

Ecotrust

TRANSCRIPT

An Uneasy Conundrum: Green Energy & Tribes

Panelists: Jeremy Takala (Yakama), Lauren Goldberg, Maia Bellon (Mescalero Apache)

Held on Thursday, April 20, 2023, at 11 am PST

Presented by the Ecotrust Indigenous Leadership Program

This is the third of four 2023 briefings that address the theme, ***Fighting for Our Home: Indigenous Communities & Environmental Threats.***

Watch a recording of the briefing here: <https://vimeo.com/819925564>

The transcript below has been lightly edited for clarity. The citation is at the end.

00:00:29

Sara Pietka:

[Slide] Morning everyone and welcome to *An Uneasy Conundrum: Green energy and Tribes*, which is the third of four virtual briefings, of the 2023 Ecotrust Indigenous Leadership Briefing Series.

We are delighted to welcome one of our panelists, Jeremy Takala of the Yakama Nation, who will offer a blessing to get us started in a good way. Good morning, and welcome, Jeremy.

00:00:54

Jeremy Takala:

[Next slide] Thank you.

(*Greeting in Sahaptin*), everyone. Good morning. (*Prayer in Sahaptin.*) This morning we want to, first and foremost, thank our Creator for giving us another day to be here, and to be amongst our family, our relatives, and our friends, and our colleagues.

Every day we give thanks for the light that we see from the sun, the warmth, the air that we breathe, the water that we drink, and the foods that surround us in this Mother Earth.

00:01:33

Jeremy Takala contd:

And so with that, we asked our Creator to bless each and every one of you, whatever you may be enduring day to day, and the strength that you need for your health, for our elders, and our young children, and that we asked our Creator for the strength and guidance day to day, season to season, year to year. So with that, again we thank our Creator for another day. Thank you. Ai.

00:02:00

Sara Pietka:

[*Next slide*] Thank you, Jeremy, for bringing those beautiful words into this space. My name is Sarah Pietka and I'm the Director of Ecotrust Community Investments. Among other initiatives, I direct our New Markets Tax Credit program, which involves analyzing, underwriting, and structuring complex transactions that provide funding to projects in the real estate, renewable energy, and community development sectors. I'm stepping in this morning for my colleague, Lisa Watt, Ecotrust Director of the Indigenous Leadership Program, who is unfortunately out sick for the event today. This event series was created through Lisa's vision and we're sad she's not able to join us. We're delighted to have you with us today and grateful to be on this learning journey together.

00:02:40

Sara Pietka (contd):

Like you, we are eager to hear from our speakers today, and we like to provide as much time as possible for Q&A. So to move us along, we're going to begin by placing several links in the chat to web pages you can explore on your own. We hope you will be curious and spend time with this information

00:02:56

Sara Pietka (contd):

[*Next slide*] In place of a land acknowledgment at Ecotrust, we have instead *A Call To Action for Indigenous Communities*, which identifies 8 ways you can take action in support of Indigenous peoples. Please take time to read it, feel free to share it, and/or use it as inspiration for your own statements. The link is in the chat.

(<https://ecotrust.org/call-to-action-for-indigenous-communities/>)

[*Next slide*] Ecotrust is a 33-year-old nonprofit organization located here in Portland, Oregon, that works at the intersection of social equity, economic opportunity, and environmental well-being for all. To learn more about our organization, please visit our new website at ecotrust.org. The link is in the chat. (ecotrust.org)

00:03:33

Sara Pietka (contd):

[Next slide] If you would like to learn more about our founding and the ways we work, we encourage you to watch Ecotrust Founder Spencer Beebe's 2011 TEDx Portland video on YouTube. The link is in the chat. (<https://youtu.be/asN92Q2r54o>)

[Next slide] This briefing, or webinar series provides valuable context and serves as the run up to the annual Ecotrust Indigenous Leadership Awards, or as we call them, the ILAs. The ILA is a celebration of the determination, wisdom, and continuum of Indigenous leadership across our region. At its heart, the ILA is about Indigenous survival. To date, 60 Indigenous leaders have been recognized for their unwavering dedication to uplifting the environmental, cultural, economic, and social conditions of their communities and homelands. If you'd like to learn more about the ILAs, the link is in the chat. (<https://ecotrust.org/indigenous-leadership-awards/>)

We will be announcing the 2023 awardees in May. So please stay tuned for that announcement.

00:04:24

Sara Pietka (contd):

[Next slide] The goal of this series is to elevate Indigenous voices and perspectives, and to demonstrate the power, influence, and impact of Indigenous leadership. We do this by talking directly with some truly exceptional tribal leaders and friends who have worked on the frontline with tribes on topics and issues that are of great importance to Indigenous communities.

[Next slide] Last year's series was *Indigenous Leadership: Negotiating a Future for Indigenous Peoples, Cultures, and Homelands*, where we examined four moments in American history from 1855 to the present and the ways tribal leaders responded to issues, and continue to respond, when the odds were stacked against them. The four-part series link is now in the chat. We hope you will spend some time watching the videos and reviewing the resources we've added.

00:05:06

Sara Pietka (contd):

[Next slide] This year's theme is *Fighting For Our Home: Indigenous Communities and Environmental Threats*, where our overarching questions are:

- What happens to Indigenous communities when external environmental threats land in their backyard?
- What are the cultural, economic, political, and social impacts? And,
- What are the legal mechanisms tribes can use to push for protection and justice?

[Next slide] In the first briefing of our series, *Pushing Back: Pebble Mine and the Arctic National Wildlife Refuge*, we heard from three powerful leaders, and learned that for tribes in Alaska and across the US, tribes have a different stake in the game when environmental threats loom. As those leaders so eloquently expressed, these threats are not just conservation or environmental issues, there are fights to protect their deep and unbroken connections to the lands and waters, and to Indigenous ways of life and beliefs.

We were also beautifully reminded that tribes are not stakeholders. Our panelist today, Maia Bellon, will speak more to this later. We also learned that the human and financial costs to push back against these threats often span decades, and therefore generations. The costs can be high in a multitude of ways. We dropped the link in the chat. Please be sure to watch the video.

00:06:12

Sara Pietka (contd):

[Next slide] In the second briefing, *Before Jordan Cove, q'alya, kuunatich, kukwis shichdii me*, we learned how the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians responded to a proposed 230-mile liquefied natural gas pipeline that would have been sited in the Coos Bay estuary. We were reminded that, when it comes to their homelands, tribes are experts and they know their territories. We also learned about the value of traditional cultural properties as a creative mechanism to not only get a seat at the table, but build upon the tribes' cultural preservation and protection efforts. The link is in the chat.

00:06:45

Sara Pietka (contd):

[Next slide] Today, we are delighted to have three dedicated and brilliant leaders with us. We say, dedicated and brilliant, because these folks have a history of fighting the fights.

Our first panelist, Jeremy Takala is a citizen of the Yakama Nation and an elected member of the Yakama Nation Tribal Council. He represents the Nation as a commissioner, and serves as the secretary on the Columbia River Inter-Tribal Fish Commission. He serves his community as the chair or member of several internal committees: Fish and Wildlife, Law and Order, Health, Employment and Welfare, and Legislative.

00:07:15

Sara Pietka (contd):

Our second speaker is Lauren Goldberg, the Executive Director of Columbia Riverkeeper, with offices in Hood River and Portland. She joined Riverkeeper in 2008, and spent more than a decade working with staff to enforce the Clean Water Act and developing legal strategies to fight the oil, coal, and fracked gas industries. Named as Riverkeeper's executive director in May 2022, Ms. Goldberg and her staff continue to work with diverse coalitions to fight for laws that protect people from toxic pollution and defend the landscapes we love.

00:07:43

Sara Pietka (contd):

And then our third and final speaker will be Maia Bellon. A citizen of the Mescalero Apache, Maia served as the Director of the Washington State Department of Ecology from 2013 to 2020, and was the first Native American to serve as a member of the Washington State Cabinet. Currently, she is a partner at Cascadia Law Group, where she represents tribal governments and municipal and private clients on an array of complex environmental matters, including climate and energy policy.

Our three panelists will speak for 10 to 15 minutes each. A Q&A will follow. Please be sure to drop your questions into the Q&A section and we'll answer as many as we can. As a heads up, we'll go for at least 90 minutes. We will share the recording of this session and the transcript next week. When you receive them, we hope you will share them widely.

Welcome everyone. Jeremy, the mic is yours. Thank you.

00:08:36

Jeremy Takala

[Next slide] Thank you, Sarah, and thank you everyone for being here and all of our guests online again. My name is Jeremy Takala. My Indian name is Pax'anashat.

I am one of the 14 elected officials for the Confederated Tribes and Bands of the Yakama Nation, serving my first term. I come from the Kahmiltpah Band (Rock Creek Band) of the Yakama Nation. I also come from the Pawanput Pine Creek the Wy'am Celilo Band. Those are very important, and make up the 14 tribes and bands of the Yakama Nation.

00:09:10

As you know, this has been a long opposition here for the Confederated Tribes and Bands of the Yakama Nation on the proposed Goldendale Water Pump Storage Project

and the impacts to our natural and cultural resources. And, for us at Yakama, we always consider natural resources our cultural resources, which we have an extensive amount of work that is put forth in our fisheries, our wildlife, and also our forest, and also looking out for impacts to our root gathering grounds as well.

00:09:47

Jeremy Takala (contd):

[*Next slide*] So, just for everyone's information here, maybe some of our guests here are unfamiliar with who we are as the Yakama Nation. We have an 1855 Treaty between the United States and reserved 1.3-million acre reservation for the exclusive use and benefit of the Yakama people. The treaty expressly reserves the rights for Yakamas to exercise in common with citizens at all usual and accustomed places within treaty territory. And, most important, it's always important to recognize that a Federal treaty is considered the supreme law of the land under the U.S. Constitution. So, by recognizing that, our people of the Yakama Nation, even though we have the Yakama Indian Reservation on this slide, the Yakama Nation ceded land covers a third of Washington State that you see on the slide, going into the Cascades, all the way down to the Palouse area, down to the Tri-Cities and along the Columbia River.

00:10:59

Jeremy Takala (contd):

We also have usual and accustomed areas, such as down in the Willamette [River], the Cowlitz, and Oregon Territory, and we also have active hunting that takes place in Montana during the bison season. So, we are a membership that is roughly over 11,000 people who continually are intertwined with the Big River, and of course with our salmon, our roots, our plants, our natural medicines, and animals.

00:11:29

Jeremy Takala (contd):

[*Next slide*] Our discussion today is on the Goldendale Pump Storage Project and why our Tribe and its members oppose the project. We understand there's a need for energy replacement going into the future. I do want to be clear for us at Yakama, and working with our staff, that Yakama Nation has taken a position of, we are not opposed to green energy projects but we are very concerned about where these projects are located, or being proposed, such as Juniper Point where the proposed Goldendale pump storage project is being explored.

Part of our responsibility on the Tribal Council is to protect traditional cultural properties. This particular site is very, very important. We always like to [think of it as a church or a cathedral] or anything that's very important to the public eye. This place here, even

though it's not put out in a public setting or in a book, only us here at Yakama Nation are the only ones that can determine what is a traditional cultural property based on the working knowledge of the treaty territory. We have a connection to these areas, just as the public has a connection to the hiking trails to fishing, to things that are very important to you and your families as well.

00:13:05

Jeremy Takala (contd):

This project is basically a 61-acre, upper reservoir on a 175 foot high, 8,000-foot long, rock-filled embankment dam, and a 63-acre lower reservoir. It's going to be 124-acres of newly-dammed reservoirs connected to a 2,200-foot long, 29-foot diameter, underground concrete line, high-pressure, tunnel system. We also have the other side of this area where we have an ESA-listed stream where we have concerns on the ongoing work that our Fisheries Program, working with our partners, to address the salmon and steelhead recovery needs.

00:13:56

Jeremy Takala (contd):

Again, the most important point here is the protection of traditional cultural properties because, for us, it's not only a sacred site, but it's an actual, active root gathering ground, as we call it the "mother of roots". In our language, we call it *pushpum*, which is associated with several Yakama traditional cultural properties and legendary culturally important sites. Each traditional cultural property speaks of a story, including Coyote's journey. It provides land-based references for passing knowledge on to future generations. So you can see the long-term impacts of this project if it was to go through. You're basically taking something away for our future children to utilize.

[This place] is intertwined with our language and stories and how this active area provides a food source, a seasonal food source, year-to-year. By us honoring this place, it's like a thanksgiving that we honor with our songs and our teachings in a ceremonial way that is not what was but what is and what will continue on for our children.

00:15:15

Jeremy Takala (contd):

Also this particular site, many of you may have driven past it. You see how this particular site stands out amongst other places along the Columbia River, how high this peak is. One can view other sacred sites that provide teachings and cultural orientation to the traditional cultural landscape. The view is expansive and focuses on the legendary aspects of the mountain, and their connectivity.

00:15:48

Jeremy Takala (contd):

[*Next slide*] As I mentioned, we have our Treaty of 1855 which reserves the right to fish at all usual and accustomed areas, but we've all seen the impacts of the hydro systems. Some of our partners know that the majority of our bands of the Yakama Nation come from the Columbia River. We have many members that still reside on both sides of the Columbia River because we have old village sites. We have names of places and legendary sites. We have burial grounds that are still being utilized to this day on both sides of the river where we take care of our members.

Just because you don't see a reservation there, you don't see people there, but we have people that actively live there year round. So one of the things we're seeing is basically history repeating itself, because you had hydro systems that relocated people, that covered legendary sites that basically created a drastic change in our salmon runs. So now we're looking at these projects coming into play, and it's basically going to have an impact on our root gathering grounds and our legendary sites.

00:17:11

Jeremy Takala (contd):

I want to make sure that when we talk about the exclusive right of taking fish in all usual and accustomed areas that also includes the rights to hunt and gather roots and berries. We have a seasonal round that we consistently share and honor in ceremony in our longhouse.

00:17:42

Jeremy Takala (contd):

[*Next slide*] So, for those of you unfamiliar, the site is adjacent to the John Day Dam. One of the reservoirs is also being proposed on a former smelter plant site, which was the former Goldendale aluminum plant. We do know that this area needs to be addressed for a clean up and that it could take decades for it to actually get cleaned up.

As I mentioned, this project is basically going to threaten our area and permanently destroy this root gathering site that has many uses for our membership. One of the concerns we also have is the use of water take, which will require a permit, and because there's so many unknowns, there are always questions and concerns about seepage from the water and the reservoirs.

00:18:39

Jeremy Takala (contd):

The time that this is not being utilized to pump the water back up, the energy that's going to be needed to replace that during the times where you need to refill reservoirs. So this project is going to need millions of gallons of water to fill it up in the first place and then an annual need of water due to water seepage and evaporation. Then again, there's a concern for water that's going to be maybe seeping into an ESA-listed stream down on the other side, Swale Creek, where we have an active, traditional method of fishing, down at Lyle Falls. We also have the wildlife migratory routes. We have birds that utilize these areas for nesting. The list goes on.

The impacts to streams will connect to perennial streams downstream of the project, and therefore it must be studied and regulated as a part of cumulative negative project impact.

00:19:49

Jeremy Takala (contd):

[Next slide] As I mentioned, I am a member of the Rock Creek longhouse, which is east of Goldendale, Washington. But I do want to mention, there are many homes off and on the reservation that still acknowledge and follow the tracks of their ancestors [in this place]. This picture here is of members' children of our longhouse who are actively involved in our customs, traditions, and ways.

There are a couple of young boys that were actually gathering last year and this past year. They're helping their relatives out and taking care of the foods. And this is one of the First Foods that we honor in February or March. It's not taken lightly. I want to mention that. Like Thanksgiving, we bring all the families together and we give thanks. The membership of the Yakama Nation always honors our First Foods in a ceremonial way. So the impact will be really, really tremendous long term because this area provides foods and medicines for our subsistence use.

00:21:13

Jeremy Takala (contd):

[Next slide] As I mentioned earlier, the water use, which includes approximately 7,640 acre feet for the first initial fill and then a 360-acre feet annually due to seepage and evaporation [will be needed]. One of the big concerns we have is our ongoing work in the mainstem Columbia River and our tributaries. As mentioned earlier, we have the Columbia River Inter-Tribal Fish Commission which provides technical support to the four tribes [the Yakama Nation, Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation, and Confederated Tribes of Warm Springs].

What kind of impacts will that have long-term when it comes to our work in the mainstem? We already have work in place that's trying to recover salmon and steelhead populations, including lamprey and sturgeon, and the list goes on. But we've already seen in the past, 2015 and 2018, a die-off of sturgeon and sockeye because of warm water temperatures. That's another concern we have as Yakama Nation, what impacts will it have due to the annual needs of refill due to seepage, evaporation, water loss?

00:22:31

Jeremy Takala (contd):

[*Next slide*] So this is a picture here of the proposal that's being made here. You see a reservoir on top where there's existing wind turbines, and you have the reservoir downstream. As was mentioned, it's going to utilize a pipe within the steep slope itself. We can't afford to have this project directly and permanently destroy these areas.

As an elected official, it's my responsibility to be sure that we are looking out for our treaty resources, which are very important and intertwined with our people. We have a treaty that must be acknowledged and recognized as the supreme law of the land. Therefore, we have all these projects in place to sustain our resources for our future and for our neighbors as well.

00:23:40

Jeremy Takala (contd):

[*Next slide*] The Yakama Nation has been gaining a lot of support over the past years. A lot of the tribes expressed their support. In Washington State last year, July 2022, we had 17 tribal leaders from [throughout the state] join a letter urging our governor to reject the permits for this project. You can see a little snapshot there of our press release that we had sent out that day.

And then just this past late January, there was the Affiliated Tribes of Northwest Indians that also felt it was important and an emergency to stand with the Yakama Nation as we protect the traditional cultural properties. And then, the following month, in February, we also gained support from the National Congress of American Indians (NCAI) where the Yakama Nation was invited to the executive committee's business meeting where they would consider emergency resolutions.

I really appreciated the discussion that took place because it's not only the Yakama Nation that's feeling the impacts of energy projects or proposed development. There were many tribes throughout the country that expressed interest and their frustrations on how these silos or processes, these projects that are streamlined and really not following the consultation process with tribes, especially with those that have a treaty.

So it went further in discussion and the NCAI called for the protection of traditional cultural properties at Juniper Point. But they were also calling out the fact that we need to protect traditional cultural properties overall for all the tribes in the country.

They really appreciated Yakama Nation taking the leadership but we always expressly said that this wouldn't be possible without the support of everyone, all the tribes, all of our partners such as Columbia Riverkeeper and American Rivers. [Quinault leader] Fawn Sharp is the president of NCAI, she really was vocal on that and the protection that the tribes need to be engaged in these types of projects.

00:26:19

Jeremy Takala (contd):

[Next slide] We have vested interest in the lands of the 14 tribes and bands. Of course, all the work that the Yakama Nation and other tribes and partners are doing is for the benefit of future generations, not only for our membership but for our neighbors in the region. We've been getting a lot of attention with this administration for Columbia River salmon restoration and we've also been supporting [green] energy projects or energy replacement. But let's do it in a manner that respects tribal sovereignty. Let's do it in a manner that protects traditional cultural properties.

For us at Yakama Nation, we've been exploring alternative energy projects, such as solar panel arrays over irrigation canals. We've been exploring ideas of pipe and irrigation canals so you avoid evaporation, seepage, and pesticides, and you pressurize the water, because that water eventually will be ending up in the river system again.

So we're talking about responsible energy saving. We're talking about responsible projects. We're talking about, are we being too narrow on just wind, solar, SMRs, and pump storage? There have to be other projects that are less ground-disturbing, that don't require water, that don't require annual need of water for maintenance needs.

00:28:02

Jeremy Takala (contd):

It's very tough to handle because in the map that was shown in the first or second slide, in our ceded territory, 90% of the green energy projects are being proposed in the Yakama Nation ceded territory. 90%. So, we need to take a step back, work with the tribes, talk about site identification, and work with the tribes in a manner that respects our sovereignty.

00:28:31

Jeremy Takala:

[Next slide] This [film] is a teaser here by one of our staff, who is also a Rock Creek member, Elaine Harvey. Her and the Rock Creek Band and a lot of the staff have been really engaging on this proposal, and we've worked with some partners out of Oregon who did a film. It starts out with the Goldendale Community Days where we're trying to work with the community to show our presence of "Look, this Band here is local. Did you know we're here?" We had former councilmen work with the community to highlight the tribes that are within their area. Many of them are unaware that there is a longhouse just east of them. I think it's, in a way, good outreach to start highlighting the bands and tribes of the Yakama Nation being neighbors and living in the area. This is a film that focuses primarily on the pump storage project and the impacts it'll have on our First Foods. So thank you.

00:29:36 - 00:37:02

(Screening teaser for [Deeply Rooted film](#))

00:37:03

Jeremy Takala (contd):

[Next slide] Thank you for your time, everyone. I know there are some questions about the teaser, wondering if it's available. You can find that link and the documents that were shared here, the [ATNI letter](#), the [17 Tribes letter](#), and the [NCAI resolution](#) on our [Yakama Nation] Fisheries page. Feel free to explore our Fisheries page. We have story maps on there and it also highlights a lot of our work within our ceded lands. Thank you for your time.

And I did let the group know that I do have to leave because I have some guests here that are actually discussing some of our fisheries work in the Upper Columbia River. I will be answering questions through email. I'm sure Sarah can send that my way. So with that, I guess it could turn over to Lauren.

00:38:04

Sara Pietka:

Thanks, Jeremy. If folks do have questions that they'd like to direct towards Jeremy or the Yakama Nation, please feel free to send them to Ecotrust. I think Megan, who's manning the ship here, will be able to collect and distribute contact information for us to do some follow-up. Thanks again, Jeremy. I know you have a busy day. Thank you for sharing that very impactful video and all the context there. I think it's really helpful for this group to see the work.

Welcome, Lauren.

00:38:37

Lauren Goldberg:

[*Next slide*] Great. Thank you so much. It's an honor to be here today, joining Councilman Takala and Director Bellon. I was invited to talk about the Goldendale Pump Storage Project, and why Columbia Riverkeeper works in solidarity with Yakama Nation to oppose the project. And, more broadly, I'm going to touch on the big lessons that our team has learned about working in solidarity with tribes.

[*Next slide*] So our vision at Columbia Riverkeeper is a Columbia River that unites people to fight for clean water, abundant fish and wildlife, and our climate. For those of you who aren't familiar, we are a nonprofit organization that combines legal advocacy and community organizing, strategic communications, to protect and restore the lifeblood of the Pacific Northwest.

00:39:31

Lauren Goldberg (contd):

Since I'm speaking on a panel with renowned Indigenous leaders, it's important to share who we are: Columbia Riverkeeper has staff and board members who are Native Americans, including our current board president. It's not accurate to say we're an Indigenous-led nonprofit. We work in solidarity with tribal nations and Indigenous-led nonprofits.

In addition to our work advocating for salmon recovery and clean water, our organization has worked for decades to stop fossil fuel infrastructure, including hundreds of miles of fracked gas pipelines, coal export terminals, oil by rail terminals, and proposals to build the world's largest fracked-gas to methanol refineries along the Columbia. That's where this picture was taken at a rally in opposition in Kalama, Washington.

00:40:18

Lauren Goldberg (contd):

We also advocate for clean energy policies at the local and state levels. Columbia Riverkeeper believes that energy is not clean if it destroys irreplaceable, sacred cultural resources. We believe that if you care about acting on the climate crisis, you must do so with a moral compass, and that's what brings us to the Goldendale pump storage development.

To understand why we took what at the time was a controversial position to oppose this project, and what still is, in many circles, we need to start by digging back in our

archives to understand the relationships that our organization and our staff has built over the years with Yakama Nation and other Columbia Basin tribes.

00:41:12

Lauren Goldberg (contd):

[*Next slide*] Since our founding, Columbia Riverkeeper has worked very closely with the Yakama Nation, advocating for Hanford nuclear site cleanup. If you're not familiar with Hanford, it's the most toxic place in America. It's located along the shores of the Columbia River. This is a picture from an event that we have co-hosted several times with Yakama Nation's Hanford cleanup agency along the Columbia shores.

Our relationship and trust building deepened over 15 years of fighting fossil fuel infrastructure along the Columbia.

[*Next slide*] This is a map of the Columbia River estuary, which shows just a fraction of the fossil fuel terminals that were proposed along the Columbia River. I'm sharing this because it was an incredible two-decade fight to stop some of the nation's largest proposed fossil fuel terminals, and it was tribal governments that led in most of those fights.

00:42:16

Lauren Goldberg (contd):

[*Next slide*] At Columbia Riverkeeper, the first terminal fight that we took on started about 18 years ago, fighting a little over \$6 billion proposed liquefied natural gas terminal in the heart of the Columbia River estuary. This is a bird's eye view of where the Bradwood Landing LNG Terminal was proposed. It would have involved hundreds of miles of gas pipeline coming from Canada across the Pacific Northwest to this terminal, and it was the Columbia River Inter-Tribal Fish Commission (CRITFC) and a number of member tribes that lent an incredible amount of the staff support, elected official support, to successfully stopping this proposal.

And on the relationship building front, we were working arm-in-arm with CRITFC and member tribes in that effort for many years, meeting on a monthly basis with community members in the estuary and staff and tribal members at CRITFC's offices in Portland.

00:43:19

Lauren Goldberg (contd):

[*Next slide*] Our work continued as a proposal to build the nation's largest oil-by-rail terminal popped up along the Columbia River - the proposed Tesoro-Savage oil terminal.

While the State of Washington was determining whether or not to approve that proposal, which a number of tribes, including Yakama Nation, opposed and were very involved in various public processes, the massive oil train derailment happened in Mosier, Oregon. This is a picture not long after that derailment.

We worked with tribal governments to convene a press gathering with media from across the country and region to really shine a spotlight on “it wasn't theoretical impacts, it was very real”. The proposed terminal would have sent mile and a half long oil trains down the Columbia and the significant toll it would have taken on communities as well as tribal governments and Indigenous people.

00:44:23

Lauren Goldberg (contd):

[Next slide] I just want to sum up our brief walk through some of our time working with tribal governments on fossil fuel terminals by saying that tribal governments put sovereignty treaty rights on the line to protect all of us in the Pacific Northwest from some of the nation's largest coal, oil, and fracked gas terminals. In some cases, they were offered millions of dollars. This is a picture of the Lummi Nation burning a check that says “NOT EVEN ONE MILLION DOLLARS”. They put their staff, elected officials, and members at the forefront of those fights. So now we find ourselves facing a flipside of that which are purported green energy proposals. And the question that I'd like all of you to consider is the role for non-tribal members to play in working in solidarity with tribes to protect the last sacred places from these proposals.

00:45:27

Lauren Goldberg (contd):

[Next slide] When Columbia Riverkeeper first was posed with the question of what our position would be on the Goldendale Pump Storage Project, we considered it in the context of the larger impacts of the Columbia hydro-system and other projects on tribal nations and Indigenous people. This is just a high level overview of hydro in the Columbia River Basin. It's not an exhaustive map.

The Goldendale Pump Storage Project actually is in its, I think, third or fourth iteration. I started working on it back in 2008, my first year as a staff attorney at Columbia Riverkeeper, not long after the anniversary of the inundation of Celilo Falls. We've done a lot of work with tribal members and CRITFC to draw attention to the inundation of the Falls at that anniversary, and it was very much with that history weighing heavily on us that it was clear that we would come out in opposition to this proposal.

And for those of you who aren't familiar with Celilo Falls, it's the oldest continuously inhabited site in North America and it was inundated by the Dalles Dam. If that hadn't happened, I suspect it today would be a UNESCO World Heritage Site.

00:46:49

Lauren Goldberg (contd):

[*Next slide*] So this is a picture of the John Day Dam, which is near where the Goldendale pump storage facility is proposed.

There's a lot of talk about 'just transition', and rightfully so. It's often framed around people losing jobs in the fossil fuel industry and the devastating impacts on communities that rely on fossil fuel jobs. And what's important for us to account for as we consider green, clean energy projects in the Northwest, is where the 'just' comes in here in the Northwest.

We can find just solutions to the climate crisis, which was what Councilman Takala was speaking to in his introduction. Where justice comes in is not perpetuating centuries of racism and disregard for tribes' sovereignty.

00:47:43

Lauren Goldberg (contd):

[*Next slide*] This is a view of the John Day Dam from the Oregon side of the river, looking up at the hillside, the Columbia Hills, or *Pushpum* where the proposed Goldendale pump storage would happen.

Despite what developers want you to believe, we don't need the Goldendale Pump Storage Project to meet the Pacific Northwest's clean energy goals. There's no evidence of that. If you're picturing this proposal in your mind as a silver bullet to solve the climate crisis versus the destruction of a sacred site, wipe away that image. You have fallen for the developers' PR stunt. Instead, I would encourage you to pull up Google and type in [CRITFC Energy Vision](#). And there you can read an in-depth analysis of how to meet the region's clean energy goals while accounting for the rights of tribal nations.

So, for example, CRITFC's clean energy vision calls for, and I'll read you a quote from it, "Developing a regional plan for where renewable resources should be developed, and where they should not, and to provide expeditious siting with clear and uniform standards across all political subdivisions."

00:48:56

Lauren Goldberg (contd):

For context, this isn't, again, the first time this proposal happened and it's not even the first time that the Federal Energy Regulatory Commission (FERC), which is the Federal agency in charge of denying or approving this proposal, has had to make a decision. Under the Obama Administration, FERC denied the pump storage proposal in large part because the cleanup that Councilman Takala referenced - the former aluminum smelter site - was not developed enough. So, this project has been denied once but not on cultural resource grounds.

00:49:31

Lauren Goldberg (contd):

[*Next slide*] So with that context in mind, I want to touch on how Columbia Riverkeeper is working in solidarity with Yakama Nation and what that looks like on the ground as a nonprofit. Our goal is to to add value and not to in any way reduce the focus on tribal government's position or rights in this situation.

So where we've been engaged, initially, was running an internal campaign within the nonprofit world, which is to say, [among] climate and environmental nonprofits, to convince them to oppose this project, or at a minimum, not take a position in support of it.

That happened a number of years ago and I'm really excited to share with you that many of the nation's leading environmental groups have come out in opposition to this proposal, as well as regional and state organizations.

00:50:32

Lauren Goldberg (contd):

We've spent a lot of time working with the office of legal counsel at Yakama Nation on the various public engagement opportunities that are critical to preserving our, as a nonprofit, rights as well as the Tribe's rights to challenge this proposal in court, if it's ultimately approved. We were successful last year in convincing the Washington Department of Ecology to deny a key permit, a Clean Water Act 401 certification, for this proposal.

The way 401 certification works, when it's denied, the applicant can come back again and get a second chance. And so, right now the Washington Department of Ecology is weighing again that critical decision of whether to approve or deny this project.

00:51:26

Lauren Goldberg (contd):

[Next slide] We've done a lot of work on the communications front, so helping to get the word out in Washington State, throughout the Pacific Northwest and throughout the country. We commissioned this incredibly talented Yakama artist, Carmen Salam, to create various images to accompany the social media campaigns that a number of nonprofits, including ours, have been running.

[Next slide] I'm going to actually share 2 slides here to show you some of the images that Carmen created. This is Elaine Harvey, who you saw in that video. And then on the next slide you'll see Bronsco Jim, Jr. who spoke as well.

[Next slide] We, along with other nonprofits, have generated thousands of petitions in opposition to Goldendale pump storage. Right now is a critical time for you to weigh in.

The Federal Energy Regulatory Commission, or FERC, issued its draft environmental impact statement, which is the Federal Government's analysis of the project's impacts on the environment and cultural resources. It's the lead up to FERC making its final decision on whether to approve or deny the license for this project. And, unfortunately, FERC concluded that the project should move forward, and that the impacts to tribes could be mitigated, and that is over the tribe's objections and clear statements that they could not.

And that's why we're asking you to take action to sign a petition to FERC and Federal elected officials.

This will take you to Columbia Riverkeeper's website, ColumbiaRiverkeeper.org/take-action where you can also sign other petitions for campaigns like the Bradford Island superfund site on the Columbia and Hanford where we're also working in solidarity with tribal governments.

00:53:20

Lauren Goldberg (contd):

I'm going to leave that slide up as I wrap up my presentation, and share with you some of the big lessons that our team has learned in the last two decades of having the privilege to work closely with tribal governments in the Columbia Basin.

Before I dive into that, a disclaimer: I'm an attorney. I've been working at Columbia Riverkeeper for 17 years. I'm not an expert on working with tribal governments. I've never worked at a tribal government. I will say that our organization has been willing to make mistakes so that we can take important positions in critical times. And I think it's really critical as we consider, as nonprofit organizations, or as you consider where to

direct your donations, to recognize that those decisions do come at a cost. But, again, we must have a moral compass as we make decisions in the climate crisis, and in the end we've stood by, for many years, the position we've taken on Goldendale pump storage.

00:54:24

Lauren Goldberg (contd):

So, the first lesson I want to relay is to “talk less and listen more”. I'm going to try to wrap up my presentation quickly, so you can hear from Director Bellon. But in the end, when we approach tribal governments, it's not, “Here are the top 3 issues that we're working on. Here's the biggest threats we view as the nonprofit community.” It's to listen to tribes' priorities, and then to, when asked, step in.

Second, to participate. There are many wonderful Native American celebrations and events and conferences throughout our region that are open to the public, and we encourage our members, our staff, our supporters, to attend them and learn.

For example, our staff had the opportunity to visit the proposed site of the Goldendale pump storage project many years ago, during a diabetes awareness walk that the Yakama Nation held near the John Day Dam. That was my first time viewing over a dozen bearpaw petroglyphs that line the basalt cliffs right near where this proposal would take place.

00:55:35

Lauren Goldberg (contd):

The next lesson we've learned is to take time to learn about tribal governments. And, if you work for an environmental nonprofit, consider over and over again how very different they are from nonprofits. Each tribal government is unique, and at Columbia Riverkeeper we've made a point to learn about the government structures and unique histories of the tribes that we work with. For river protection issues, it is unrealistic to think that every tribe will take the same position or that Riverkeeper will always agree.

We have for many years had an organizational policy to confer with interested tribes before tackling issues, and that ultimately builds trust. It leads to better outcomes and it avoids unintended impacts.

00:56:25

Lauren Goldberg (contd):

Fourth, we aim to build and maintain relationships. Staff turnover at nonprofits can make building long-term relationships with tribal governments and elected officials staff very

difficult. We have had several tribal leaders share with us the challenge of building trust when they're dealing with new people all the time. And that's why we at Columbia Riverkeeper have worked very hard to maintain staff consistency. Nearly all of our program staff have worked for us for over five years, many for over a decade. And it's really the trust that's built through working on issues of shared concern that we have been able to be successful in the next fight.

And last, learn what sovereignty means, and that is my segue to Director Bellon. Thank you so much for your time.

00:57:21

Sara Pietka:

Thank you, Lauren. Thanks for sharing more about ways we can take action against the Goldendale Pump Storage Project, and also the lessons learned from your work in support of tribes and Indigenous communities. We really appreciate your time, and I welcome Maia, Director Bellon, to share your presentation.

00:57:37

Maia Bellon:

Thank you, Sarah and Lauren and Jeremy. It's a pleasure to spend some time with you today. I don't have a Powerpoint presentation so I will be sharing with you some of my role previously as Department of Ecology director and what do we do from here in terms of engaging with tribal communities.

My name is Maia Bellon. I am a partner at Cascadia Law Group. My traditional name is (*states traditional name*). I am Mescalero Apache and Humano Band, and adopted Yakama, raised up in the teachings of the Sohappy sisters of the Wapato longhouse, which is my *káatnam*. My grandmother is a Sahasne, Lena Sohappy Owens.

So, I come to this space with that kind of background. My role on this panel is to not speak on behalf of any clients I have, tribal or otherwise, but really talk to you about my role as a practitioner in the climate and energy space and as one who is helping tribes work through these issues or helping project proponents be able to kind of embrace tribal engagement at the front end.

00:59:05

Maia Bellon (contd):

Actually, I find it very refreshing that I'm seeing more and more project proponents, NGOs, other entities that are not tribal, that are taking those perspectives into account. That's absolutely the direction that we should be going in.

So I want to rewind to about 10,000 years ago where our tribal people had exclusive engagement on this landscape across the United States, the North American continent, and to think about how they lived, how they honored the land, the air, the water, the sacred places. How they were able to freely move from different parts of their territory during different times of year to gather food and medicines, and for hunting purposes, and to fish down along the rivers when the weather was more moderate.

And then fast forward to the 1850s, which is the time that Yakama Nation, and other tribes across the United States, but specifically in Washington, were engaged in the treaty era. I don't call it the "treaty negotiation era". Really, when you look back at the history and learn about how these engagements happened with regards to tribes ceding millions of acres of their land and giving up certain rights, this was really a "treaty coercion era". And we're learning more and more about the X's and the signature blocks of treaties were not necessarily put there by the particular leader that's described on that treaty.

If you get a chance, I encourage you to read *The Bitter Waters of Medicine Creek* and the discussions there about the first governor of the State of Washington, Governor Isaac Stevens and his [involvement] on a treaty engagement, including the story of Chief Leschi, the Nisqually chief, who did not put his X on the treaty but one is found there by his name. You get some of that historical picture.

01:01:44

Maia Bellon (contd):

So, what I'm raising is the fact that we come to these engagements with tribes and maybe we aren't recognizing the historical trauma that our tribes have been through, our tribal people have been through, our elders have been through, and how that informs why we react the way we do. Why there is fear, why there's concern that that engagement might be deemed essentially acceptance or acquiescence in a particular situation that may impair the ability to exercise a treaty right.

Tribes are also governed in terms of executive orders with the United States, and other types of agreements in recognition by states in terms of their Federal sovereignty. I believe, as of today there are about 527 federally recognized tribes in the United States of America. And just in Washington State there are 29 federally recognized tribes, many of which have a treaty with the United States Government from the 1850s era.

01:02:59

Maia Bellon (contd):

And so when we talk about treaties, and we talk about these types of positions that tribes have with regards to, not just their ability on their cultural area and the reservation where they were placed, but the usual and accustomed hunting, gathering and fishing territories beyond the actual borders of an Indian reservation, and how important and sacred those areas are.

And so this is all to say that a treaty is the supreme law of the land and it's recognized in our court system as such, as well as through the engagements with the United States Government. Tribes, therefore, are not stakeholders. If you think about it, it would be as if President Biden is engaging with France on an issue. That's what the import of these treaties are. When engaging with a tribe, you're engaging with a sovereign nation that has reserved rights that they entrust the Federal Government to be their trustee for, the trustee of their lands, of their waters, of these rights. With that comes expectations of engagement and consultation.

01:04:12

Maia Bellon (contd):

What I want to share with you today is my perspective that there are 3 C's when it comes to tribal consultation:

There's the big 'c' that I label the capital C, which is the engagement between tribes and the Federal Government, who is the trustee to these lands and waters, and have that role with tribes.

There's the little 'c', which is engagement between a state and a tribe. For example, in Washington State, there's the [1989 Centennial Accord](#) that was put into law that provides that state agencies should engage with tribes in a government-to-government consultation process as they're moving through and working on projects or programs, initiatives or policies that could potentially impact tribes and their rights.

And then I would say that there's a third 'c'. That's the informal 'c'. That is the project proponent consultation engagement. That's not a government-to-government consultation but that's an engagement with a project proponent where, in the role that I have in my consulting work and my legal work, is where I encourage project proponents who have an idea about a green energy project or other project to actually step up and engage with the area tribe or tribes right away.

There shouldn't be fear in that. We shouldn't always perceive tribes as the enemy or the adversary. Quite frankly, to the opposite. When you go in and meet with a tribe and find out what their interests are, where their tribal cultural properties are, what is important to

them, you can frame up your project in a way that addresses those issues, that coordinates and collaborates with the tribe. Tribes are incredible allies. And in the green energy space, why not?

01:01:17

Maia Bellon (contd):

As Jeremy said, they're not opposed to green energy projects. As a matter of fact, tribes face a disproportionately higher impact by virtue of climate change than any other communities. Right now, here in Washington State, we face catastrophic wildfires connected to climate change. We face deep and heavy and difficult drought situations that close up the ability for a creek to make it from the ocean to upland in the freshwater, to be able to move salmon. We have tribes facing sea level rise impacts, impacts along our coast and the Puget Sound where we have tribal villages that are being inundated by virtue of sea level rise. And so tribes who have contributed least to the [climate change] issue and the problem that's been created by carbon emissions, end up having the most impacts.

It's a really, really complicated space we're in because, of course, we want to embrace transitioning to a clean energy future but we need to do that in a way that does have a fair and just transition. My view of 'fair and just' is not just for those that are transitioning out of the fossil fuel industry but for those that are facing the green energy project potential impacts in their area, and ensuring that they have a just transition, that their concerns are being heard and and addressed throughout these processes.

01:08:07

Maia Bellon (contd):

When I was director of the Department of Ecology – which I had the pleasure of being in that role for 7 years – when I came in, I noticed that across state government and across the Federal Government, that the consultation concepts were, quite frankly, fairly watered down. In some circumstances, it seemed like it was kind of more 'checking the box': "Here's a project we're working on. Here's an email to let you know about it. Let us know if you have any thoughts." And then thinking that that was the end of the process.

For a state government bound by the 1989 Centennial Accord, for Federal Government entities bound by the treaties that their government entered into with tribes in our area in the 1850s, that really doesn't quite cut it and there needs to be a different dialogue. I often would run into situations where there, again, was fear. "Well, if we let the tribe know about these details, things are going to get complicated."

That's okay. Complicated is okay when we're trying to do the right thing in terms of making sure that the environment, the land and the air and water, are stewarded and taken care of in the same context as we try to transition to green energy.

01:09:31

Maia Bellon (contd):

So I tried to really build in government-to-government in a meaningful way and embed it as well environmental justice issues that go beyond our tribal communities that also count as environmental justice communities, such as low income communities and other types of minority communities that at times bear the brunt of some actions that when they're not engaged, and when their perspective is not taken into account, can backfire. Not just on those communities but we find that if we support tribal communities and other environmental justice communities in these endeavors that it lifts us all up.

If we protect the community along I-5 that has the highest incidence of respiratory distress and asthma amongst young African-American children, and we reduce those diesel impacts or those carbon emission impacts in those communities, we support everybody else in that community. And so we should embrace these types of engagements and these opportunities before us as we move through this transition to a clean energy future.

01:10:42

Maia Bellon (contd):

I want to impart to people, and some say this, "We've reached out to the tribe" or "we've reached out to tribes and we don't hear back," and part of that is there are very serious resource constraints that tribes are under.

When you're working with a tribe, they're not just dealing with environmental issues, they're dealing with health and safety. They're dealing with COVID response. They're dealing with all kinds of issues that are a very heavy burden to taking care of their people and supporting their community. They're dealing with landslides and wildfires. There are tribal centers and homes have been burnt down in the last several years in certain tribes in the eastern side of our state, and up with Canadian First Nations. So sometimes we don't get a response back right away, simply because the whole email system may be down.

There are other things that we should be considering when trying to engage with tribes, including meeting them at their space and meeting them on their terms, so that they have the ability to step back, talk about what is important in the area that a project proponent, for example, may have interest in, and share those ideas. If they suggest

that they need some information and support, for example, with an ethnographic study or a cultural resources survey, to be open to being able to support tribes.

We're seeing the Federal Government and the state starting to provide opportunities for what are called tribal participation grants. Those are very, very important, to be able to provide cost reimbursement for the time that tribal staff are spending reviewing a permit application or reviewing and preparing their perspective on a particular project.

Those are opportunities that we should all embrace in terms of providing additional support to tribes as they work through the onslaught of the engagement that the Federal Government and state and local governments are having with them, with regards to different types of proposed projects.

01:12:58

Maia Bellon (contd):

So, in terms of green energy development, you've heard the conundrum. Of course, tribes want to have success in the fight against climate change in trying to turn the needle to help our planet Earth heal and be able to be there for future generations, and in the Seven Generations to come, and embrace green energy transition, but they want to make sure that that happens in a way where they're being consulted.

Consultation in the Federal engagement, with regards to Federal permitting and state consultation, those are ways to achieve that, and there's a way to do it better. The rule that many tribal attorneys take, or those of us in this particular space, is that when formal government-to-government is being engaged upon with a Federal agency and tribe or tribes, it should include sufficient advance notice to the tribe to allow for a productive and meaningful exchange of information to consider the tribe's perspective in an honest and a meaningful way, and to afterwards explain how the agency's final decision incorporates tribal input and making sure that you're very clear about that engagement. We find when that happens, there ends up being a better collaborative engagement and more support at the end of the day, in terms of a tribe being able to feel that their interests have been met and that their needs have been understood in this particular context.

01:14:52

Maia Bellon (contd):

We shouldn't be afraid to embrace the tribal voice. The tribal voice has echoed for over 10,000 years. Tribes know this space. They know the important areas and they're coming to these engagements in a genuine way. If you have been to some of these events that Lauren [and others] have been to, whether it's the Rock Creek pow wow

next weekend or being invited into a longhouse, you can feel, genuinely feel, the importance of, the genuine nature of, embracing First Foods.

Our family at the Wapato *káatnam* starts our ceremonies and ends our ceremonies by drinking water in a sacred way. “Chuush”, we say, and then we drink our water to start our ceremony. And we walk through the line of the important First Foods, and we end that ceremony with the same thankfulness for our clean water and our clean air, and how that nourishes not just our body but our soul and our spirit. It's a breathtaking engagement.

When you're invited into these circles, and you're being asked for support with information about your project, and how to have tribes better understand it, it's a good way. It's a good path to be on. Then I think we can be creative about green energy siting.

01:16:35

Maia Bellon (contd):

Recently, I think it's on the Governor's desk for signature today, [Senate Bill 1216](#) that is a clean energy siting bill that heavily embeds tribal consultation. I refer you to section, I believe, 209 that is very specific about the Department of Ecology's engagement process. It's much more methodical, thoughtful, and thorough. I commend those of you to take a look at that bill to see about ways to improve that consultation process.

And, come on, we're innovative people, all of us. Americans, Washingtonians, Oregonians. We're innovative. We're smart, we can think about great ways to provide green energy.

I was recently in Arizona on spring break with my freshman, who's at University of Washington, a few weeks ago, introducing her to her great, great Mescalero Apache auntie. As we're driving from Phoenix to Tucson, we see these large parking lots that were there 30 years ago when I went to law school and now they're covered with solar panels.

I mean, something that I could have never imagined as a young person is that a single-service parking lot emanating heat in the summer now has a dual purpose where they're creating solar energy, or green energy. And, by the way, they're providing shade to the cars below, and not putting off as much heat as when they were an original blacktop. Those are different things that we can consider. The large buildings that already exist across our landscape, working with those landowners and those building owners to provide different types of green energy opportunities.

If there is a project that is best potentially sited in an area that hasn't been developed, again, have that engagement with the tribe right away. Because tribes, I find, are even coming up with proposals for areas of where to potentially do a project that they are concerned may not meet their needs or potentially would impact their tribal rights and their gathering areas and their hunting areas.

Tribes are innovative. They're smart. They have incredible scientists on their staff, cultural resources experts and archaeologists that are thinking ahead as well, and wanting to show that they can provide support, and that they want others to think about alternatives in terms of siting and having those discussions. If we never have them, we'll never know and we continue to be in a siloed and narrow engagement.

01:19:34

Maia Bellon (contd):

And so I commend us to open up to that engagement. I think we're about at the time where we wanted to field some questions which is the exciting part of this engagement. I'm bummed that Jeremy had to leave but he has his Tribal Council obligations. But I come to you with a feeling of hope and to report to you that we are learning lessons from the past. We're learning lessons from the 1850s until now.

We're learning that it's okay to have a complex engagement with a tribal nation that knows this land and these waters better than anyone else in the territory, because they have 10,000 years of experience.

I'm here to tell you that Native people are getting incredible appointments whether that's to state agencies or to fish commissions and other types of entities where we're able to help build that bridge and ensure that voice is heard. I'm also here to tell you that I have been pleased and honored in my role as a consultant and legal advisor to be asked early to support project proponents in helping them understand this tribal landscape and the fact that they're being genuine about wanting to engage.

So I think there is hope out there for us to move through this just transition to a green energy future – a future that supports not just our entire world in terms of reducing carbon emissions and turning back the clock of the ravages of climate change, but honoring our Indigenous people and our tribal people and the next generation of children, and the next and the next and the next. It's an honor to be a part of that type of a future.

I'll turn it back to Sarah because I think some questions have come in, and I think Lauren and I will be happy to stand for questions as well.

01:21:52

Sara Pietka:

Thank you, Maia. I feel so inspired and appreciative that we end on a note of optimism here. I will turn to some of the questions that were asked during the presentation.

One was, "How can we all help advocate and protect against the coercion that the green industry and corporations exert on Indigenous peoples, undermining the UN Declaration on the Rights of Indigenous People's right to free - meaning, free of coercive pressures of money, incentives, etc. - prior, informed, written consent?"

01:22:28

Maia Bellon:

I was keeping an eye on the questions earlier, so I hope that some of my remarks answered that. And again, I do think it is really honestly and genuinely engaging with tribes early and often. The consultation process, whether it's the big C, the little c, or the informal c, is not technically free, prior, and informed consent. The UN Declaration of Rights has adopted that with regards to Indigenous peoples. It requires governments to cooperate in good faith with Indigenous peoples to obtain their free, prior, and informed consent before adopting and implementing legislative and administrative measures that may affect tribes in their lands and territories. That is not technically the Federal Government's current approach to a consultation. So, in that circumstance, I think, really making sure that there is that engagement is helpful.

01:23:41

Maia Bellon (contd):

One thing I will say, when I walked into some government-to-governments as ecology director, I realized that there were steps missing. Like, we should have encouraged and ensured that our staff, the tribal staff as well as the government agency staff, had engagement in advance, before something [was] being presented to the leadership, for example, the state leadership, me and my staff and/or the Tribal Council.

When you haven't had that deep engagement about the proposed project, the information that's needed to better understand it, you walk into a leadership meeting, a true government-to-government meeting, and we're all kind of scrambling about what's going on here and we're not making kind of the best use of that really important and critical time. So building in steps in advance with the natural resources staff and archaeological staff, with environmental scientists and water experts and other subject matter experts, so that when you walk into the room with leadership that there is a fair and really detailed understanding, so that then there can be that collaborative

engagement to understand how to approach that. What are the next steps? How to address tribal concerns? And that type of engagement.

Lauren might have more to add on that.

01:25:09

Lauren Goldberg:

Well, the only thing that I would add—that was very thorough—is, as it applies to folks that are non-tribal members – and if you're not somebody that works for an agency, and if you're not an elected official – to appreciate the importance of your voice in these really critical decisions that are being made right now in our region. It was because tribal governments put treaty rights on the line that we saw multiple, massive proposals for fossil fuel terminals rejected in the Pacific Northwest. It was also because tens of thousands of non-tribal members that live on ceded land spoke up, contacted their elected officials, spoke up at hearings, signed petitions, and supported nonprofit organizations that were putting in the legal time, the community organizing, and beyond.

I think it's critical to walk away from today's talk to appreciate that we all have a role in ensuring that we're not just being students of history but we are also being activists today.

01:26:32

Sara Pietka:

Thank you, Lauren.

We've got a couple of questions around rules or standards that could define tribal consultation. I know it sounds like it's evolving and we're learning more about how to do it every day, especially since a lot of agencies just don't do it with any of the capital Cs that you were talking about earlier, Maia. Is there a place that you can point our audience members to in terms of a set of standards that feels positive, feels good?

01:27:03

Maia Bellon:

I think Washington State first set that out in 1989 in the Centennial Accord, and it is in our revised code of Washington. I don't have the exact citation off the top of my head, but that's a very important stepping stone. But there is an evolution that's happened because, like I said, it was a concept and many didn't understand how to be successful in that space. And again, there are a lot of genuine leaders in state government and they just may not have known how to go about it. And so it was more of a kind of potentially a 'checking the box' concept.

So now we're seeing more and more language getting built into other laws that are being adopted in Washington State. And I apologize to my California and Alaska and other friends that might be on the line here today, but I'm more steeped in the knowledge in Washington State.

01:27:57

Maia Bellon:

But starting in the Environmental Justice Act, the [Healthy Environment For All Act](#) that was passed in 2021, I believe, that starts to talk about what is meaningful engagement amongst environmental justice communities of which tribes are counted.

More recently, the bill that I suggested to you, and maybe someone can drop this in the chat. I think I have a couple friends on the line, Megan Gavin or Heather Yu from my team. But there is Senate Bill 1216 that is, I believe, being signed today by the Governor that is about clean energy siting. It's really trying to focus on how to do clean energy siting, meaning where these facilities will be located, in a much more thorough, thoughtful, robust way and bringing in requirements of the Department of Commerce, and how they engage with these, as well as Department of Ecology, who's essentially the EPA, the state version of the Environmental Protection Agency.

So let me read to you a provision in 1216 that is building into an actual statute. So that's above a regulation. That's implementation. The statute is the law in our state. This new section says:

“Clean energy coordinated permitting process, tribal consultation and overburdened community engagement

The Department of Ecology must offer early, meaningful, and individual consultation with any affected federally recognized Indian tribe on designated clean energy projects participating in the coordinated permitting process for the purpose of understanding potential impacts to tribal rights, interests, and resources, including tribal cultural resources, archaeological sites, sacred sites...”

I mean, that's exciting. We haven't seen sacred sites in a statute. Besides the department of archaeology and historic preservation laws, we haven't seen that start to roll over into commerce, into energy laws, and into Department of Ecology laws.

01:30:10

Maia Bellon (contd):

“...sacred sites, fisheries, or other rights and interest in tribal lands and lands within which an Indian tribe or tribes possess rights reserved or protected by Federal treaty, statute, or executive order.”

I'll read one more sentence:

“The goal of the consultation process is to support the coordinated permitting process by early identification of tribal rights, interest, and resources, including tribal cultural resources potentially affected by the project and identifying solutions, when possible, to avoid, minimize, or mitigate any adverse effects on tribal rights, interests, or resources, including tribal cultural resources based on environmental or permit reviews.”

And then it goes on to say, ‘by the way, Ecology, you need to keep a log of how you're doing this. You need to report out how it's going. If there wasn't an engagement, you need to tell us what happened and why’ so there is a lot more accountability being built into the process. That's a little bit of information I can share on the Washington State side.

01:31:13

Sara Pietka:

Thanks. A question for both of you: We've been talking a lot about consultation and the consultation process. Have either of you seen that continue on into a more formal agreement where one of the affected tribes, or a coalition of tribes, have engaged in something like a community benefits agreement where they're holding a project developer accountable to deliver on impacts? And, if they say yes, there will be access, are there ways to hold that organization accountable to maintain that access? Have you seen any of that in your work?

01:31:52

Maia Bellon:

I'll defer to Lauren first because I don't want to take up all the airspace.

01:31:55

Lauren Goldberg:

I see that in environmental review documents when projects are approved, that's the next stage. And, in fact, that's something that's referred to in the draft environmental impact statement that's currently up for review right now. So, for example, it looks like

the form of “Go out and take a bunch of pictures of these sacred sites before we destroy them, and then we’ll find a way for you to maybe go use it occasionally.”

But, in all seriousness, the work that we’ve done at Columbia Riverkeeper really hasn’t involved the kind of outcome like that. In fact, that’s because, in the case of a number of the fossil fuel terminals along the Columbia where it’s been most prominent, state agencies, including under Director Bellon’s leadership, have rejected these projects, so we never had to get to those mitigation-type agreements.

01:32:55

Maia Bellon:

I’d love to jump to Michael Nixon’s comment about listening sessions being put out there as actual consultation. That did happen to me when I was Ecology director on some major rule making that I was involved in and concerned that these listening sessions didn’t really allow for a back and forth. That’s the whole point, is to learn. There’s so much that we can learn from these engagements. So, what I’d like to say is that there was a concept of, “Can you turn this around a bit in terms of engaging with a tribe as a partner?” Absolutely. And actually I’m very excited to know several project proponents that one of the first questions they ask is, “Can we partner on this? And how can we do this together?”

For example, the Yakama Nation does have their own utility. And, as Jeremy said, they’re looking for different opportunities as well to partner. And that’s a super exciting space to be in because one, the project proponent is able to have some success in bringing a potential green energy project into fruition, and the environmental benefits of that, but they’re doing so in a collaborative and partnership agreement with a tribe.

The other thing that I’ve seen is when a project proponent engages early with a tribe and a tribe potentially has concerns about an archaeological site or cultural resources, where the tribe says, “You know, we don’t have a time to be able to do a particular review, but here are 5 great consulting firms that are familiar with our territory, and could provide a fair and objective assessment of what we might encounter with regards to a particular project.”

And then I see project proponents embrace that and say, “We’re going to find that consultant. We’re going to bring them on board. We’re going to have them prepare information reports and do that engagement.” We’ve seen that on the west side as well. So I think there’s a way to, like the commentor said, kind of flip this a bit in terms of ensuring that these aren’t coercive engagements or just of ‘checking the box’. But they’re real, honest, genuine engagements, where those rights are being taken to

account. And many times, again, we'll find if you partner with the tribe, that there's so much success that can happen. I encourage that type of perspective.

01:35:44

Sara Pietka:

Thank you.

Calling back to a bit of our earlier discussion and remarks where we talked about the resource constraints of tribes. They are governments, they're functioning governments. There's a lot to do. Councilman Takala talked about all the committees in the introduction that he's on 5 or 6 committees. He's got a lot of work to do. And in recent Federal legislation, like the Inflation Reduction Act, a lot of money has been pushed toward technical assistance. Do either of you see that as an effective way to help with this consultation and ensure tribes get a say? Or is that still missing the mark in your view?

01:36:22

Maia Bellon:

I'll let Lauren speak to it maybe a little bit more, but I would say it's a really good start. We're seeing not just the Federal Government try to build these types of funding processes into laws but we're seeing that even local governments, let's say that are working on a project, are saying, "Can we do a cost share? Can we pay for a half-time FTE or a full-time FTE to be able to help provide us this information, so we can take the right steps moving forward?"

We're finding this is getting built in more and more to different types of grant, loan, and funding programs, and it's absolutely the right thing to do. Now, what's complicated is, especially when it's a super controversial project, some tribes are hesitant to accept such funding. They feel that if they do that it is almost dishonoring their concern.

And so that is a conundrum that is happening amongst us. So, if there's any way to make sure that that money has no strings attached and allows a tribe to be able to come from a space where they can honestly put forth the information that they'd like to share, the way they'd like to share it, and engage with a project proponent in a way where they feel that it's on their own terms, I really think is the best path forward.

01:37:56

Lauren Goldberg:

I don't have anything to add to that other than just beyond, even when money is attached, we've seen across the board, and this comes up regardless whether it's green

energy or not, even when a tribe agrees to meet with a developer, that developer will then report that back to the Federal or state agency long after, for example, a tribe has come out in patent opposition to a project and say, “Well, we're meeting with them. We're meeting with them” as though the door is open and misrepresent the contents of those conversations.

This is where it's a shame that Jeremy isn't here to share his perspective on it in tribal government, but I will just say that even when money isn't attached, just the very engagement with developers, we've seen that be misrepresented to Federal and state agencies as, “Oh, well, now they're coming to the table to talk mitigation.”

01:39:04

Sara Pietka:

Thank you. Unfortunately, we're gonna have to call it there. These two have been gracious with their time to give us extra minutes to expand on this and I'm sure we could go on for much longer. So I'm going to thank both Lauren and Maia and also Councilman Takala for their time today and thank everyone who participated in this session. But before we close we'd like to offer a few more remarks.

[Next slide] For each of our briefings we've invited all our speakers to draw attention to the work of the nonprofits they work with and support. We'd like to encourage you to generously contribute to them, so the work can continue. All the links have been dropped in the chat.

Obviously, first and foremost, [Columbia Riverkeeper](#). We heard all about their work today. Also:

- [Building Tribal Leadership in Carbon Removal](#)
- the [National Indian Carbon Coalition](#)
- [Climate Solutions](#), and
- [Front and Centered](#)

Thank you all.

01:40:15

Sara Pietka (contd):

[Next slide] We'd also appreciate it if the audience members would take a few moments to provide feedback about this briefing. A 5-minute survey is placed in the chat, and will be sent to you immediately following this gathering. Please take a moment to complete it. We greatly value your feedback.

[Next slide] And then we have our final briefing in this year's series, which will be held on Thursday, May 18th at 11 am PST. Again, that's Thursday, May 18th, at 11 am, PST.

It would have been impossible to have a webinar series with our theme of tribes fighting for their homes and, as we've learned in this series, fighting for their cultures, without a discussion of salmon. If you live in this region, you know salmon is in serious crisis.

In *Na'Ha'Met, Ours to protect: The Salmon Crisis in the Salish Sea* we will learn about the Lummi Nation's decades-long efforts to protect and restore salmon, the cultural mainstay of Indigenous lives in our region. The lens will be on the Salish Sea with citizens of the Lummi Nation, Lisa Wilson and Althea Wilson. We'll learn about the current and uphill challenges Northwest tribes are facing in this crisis. The registration link is now in chat.

[Next slide] This concludes the third of four virtual briefings in 2023. We thank each of you for sharing your time with us and for the valuable feedback you will be providing. We hope we've deepened your understanding or created a new appreciation for Indigenous leadership communities, determination, and knowledge. And we'll see you again on Thursday, May 18th. Thank you.

Suggested citations

Bellon, Maia, *An Uneasy Conundrum: Green Energy & Tribes for the Fighting for Our Home: Indigenous Communities & Environmental Threats* webinar series. Ecotrust Indigenous Leadership Program, Thursday, April 20, 2023.

<https://vimeo.com/819925564>

Goldberg, Lauren, *An Uneasy Conundrum: Green Energy & Tribes for the Fighting for Our Home: Indigenous Communities & Environmental Threats* webinar series. Ecotrust Indigenous Leadership Program, Thursday, April 20, 2023.

<https://vimeo.com/819925564>

Takala, Jeremy, *An Uneasy Conundrum: Green Energy & Tribes for the Fighting for Our Home: Indigenous Communities & Environmental Threats* webinar series. Ecotrust Indigenous Leadership Program, Thursday, April 20, 2023.

<https://vimeo.com/819925564>