



## **2016 Winter Convention Suquamish, Washington**

### **RESOLUTION #16 - 11**

#### **“OPPOSE THE PROPOSED MARINE HIGHWAY DESIGNATION FOR THE SALISH SEA, PROPOSED BY THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION”**

#### **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; and

**WHEREAS**, since time immemorial, our economy, culture, religions and way of life has been centered around our fishing, hunting, and gathering resources, and the lands and waters upon which they depend, and we have been and remain careful and conscientious stewards over them to ensure their continued health and well-being; and

**WHEREAS**, the ATNI member Tribes depend on the natural resources of this region to sustain our way of life, rights to fish, hunt and gather, our economies, human health and fulfill our sacred obligation to protect our First Foods and our most precious natural resources, water; and

**WHEREAS**, the ATNI member Tribes work tirelessly to protect tribal members health, safety, welfare, and futures both within and outside tribal reservations; and

**WHEREAS**, since time immemorial, the waters and shorelines of the Salish Sea and other waterways in Washington, Oregon, and Idaho have been the lifeblood of the tribes of ATNI, the center of our cultures, and ever will be; and

**WHEREAS**, for almost half a century, federally recognized treaty tribes and Executive Order Tribes along these waters have served as co-managers of the natural resources in those waters, based on our treaties with the United States government that reserved pre-existing rights never ceded by tribes and that are the supreme law of the land under Article VI of the U.S. Constitution; and

**WHEREAS**, planned increases in large-scale maritime transportation in these marine waters are of grave concern to the tribes of ATNI due to physical interference with treaty-reserved rights and significant risks to reserved fishing grounds and natural resources posed by increased commercial transport of bulk energy materials such as liquid natural gas, methane, oil, coal and other bulk materials; hazardous materials and other waste materials; and the construction of their support facilities in these waters; and

**WHEREAS**, proposed increases in large-scale maritime transportation and support traffic, as well as construction of support facilities, can increase existing direct physical interference with treaty fishing rights through permanent dock construction, use and expansion of vessel traffic lanes, increases in traffic outside those lanes, anchoring, refueling (bunkering), discharge of ballast water, small and large spills of fuel and hazardous cargo, and increasing movements at night or during high winds, strong tides, or periods of limited visibility; and

**WHEREAS**, the ATNI member Tribes recognize that federal, state and local agencies play a central role in regulating large-scale maritime traffic in Washington, Oregon, and Idaho; however, ATNI tribes cannot accept that tribes and tribal lands and fishing grounds are bearing a disproportionate share of the significant risks from the hazards of large-scale maritime transportation, including direct threats to access to vital tribal fisheries; and

**WHEREAS**, the Washington State Department of Transportation (WSDOT) is considering an application to the US Maritime Administration (MARAD) to designate the Salish Sea as a corridor in America's Marine Highway Program (Marine Highway Designation) for the purpose of alleviating increasing pressure tied to land based traffic corridors; and

**WHEREAS**, WSDOT's stated purpose for the designation, is "diverting freight movement from congested highway routes" to waterways and to "provide alternatives to the rail system;" and

**WHEREAS**, the ATNI member Tribes have strong concerns that WSDOT's proposed Salish Sea Marine Highway Designation will significantly increase cumulative adverse impacts on treaty reserved fishing rights and resources, will increase the risk of a catastrophic oil spill, and will increase the cumulative impacts to the marine environment from ongoing small oil spills; and

**WHEREAS**, MARAD's rulemaking for the Marine Highway System acknowledges that transportation infrastructure projects within designated highways are eligible for placement on the Secretary of Transportation's list of high-priority transportation infrastructure projects under Executive Order 13274, providing that "Federal agencies shall, to the maximum extent practicable, expedite their reviews for relevant permits or other approvals" (Federal Register April 9, 2010: Vol. 75, Number 68 Page 18104-18105); and

**WHEREAS**, the ATNI member Tribes have not been consulted concerning this marine highway designation and federal rulemaking in support of the designation; the tribes of ATNI, therefore, seek consultation with WSDOT and the Federal Highway, as well as other federal and state agencies at all levels regarding their strong concerns over this proposed policy change aimed at increasing large-scale maritime transportation in the Salish Sea; now

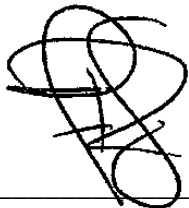
**THEREFORE BE IT RESOLVED**, that the ATNI member Tribes are in opposition to the Washington State Department of Transportation's proposed application to the U.S. Maritime Administration to designate the Salish Sea as a corridor in America's Marine Highway Program (Marine Highway Designation); and

**BE IT FURTHER RESOLVED**, that ATNI supports a strategy of providing transparency of the risks of the proposed designation on tribes and the public as a whole; and

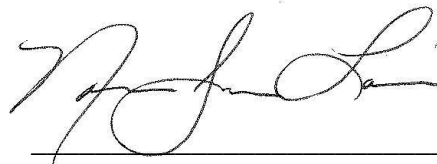
**BE IT FINALLY RESOLVED**, that ATNI calls on WSDOT, as well as other federal and state agencies to engage in government-to-government consultation with all treaty tribes within the Salish Sea and with Canadian First Nations concerning this proposed designation.

#### **CERTIFICATION**

The foregoing resolution was adopted at the 2016 Winter Convention of the Affiliated Tribes of Northwest Indians, held at Suquamish Clearwater Casino Resort, Suquamish, Washington on February 1- 4, 2016, with a quorum present.



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Fawn Sharp, President



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Norma Jean Louie, Secretary