

Yes Magazine

How Northwest Tribes Joined Forces to Beat Fossil Fuel Initiatives

Their victories have been inspiring to members of the Standing Rock Sioux in the fight against the Dakota Access pipeline.

Washington Tribes.jpg

Terri Hansen posted Nov 29, 2016

The Quinault Indian Nation encompasses 200,000 acres of magnificent, productive forests, swift-flowing rivers, gleaming lakes, and 23 miles of pristine Pacific coastline. The Quinault River flows from deep in the Olympic Mountains through a lush temperate rainforest to Lake Quinault before emptying into the Pacific Ocean. It's a short hike from the Lake Quinault Lodge to visit some of the tallest hemlock, Douglas-fir, and Western red cedar trees, and the largest Sitka spruce tree in the world.

FROM THE WINTER 2017 ISSUE

The Quinault own and manage Lake Quinault and the Quinault River from the lake to the Pacific Ocean, and co-manage the fisheries throughout their fishing areas—inland and at sea. But the tribe's ancestral lands and resources are under threat by Houston-based Westway Terminals, which has applied for permits to expand its current crude oil shipping and storage facilities in Grays Harbor, Washington.

If approved, the expansion would add capacity to receive, store, and ship about 17.8 million barrels of oil annually by rail, and store an additional million barrels on site. It's one of many proposed projects that would increase the transfer of raw fossil fuels to proposed ports on the Pacific coast, dubbed the "gateway to the Pacific," for export to lucrative Asian markets.

In response, the Quinault have joined a growing coalition of other governments and allies to form a resistance to fossil fuel expansion along the West Coast, at the heart of which is hundreds of years of treaty rights and case law.

"We are a fishing, hunting, gathering people who care deeply about our land, water, and resources, as well as all life dependent on a healthy ecosystem," said Fawn Sharp, the nation's president. "These proposals threaten our economy, our environment, and our culture."

Treaties, according to the U.S. Constitution, are the supreme law of the land, and do not expire. Many agreements between the federal government and tribal nations affirm a tribe's right to hunt and fish on its ancestral land beyond current reservation boundaries. But projects like those proposed by Westway would degrade salmon and other cultural foods habitat, said Paul Lumley, executive director of the Columbia River Inter-Tribal Fish Commission, which represents four Columbia River Treaty fishing tribes. Oil spills and coal train derailments are just some of the environmental threats that could infringe the tribes' treaty-protected rights to hunt and fish their lands.

These treaties have proven to be a potent legal mechanism in environmental protection in the Pacific Northwest, already racking up victories based on industry violations of generations-old government-to-government agreements.

In May, the U.S. Army Corps of Engineers denied a permit for Gateway Pacific's massive coal terminal, ruling that the project would impact the Lummi Nation's fishery at Cherry Point, which is protected under the 1855 Treaty of Point Elliott. "This is a historic victory for treaty rights and the constitution," said Lummi Chairman Tim Ballew II in a statement after the decision.

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The Lummi had formed an alliance of nine tribal nations, each of which had at some point dealt with their own development issues. Thousands of activists and environmental groups such as the Sierra Club stood in solidarity with the Lummi and spoke out at public hearings, wrote letters, and submitted comments. The National Wildlife Federation and the Association of Northwest Steelheaders issued a report on the potential impacts of coal projects in the Pacific Northwest, stating: "The coal industry is rushing to build without studying the full consequences of their proposals."

Full consideration of the consequences must include full consultation with tribes. Tribes in Washington have won court victories over fossil fuel projects because they were not properly consulted with during the permitting processes, said Indian law expert Gabe Galanda.

The outcome of those court decisions have been inspiring to Standing Rock Sioux Chairman David Archambault II in his tribe's stand against the Dakota Access pipeline. "We've seen the success our friends from Washington state have had in their battles to protect treaty rights against the transport of fossil fuels," Archambault told Indian Country Today Media Network. "Their support is crucial."

Yet there are still more fossil fuel proposals pending on the Columbia River and coastal Washington that tribes have to contend with, and resisting the big-money-backed pressure is an arduous task that diverts tribes' attention away from other pressing matters.

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"We have to stop all the productive work we're doing ... to address the crude oil transit through our territories," Lumley said. For the Quinault, that work includes moving half of their flood-prone village out of the path of rising sea levels, and all of the tribes in western Washington have been grappling with this year's disastrous salmon runs.

Sharp, who is also president of the 57 Affiliated Tribes of Northwest Indians, said the best solution to the challenges created by what she called "the temperament of greed in this country" is the grassroots momentum that rises when the people—both tribal and nontribal—share a common vision and take action in their votes, voices, lifestyles, and the lessons they convey to their families.

“We know this country can’t break its addiction to oil overnight,” she said. “But we know that, over time, it has to be eliminated from use, and we know that process of elimination is a task that must be undertaken now.”

At Grays Harbor, the state’s final environmental impact statement for one of the last remaining fossil fuel proposals found “significant and unavoidable environmental impacts to health and safety if a crude oil spill, fire, or explosion occurs,” as well as impacts to tribal resources. It recommended more than 70 mitigation measures to reduce those risks, should the city of Hoquiam approve the proposal.

Throughout the Pacific Northwest, strength against the persistent intimidation of the fossil fuel industry has been found in this tribal-led coalition. “Tribal people are now, and have always been, the caretakers of the land,” Sharp said. “Our words have not always been heard. But when it comes to our sacred land, air, and water, we will always take a stand on behalf of life and the natural heritage we have inherited.”

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