



Quinault Indian Nation

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QUINAULT BUSINESS COMMITTEE RESOLUTION NO. 14-65-93

Opposition To The Transport of Fossil Fuels and Other Potentially Hazardous Materials Through Areas That Could Affect Reserved Treaty Rights

WHEREAS, the Quinault Indian Nation has inherent sovereign governmental powers to protect and promote the health, safety, and/or general welfare of the people of the Quinault Indian Nation (the "Nation"); and

WHEREAS, the Quinault Business Committee is the duly elected governing body of the Nation and is authorized by the people to manage, protect and preserve the wildlife and natural resources of the Nation pursuant to the Quinault Constitution, Article V, Section 3, adopted March 22, 1975; and

WHEREAS, the Quinault Indian Nation is signatory to the Treaty with the Quinault (1856) and is recognized as a self-regulatory Tribe with responsibilities and authorities to co-manage resources with the State of Washington in its usual and accustomed areas (*U.S. v. Washington*, 384 F. Supp. 312; W.D. Wash. 1974); and

WHEREAS, Treaties are the supreme law of the land protected by Article VI of the Constitution of the United States; and

WHEREAS, the United States has the trust responsibility to fulfill its legal and moral obligations to the Quinault Indian Nation; and

WHEREAS, the federal courts have determined that the Treaty right includes the right to ensure that the habitats essential to the survival of the fish, wildlife, and plants upon which the ability of the Quinault Indian Nation to exercise its reserved Treaty rights depend are protected; and

WHEREAS, the usual and accustomed areas of the Quinault Indian Nation include "Grays Harbor and those streams which empty into Grays Harbor," as well as the Pacific Ocean adjacent to its traditional territory, currently identified to be between Point Chehalis and Destruction Island; and

WHEREAS, Grays Harbor and its tributaries provide the freshwater and marine habitats that support natural production for finfish and shellfish which are of critical importance to the Quinault Nation's Treaty protected fisheries both within Grays Harbor and in ocean waters; and

WHEREAS, Quinault weavers have gathered sweetgrass, cattail, and other grasses and willow from the Bowerman Basin of Grays Harbor for traditional weaving of baskets and mats, and for ceremonial purposes as an integral part of traditional and contemporary culture; and

WHEREAS, the economic, cultural, and spiritual vitality of the Quinault people, who are known as the "Canoe People" because of the primacy of the ocean, bays, estuaries, and rivers to every aspect of tribal life, depend on the health and productivity of the environment; and

WHEREAS, there is increasing interest by non-Indians in transporting large quantities of fossil fuels, including coal, crude oil, oil, natural gas, and other potential toxic materials by rail and vessel and storing them in areas that could affect the health of the environment upon which fish, wildlife, and plants essential to the ability of the Quinault Indian Nation to exercise its Treaty rights depend; and

WHEREAS, the ability to safely transport or store these materials has not been proven; and

WHEREAS, the possibility that accidents involving the transport or storage of these materials poses risks of catastrophic short and long term damage to the environment, fish, wildlife, plants, human life, and property that are unacceptable to the Quinault Indian Nation; and

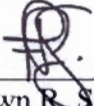
WHEREAS, consequential damage to the environment and human health resulting from accidents involving the transport or storage of large quantities of fossil fuels or other hazardous materials could have severe consequences both locally and throughout the region; and

WHEREAS, the ever present threats from tsunamis and vertical land movements, coupled with anticipated climate change impacts, such as sea level rise and increasing frequency and intensity of weather events, with attendant flooding and storm surge, add to the risks of accidents involving the transport and storage of fossil fuels and hazardous materials; and

WHEREAS, the Quinault Business Committee has been moved by the words of Billy Frank, Jr. that, "We are at a legal and biological crossroads in our efforts to recover the salmon and preserve our tribal cultures, subsistence, spirituality, and economies. Not since the darkest days of the fishing rights struggle have we feared so deeply for the future of our treaty rights."

THEREFORE BE IT RESOLVED, that the Quinault Business Committee opposes the transport of fossil fuels and other potentially hazardous materials by train or vessels, or the storage of large quantities of such materials, in areas that could adversely affect its Treaty protected rights and resources throughout its usual and accustomed fishing areas, including Grays Harbor and all rivers and streams that empty into it, and the Pacific Ocean; and

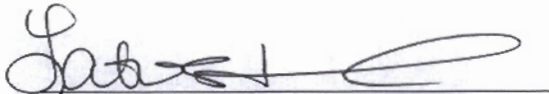
BE IT FURTHER RESOLVED, that the Quinault Business Committee will work collaboratively with others to ensure that protection of the environment and public health and safety remain paramount during deliberations involving train or vessel transport or storage of fossil fuels and potentially hazardous materials in its traditional homelands.



Fawn R. Sharp, President
Quinault Indian Nation

CERTIFICATION

I hereby certify that the Quinault Indian Nation Business Committee duly adopted the above resolution at a regular meeting of the Business Committee at Taholah, Washington, on the 10th day of June, 2014 at which time a quorum was present by a vote of 7 for, 0 against, and 2 abstaining.



Latosha Underwood, Secretary
Quinault Business Committee