bonneville and McNary. CRITFC's patrol staff are generally capable of reaching
15 any point on this stretch of the River within 90 minutes, 12 months per year.

16
17 **Q. DOES THE COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION PROVIDE
18 FIREFIGHTING OR RELATED EMERGENCY RESPONSE SERVICES FOR THE
19 IN-LIEU OR TREATY FISHING ACCESS SITES?**

20 **A.** No. We have reviewed the comments of the City of Vancouver regarding its emergency
21 preparedness concerns related to the proposed Vancouver Energy development. Many of the
22 concerns expressed by the City of Vancouver would apply with equal or greater degree to the
23 IL/TFAS. For instance, to the best of our knowledge there are:

- 1 - No tribally authorized plans for evacuating residents at any of the IL/TFAS in case of a
2 derailment or or spill;
- 3 - No plans for sheltering tribal members that might be evacuated in the event of a spill;
- 4 - No emergency notification procedures to protect tribal members using the IL/TFAS in the
5 event of a derailment and oil spill;
- 6 - No assessment of the burden that a derailment and spill would place on the dispatch
7 services of the CRITFC Enforcement Department; CRITFC maintains one of the only
8 radios systems on the Columbia River with continuous single channel service from the
9 Tri-Cities, WA to below Bonneville Dam;
- 10 - No water supplies at any of the IL/TFAS sufficient for emergency fire-fighting
11 capability, the only water supplies are for drinking water;
- 12 - No identified fire-fighting or emergency response teams that would be specifically
13 responsible for protecting the IL/TFAS and residents in the event of a derailment and oil
14 spill;
- 15 - No provision for the establishment and resourcing tribal emergency responders with
16 capability of protecting the IL/TFAS and tribal residents; and
- 17 - No independent analysis of the risks and impacts the project represents to tribal members
18 fishing and living along the Columbia River.

19
20 **Q. PLEASE SUMMARIZE YOUR CONCERNS.**

21 **A.** Broadly speaking, CRITFC is the only tribal first-responder located along the Columbia
22 River and it lacks:

- 23 - Pre-emergency plans

- 1 - Tactics and strategies
- 2 - Training
- 3 - Equipment
- 4 - And other related resources

5 To effectively deploy such capabilities, they must be developed in close coordination with
6 the tribes' governing bodies, the tribes' on-reservation emergency response capabilities, the
7 Bureau of Indian Affairs, the U.S. Environmental Protection Agency, and other federal
8 agencies and local governments.

9
10 **Q. HAVE YOU ATTENDED ANY TRAINING SESSIONS CONCERNING SAFETY**
11 **ISSUES AND FOSSIL FUEL SHIPMENTS ALONG THE COLUMBIA RIVER?**

12 **A.** Yes. This training has been especially informative as to the very limited capabilities
13 dedicated to protecting the tribes' interests along the Columbia River. Federal, state and
14 county agencies have expressed concerns about their limited emergency response capabilities
15 to address a train derailment and oil spill. Through these trainings we have learned that
16 tribal emergency response resources along the Columbia River, compared to the inadequate
17 state and federal resources, are essentially non-existent.

18
19 **Q. DO YOU HAVE CONCERNS ABOUT THE GEOGRAPHIC RESPONSE PLANS**
20 **FOR THE COLUMBIA RIVER FROM BONNEVILLE TO MCNARY DAMS.**

21 **A.** The three Geographic Response Plans (GRPs) for the section of the Columbia River between
22 Bonneville and McNary dams anticipate using a number of these IL/TFAS for oil collection
23
24

1 actions. Neither CRITFC nor its member tribes officially participated in the development of
2 these GRPs.

3
4 **Q. WHAT TECHNICAL CAPABILITIES WERE OFFERED AT THESE TRAINING**
5 **SESSIONS?**

6 **A.** Information and training only. No funding, equipment or personnel.
7

8 **END OF DIRECT TESTIMONY**

9 I declare under penalty of perjury that the above testimony is true and correct to the best of
10 my knowledge. Executed this 13th day of May, 2016.

11
12 

13 Mitchell Hicks
14
15

16 I declare under penalty of perjury that the above testimony is true and correct to the best of
17 my knowledge. Executed this 13th day of May, 2016.

18
19 

20 Michael Broncheau
21
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23
24



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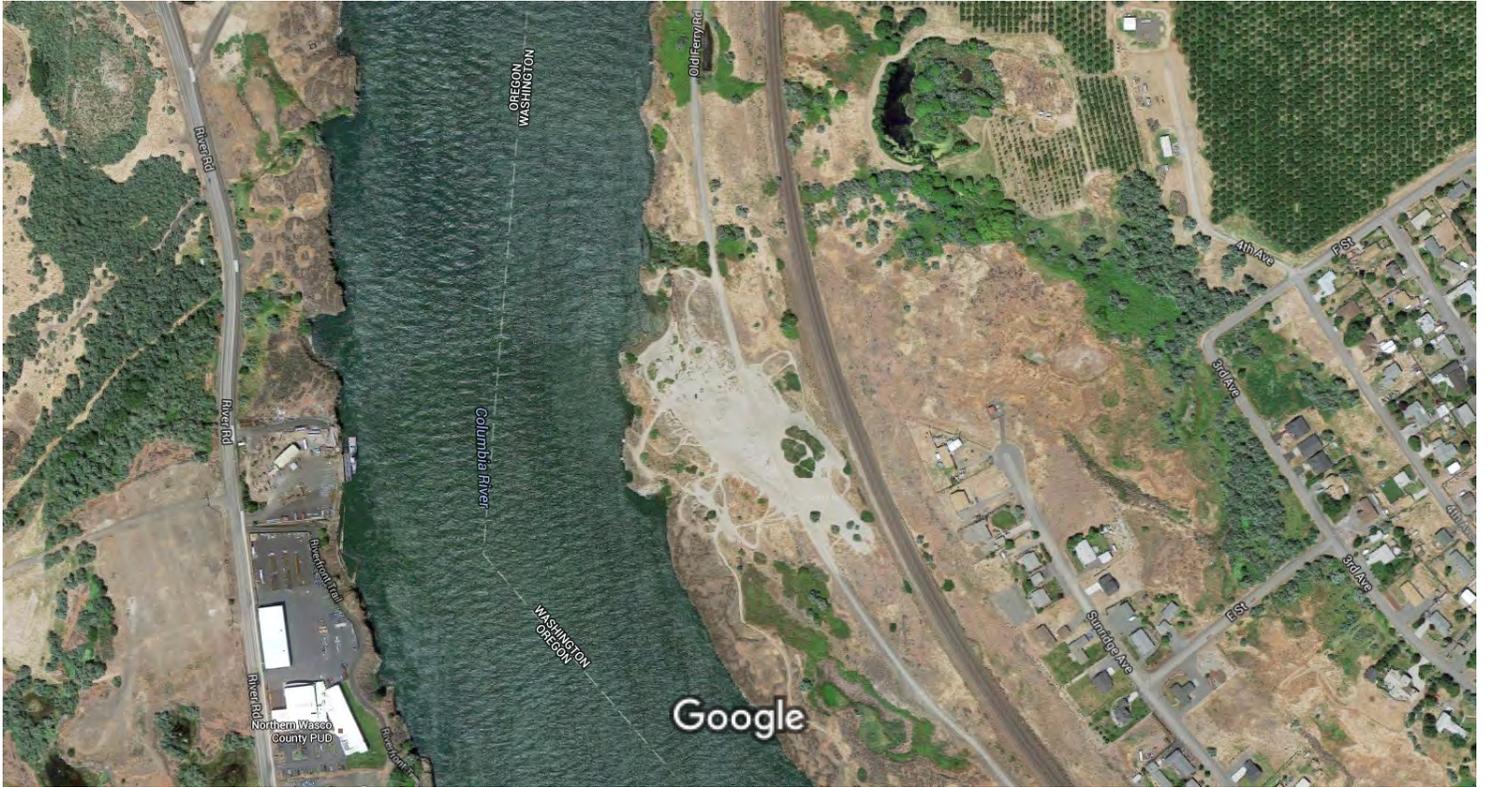
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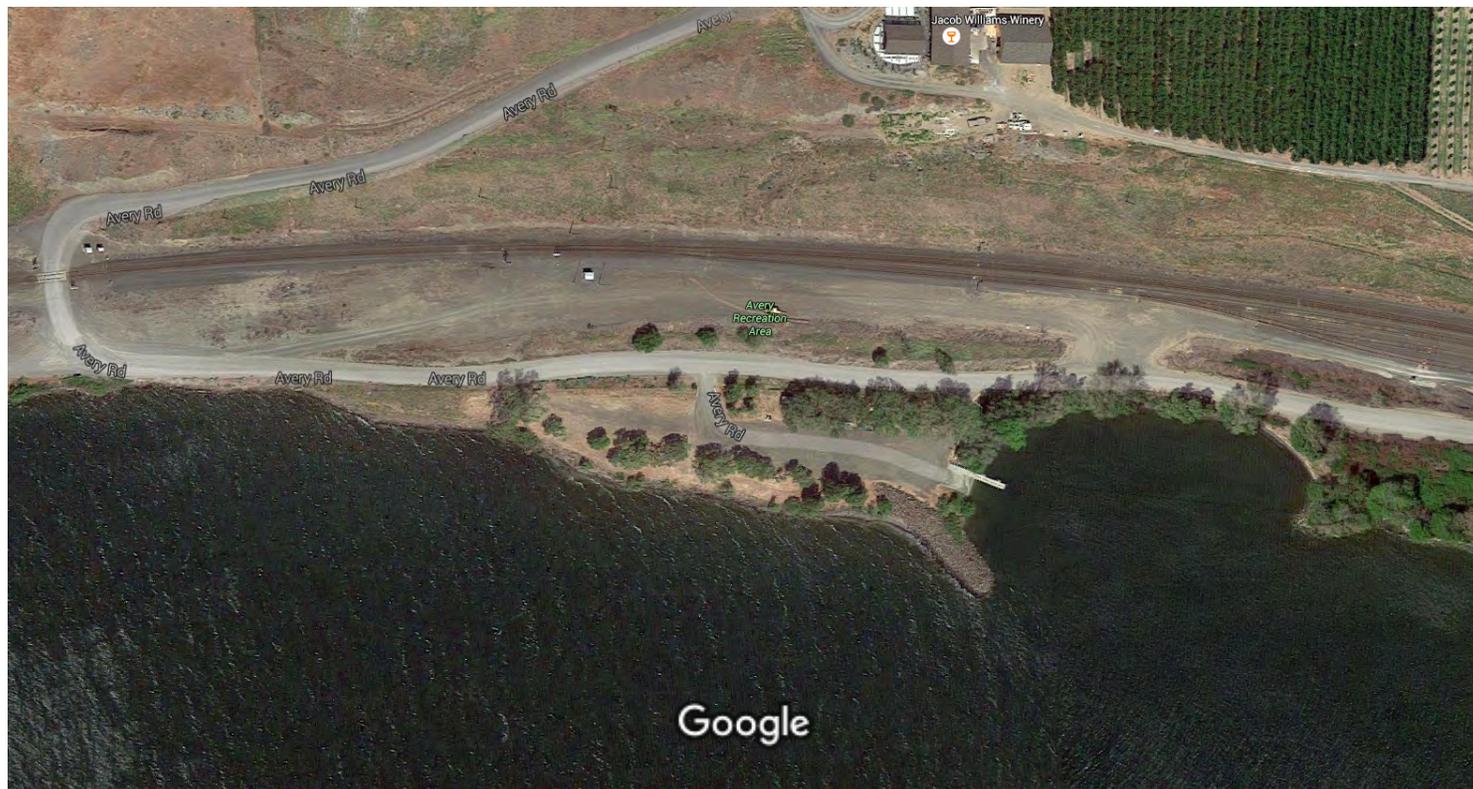
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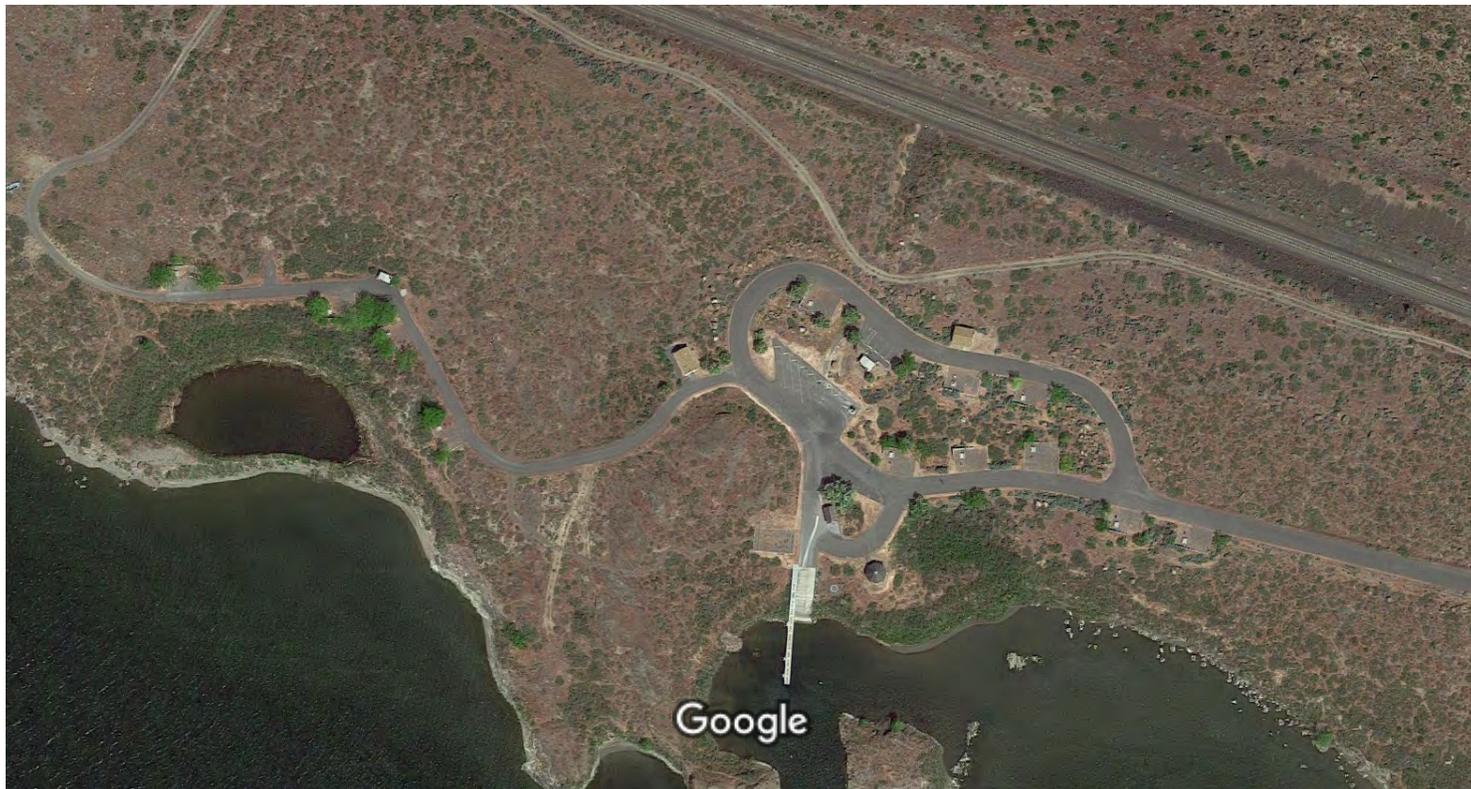


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