



2017 Winter Convention Grand Mound, WA

RESOLUTION #17 - 09

"OPPOSING WASHINGTON STATE COUNTIES AND PORT AUTHORITIES AS LEAD AGENCIES UNDER THE STATE ENVIRONMENTAL POLICY ACT FOR PROPOSED INFRASTRUCTURE PROJECTS WITH PROBABLE IMPACTS TO TRIBAL INTERESTS AND IMPACTS BEYOND THEIR JURISDICTIONAL BOUNDARIES"

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, environmental reviews are a critical step in proposed industrial or infrastructure project permitting processes; and

WHEREAS, there are cases where counties and/or port districts have been serving as lead entities under the State Environmental Policy Act (SEPA), RCW 43.21C, where commercial or industrial project's environmental impacts have demonstrable and major potential impacts statewide or in cases where there are potential impacts to federally recognized tribes, other States, or even outside Countries; and

WHEREAS, Cowlitz County and the Port of Kalama serve as the SEPA lead entities for the proposed Northwest Innovations Methanol Manufacturing and Marine Export Facility at the Port of Kalama and Cowlitz County is a co-lead entity associated with the proposed Millennium Bulk Terminal in Longview, WA; and

WHEREAS, the proposed Northwest Innovations Methanol Manufacturing and Marine Export Facility at the Port of Kalama, WA and the proposed Millennium Bulk Terminal in Longview, WA, are commercial or industrial proposed projects that carry probable significant adverse environmental impacts beyond their jurisdiction; and

WHEREAS, the afore-mentioned proposed projects involve probable significant adverse environmental impacts to tribal resources even beyond the State of Washington's jurisdiction; and

WHEREAS, Counties and Port Authorities stand to gain considerably in regards to the approval of proposed infrastructure projects located within their jurisdiction which presents a significant conflict of interest issue with federally recognized tribes; and

WHEREAS, environmental determinations in many cases are obviously biased in favor of project proponents and are therefore inadequately reviewed prior to project decision statements; and

WHEREAS, Counties and/or Port Authorities are often poorly equipped or do not have adequate knowledge or adopted policies to adequately evaluate, condition and deny projects that are located within their jurisdictions but have impacts to Tribal interests and outside their jurisdictions; and

WHEREAS, in the past, natural and cultural trust resources important or protected by treaties, or other Natural or Cultural Resource management authorities of federally recognized tribes are damaged or destroyed if environmental reviews conducted by Port Authorities and Counties are biased or incomplete; now

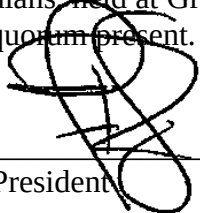
THEREFORE BE IT RESOLVED, that ATNI does hereby call upon the State of Washington to review and reaffirm with federally recognized tribes those standards that require evaluation of whether a proposed infrastructure development project has probable significant adverse environmental impacts to Tribal interest and impacts beyond the jurisdictional boundary of the lead agency, with particular attention to cases where Counties and Ports have served as lead agencies; and

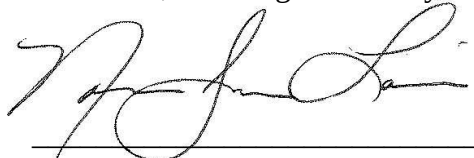
BE IT FURTHER RESOLVED, that ATNI calls upon the State of Washington to reform policies to make clear that County and Port Authorities are disqualified as becoming lead agencies under the State Environmental Policy Act when proposed infrastructure projects under SEPA review carry the potential for environmental or resource impacts to Tribal interests and impacts beyond their respective jurisdictional boundaries; and

BE IT FINALLY RESOLVED, that ATNI calls upon the State of Washington to ensure that federally recognized tribes participate and provide free, prior informed consent where proposed infrastructure projects have probable significant adverse environmental impacts to the tribe(s), including in cases where the impacts are to Tribal interests and occur beyond the jurisdictional boundaries of a County or Port Authority.

CERTIFICATION

The foregoing resolution was adopted at the 2017 Winter Convention of the Affiliated Tribes of Northwest Indians, held at Great Wolf Lodge in Grand Mound, Washington January 23-26, 2017, with a quorum present.



Fawn Sharp, President

Norma Jean Louie, Secretary