

Nestlé crunched

Recent victories highlight the critical role Native American rights have played in protecting the natural resources of the Pacific Northwest

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After a 9-year battle with locals, Nestlé Waters North America has officially pulled up stakes and left the state of Oregon.

Following an Oct. 27 letter from Governor Kate Brown to Fish and Wildlife director Kurt Melcher, Nestlé cleared out its Cascade Locks store-front and issued a terse statement thanking the city for its support.

"We are grateful to the residents, elected officials, neighborhood business owners and leaders who welcomed us to Cascade Locks, and who have supported our interest in bringing good paying jobs to the community," the statement read. As of press time, Nestlé Waters North America did not respond to inquiries.

"They've closed their offices here, they've come in and said thank you for your support, and that's it," said city administrator Gordon Zimmerman.

During the 9 years of attempting to get into Cascade Locks, Nestlé began making similar attempts in two other Gorge cities in Washington state: Waitsburg and Goldendale. Both proposals were quickly put to rest after generating intense local opposition.

And the defeat of Nestlé isn't the only thing environmental groups are celebrating.

On Election Day, Nov. 7, in Vancouver, under-dog candidate Don Orange pulled off a landslide victory over his well-funded opponent Kris Greene, winning a seat on the next Vancouver Port Commission. Winning the election will allow Orange to fulfill a campaign promise to cancel the Tesoro-Savage oil terminal – a project first proposed in 2013 that's also languished from intense opposition and objections from treaty tribes. The opposing port candidate, Kris Greene, became the subject of public controversy after accepting large cash injections from the oil companies hoping to do business at the port.

Exactly one week after that election, Cowlitz County also denied two shoreline permits for the proposed Millennium Bulk Terminals coal export terminal – effectively ending the last proposal for coal exports in the Pacific Northwest.

Six massive proposals for coal exports were spread across the region five years ago, and would have collectively shipped 150 million tons of coal to Asia every year. To put that amount into perspective, total coal production in the U.S. was 728 million tons in 2016.

Not long before, Millennium had lost another permit after the Washington State Department of Ecology announced it would create unavoidable damage to air quality as well as tribal and cultural resources. In a press release from the Cowlitz Indian Tribe, Chairman William Iyall said:

"We thank the Department of Ecology for protecting the people of Washington State. The Millennium Bulk Terminals coal export facility has posed a great threat to our people, our food resources including salmon, and to our communities."

He added, "We ask Cowlitz County and local businesses to come together with us to develop ethical, environmentally sensitive business opportunities that



Oxbow Springs in Cascade Locks. Nestlé has officially packed up and abandoned its effort to bottle the spring's water, for now.

PHOTO COURTESY OF BARK

will create jobs and economic stability long after Millennium has moved on."

As of press time, a spokesperson for Millennium at Gallatin Public Affairs did not respond to a request for comment.

Like the battle against coal, the entry of treaty tribes in the fight against Nestlé has also marked a decisive turning point, raising questions about whether government planners are respecting tribal neighbors and their economic priorities.

Despite the influence they've carried, many government officials have not publicly acknowledged the significance of treaty and water rights regarding Nestlé's plans in the Gorge.

"It's really exciting for me as a native individual in Warm Springs to see this water exchange being disrupted," said Carina Miller, a tribal councilor at Warm Springs. "I do appreciate the governor intervening, but I don't appreciate her not acknowledging our treaty rights, and our sovereignty in this whole ordeal."

According to available records, tribal governments were only informed about the Nestlé proposal in 2015, after grassroots activists in Cascade Locks began to contact them. Since that time at least three tribal governments submitted letters of opposition to the project – including the Confederated Tribes of Warm Springs, whose territory includes Cascade Locks.

In Goldendale, one public meeting with objections from the Yakama Nation was enough to scrap the project. As reported in the Goldendale Sentinel, one Yakama attorney, Keegan Bordeaux, testified:

"Fish cannot survive in the Columbia River without sufficient water quality, quantity and temperature, making every cold water source, including those

around Goldendale, vital to the future health of the Columbia River fish. Any threat to these water resources is an attack on the health of our fisheries and the Yakama Nation's treaty-reserved rights to participate in those fisheries."

These facts were not lost on local officials.

"There's no way that we would've ever gotten off first base had we not included the tribe from the get go," said city administrator Larry Bellamy.

But in Cascade Locks, consultation was bungled so badly the two spokesmen for the town, the mayor and city administrator, have two different stories about what happened.

"The tribes have never said that they wanted, or didn't want, the Nestlé proposal, said City administrator Gordon Zimmerman said

A letter from JoDe Goudy, dated June 6, 2016, states otherwise. It reads:

"... the Yakama Nation calls on the Cascade Locks City Council to drop its harmful effort to bring Nestlé into the Columbia River Basin. Such efforts undermine our culture and threaten our treaty-reserved rights."

"We tried to talk to the Yakamas," Mayor Tom Cramblett said. "I'm a common sense guy. It was very common sense to me that this project was going to be a beneficial one to them. ... I think I could have convinced JoDe Goudy."

Cramblett began making his case to the Yakamas by sending a letter back to Chair Goudy, which reads "I'm sorry that Facebook and special interest groups can put out information that is not factual and misleading that could seriously harm the economic stability of our community." The Yakama Nation did not approve his subsequent request for a meeting.

"I think they're delirious," said Klairice Westley of

Wanapum Fishing People Against Nestlé, who held a fast to protest the City Council. "It's pretty clear the (Warm Springs) tribe opposed it. I mean, we had tribal council members come to City Hall meetings and say no – the tribe opposes this. If he thinks, after reading that letter, he can go to JoDe Goudy and the Yakama Tribe and convince them otherwise, then they are really delusional."

Westley said city officials like Cramblett have consistently dodged the issue of treaty rights at Oxbow Springs in a way that marginalizes native people.

"1855 treaty says that if you got something going on there that involves anything that they use for their sustainability, you need to make them aware of it," Cramblett said. "So yeah. Hey, people screw up all the time. We didn't do it on purpose."

"Once we found that we weren't in compliance, according to them with the 1855 Treaty – because we were doing something that had to do with fish. Once we did that, we immediately got with them and did the best we could to keep them informed and keep them part of the whole thing. We understand that's important."

Despite this, Cramblett continued to strike a combative tone, calling opponents of Nestlé "outsiders," calling out some by name, and saying he would have pushed the project to completion if not for the governor – over objections from Native Americans and their tribal governments.

"They want me to have a responsibility to them, and I'm fine with that, but I've got a responsibility to my citizens, too."

"Anything that I see that I think is viable, I'm moving in that direction," he said.

Of course, economic development does remain a real need in Cascade Locks, although not every official is

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– PAUL KOCH
PORT OF CASCADE LOCKS

fixated on Nestlé.

Paul Koch, general manager at the Port of Cascade Locks, says the important thing now is to move on and look for common ground with neighboring communities.

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When he first joined the port in 2013, Koch said Cascade Locks quickly learned the hard way that going it alone was a losing strategy.

"The first month I was here the commission handed me a letter they had received in November of 2012 from the state that said 'by the way, if you don't fix the Bridge of the Gods by March or April (of 2013) we're going to close it or severely weight-limit it. And then the next paragraph said 'And by the way, we won't be done with our analysis telling you what needs to be fixed until December.'

Within a matter of months, Koch said the bridge was back at full capacity – a feat that required serious help from surrounding communities, and collaboration from local, state and federal officials.

"But the result of that was that the community realized that being an island unto yourself and being mad and upset because the National Scenic Area was created and you didn't want it, or being mad about this, gets you nowhere."

Koch says the Port has been working for two years on a joint project with the Confederated Tribes of Warm Springs on an integrated hotel-resort that would focus on local recreational opportunities. And although the project incorporates gaming, it appears to have incorporated the criticisms that shot down its former casino project.

"This proposal has a much reduced size casino attached to the hotel. So it wouldn't be as dramatic. And there's also a commitment that a part of that would be the sailing areas, the fishing areas, the biking, trail hiking, the nature areas, all of that would be absorbed into that one concept," Koch said.

"The ultimate plan is to have sailing beaches on either side of the peninsula that's out there, and then some other development, and then it would all be recreation oriented. And that's about an \$800 million development if they do it," he said.

Koch also says the Port is also looking for grant funding to remove rocks from the mouth of Herman Creek to allow more salmon to access its cold water – a project they've been working on for two years in collaboration with the Umatilla and Warm Springs tribes.

"We have no problem with the Indian tribes," said Koch. Adding that "they're kind of perplexed as we are" with the lack of funding for Herman Creek.

Since joining the port in 2013, Koch said only one employee he started with is still there, with 20 people on staff today.

"Our elected leaders have, well, since I've been here starting in 2013, they've been very realistic and they know ... You better develop relationships and partnerships and work together, and we have that advantage of the National Scenic Area here, which is a natural region that we all should be working together on

the same things."

Deanna Busdieker, a city councilor in Cascade Locks, agrees that the city must find ways to attract better businesses – and try to do so in partnership with local tribes. Busdieker agreed to speak with Street Roots with the clarification that she speaks as an individual, and not as a representative for Cascade Locks City Council.

"Time basically stopped when the mill closed," Busdieker said. "There are a lot of people who just want to be a company town again, to go back to the way things were ... but it's not really how it works now."

Busdieker was the single person on Cascade Locks City Council who continually opposed the Nestlé plan. Busdieker says that the economic outlook in Cascade Locks is already improving, but that change has not yet led to new political leaders. She points to local businesses like the native-owned Brigham Fish Market and the Renewal Workshop as indications of what the town can do.

"With Nestlé out ... we can maybe start looking at more appropriate businesses. I would like maybe hemp production going here, and maybe we can get the natives involved here. They're working on growing it on the reservation, so that could be a partnership. But you've gotta have a mayor and council that's willing to look at these things."

Busdieker says the way her city has handled communication with tribes has been a major disappointment for her, and that political change is necessary to make it better.

"I did make a lot of enemies. Retribution is a real thing in Cascade Locks. I used to be the paid tourism administrator. I was a contractor. Within two weeks of just asking questions about Nestlé that council didn't want to answer, I got pulled from the governor's conference on tourism. Then my contract went back out for bid. Which is why I'm practically homeless now."

"I've lived in the Gorge for 21 years... everywhere from The Dalles to Cascade Locks, and on both sides of the river. The ecology side of my interdisciplinary degree was almost entirely focused on the Columbia River watershed. ... We've just got to do everything we can to protect those cold pools. After 2015 when we had that horrible drought and all the fish kills on the Columbia ... you know those cold pools are so essential to the fish being able to migrate."

On Nov. 28, Washington state's Energy Facility Site Evaluation Council finally denied the Tesoro-Savage oil terminal in Vancouver – affirming the majority brought by Don Orange to the port of Vancouver, and ending a four-year battle. In a press release, Cowlitz Tribal Chairman asked the Governor to accept his agency's decision and acknowledge his tribe's concerns about air and water quality.

Across the region, such conflicts over development – and clashing visions of development – have plagued infrastructure projects that promised fast cash to poor towns while bringing them into conflict with their own people and with treaty tribes, eating up time and money on all sides.

With years of hindsight, it may be a good time to ask – how many of these conflicts would have happened if local governments had prioritized tribal relations, and simply planned better projects?