

Keeping Nestlé at bay

State and tribal officials throw a wrench in the corporation's water-bottling plan

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Gov. Kate Brown just made a game-changing intervention in Nestlé's ongoing effort to bottle public water in Oregon.

Soon after receiving three letters of opposition from the Confederated Tribes of Warm Springs, Brown instructed the Oregon Department of Fish and Wildlife (ODFW) on Nov. 6 to withdraw their recent application to transfer water rights with the city of Cascade Locks, urging them to return to a process "which includes consideration of the public interest... along with the opportunity for public input and a broader review of this proposal."

On the same day, Brown also directed the Oregon Water Resources Department (OWRD) to consider taking a "broader look" at how the state uses publicly owned water.

Nestlé's proposal to bottle the cold waters of Oxbow Springs has garnered substantial public backlash, and generated more than 100,000 letters of opposition, with opponents citing issues such as plastic pollution, disruption to local water cycles, and harm to salmon.

Both the Confederated Tribes of Warm Springs and the Confederated Tribes of the Umatilla have treaty-protected fishing rights to Columbia River salmon.

The OWRD approved permits for a water exchange between Nestlé and Cascade Locks in February 2012, and was promptly sued by the environmental groups Bark and Food and Water Watch the following month - litigation that may still take years to resolve.

In September 2013, State Rep. Mark Johnson (R-Hood River) labeled opponents to Nestlé "outside environmental and special interest groups," adding "I believe the ODFW Commission should be responsible for maintaining and protecting healthy fish and wildlife, not for making economic decisions for our small towns."

Complaining that the initial process was

taking too long, Nestlé changed tactics last April, and its allies in the city of Cascade Locks and the ODFW filed paperwork to transfer water rights between the two public entities, eliminating the required "public interest review" in the original water exchange application. Now that state and tribal officials have spoken out against it, the new application is very unlikely to move forward.

Nestlé's reputation has been taking a beating for several months, with news spreading from California about illegal water extraction, government foot-dragging, and civil disobedience. Back in March, a group calling itself the Crunch Nestlé Alliance shut down a Nestlé bottling plant in Sacramento, saying they were outraged that the company was exporting 80 million gallons of water every year despite the state's record drought.

In the Central Valley of California, extending from Sacramento to San Joaquin, groundwater extraction is so high that the land is currently sinking at a rate of more than a foot per year - faster than ever recorded before. As a result of the sinking, bridges, roads, canals, and other concrete structures are literally breaking apart, with repair costs alone likely reaching into the billions.

The governor of California, Jerry Brown, has encouraged residents to stop flushing toilets and watering lawns to help cope with the water crisis, while angering environmental supporters who are still demanding a statewide ban on fracking, which consumes enormous amounts of water. Meanwhile, Nestlé CEO Tim Brown told the media in May that his company would be happy to expand California pumping despite the historic drought, saying "It's driven by consumer demand, it's driven by an on-the-go society that needs to hydrate."

After news of Oregon's new water application spread to local tribes this summer, members of the Warm Springs,

Umatilla, Nez Perce and Yakama came together to denounce the project, forming the group Wanapum Fishing People Against Nestlé, which organized letters of opposition to the Governor's office, staged a hunger strike in Cascade Locks, and traveled to Salem to demand that the Governor drop the deal.

"It is unethical for one community to force another community into poverty to create just 12 jobs," argues Klarice Westley of Wanapum Fishing People Against Nestlé. "It's gonna plunge hundreds of fishermen into poverty, and there's already 70 percent unemployment at Warm Springs. A lot of our people are relying on fishing for their livelihoods."

Part of the tribes' authority on the Nestlé project comes from their unique relationship to the site Nestlé hopes to bottle. Outside of a recent council hearing about Portland's fossil fuel export policy, Carlos Smith, tribal council member of the Confederated Tribes of Warm Springs, explained that what we now call the area of Oxbow Springs was originally the home of tribal members who were forcibly removed to Warm Springs.

"The Dog River Wasco Tribe lived right there at Oxbow Springs," Smith explained.

And the reason Natives don't live at Oxbow Springs today has everything to do with the hatchery.

From 1933 to 1974, 11 dams were constructed on the Columbia River, with a majority of them built by the federal government. These drastically altered the geography of the river, flooding dozens of Native fishing sites and killing off huge numbers of salmon - the staple food and cultural keystone for the region's indigenous population. The effect was as traumatic for natives of the Northwest as the extinction of the buffalo was for the indigenous people of the Great Plains.

Once Congress recognized the damage it



PHOTO COURTESY OF BARK

A section of the Oxbow Springs, where Nestlé wants to buy water rights and bottle it for sale.