

KWEL' HOY WE DRAW THE LINE

The Fight for Xwe'chi'eXen

PRESENTED BY The Lummi Nation Sovereignty and Treaty Protection Office and the Lummi House of Tears Carvers

May 9, 2016

Tribes Prevail, Kill Proposed Coal Terminal at Cherry Point

BY LYNDA V. MAPES

The Lummi Nation has prevailed in its fight to block the largest coal port ever proposed in North America, at Cherry Point.

The U.S. Army Corps of Engineers, the agency reviewing permits for the deep water port project, agreed with the tribe Monday that it could not grant a permit for a project that would infringe on the Lummi Nation's treaty-protected fishing rights.

The 34-page decision was celebrated by community groups and tribes all over the Northwest that opposed the coal port.

The developer, SSA Marine of Seattle, declared the decision "inconceivable" and political, rather than fact-based. Bob Watters, SSA senior vice president and director of business development, said the company was "considering all action alternatives."

But legal experts said far from outlandish, the decision followed federal obligation to protect tribal treaty rights and the habitat

that makes those reserved rights meaningful.

"This is based on a long line of precedent," said Robert Anderson, director of the Native American Law Center at the University of Washington School of Law. "You can't have a right to fish without a decent environment."

Lummi fishing rights and the associated habitat are property rights protected against interference by states, the federal government and private parties, Anderson noted.

Tim Ballew II, chairman of the Lummi Indian Business Council called the decision "a big win for Lummi and for treaty rights and for Indian Country." The tribe argued the project was a killer for its crab fishery and would thwart rebuilding the herring run that was once the prize of Puget Sound.

The terminal would have brought some of the largest ships afloat into the usual and accustomed fishing waters of the Lummi up to 487 times a year to load and unload bulk commodities, principally coal, bound for Asian ports.

The project touched a nerve on both sides of the border among communities fighting coal and oil transport projects—none larger than the port proposed for

Cherry Point, the last undeveloped bit of shore on a deep-water cove, between a smelter and two oil refineries.

The Lummi fought the project from the start. The tribe was opposed not only to increased vessel traffic and risk of pollution from the project, but any disturbance of the site of one of its oldest and largest villages and burial grounds, upland from the proposed shipping terminal.

Promises by the developer to minimize and scale back the landside footprint of the project did not interest the Lummi, who argued the project could not be mitigated.

While SSA voiced shock at the decision, some industry analysts said it merely put a project that was never going to be economically viable out of its misery.

"This is like cutting the head off a zombie; it stopped making economic sense years ago, and now it's officially dead," said Clark Williams-Derry, director of energy finance at the Sightline Institute in Seattle. With coal prices in a long slide and no recovery in sight, the project had no financial future, Williams-Derry said.

"They have no market for the coal," agreed Tom Sanzillow, based in



LUMMI HEREDITARY CHIEF BILL JAMES, ON THE BEACH AT CHERRY POINT, SAYS SAVING IT IS TO PRESERVE "THE TRIBE'S VERY WAY OF LIFE." IT'S THE SITE OF AN ANCIENT LUMMI VILLAGE. PHOTO: ALAN BERNER

New York as the director of finance for the Institute for Energy Economics and Financial Analysis, a nonprofit think tank. Coal-export projects are "wasting a lot of investor capital and people's time," he said.

The campaign against the project was hard-fought and its foes implacable. Brian Cladoosby, president of the National Congress of American Indians and chairman of the Swinomish Indian Tribal Community in La Conner, called coal "black death," and vowed tribes would fight the project to the end.

Cladoosby said Monday, "Today was a victory not only for tribes but for everyone in the Salish Sea.

I hope we are reversing a 100-year trend of a pollution-based economy, one victory at a time."

Tribal opposition to the project from around the region was good news for citizens from Seattle to Bellingham and beyond, noted Cesia Kearns, based in Portland as deputy regional director of the Beyond Coal campaign for the Sierra Club. "Protecting treaty rights also protects everyone who calls the Salish Sea home. I feel just an incredible amount of gratitude," she said.

Mel Sheldon, chairman of the board of directors for the Tulalip Tribes, which also have treaty-reserved fishing rights at Cherry

Point, said the port would have taken away a way of life not only for those who fish, but for tribal and nontribal residents who treasure the environment. "This is a journey we are all on."

The decision was made by the Seattle District commander, Cmdr. Col. John Buck. If in the future the Lummi withdrew their opposition, SSA Marine can restart the permitting process, the corps noted.

But Ballew made it clear that is not on the table.

"We have always made our treaty rights and protection of the Ancient Ones our first priority," Ballew said. "And we always will."



LUMMI NATION

Dates are approximate

1500 BC

Lummi village already established at Xwe'chi'eXen.

753 BC

Rome is founded.

1 BC

Jesus is born.

1445 BC

Exodus of Jews from Egypt.

1820s

First record of missionaries in Lummi territory.

1855

Treaty signed.

1792

Lummi first contact with Europeans.

1792-1890s

Lummi population reduced 90% by European diseases.

1890s

Lummi forcibly relocated from San Juan Islands.

1880s-1950s

U.S. government bans traditional Native religion.

1940s-1960s

Termination Era, Congress attempts to terminate tribes.

1900s-1974

Lummi kept from fishing in customary areas.

1900s-1950s

Lummi children taken from families to boarding schools.

1974

Supreme Court affirms treaty fishing rights.



PHOTO: PAUL ANDERSON

TIMELINE

2010
Gateway Pacific Terminal proposed at Xwe'chi'eXen (Cherry Point).

2012
Lummi Nation announces its unconditional opposition to Gateway Pacific Terminal.

2014
Lummi Nation hosts "Sacred Summit" to evaluate impacts of coal export on treaty rights.

2016
Army Corps denies the permit of coal exports based on Lummi Nation Treaty Rights.

2010

2020

2011
Lummi Nation forms the Sovereignty and Treaty Protection Office. GPT damages a Lummi archaeological site at Xwe'chi'eXen.

2013
First round of environmental review with over 125,000 comments submitted. Lummi Nation begins the first of four totem pole journeys across the Pacific Northwest.

2015
Tribes from throughout the region meet at the Army Corps headquarters to state opposition coal terminal.

2017
Army Corps rules Xwe'chi'eXen to be considered eligible for the National Register of Historic Places.

1980s-2010s
Rapid decline of salmon habitat fisheries.

Hys'qe Thank You!

We offer with deepest respect and humility our heartfelt thanks to all our non-Indian colleagues, friends and allies—citizens of the Pacific Northwest, elected officials, environmental groups, and the faith-based community—who stood with us and the other Native Nations to defeat those who threatened with their proposed fossil fuel projects the lands, waters, and quality of life in the Pacific Northwest and British Columbia.

Our joint, five-year campaign carried the day against most, but not yet all, of these exceptionally ill-conceived and highly destructive projects. We learned once again that community engagement matters, communication and connection across cultures matters, and impassioned grassroots activism—not legions of lobbyists and lawyers—is the decisive factor. On behalf of all our relations, Thank You!

We all know the matter is not settled. Our people have learned the lesson many times over that for those who in their heart and mind truly honor with humility the Creation and all our relations the campaign might be over, but the fight has not ended. We need to stay connected and united, and stay strong, and with one mind and the courage of our convictions stand up against, resist, and defeat any proposed increase in the Pacific Northwest or British Columbia in the transport (by pipeline or rail), production, storage, or export of these dangerous fossil fuels. Just as important as our ultimate success will be the inspiring legacy for other communities on the importance of grassroots, cross-cultural and community-based communication, cooperation, and collaboration to protect the health, well-being, and the spirit of the places we call home.

All Our Relations,

Sovereignty and Treaty Protection Office of the Lummi Nation



PHOTO: NANCY BLECK





PHOTO: JAMES LEDER

The Shift

The last several years have witnessed a shift in public awareness, and the Totem Pole Journeys have been a part in making that shift happen. Awareness has reached into communities across the region and around the globe as more and more people find the strength to resist the destruction of man on of the natural world.

Against overwhelming economic and political forces, individuals, communities, organizations and yes, even some governmental entities, are taking ownership for the sanctity of the air, land, water and wildlife, and are struggling to exercise their shared responsibility over the restoration, protection and preservation of these gifts.

But, has it been enough?

Obviously not. Temperatures and sea levels are continuing to rise. Human populations are being displaced due to climate change. Glaciers, polar ice and permafrost are melting faster than projected. Species are continuing to go extinct or are threatened at alarming rates. Some current political and corporate forces are moved to increase the exploitation of and profit gained from our limited natural “resources.” The list goes on.

Do we abandon then, in futility, the efforts to resist fossils fuels and corporate greed, the protection of sacred lands and waters, to hear the earth-centered voices and witness earth-centered cultures, to honor all life in human and natural communities?

ABSOLUTELY NOT.

Despite the staggering number of obstacles placed before us, armed with courage, commitment, creativity and sheer audacity, individuals, communities and groups are continuing to move forward on that path forged by the Totem Pole Journeys. This movement contains within it a commitment to expanding the depth and breadth of what it means to recognize what our shared responsibilities are, to assume those sacred obligations and to draw and defend the line that marks the boundary between what’s acceptable and unacceptable in our Journey to create a just society that honors the gifts of the Earth.

Totem Pole Journeys Unite

The Lummi Nation's House of Tears carvers has created a tradition of carving and delivering totem poles to areas struck by disaster or otherwise in need of hope and healing.

In 2013 the House of Tears Carvers began, what would turn out to be, a yearly totem pole journey highlighting the impacts of fossil fuels at Xwe'chi'eXen (Cherry Point) and across tribal lands throughout the country.

Each year, the totem pole was delivered to a different tribal community battling fossil fuel threats to their sacred lands and waters.

These journeys informed communities and strengthened and expanded cooperation between tribes, intertribal organizations, the faith-based community, environmentalists and community leaders in the Pacific Northwest and Canada that are opposed to the proposed export of fossil fuels from Oregon, Washington, and British Columbia.



COMMUNITY BLESSING UNITARIAN UNIVERSALIST, CHURCH OF SPOKANE, 2015, PHOTO: PAUL ANDERSON



ST MARK'S CATHEDRAL, SEATTLE, 2016, PHOTO: PAUL ANDERSON



INTER-GENERATIONAL BLESSING 2013, PHOTO: PAUL ANDERSON

The Northwest Community



Tsilil-Waututh Nation kicking off the 2013 Totem Pole Journey



Community Blessing Cathedral Park, Portland, 2013



Winnipeg, Canada, 2016



Chairman Goudy and Jewell James, Yakama, 2014



Cowlitz Tribe support at Stephens Episcopal Church, Longview, 2015



Lummi Community with Northern Cheyenne Community members highlighting the protection of Otter Creek 2013 from coal mining

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AN OPEN LETTER TO LUMMI NATION

Dear Tribal Leaders:

On behalf of the organizations listed below, please accept our profound appreciation and deep respect for your longstanding guardianship and stewardship of the land, air, waters, and ecological integrity of your homeland territory. Your strength and unwavering commitment are an inspiration to all those who are dedicated to protecting the natural and cultural heritage of the Pacific Northwest. The recent successful efforts to defeat proposed fossil fuel transport and export projects are a testimony to the foresight, courage and leadership of the Native Nations of the Pacific Northwest.

We now face the threat posed by oil trains, oil pipelines and the expansion of existing fossil fuel terminals and vessel traffic, as well as the lingering possibility of coal ports in Washington State and British Columbia. Pressure to move ahead with these projects will only intensify under the Trump Administration. However, the project sponsors can only succeed through a campaign of division, distraction, deception and disinformation. It is an old strategy with a long history and one that is certain to re-appear in the coming months and years.

Our organizations include residents in the Pacific Northwest from every walk of life. Over the past four years, when we and our supporters were approached by a Native Nation or Nations we made clear our support for treaty rights and the right to have sacred lands and waters preserved and protected from the impacts of the proposed coal trains and coal terminals. We did so not only out of a sense of legal and moral obligation, but also because we, too, care deeply about the natural and cultural heritage we must leave for future generations.

It is our hope that we can learn how we can work together in common cause and in the most appropriate manner to protect the lands and waters of the Pacific Northwest from any further damage from the export of fossil fuels from our shores.

Respectfully yours,



Crina Hoyer
Executive Director



Cesia Kearns
Deputy Regional Director,
Beyond Coal Campaign



Joan Crooks
CEO



Eric de Place
Policy Director



Matt Krogh
Director,
Extreme Oil Campaign



A Message of Faith

JESSIE DYE, EARTH MINISTRY

Millenniums ago the first people arrived at Xwe'chi'eXen, ancestors of the Coast Salish. They perfected reef net fishing and lived in abundance from the gifts of the sea, herring and crab, oysters and clams. Their lifeways and identity especially came from the good runs of salmon. When Europeans arrived, perhaps 90% of the people died. Smallpox Bay by Orcas Island has its name for a reason. Salmon were overfished by settlers and eventually became endangered.

Christian denominations were complicit in stealing the land from the Tribes, if not actually culpable. Native religious beliefs were outlawed, the Potlatch made illegal, and children removed from their families and sent to religious boarding schools where their language was forbidden, their hair cut short, and their ancestors demonized.

In 1987 and again in 1997, bishops and denominational executives of Christian churches in the Northwest offered letters of apology to the indigenous peoples of the region, acknowledging the terrible damage they had done to Native families, spirituality, and identity. But a new threat to Native nations on the Salish Sea has arisen in this decade—the mining, transport, burning and disposal of fossil fuels. Tribal leaders asked faith communities to keep the promise of these apologies and stand by tribes in defense of their sacred sites, treaty rights, and salmon runs.

It has been a great honor to religious people to be asked to support the powerful, strategic and moral leadership of Northwest tribes in protection of our common home. Through the work of Earth Ministry, faith communities have joined Native nations and environmental leaders to attend hearings, make thousands of public comments, host events and participate in the process of democracy in defense of Native treaty rights. **The vibrant partnership, new in this generation, between people of faith, climate activists and Tribal communities has led to a series of astonishing victories, none as powerful as the protection of Xwe'chi'eXen.**

Climate change is a great moral and spiritual concern of our time, and Native leadership has proven to be capable, strategic, resilient and effective in its face. Faith communities bring a large constituency and an established moral compass. Environmental leaders have prodigious

organizing and communication skills, policy expertise and large audiences. Christian communities are fortunate to have made these deep connections, grateful to have hosted the House of Tears Totem Poles in our churches, and we are committed to fight with Tribes and environmental groups against coming attacks on the well-being of our common home.



PHOTO: PAUL ANDERSON

The Fight Continues...

ERIC DEPLACE, SIGHTLINE INSTITUTE

The Pacific Northwest stands squarely between fast-growing energy markets and large fossil fuel deposits in the interior of North America. In order to reach these markets, energy companies have attempted to build a range of large fossil fuel infrastructure projects in the Pacific Northwest. Since 2012, British Columbia, Oregon, and Washington have seen proposals to build seven new coal terminals plus expand three existing terminals, two new oil pipelines, at least eleven oil-by-rail facilities, and six new natural gas pipelines.

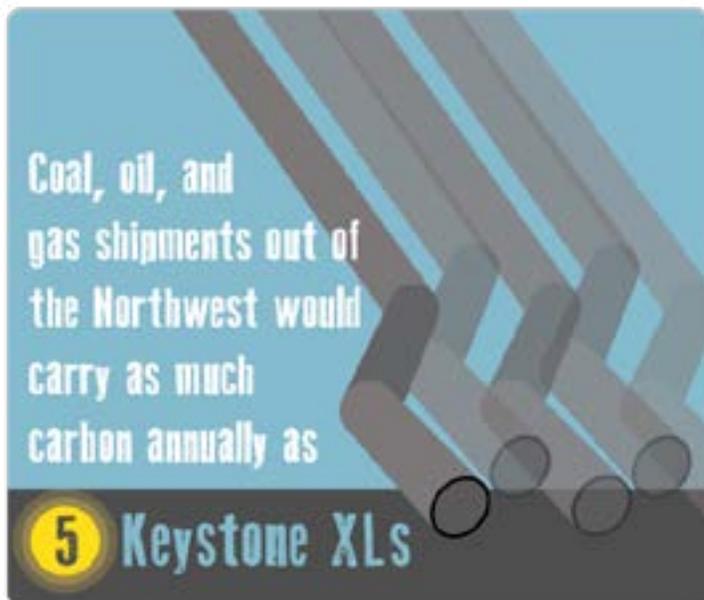
Each of the projects is distinct, but all can be denominated in a common currency: the tons of carbon dioxide emitted if the fossil fuels were burned. Taken together, these plans would be capable of delivering enough fuel to release 822 million metric tons of carbon dioxide into the atmosphere each year.

For context, consider the Keystone XL pipeline—designed to carry oil from northern Alberta to the Gulf of Mexico—which has earned an international reputation as a first-order climate catastrophe. When burned, the fuel carried by

Keystone XL would emit 149 million metric tons of carbon dioxide per year, about as much as is produced by every activity in Oregon and Washington combined.

In other words, if all of the coal export terminals, oil-by-rail facilities, oil pipelines, and natural gas pipelines planned for the Pacific Northwest were completed, the region could export fossil fuels carrying five times as much climate-warming carbon as Keystone XL:

- **Coal terminals.** Even at partial operating capacity, the ten new or expanded coal export terminals would have together moved 132 million metric tons of coal annually, enough to emit 264 million metric tons of carbon dioxide per year.
- **Oil pipelines.** Two new oil pipelines would have been capable of carrying more than 1.1 million barrels per day, enough to emit 199 million metric tons of carbon dioxide annually.
- **Oil-by-rail facilities.** Eleven oil-by-rail facilities at refineries or port terminals could move 858,900 barrels per day, enough to emit 132 million metric tons of carbon dioxide each year.
- **Natural gas pipelines.** At least six new natural gas pipelines capable of carrying 11.7 billion cubic feet per day would be enough to emit 227 million metric tons of carbon dioxide annually.



SIGHTLINE.ORG/5KXLS





PHOTO: PAUL ANDERSON

ART INSPIRES ACTION INSPIRES ART

KWEL HOY': WE DRAW THE LINE

An exhibition by The Natural History Museum and the Lummi Nation

As we face the disruptive effects of anthropogenic climate change, Native American communities have taken a leading role in the grassroots movement to protect the environment for future generations. *Kwel Hoy': We Draw the Line* introduces visitors to the values and concerns guiding Indigenous environmentalism, testifying to the resilience and courage of Native American communities today.

A collaboration between *The Natural History Museum* and the Lummi Nation, this exhibition centers on the Totem Pole Journey, a multi-year initiative to raise awareness about our shared responsibility to land, water, and people. Since 2013, members of the Lummi Nation have been transporting a totem pole carved by master carver Jewell Praying Wolf James and the House of Tear Carvers to sites impacted by environmental change. As it travels, the totem pole draws a line between the dispersed but connected ecological concerns in North America, representing the unprecedented alliance of tribal and non-tribal communities as they stand together to advocate for a sustainable relationship between humanity and the natural world.

For *Kwel Hoy': We Draw the Line*, the totem pole will enter a museum for the first time, where it will be paired

with a collection of artifacts collected along the route of the 2017 Totem Pole Journey. Unlike traditional museum artifacts, the totem pole and associated artifacts featured in this exhibition are not static objects to be isolated and preserved by the institution. Charged with the stories of resilience they have picked up on their journey across the country, they connect the museum—and the museum public—to the living universe in which they are enmeshed.

Linking the museum in a chain of solidarity with Indigenous Peoples across the country, this exhibition stands as a powerful bridge between the museum of natural history and the communities that are working hardest, in the words of the American Alliance of Museums' Code of Ethics, "to foster an informed appreciation of the rich and diverse world we have inherited...[and to] preserve that inheritance for posterity."

Established in 2014, The Natural History Museum is a mobile and pop-up museum initiated by Not An Alternative, a collective of artists, activists, scientists and scholars. Named in The New York Times and ArtNet's "Best in Art in 2015" round-ups, the group's work has been widely exhibited in museums nationally and internationally.

Why museums?

Our environment is deteriorating, climate change is forcing mass migration and wreaking havoc on the planet's—and America's—poorest and most vulnerable communities, people are being poisoned and countless species are going extinct.

Museums can no longer simply describe the loss of life on Earth. A top-three family destination and a \$21 billion industry, museums see more visitors annually than sporting events and theme parks combined. Audiences are multigenerational, multiracial, multilingual, and part of both tourism and K-12 education.

Museums are highly influential: polls show that the public considers museums—especially science and natural history museums—to be among their most trusted sources of information. These institutions' curatorial and programmatic choices create public meaning in profound ways that transcend mere scientific facts. They educate the public, define values, influence behavior and normalize perspectives. Museums mediate our understanding of nature and humans' place in the world.

The Indigenous Peoples of the Pacific Northwest can be viewed in dioramas at our nation's major natural history museums, their daily life depicted through such artifacts as carved spoons and boxes, and hunting and fishing tools. But they are also living tribes that today are fighting fossil fuel expansion projects and preparing for rising sea levels. Imagine if museums were providing the context, research-based visionary narratives, immersive experiences, and opportunities for audience identification and engagement with the struggles of communities on the front lines of ecological crisis?

The mission of *The Natural History Museum* (est. 2014) is to connect and empower scientists, museums, and frontline communities to address critical environmental and social challenges. By championing a vision of science for the common good and framing an understanding of nature as a commons, we aim to foster the global citizenship, vision, and resilience needed in a time of profound environmental and social change.



