Columbia River Inter-Tribal Fish Commission

Resolution

COMMISSION RESOLUTION NO. 14-01

Opposing the Transportation of Crude Oil Through the Columbia River Gorge and Indian Reservations

PREAMBLE

The Columbia River Inter-Tribal Fish Commission (CRITFC), formed by the Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes and Bands of the Yakama Nation, in providing a forum to coordinate joint tribal efforts to protect, promote, and enhance member tribes' treaty-reserved natural resources and fishing rights using holistic management of both the fish and the ecosystem upon which those fish depend, does hereby establish the following resolution:

WHEREAS, we oppose projects that substantially degrade treaty fishery resources and the ecosystems upon which those resources depend; and

WHEREAS, CRITFC Resolution 13-01 recognizes that the three (3) proposed projects for the transport and export of coal through the Columbia River Gorge pose significant risks to tribal rights and resources; and

WHEREAS, through CRITFC Resolution 13-02, we oppose development, transportation and use of Canada tar sands oil and related megaload transportation through tribal lands; and

WHEREAS, the currently proposed transport projects represent an unprecedented surge in the use of rail to transport millions of gallons of volatile, unrefined crude oil from the Bakken oil field and Alberta oil sands and millions of tons of coal from the Powder River Basin to ports on the Columbia River, Grays Harbor, and the Salish Sea; and

WHEREAS, the transport of this volatile crude oil and coal to existing or proposed new terminals would go by rail through the Columbia River Gorge; and

WHEREAS, the rail transport of this volatile crude oil and coal to existing or proposed new terminals would go through Indian reservation lands and ceded territories of all of the CRITFC member tribes; and

WHEREAS, the proposed crude oil and coal transport projects would pose significant risks to treaty-protected tribal rights and resources, including displacement and elimination of traditional fishing, hunting, and gathering sites; and

WHEREAS, CRITFC recognizes that a small number of trains transporting crude oil and coal currently pass through the Columbia River Gorge are currently affecting treaty-reserved resources, and that more trains would increase that burden; and

WHEREAS, if each of these proposals is approved, as many as twenty (20) additional trains of crude oil per day and as many as eighteen (18) additional trains of coal per day will travel adjacent to the Columbia River, which will present greater hazards and obstacles to tribal fishers crossing the tracks to access treaty fishing sites, increase the risk of derailment and spill of these contaminating substances, and will result in further expansion of existing rail lines that will require fill for shorelines, wetlands, and streams; and

WHEREAS, crude oil that is and will be transported is either Bakken crude oil, a highly volatile substance, or Canada oil sands bitumen, a heavy and extremely viscous substance, both of which are capable of contaminating water and destroying Columbia River natural resources in the event of an accident; and

WHEREAS, the DOT-111 class rail cars that carry crude oil are structurally unfit for handling volatile substances, rail cars carrying coal have the propensity for derailment, and that none of these trains are well regulated, lack any assertion of effective oversight by any government, and need to be improved if they are to be used in these sensitive areas; and

WHEREAS, the design and performance of rail cars used for shipment of crude oil and coal needs to be improved regardless of whether any of the new proposed transport projects go forward; and

WHEREAS, the proposed projects could degrade or destroy cultural and religious sites in the Columbia River Gorge; and

WHEREAS, there are no adequate accident response plans in place that will prevent the previously mentioned adverse effects in the event of derailment; and

WHEREAS, the projects will degrade the water quality of the Columbia River and adversely impact salmonid, lamprey, and sturgeon habitats.

NOW THEREFORE BE IT RESOLVED, that the Columbia River Inter-Tribal Fish Commission opposes all current and proposed transportation of unrefined fossil fuel energy resources including Bakken Shale Oil, Canada Oil Sands, and coal through the Northwest and along the Columbia River via rail, truck, and vessel, and calls upon the federal government to protect the inherent rights of tribes and those rights reserved by treaty; and

BE IT FURTHER RESOLVED, that the Columbia River Inter-Tribal Fish Commission calls upon the federal government, including, but not limited to, Region 8 of the Federal Railway Administration of the United States Department of Transportation, to improve the safety of rail cars used for shipment of oil and coal and to develop timely accident response, first responder, and contamination response and cleanup plans in the event of derailments in the Columbia River Gorge; and

BE IT FINALLY RESOLVED, that the Columbia River Inter-Tribal Fish Commission calls upon the federal government to fulfill its trust obligation to protect treaty and aboriginal resources by conducting a comprehensive risk assessment of the effects of these energy transport proposals on indigenous peoples of the Northwest, and ensuring that every federal agency involved with these approval processes consult directly and individually with CRITFC's member tribes, as is directed by Presidential Executive Order 13175.

CERTIFICATION

The foregoing Resolution was adopted at a Regular Commission Meeting of the Columbia River Inter-Tribal Fish Commission held on the 18th day of April, 2014, at which a quorum was present. The vote for the Resolution was 4 for and 0 opposed.

Joel Moffett
Chairman

Attest

Gerald Lewis
Secretary