



2018 Annual Convention Worley, Idaho

RESOLUTION #18 – 42

“OPPOSING THE CONTINUANCE OF THE FEDERAL PERMITTING PROCESS FOR THE PROPOSED MILLENNIUM BULK TERMINAL COAL EXPORT FACILITY IN LONGVIEW, WA”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; now

WHEREAS, Tribal Nations throughout the country continue to struggle to protect their lands, resources, sacred sites, and cultures in Federal permitting processes that too frequently authorize projects despite their threat to Tribes, and

WHEREAS, the tribes of ATNI have previously adopted Resolution #12-53, in September 2012, recognizing the potential negative impacts of coal export terminal proposals that have come to the Northwest; and

WHEREAS, the tribes of ATNI have adopted Resolution #13-47, *Opposing the Proposals for the Transportation and Export of Fossil Fuels in the Pacific Northwest*, and Resolution #17-12, *Reaffirming Opposition to Non-Refined Fossil Fuel Across and Export from the Pacific Northwest*, based on the potential infringement and endangerment upon indigenous, inherent, and treaty-protected resources, impacts on human health, economies, sacred places, and our traditional ways of life; and

WHEREAS, the State of Washington concluded within their Environmental Impact Statement that the proposed Millennium Bulk Terminal coal export facility would have significant deleterious impacts to tribal resources; and

WHEREAS, the State of Washington denied Millennium Bulk Terminal's application for a Section 401 Clean Water Act permit in September 2017; and

WHEREAS, the US Army Corps of Engineers, responding to the State of Washington's decision, suspended work on the Environmental Impact Statement, ESA, Tribal, and historic property consultations on September 27, 2017; and

WHEREAS, Millennium Bulk Terminals has neither applied for, nor obtained, a Section 401 Clean Water Act permit since September 2017; and

WHEREAS, the US Environmental Protection Agency has delegated Washington State with Clean Water Act authorities described in 33 U.S.C. SS1342(b)(1); and

WHEREAS, the State of Washington's Department of Ecology is the delegated Clean Water Act state agency as of February 4, 1987 by RCW 90.48.260; and

WHEREAS, under Clean Water Act Section 510, an express non-preemption clause establishes that, except as expressly provided, nothing in the Act should read as limiting the States' ability to adopt or enforce more stringent standards; and

WHEREAS, the Clean Water Act Section 401(a) requires any applicant for a Federal license or permit, if its activity will result in a discharge into the navigable waters, to provide the licensing or permitting authority with a certification form from the State in which the discharge originates, that the discharge will comply with the Clean Water Act; and

WHEREAS, the State of Washington has not issued a permit nor has a new application been made; and

WHEREAS, the US Army Corps of Engineers has reopened review of the Environmental Impact Statement as well as the Endangered Species Act, Tribal and historic property consultations; and

WHEREAS, the US Army Corps of Engineers is prohibited from issuing a permit in the absence of Section 401 Clean Water Act compliance; and

WHEREAS, Millennium Bulk Terminals has applied substantial political pressure at the US Senate level, as well as through federal and state lawsuits; and

WHEREAS, Millennium Bulk Terminals has filed both state and federal court cases regarding the State of Washington’s authority to deny its permits; and

WHEREAS, the courts should conclude their process prior to additional permit actions being taken; and

WHEREAS, ATNI recognizes the US Army Corps of Engineers demonstrates the appearance of political interference in State’s rights as established by Congress; and

WHEREAS, the US Army Corps of Engineers has not issued a public, formal legal statement in support of their actions to continue federal permitting processes; now

THEREFORE BE IT RESOLVED, that ATNI opposes the US Army Corps of Engineers continuance of the federal permitting process for the proposed Millennium Bulk Terminal coal export facility in Longview, WA.

CERTIFICATION

The foregoing resolution was adopted at the 2018 Annual Convention of the Affiliated Tribes of Northwest Indians, held at the Coeur D’Alene Casino Resort Hotel - Worley, Idaho, on September 17-20, 2018, with a quorum present.



Leonard Forsman, President



Norma Jean Louie, Secretary