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WHISTLING RIDGE ENERGY LLC
CHIEF WILBUR SLOCKISH, JR.
PREFILED REBUTTAL TESTIMONY
EXHIBIT NO. 13.00r

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application No. 2009-01: WHISTLING RIDGE ENERGY LLC; WHISTLING RIDGE ENERGY PROJECT	EXHIBIT NO. 13.00r
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APPLICANT'S PREFILED REBUTTAL TESTIMONY

WITNESS #14: CHIEF WILBUR SLOCKISH, JR.

My name is Wilbur Slockish Jr. I reside at 89 Main Street in Wishram, Washington. I am the hereditary Chief of the Klickitat tribe of the Yakama Nation, and I am testifying for myself as an intervener in these proceedings.

Q What is the purpose of this testimony?

A I am an intervenor in these proceedings. This testimony is offered to rebut the testimony filed by representatives of the Yakama Nation. Like Johnny Jackson, I have asked the Applicant to file this testimony on my behalf, as I am not equipped to independently complete the filing in accordance with EFSEC's requirements in these proceedings. However, my testimony is my own.

1 Q Are you able to answer questions under cross-examination regarding your testimony?

2

3 A Yes.

4

5 Q Who are the Klickitat and Cascade Tribes of the Yakama Nation?

6

7 A Since the beginning of our existence in the Columbia River Gorge, we have had
8 villages located along the Columbia River. Lewis & Clark documented numerous
9 villages of ours in their journals. Each village, or group of related villages, comprised
10 a tribe with a Chief who was their leader and spokesperson.

11 The villages and tribes along the Columbia River were consolidated, re-
12 defined and labeled by the U.S. Government for ease of Treaty negotiation. At the
13 time of the Yakama Treaty negotiations in 1855, the tribes in the Columbia Gorge
14 area were represented by Chief Sla-kish, who was Chief of the tribes in what is today
15 the Lyle, Dallesport and Wishram areas. Tawatosh was Chief of the tribes in what is
16 today the Bingen, White Salmon, Underwood, Drano Lake, Hood River areas. There
17 were other Chiefs for both upriver and downriver tribes/villages as well.

18 For the purposes of Treaty negotiations, the smaller tribes and villages on the
19 north side of the Columbia River in this area were consolidated by the U.S.
20 government as the Klickitat Tribe, or the Cascades Tribe, and further consolidated
21 and labeled with others as the Yakama Indian Nation. The tribes on the south side of
22 the Columbia River, even those who were related to those on the north side of the
23 Columbia River, were consolidated as part of the Warm Springs Nation. Chief Sla-
24 kish was chosen to represent, negotiate and sign the Yakama Treaty of 1855 on behalf
25 of the Klickitat and Cascades Tribes, being all those on the north side of the
26 Columbia River in the Columbia Gorge area.

1 Chief Sla-kish was the last to sign the Treaty, and he did so reluctantly. He
2 had been given an ultimatum by Governor Isaac Stevens to sign the Treaty or “the
3 Columbia River will run red with the blood of [his] people”. He agreed on the
4 understanding that his people would be allowed to remain living along the Columbia
5 River provided they did so peacefully with white settlers. It was important to Chief
6 Sla-kish that his people reserve the right to live along the river so that we could
7 continue to fish our rivers and protect our sacred grounds.
8

9 Q How are the Klickitat and Cascades tribes part of the Yakama Nation and a subject to
10 the Yakama Treaty of 1855?

11
12 A There are 14 bands and tribes of the Yakama Nation. The Klickitat and Cascades
13 tribes are among them. Our treaty rights are reserved unto us through the Yakama
14 Treaty. While we are bound together as a Yakama Nation and subject to the Yakama
15 Treaty, the 14 bands and tribes did not give up our unique identities. The Preamble of
16 the Treaty reads:

17 *“Articles of agreement and convention made and conclude at the treaty*
18 *ground, Camp Stevens, Walla Walla Valley, this ninth day of June, in the year*
19 *one thousand eight hundred and fifty five, by and between Isaac I. Stevens,*
20 *governor and superintendent of Indian affairs for the territory of Washington,*
21 *on the part of the United States, and the undersigned head chiefs, chiefs,*
22 *head-men, and delegates of the Yakama, Palouse, Pisquouse, Wenatshapam,*
23 *Klikatat, Klinquit, Kaw-was-say-ee, Li-ay-was, Skin-pah, Wish-ham, Shyiks,*
24 *Ochechotes, Kah-milt-pah, and Se-ap-cat, confederated tribes and bands of*
25 *Indians, occupying lands hereinafter bounded and described and lying in*
26 *Washington Territory, who for the purposes of this treaty are to be*

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considered [emphasis added] as one nation, under the name “Yakama”, with Kamaiakun as its head chief, on behalf of and acting for said tribes and bands, and being duly authorized thereto by them.”

The Treaty language clearly states that the tribes, “for the purposes of this treaty are to be considered as one nation”. The consolidation of the 14 tribes into one nation was for the purposes of negotiating our treaty. This language means that we are unified as the Yakama Nation for many purposes, including government to government interactions regarding the rights reserved to us in our Treaty, but it does not mean that our people relinquished our right to have and hold our unique identities as tribes. We still have the right to maintain our identity, our unique customs, traditions and culture. We still have the right to represent ourselves and speak with authority, using our own voices, regarding our ancestral lands. In fact, we still live on our ancestral lands. We are the most knowledgeable and have the greatest expertise in identifying and recounting the traditional and cultural resources of our ancestral lands. We still have the right to pass down and represent our traditional and cultural ways as distinct tribes of the Yakama Nation. We are a part of our Yakama Nation, and we respect our tribal government, but we also retain the right to speak for and represent our people, our individuality, and our unique customs and culture. These rights that we have to speak and represent our people as Chiefs are sacred to us and is in keeping with our traditional ways.

Q How did you come to be Chief of the Klickitat tribe of the Yakama Nation?

A Sla-kish was my great-great grandfather and he was Chief of the Klickitat tribe. My father, Wilbur Slockish Sr., was Chief before me. My mother was from the Husum

1 area along the White Salmon River. I was born 1944. My Indian name is Sla-kish,
2 after my great-great grandfather, Chief Sla-kish.

3 I am the hereditary Chief of the Klickitat Tribe of the Yakama Nation. Chief
4 Johnny Jackson of the Cascades Tribe is my cousin.

5 My ancestral heritage is as follows:

- 6 • Chief Sla-kish
 - 7 ○ Jack Long Sla-kish (son)
 - 8 ■ Frank Sla-kish (grandson)
 - 9 • Inez Slakish Jackson (great granddaughter)
 - 10 ○ Johnny Jackson (great great grandson)
 - 11 • Minnie Slakish
 - 12 • Arlene Slakish (great granddaughter)
 - 13 • Sally Slakish Buck (great granddaughter)
 - 14 • Lillian Slakish (great granddaughter)
 - 15 • Wilbur Slakish (great grandson)
 - 16 ○ Wilbur Slakish Jr. (great great grandson)
 - 17 • Cody James Slakish (great grandson)

18
19 Q Are you a Yakama fisherman?

20
21 A I live on the banks of the Columbia River where my family has lived and fished for
22 generations. I am a fisherman of the Columbia River. The Columbia River (Nch' i-
23 wana) was the lifeline of my people in the past, and it still is today. When the federal
24 government flooded the Columbia River and Celilo Falls was submerged, we
25 remained here to fish. My family has always fished the Columbia River and its
26 tributaries. I have long fought for the right of my people to fish in our traditional

1 fishing areas. I have witnessed the decline of fish in the watershed due to
2 industrialization, including hydropower, nuclear, coal and gas power & over-fishing.
3 These activities have contaminated the Columbia River. The watershed of the Nch' i-
4 wana is a vast network of resources that housed, fed and clothed my people.
5

6 Q What is the source of your knowledge and expertise in this area of the Columbia
7 River?
8

9 A The sources of my knowledge and information are the teachings of my elders who
10 have passed down their knowledge from my ancestors, dating back to Chief Sla-kish,
11 a signatory to the Treaty, and beyond. Our culture and history is distinct from those
12 of other tribes within the Yakama Nation. The rules and structure of the Yakama
13 Nation tribal government are different from our traditional rules and structure. We
14 respect the rules and structure of our Yakama Nation government but our traditional
15 Klickitat culture, history and rules must come first. In the past, the Tribal Council
16 and Cultural Resource Program have recognized our knowledge of traditional and
17 cultural resources in the Columbia River Gorge and asked us to share our knowledge
18 of traditional and cultural resources in this area.
19

20 Q How is a Chief designated?
21

22 A The designation of Chief is passed down within a family. A Chief serves his people
23 until death or his inability to serve. Skookum Wallahee (Sla-kish descendent) was
24 our Chief. Cody James Slockish (my uncle) was Chief after him. Wilbur Sr. (my
25 father) was the next Chief. My father passed to me the designation as Chief in 1998
26 when his health made him unable to continue. He died in 2004.

1 Q Are you familiar with the Council of Columbia River Chiefs?

2

3 A In the mid 1980's, the Council of Columbia River Chiefs was formed to work
4 together to advance the common interests of the tribes of the Yakama Nation located
5 along the Columbia River. Some tribes, like Cascades, were not well represented
6 and/or had lost their identities over time. In an effort to re-establish the identity of
7 the Cascades tribe, Columbia River elders named Johnny Jackson, a true descendent
8 of Sla-kish and lifetime resident of the Cascades area, to assume the role of Chief of
9 Cascades Tribes. Johnny Jackson agreed and in 1988 he was designated Chief of the
10 Cascades Tribe. A ceremony was held among the River Chiefs to formalize Johnny's
11 status. Chief Johnny Jackson and I continue to advance the objectives of the Council
12 of Columbia River Chiefs.

13

14 Q What is your responsibility as Chief?

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16 A My responsibility as Chief is to represent our tribal members and future generations'
17 interests. I must protect the gifts the creator has given us in land, water, air, animals,
18 plants, and life. I must protect these gifts so that our future generations can enjoy
19 them. My responsibilities as Chief also include protecting our ancestry, our burial
20 and resting sites and our heritage. I am responsible for representing and protecting
21 our historical and traditional ways and culture and passing on my knowledge of these
22 to our future generations. It is my duty to represent our history accurately and
23 correctly and pass it on to the future generations truthfully.

24

25 Q What activities have you undertaken in fulfillment of your responsibilities as Chief of
26 the Klickitat tribe of the Yakama Nation?

1 A Since being designated Chiefs, Johnny Jackson and I have worked together to
2 actively represent the Klickitat and Cascades Tribes. A few examples of my efforts
3 on external issues affecting our Tribes include:

- 4 • I have served on the Hanford Health Effects subcommittee
- 5 • I have served on committees regarding Hanford cleanup and proposed nuclear
6 waste storage areas on the Yakama Reservation.
- 7 • Prior to my becoming a Chief, I fought very hard for our rights, as tribal
8 fishermen, to exercise our treaty fishing rights in our traditional areas. I was
9 sent to prison for three years as part of a “sting” operation executed by the
10 federal government to catch tribal fishermen who were fishing outside of
11 seasons set by the federal government. I was convicted for exercising my
12 treaty rights to harvest fish. Subsequent to my conviction, treaty laws have
13 been further interpreted by federal courts, and tribal fishermen have been
14 provided with greater ability to fish in our traditional and customary manner,
15 as reserved unto us by our treaty.
- 16 • I am currently active on tribal issues with Columbia River Gorge Commission
- 17 • I am currently active on the Columbia River Inter-tribal Fisheries Commission
- 18 • Chief Johnny Jackson and I fought to protect a culturally significant vision
19 quest site on Enola Hill (south side of Mount Hood near Rhododendron,
20 Oregon) when it was threatened by a USFS timber sale.
- 21 • Chief Johnny Jackson and I fought to protect an ancient burial site near
22 Oregon Highway 26 when it was threatened by an Oregon Department of
23 Transportation highway widening effort.

24 We are also actively involved in many internal tribal issues. A few examples of our
25 activities related to our Columbia River Tribes include:

26

- 1 • We were involved on behalf of the Yakama Nation in the protection of a
- 2 significant cultural resources site of the Columbia River tribes at Lyle Point.
- 3 • We have reestablished an annual Salmon Feast to commemorate the return of
- 4 salmon runs each year to the Klickitat River.
- 5 • We have established annual cultural exchange events at Lyle and Wishram,
- 6 WA to improve cultural understanding between local Indians and non-Indians.
- 7 • We have worked to improve the identity and lives of local tribal members.
- 8 • We have communicated with our Yakama Nation and taught our local tribal
- 9 members the importance of maintaining our tribal identity.
- 10 • With my wife Susie, who is a native language instructor in the Warm Springs
- 11 Culture Program, we have revived the teaching of language, songs, dances,
- 12 stories and culture of the Klickitat tribe for our next generations.
- 13 • We work with the Yakama Nation government and represent our Columbia
- 14 River issues before the Yakama Tribal Council.

15
16 Q Are you familiar with the area proposed by SDS Lumber for the Whistling Ridge
17 wind energy project?

18
19 A Yes. This area where SDS Lumber proposes wind energy is within our homeland and
20 I am uniquely qualified to determine what areas have been traditionally used by our
21 people and what traditional cultural properties are for this area. As a knowledgeable
22 individual with ancestral ties to the Columbia River Gorge in the immediate vicinity
23 of the Whistling Ridge Energy Project, I have been consulted with in the past on other
24 development projects, and have provided information on traditional properties so that
25 they could be avoided. There are no traditional properties within the Whistling Ridge
26 Energy Project area. The site has Bonneville Power Administration transmission

1 lines crossing through it. The site has been in commercial timber production for
2 many years. Prior to the first timber harvests on the site, it was heavily forested. The
3 area of the project is surrounded by steep terrain and there are no streams or
4 significant east-facing views. The land is rocky and rigid with a lot of natural brush.
5 Our people have never used this area as a vision quest site, burial area, resource
6 gathering area, travel route, or used it as a reference in any of our legends or for any
7 other culturally significant purposes.
8

9 Q Did SDS Lumber ask for your input and consultation on the Whistling Ridge project?

10
11 A Yes. As Chiefs of the Klickitat and Cascades Tribes of the Yakama Nation, we were
12 asked and have worked closely with Jason Spadaro, President of SDS Lumber
13 Company, on the Whistling Ridge Energy Project for several years. SDS Lumber
14 Company approached us cooperatively and very early in their process, asking us to
15 review their property and identify any concerns we may have with a wind energy
16 project in the area. Several times, we have reviewed the property where SDS
17 proposes to develop wind energy.
18

19 Q Did SDS Lumber also ask for the input and consultation of the Yakama Nation on the
20 Whistling Ridge project?
21

22 A Yes, my understanding is that they also invited the participation of the Yakama
23 Nation Cultural Resources Program at the same time we were asked but the Yakama
24 Nation Cultural Resources Program did not reply until much later when some Tribal
25 members who do not live in the area claimed the site was a vision quest site without
26 having visited it.

1 Q Are there any cultural resource concerns that you have with the Whistling Ridge
2 project?

3
4 A No. Again, we have never found any evidence of use or any cultural resources or
5 traditional cultural properties of concern to us. Our people have never used that area
6 for any of our traditional or cultural activities. We have never been told by our elders
7 of this area having any cultural significance, either as a vision quest site or any other
8 use. We provided this information directly to the applicant's specialists who wrote
9 the cultural resources information submitted to EFSEC.

10
11 Q How important is it to you as Chiefs that you pass on your knowledge as accurately
12 and truthfully as possible?

13
14 A The only way that we can pass on our knowledge and history of important cultural
15 resources is from generation to generation, either orally or in writing. Either way, it
16 is critical to the Klickitat and Cascades Tribes and the Yakama Nation that we pass
17 on to our future generations, as accurately as possible, our traditions, customs, culture
18 and the knowledge and location of our burial sites and other sensitive cultural
19 resources. Our history must be told truthfully. If our history is not maintained
20 truthfully we lose the integrity of our historic cultural resources for future
21 generations. We must protect against tribal members, archaeologists and outside
22 interests who may claim cultural resources exist where they do not truthfully exist or
23 portray our culture and our legacy inaccurately.

24
25 Q Have you reviewed the Yakama Nation Cultural Resources Program's report and pre-
26 filed testimony? Do you find it is truthful and accurate?

1 A Yes, I have reviewed the Yakama Nation CRP’s report and testimony. No, I do not
2 find it truthful or accurate. For example, the Cultural Resource Report states, “the
3 word “*Che-ma-wa*” is known by Yakama Nation elders as a highly respected
4 spiritual or vision quest site.” First, this is not true. The word Chemawa is not in our
5 language. The report also states, “The hill is a sacred monumental site, once used as
6 a vision quest site, a navigation point, and an offering site (Johnson Meninick,
7 personal communication, December 17, 2009).” This is also not true. This site is not
8 one of the sites used by our people for vision quests. We know where our culturally
9 significant vision quest sites are in the Columbia River area and this site has never
10 been used as or identified in our cultural history or teachings as a vision quest site, a
11 navigation point or an offering site. It does not have the characteristics or features of
12 such sites.

13 In the pre-filed testimony of Joanna Meninick, she identifies Chemawa Hill
14 not as a vision quest site but as a “monumental site” by stating, “Chemawa hill is a
15 monumental site with important views in all directions, with the river to the west, Mt.
16 Adams to the north, and Mt. Hood to the south. It is a counterpart with Enola Hill
17 across the river in Oregon. Both hills are witnesses to Nchi-Wana (the Columbia
18 River), Chemawa for Mt. Adams and Enola hill is witness for Mt. Hood.” This
19 cannot be the truth because Enola hill is on the opposite side of Mt. Hood, not near
20 the Columbia River, and it is not a witness to Nchi-Wana.

21
22 Q Can you explain further your comment regarding the pre-filed testimony of Ms.
23 Joanna Meninick and the map showing the location of Chemewa Hill and Enola Hill
24 attached to your testimony as Exhibit No. 13.01r?

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1 A Yes. In her testimony she states, “Chemawa Hill is a monumental site with important
2 views in all directions, with the river to the west, Mt. Adams to the north, and Mt.
3 Hood to the south. It is a counterpart with Enola Hill across the river in Oregon. Both
4 hills are the witnesses to Nchi-Wana (the Columbia River), Chemawa Hill for Mt.
5 Adams and Enola hill is witness for Mt. Hood.” First, Chemawa Hill is lower in
6 elevation than its surroundings. It was forested and anybody standing on the ridge
7 would be standing in the middle of a forest, without a view. Second, as the map
8 shows, Enola Hill is a great distance from Chemewa Hill, where the Whistling Ridge
9 Project is proposed. Ms. Meninick may be aware of the efforts by Chief Johnny
10 Jackson and myself to protect a vision quest site on Enola Hill but that bears no
11 relationship to Chemewa Hill. Enola Hill is a great distance from the Columbia
12 River. It is on the opposite side of Mount Hood and the Columbia River is not visible
13 from Enola Hill. There is absolutely no historic, cultural or other relationship
14 between these two locations.

15
16 Q Can you explain further your response regarding the claim by the Yakama Cultural
17 Resources Program that the word Chemawa is indicative of a site of cultural
18 significance to the Yakama people?

19
20 A The project is in an area labeled on modern maps as Whistling Ridge. The southern
21 end of this ridge is labeled on modern maps as Chemawa Hill. Neither of these areas
22 have names in our native language. The name Chemawa is not a word from our
23 language. I know of the name Chemawa as that of an Indian boarding school in the
24 Willamette Valley. I also know from Carol Logan, an enrolled Grand Ronde with
25 Calapooia ancestry, that the origin of the name Chemawa is a Calapooia word
26 meaning “home place”. It is unusual that a site within the territory of the Klickitat

1 and Cascades Tribes of the Yakama Nation would have a Calapooia name because
2 this is our homeland.

3
4 Q What is a vision quest site?

5
6 A First, the purpose of a vision quest and a characteristics of a vision quest site can have
7 different meaning and purpose to different tribes. Generally, a vision quest was a rite
8 of passage for younger tribal members. In our culture, a vision quest site was a place
9 where young tribal members would be sent by elders to discover something about
10 themselves and what they were to accomplish in their life. The young person would
11 be sent, at night, to a vision quest site and asked to leave something as a sign of their
12 presence. This offering also helped tribal elders to verify that the young tribal
13 member did indeed spend time at the vision quest site. Vision quest sites are typically
14 in an open area on a high point of ground that was distinctive from its surroundings.
15 It would have a trail leading to it and would be used traditionally for generations.
16 There was no shelter but there would be distinctive rocks, features or markings that
17 identified it. The Chemawa Hill and Whistling Ridge project site was in a forest.
18 There are no markings or distinctive features on the site and it was never identified to
19 us by our elders as one of our vision quest sites. I know where there are traditional
20 vision quest sites in this area of the Columbia River and this site is not one.

21
22 Q Do you have an opinion as to how the Cultural Resources Program could arrive at the
23 conclusion that this area is a significant cultural resource of the Yakama Nation when
24 it is a matter that you disagree with?

25 ////

26 ////

1 A Yes. First, neither I nor Chief Johnny Jackson were ever asked, interviewed or
2 consulted on the report issued by Jessica Lally of the Cultural Resources Program so
3 she did not have the benefit of our knowledge of cultural resources in this area.
4 Second, Friends of the Columbia Gorge are opposing the Whistling Ridge project
5 proposed by SDS Lumber. Friends of the Gorge and the Yakama Cultural Resources
6 Program are known to work together on many issues and that, in my opinion, plays a
7 role in this.

8
9 Q Have you, and Chief Johnny Jackson, publically taken a position on the Whistling
10 Ridge Energy Project and wind power development in general?

11
12 A Yes. As the Chief of the Klickitat Tribe, I publically support the development of the
13 Whistling Ridge wind project because it is on a site that does not damage or interfere
14 with any of our traditional cultural resources and wind power is a better alternative to
15 hydropower, nuclear, coal or gas generated electricity. All of these generation
16 sources require massive amounts of water withdrawals. The withdrawals of water
17 harm our fish. Our first interest is protecting water and salmon for future generations.
18 Our other reasons for supporting wind energy include the damage that mining and
19 wastes produced by other energy sources cause to our land, air and water. We do not
20 support wind energy in all locations. We feel the Whistling Ridge site is a good site
21 for a wind project because it is already disturbed and it has never been a culturally
22 significant area to our people.

23
24 Q Why have you taken an interest in this project, taken a public position regarding it
25 and testifying in this matter?

26 /////

1 A Aside from my statement regarding the benefits of wind energy compared to other
2 energy alternatives, as the hereditary Chief of the Klickitat Tribe of the Yakama
3 Nation, I am obligated to my ancestors and our future generation to uphold our
4 traditions, to represent our heritage and oral histories accurately and truthfully and to
5 pass all of my knowledge on to future generations truthfully. We as a people lose our
6 respect and integrity if we do not accurately and truthfully represent our history and
7 our cultural resources, and honestly and accurately pass down this information to our
8 descendents. For these reasons, I strongly disagree with any inaccurate portrayals of
9 the location of our traditional cultural resources. Contrary to the Yakama Cultural
10 Resources Program report and testimony, no part of the Whistling Ridge project site
11 is a traditional cultural property. I have no financial incentive in the outcome of this
12 project. My only motivation in providing this testimony is to represent the truth.
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