



# SEATTLE CITY COUNCIL

## Legislative Summary

Res 31793

Record No.: Res 31793

Type: Resolution (Res)

Status: Adopted

Version: 3

Ord. no:

In Control: City Clerk

File Created: 01/16/2018

Final Action: 02/26/2018

**Title:** A RESOLUTION addressing a proposed liquefied natural gas facility in Tacoma, and urging the Puget Sound Clean Air Agency to improve tribal consultation procedures and collaborate with regional mayors, leaders, and tribes to address the growing impact of climate change.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Sawant, Juarez

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

**Attachments:** Att A - Affiliated Tribes of Northwest Indians Resolution 17-51, Att B - Affiliated Tribes of Northwest Indians Resolution 18-10, Att C - National Congress of American Indians Resolution MKE-17-034, Att D - Puyallup Tribe of Indians Resolution 180118F

**Drafter:** Emilia.Sanchez@seattle.gov

Filing Requirements/Dept Action:

### History of Legislative File

Legal Notice Published:  Yes  No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	01/16/2018	sent for review	Council President's Office			
	<b>Action Text:</b> The Resolution (Res) was sent for review. to the Council President's Office						
	<b>Notes:</b>						
1	Council President's Office	01/16/2018	sent for review	Full Council			
	<b>Action Text:</b> The Resolution (Res) was sent for review. to the Full Council						
	<b>Notes:</b>						
1	Full Council	01/16/2018	referred	Full Council			
	<b>Action Text:</b> The Resolution (Res) was referred. to the Full Council						
	<b>Notes:</b>						

1 Full Council 01/29/2018 referred Civic Development, Public Assets, and Native Communities Committee Pass

Action Text: The Motion carried, and the Resolution (Res) was referred to the Civic Development, Public Assets, and Native Communities Committee by the following vote:

Notes: *Councilmember González entered the Council Chamber at 3:11 p.m.*

*Councilmember Juarez left the Council Chamber at 3:12 p.m.*

*Councilmember Juarez entered the Council Chamber at 3:14 p.m.*

*Councilmember Bagshaw left the Council Chamber at 3:14 p.m.*

*Councilmember Bagshaw entered the Council Chamber at 3:16 p.m.*

Motion was made and duly seconded to refer Resolution 31793 to the Civic Development, Public Assets, and Native Communities Committee.

In Favor: 9 Councilmember Bagshaw, Councilmember González, Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

1 Civic Development, Public Assets, and Native Communities Committee 02/21/2018 adopt as amended Pass

Action Text: The Committee recommends that Full Council adopt as amended the Resolution (Res).

Notes:

In Favor: 5 Chair Juarez, Member González, Alternate Sawant, O'Brien, Mosqueda

Opposed: 0

2 Full Council 02/26/2018 adopted as amended Pass

Action Text: The Motion carried, the Resolution (Res) was adopted as amended by the following vote, and the President signed the Resolution:

Notes: **ACTION 1:**

Motion was made by Councilmember Sawant and duly seconded, to amend Resolution 31793, fifth recital, by deleting the language after the second clause, as shown in the strike through language below:

WHEREAS, the Seattle City Council considers climate change to be a threat to

people everywhere in the world, and a vital concern for the people of Seattle and the Northwest, ~~and data shows that LNG is one choice to fuel some ships and provide natural gas to residential and commercial customers to reduce sulfur emissions, harmful diesel particulate matter by 90 percent, nitric oxide and nitrogen dioxide emissions by 90 percent, and carbon dioxide emissions by 35 percent over that of diesel or bunker fuel; and~~

The Motion failed by the following vote:

In Favor: 3 - Herbold, O'Brien, Sawant

Opposed: 4 - González, Harrell, Johnson, Juarez

ACTION 2:

Motion was made by Councilmember Sawant and duly seconded, to amend Resolution 31793, by adding a new section 2.F., and by updating the letter sections accordingly, as shown in the underlined and strike through language below:

E) Provide timely information regarding the environmental impacts of any proposed facility affecting tribal land prior to any hearings on these facilities; ~~and~~

~~E)F)~~ Reject PSE's application for a permit for the proposed LNG facility.

The Motion failed by the following vote:

In Favor: 2 - O'Brien, Sawant

Opposed: 5 - González, Harrell, Herbold, Johnson, Juarez

ACTION 3:

Motion was made by Councilmember O'Brien, duly seconded and carried, to amend Resolution 31793, by adding a new seventh recital, as shown in the underlined language below:

WHEREAS, workers exposed to harmful particulate matter from vessels burning diesel or bunker fuel is a serious health concern, and Seattle City Council supports finding energy alternatives that both protect workers and our climate; and

ACTION 4:

Motion was made and duly seconded to adopt Resolution 31793 as amended.

In Favor: 7 Councilmember González, Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

3 City Clerk 02/26/2018 attested by City Clerk  
Action Text: The Resolution (Res) was attested by City Clerk.  
Notes:

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**Text of Legislative File Res 31793**

**CITY OF SEATTLE**

**RESOLUTION 31793**

1  
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3  
4 A RESOLUTION addressing a proposed liquefied natural gas facility in Tacoma, and urging the  
5 Puget Sound Clean Air Agency to improve tribal consultation procedures and collaborate  
6 with regional mayors, leaders, and tribes to address the growing impact of climate  
7 change.  
8

9 WHEREAS, Puget Sound Energy (PSE), a for-profit company, is developing a liquefied natural  
10 gas (LNG) facility at the Port of Tacoma in the Tacoma Tideflats for the purpose of  
11 producing, storing, and distributing liquefied natural gas; and

12 WHEREAS, the regional 2008 Northwest Ports Clean Air Strategy set ambitious goals for  
13 reducing emissions from ships and other port-related sources and improving regional air  
14 quality; and

15 WHEREAS, most cargo ships in the Puget Sound region currently run on diesel or bunker fuel,  
16 and emissions from ships are responsible for 63 percent of maritime-related diesel  
17 particulate matter emissions; and

18 WHEREAS, vessels operating in Puget Sound must meet appropriate federal emissions  
19 standards; and

20 WHEREAS, the Seattle City Council considers climate change to be a threat to people  
21 everywhere in the world, and a vital concern for the people of Seattle and the Northwest,  
22 and data shows that LNG is one choice to fuel some ships and provide natural gas to  
23 residential and commercial customers to reduce sulfur emissions, harmful diesel  
24 particulate matter by 90 percent, nitric oxide and nitrogen dioxide emissions by 90  
25 percent, and carbon dioxide emissions by 35 percent over that of diesel or bunker fuel;  
26 and

1 WHEREAS, dockworkers, pilots, and communities surrounding vessel routes and docking that  
2 utilize bunker fuel experience decreased air quality, significantly impacting the public  
3 health of workers and communities in the Puget Sound region; and

4 WHEREAS, workers exposed to harmful particulate matter from vessels burning diesel or  
5 bunker fuel is a serious health concern, and Seattle City Council supports finding energy  
6 alternatives that both protect workers and our climate; and

7 WHEREAS, allies in labor organizations and the environmental community, as well as tribal,  
8 city, county, and state governments, should work collaboratively on measures to decrease  
9 the harmful impacts of emissions that harm public health and impact climate change; and

10 WHEREAS, natural gas, like other fossil fuels, emits carbon dioxide, a greenhouse gas that  
11 contributes to climate change when used as a fuel source, and leaks along the natural gas  
12 supply chain emit methane, a gas with 86 times the global warming potential of carbon  
13 dioxide, according to the Intergovernmental Panel on Climate Change; and

14 WHEREAS, many natural resources are disappearing faster than they can be restored due to the  
15 impacts of climate change; and

16 WHEREAS, American Indian and Alaska Native tribes who rely heavily on the cultural and  
17 subsistence practices of their ancestors are disproportionately impacted by climate change  
18 due to their geographic locations and direct connection to the surrounding environment,  
19 particularly those tribal nations located in coastal communities; and

20 WHEREAS, in Resolution 31757 The City of Seattle committed to “doing its part to meet the  
21 United States’ obligation under the Paris Agreement to limit global warming to 1.5  
22 degrees Celsius”; and

1 WHEREAS, Washington Administrative Code (WAC) Chapter 173-441, regarding the reporting  
2 of emissions of greenhouse gases, and WAC Chapter 173-442, known as the Clean Air  
3 Rule, establish greenhouse gas emission standards for natural gas distributors; and

4 WHEREAS, natural gas is often extracted from the earth through hydraulic fracturing  
5 (“fracking”), causing environmental damage beyond the impacts on climate change; and

6 WHEREAS, PSE’s proposed LNG facility in Tacoma would process a steady supply of gas from  
7 offsite wells including gas extracted through fracking, potentially exposing communities  
8 living near those wells to toxic and carcinogenic chemicals and polluting local waters;  
9 and

10 WHEREAS, LNG is natural gas that has been condensed into a liquid, taking one-six-hundredth  
11 the volume of its gas form when cooled to -260 degrees Fahrenheit; and

12 WHEREAS, PSE’s proposed LNG facility includes a storage tank that could hold up to 8 million  
13 gallons of LNG, which is the equivalent of 4.8 billion gallons of natural gas in vapor  
14 form; and

15 WHEREAS, American Indian and Alaska Native tribes depend upon natural resources to sustain  
16 their way of life, and the proposed Tacoma LNG facility places a disproportionate share  
17 of health and safety risks on tribal lands and tribal members; and

18 WHEREAS, local, state, and federal permitting and other approval processes require tribal  
19 consultation; and

20 WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) is a regional organization  
21 comprised of American Indians and Alaska Natives, and represents tribes in the states of  
22 Washington, Alaska, California, Idaho, Montana, Nevada, and Oregon; and

1 WHEREAS, the ATNI adopted Resolution 17-51 in September 2017, included as Attachment A  
2 to this resolution, opposing the siting of the proposed Tacoma LNG facility, supporting  
3 documentation and disclosure of the risks of constructing and operating an LNG storage  
4 and distribution facility, promoting the siting of such facilities where the risks are  
5 lessened for the public as a whole and not disproportionately absorbed by tribes, and  
6 calling for the cessation of construction activities on the proposed Tacoma LNG facility;  
7 and

8 WHEREAS, the ATNI adopted Resolution 18-10 in January 2018, included as Attachment B to  
9 this resolution, stating that several of the failures to document and disclose the risks of  
10 constructing and operating an LNG facility are best addressed through a Supplemental  
11 Environmental Impact Statement (EIS), an environmental justice analysis, and a human  
12 health study; calling on the City of Tacoma to require a Supplemental EIS; and reiterating  
13 many of the positions contained in ATNI Resolution 17-51; and

14 WHEREAS, ATNI Resolutions 17-51 and 18-10 were signed by the Honorable Leonard  
15 Forsman, President of ATNI and Chair of the Suquamish Tribe, located in Kitsap  
16 County; and

17 WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is  
18 the oldest and largest national organization of American Indian and Alaska Native tribal  
19 governments; and

20 WHEREAS, NCAI adopted Resolution MKE-17-034 in October 2017, included as Attachment  
21 C to this resolution, opposing the siting of LNG facilities that would harm tribal lands,  
22 and urging disclosure of the risks associated with construction and operation of LNG



1 facilities to ensure that any risks are reduced for the public as a whole and not  
2 disproportionately absorbed by tribes; and

3 WHEREAS, the Puyallup Tribe of Indians adopted Resolution 180118F in January 2018,  
4 included as Attachment D to this resolution, opposing the Tacoma LNG facility and  
5 approving a statement declaring that the review and permitting process has been  
6 inadequate and that construction activities should cease until all tribal consultation and  
7 public participation requirements are met and all permit requirements are satisfied; and

8 WHEREAS, Puyallup Tribe of Indians Chair Bill Sterud supports the adopted statement by the  
9 Tribal Council that “The Puyallup Tribe of Indians opposes the location of the Liquefied  
10 Gas storage facility because of its direct threat to our homeland, culture, way of life, and  
11 tribal members.... This area is all that we have left of our aboriginal homeland, and it  
12 cannot be replaced”; and

13 WHEREAS, the Puget Sound Clean Air Agency (PSCAA) is a special-purpose, regional  
14 government agency chartered by state law in 1967 under the Washington Clean Air Act  
15 with jurisdiction covering four counties: King, Kitsap, Pierce, and Snohomish; and

16 WHEREAS, the PSCAA is governed by a Board of Directors composed of elected officials from  
17 the cities and counties within its jurisdiction, along with one member representing the  
18 public at large; and

19 WHEREAS, the PSCCA Board of Directors does not include elected tribal leadership from any  
20 of the nine tribes located within those four counties; and

21 WHEREAS, the nine tribes within PSCAA’s jurisdiction are:

- 22 a) Pierce County: Nisqually, Puyallup
- 23 b) King County: Muckleshoot, Snoqualmie

1 c) Kitsap County: Port Gamble S'Klallam, Suquamish

2 d) Snohomish County: Sauk-Suiattle, Stillaguamish, Tulalip; and

3 WHEREAS, Seattle Mayor Durkan holds a seat on the Board of Directors of the PSCAA; and

4 WHEREAS, PSE began construction of the LNG facility without first obtaining the necessary

5 approval by the PSCAA, resulting in issuance of Notice of Violation 3-008343 by the

6 PSCAA in April 2017; and

7 WHEREAS, the PSCAA is currently considering PSE's application for a permit to build and

8 operate the LNG plant in Tacoma; and

9 WHEREAS, in January 2018, the PSCAA placed PSE's application on hold after determining

10 that a Supplemental EIS is required to quantitatively identify and analyze greenhouse gas

11 emissions throughout the fuel life cycle, including emissions upstream and downstream

12 of the proposed project; NOW, THEREFORE,

13 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

14 Section 1. The Seattle City Council is deeply concerned by the expansion of fossil fuel

15 infrastructure in general, and is specifically troubled by the proposed siting of a new liquefied

16 natural gas (LNG) facility by Puget Sound Energy (PSE) in Tacoma. The Seattle City Council

17 requests the Office of Intergovernmental Relations to communicate this resolution to the

18 Northwest Seaport Alliance including the Port of Tacoma, the Tacoma City Council, the Mayor

19 of Tacoma, and Washington State Governor Jay Inslee.

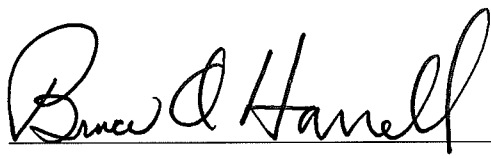
20 Section 2. Due to the disproportionate impact of the proposed LNG facility on tribal

21 lands, and in light of the lack of tribal consultation in spite of the significant presence of tribes in

22 the area, the Seattle City Council urges the Puget Sound Clean Air Agency (PSCAA) to:


- 1           A)     Improve its tribal consultation procedures and engage in a government-to-
- 2 government relationship with tribes on matters related to PSE's application; and
- 3           B)     Collaborate with regional mayors, leaders, and tribes to address the growing
- 4 impact of climate change; and
- 5           C)     Promote investments in clean energy that will reduce regional reliance upon fossil
- 6 fuels; and
- 7           D)     Include an examination of hydraulic fracturing in the Supplemental
- 8 Environmental Impact Statement that was announced in January 2018; and
- 9           E)     Provide timely information regarding the environmental impacts of any proposed
- 10 facility affecting tribal land prior to any hearings on these facilities.

1 Adopted by the City Council the 26<sup>th</sup> day of February, 2018,  
2 and signed by me in open session in authentication of its adoption this 26<sup>th</sup> day of  
3 February, 2018.

4 

5 President \_\_\_\_\_ of the City Council

6 Filed by me this 26<sup>th</sup> day of February, 2018.

7 

8 Monica Martinez Simmons, City Clerk

9 (Seal)

- 10 Attachments:  
11 Attachment A - Affiliated Tribes of Northwest Indians Resolution 17-51  
12 Attachment B - Affiliated Tribes of Northwest Indians Resolution 18-10  
13 Attachment C - National Congress of American Indians Resolution MKE-17-034  
14 Attachment D - Puyallup Tribe of Indians Resolution 180118F



**2017 Annual Convention  
Spokane, WA**

**RESOLUTION #17 - 51**

**OPPOSING THE SITING OF THE PROPOSED TACOMA  
LIQUEFIED NATURAL GAS PLANT**

**PREAMBLE**

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

**WHEREAS**, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

**WHEREAS**, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

**WHEREAS**, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

**WHEREAS**, since time immemorial, our economy, culture, religions and way of life has been centered around our fishing, hunting, and gathering resources, and the lands and waters upon which they depend, and we have been and remain careful and conscientious stewards over them to ensure their continued health and well-being; and

**WHEREAS**, the tribes of ATNI depend on the natural resources of this region to sustain; our way of life, rights to fish, hunt and gather, our economies, human health and fulfill our sacred obligation to protect our First Foods and our most precious natural resources, water; and

**WHEREAS**, the tribes of ATNI work tirelessly to protect tribal members health, safety, welfare, and futures both within and outside tribal reservations; and

**WHEREAS**, the tribes of ATNI recognize that Liquefied Natural Gas (LNG) could provide a cleaner fuel for ships, trucks, or cars than other fuel sources; however, ATNI tribes cannot accept that tribes, their members and tribal lands are bearing a disproportionate share of the significant risks posed by LNG facilities; and

**WHEREAS**, federal, state and local agencies are supporting LNG storage facilities in areas within or in close proximity to tribal lands without significant input or consideration of tribal interests or rights; and

**WHEREAS**, LNG storage and the untested technology for such facilities pose significant risks to human safety, human health, and natural resources due to explosive risks, spill risks, and risk to the health of natural resources relied upon by ATNI tribes; and

**WHEREAS**, LNG proponents are not fully analyzing and disclosing to ATNI tribes or the general public the risks posed by LNG to human safety, human health, and natural resources due to explosive risks, spill risks, and risk to the health of natural resources; and

**WHEREAS**, the Northwest Tribes' ancestral industry of fisheries relies on sustainable resources that will face detrimental impacts from the construction and operation of LNG storage and fueling facilities; and

**WHEREAS**, the Proposed Tacoma LNG Plant has received several permits for its development that have conditions that other permits be applied for and obtained, including a permit from the Puget Sound Clean Air Agency; and

**WHEREAS**, the proponents of the Tacoma LNG Plant have begun substantial work on the project even where such work is subject to unmet permit conditions and permits that remain under appeal; and

**WHEREAS**, Federal, state and local authorities are responsible for enforcing the permit conditions and responsible for ensuring permit compliance; and

**WHEREAS**, the remaining permits for the facility will have significant Tribal Consultation and public participation prior to issuance; and

**WHEREAS**, the permitting authorities have received notice of the unmet permit conditions and the applicants failure to comply with the legal authorities governing the permitting of the Proposed Tacoma LNG Plant and have yet to act to stop ongoing work on the facility; and

**WHEREAS**, the failure to hold LNG and other major project proponents to full compliance with the law and permitting conditions, including Tribal Consultation and public participation, prior to initiating construction and expending significant resources is a common occurrence across the United States and capable of repetition on future projects; now

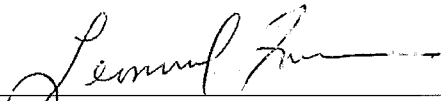
**THEREFORE BE IT RESOLVED**, that ATNI is opposed to the siting of the Proposed Tacoma LNG Plant; and

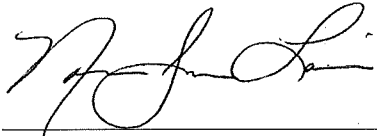
**BE IT FURTHER RESOLVED**, that ATNI supports a strategy to document and disclose the true risks of construction and operation of LNG storage and distribution facilities to accurately disclose the risks involved with such facilities and promote siting of such facilities in areas where such risks are not disproportionately absorbed by tribes and such risks are lessened for the public as a whole; and

**BE IT FINALLY RESOLVED**, that ATNI calls for all Federal, State, and Local agencies to ensure cessation of illegal construction activities of the proposed Tacoma LNG Plant.

**CERTIFICATION**

The foregoing resolution was adopted at the 2017 Annual Convention of the Affiliated Tribes of Northwest Indians, held at the Davenport Grand Hotel, Spokane, Washington on September 18-21, 2017, with a quorum present.

  
\_\_\_\_\_  
Leonard Forsman, President

  
\_\_\_\_\_  
Norma Jean Louie, Secretary



**2018 Winter Convention  
Portland, Oregon**

**RESOLUTION #18 - 10**

**“OPPOSING THE SITING AND CONTINUED CONSTRUCTION OF THE TACOMA LIQUEFIED NATURAL GAS (LNG) PLANT WITHOUT THE REQUIRED PERMITS AND IN VIOLATION OF PERMIT CONDITIONS”**

**PREAMBLE**

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

**WHEREAS**, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

**WHEREAS**, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

**WHEREAS**, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

**WHEREAS**, since time immemorial, our economy, culture, religions and way of life has been centered around our fishing, hunting, and gathering resources, and the lands and waters upon which they depend, and we have been and remain careful and conscientious stewards over them to ensure their continued health and well-being; and

**WHEREAS**, ATNI member Tribes depend on the natural resources of this region to sustain our way of life, rights to fish, hunt and gather, our economies, human health and fulfill our sacred obligation to protect our First Foods and our most precious natural resources, water; and



**WHEREAS**, ATNI member Tribes work tirelessly to protect tribal members health, safety, welfare, and futures both within and external to tribal reservations; and

**WHEREAS**, ATNI member Tribes recognize that Liquefied Natural Gas (LNG) could provide a cleaner fuel for ships, trucks, or cars than other fuel sources; however, ATNI tribes cannot accept that tribes, their members and tribal lands are bearing a disproportionate share of the significant risks posed by LNG facilities; and

**WHEREAS**, federal, state and local agencies are supporting LNG storage facilities in areas within or in close proximity to tribal lands without significant input or consideration of tribal interests or rights; and

**WHEREAS**, LNG storage and the untested technology for such facilities pose significant risks to human safety, human health, and natural resources due to explosive risks, spill risks, and risk to the health of natural resources relied upon by ATNI tribes; and

**WHEREAS**, LNG proponents are not fully analyzing and disclosing to ATNI tribes or the general public the risks posed by LNG to human safety, human health, and natural resources due to explosive risks, spill risks, and risk to the health of natural resources; and

**WHEREAS**, the Northwest Tribes' ancestral industry of fisheries relies on sustainable resources that will face detrimental impacts from the construction and operation of LNG storage and fueling facilities; and

**WHEREAS**, the Proposed Tacoma LNG Plant has received several permits for its development that have conditions that other permits be applied for and obtained, including a permit from the Puget Sound Clean Air Agency; and

**WHEREAS**, the Puget Sound Clean Air Agency has issued a notice of violation to Puget Sound Energy for constructing the LNG plant, including the 8 million gallon storage tank and related valves and facilities, without an application and final order from the agency authorizing such construction; and

**WHEREAS**, Puget Sound Energy still does not have a permit from the Puget Sound Clean Air Agency and its application has not even reached the public comment period; and

**WHEREAS**, the Puget Sound Clean Air Agency Notice of Violation remains open; and

**WHEREAS**, Puget Sound Energy continues to construct the LNG Plant on the Tacoma Tide flats; and

**WHEREAS**, permits for the LNG Plant from the City of Tacoma, Washington State Department of Ecology, and the U.S. Army Corps of Engineers require that Puget Sound Energy comply with all environmental laws and, if not in compliance, immediately come into compliance with those laws; and

**WHEREAS**, federal, state and local authorities are responsible for enforcing the permit conditions and responsible for ensuring permit compliance; and

**WHEREAS**, the permitting authorities have received notice of the unmet permit conditions and the applicant's failure to comply with the legal authorities governing the permitting of the Proposed Tacoma LNG Plant and have yet to act to stop ongoing work on the facility; and

**WHEREAS**, the failure to hold LNG and other major project proponents to full compliance with the law and permitting conditions, including Tribal Consultation and public participation, prior to initiating construction and expending significant resources is a common occurrence across the United States and capable of repetition on future projects; now

**THEREFORE BE IT RESOLVED**, ATNI is opposed to the siting of the Proposed Tacoma LNG Plant; and

**BE IT FURTHER RESOLVED**, ATNI member Tribes support a strategy to document and disclose the true risks of construction and operation of LNG storage and distribution facilities and promote siting of such facilities in areas where such risks are not disproportionately absorbed by tribes and such risks are lessened for the public as a whole; and

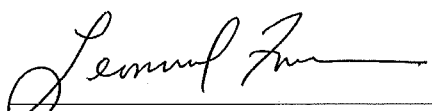
**BE IT FURTHER RESOLVED**, ATNI member Tribes have identified that several of the failures to document and disclose the risks of construction and operation of the LNG plant are best addressed through a supplemental Environmental Impact Statement (EIS) and a complete analysis of environmental justice concerns and a human health study, which have not been completed to date; and

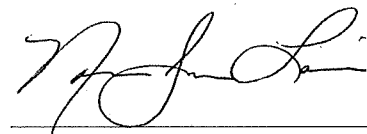
**BE IT FURTHER RESOLVED**, ATNI member Tribes call on the City of Tacoma to require a supplemental EIS and the State of Washington and Federal authorities to urge the City of Tacoma to require a supplemental EIS, to be scoped accordingly through public comment; and

**BE IT FINALLY RESOLVED**, ATNI calls for all Federal, State and Local agencies to enforce the Tacoma LNG Plant proponents to cease construction activities.

#### CERTIFICATION

The foregoing resolution was adopted at the 2018 Winter Convention of the Affiliated Tribes of Northwest Indians, held at the DoubleTree by Hilton - Portland, Oregon, on January 22-25, 2018, with a quorum present.

  
Leonard Forsman, President

  
Norma Jean Louie, Secretary

## NATIONAL CONGRESS OF AMERICAN INDIANS



**The National Congress of American Indians  
Resolution #MKE-17-034**

**TITLE: Opposing the Siting of Liquefied Natural Gas Plants that Harm Tribal  
Lands, Reserved Rights, and Other Interests**

**EXECUTIVE COMMITTEE****PRESIDENT**

Jefferson Keel  
*Chickasaw Nation*

**FIRST VICE-PRESIDENT**

Aaron Payment  
*Sault Ste. Marie Tribe of Chippewa  
Indians of Michigan*

**RECORDING SECRETARY**

Juana Majel-Dixon  
*Pauma Band Mission Indians*

**TREASURER**

W. Ron Allen  
*Jamestown S'Klallam Tribe*

**REGIONAL VICE-  
PRESIDENTS****ALASKA**

Rob Sanderson, Jr.  
*Tlingit & Haida Indian Tribes of  
Alaska*

**EASTERN OKLAHOMA**

Joe Byrd  
*Cherokee Nation*

**GREAT PLAINS**

Larry Wright, Jr.  
*Ponca Tribe of Nebraska*

**MIDWEST**

Roger Rader  
*Pokagon Band of Potawatomi*

**NORTHEAST**

Lance Gumbs  
*Shinnecock Indian Nation*

**NORTHWEST**

Leonard Forsman  
*Suquamish Tribe*

**PACIFIC**

Willie Carrillo  
*Tule River Tribe of California*

**ROCKY MOUNTAIN**

Darrin Old Coyote  
*Crow Nation*

**SOUTHEAST**

Nancy Carnley  
*Ma-Chis Lower Creek Indians*

**SOUTHERN PLAINS**

Zach Pahmahmie  
*Prairie Band of Potawatomi Nation*

**SOUTHWEST**

Joe Garcia  
*Ohkay Ovingeh Pueblo*

**WESTERN**

Franklin Pablo, Sr.  
*Gila River Indian Community*

**EXECUTIVE DIRECTOR**

Jacqueline Pata  
*Tlingit*

**NCAI HEADQUARTERS**

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Washington, DC 20005  
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202.466.7797 fax  
www.ncai.org

**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, since time immemorial, our economy, culture, religions and way of life have been centered around our fishing, hunting, and gathering resources, and the lands and waters upon which they depend, and we have been and remain careful and conscientious stewards over them to ensure their continued health and well-being; and

**WHEREAS**, tribes depend on natural resources to sustain our way of life; rights to fish, hunt and gather; our economies; and human health, as well as fulfill our sacred obligation to protect our First Foods and our most precious natural resource, water; and

**WHEREAS**, the tribes work tirelessly to protect tribal members' health, safety, welfare, and futures both within and outside tribal reservations; and

**WHEREAS**, the tribes recognize that Liquefied Natural Gas (LNG) could provide a cleaner fuel for ships, trucks, or cars than other fuel sources; however, tribes cannot accept tribal members and tribal lands bearing a disproportionate share of the risks posed by LNG facilities; and

**WHEREAS**, LNG storage could pose risks to human safety, human health, and natural resources due to explosive risks, spill risks, and risk to the health of natural resources relied upon by tribes; and

**WHEREAS**, tribes rely on sustainable resources that could face detrimental impacts from the construction and operation of LNG storage and fueling facilities; and

**WHEREAS**, the proponents of the Tacoma LNG Plant have begun substantial work on the project even where such work is subject to unmet permit conditions and permits that remain under appeal; and

**WHEREAS**, Federal, state and local authorities are responsible for enforcing permit conditions and responsible for ensuring permit compliance; and

**WHEREAS**, permits and other approvals for LNG facilities often require significant tribal consultation and public participation prior to issuance; and

**WHEREAS**, the failure to require full compliance with applicable legal requirements and permitting conditions, including tribal consultation and public participation, prior to initiating construction and expending significant resources often negatively impacts tribal interests; and

**WHEREAS**, unmet permit conditions and the failure to comply with applicable legal requirements should prohibit facility construction.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) is opposed to the siting of LNG facilities that would harm tribal lands, reserved rights, and other interests, especially in the absence of full and meaningful tribal consultation and full public participation, as required by federal law; and

**BE IT FURTHER RESOLVED**, that NCAI urges the disclosure of any risks associated with construction and operation of LNG facilities to ensure the risks of these facilities are not disproportionately absorbed by tribes and any risks are reduced for the public as a whole; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

#### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2017 Annual Session of the National Congress of American Indians, held at the Wisconsin Center in Milwaukee, WI, Oct 15, 2017 - Oct 20, 2017, with a quorum present.

  
Jefferson Keel, President

ATTEST:

  
Juana Majel Dixon, Recording Secretary



# PUYALLUP TRIBE OF INDIANS



## PUYALLUP TRIBAL COUNCIL RESOLUTION NO. 180118E

**WHEREAS**, the Puyallup Tribe has existed since creation as the aboriginal people who are the owners and guardians of their lands and waters; and

**WHEREAS**, the Puyallup Tribe is an independent sovereign nation, having historically negotiated with several foreign nations including the United States in the Medicine Creek Treaty; and

**WHEREAS**, the Puyallup Tribal Council is the governing body of the Puyallup Tribe in accordance with the authority of its sovereign rights as the aboriginal owners and guardians of their lands and waters, reaffirmed in the Medicine Creek Treaty, and their Constitution and Bylaws, as amended and approved by the Tribe and the Assistant Secretary of the Interior; and

**WHEREAS**, the Puyallup Tribe has a primary interest in protecting and preserving its environment and natural resources, which are integral components of the Tribe's economic, social, cultural and spiritual life, and the Tribal Council is aware that activities both on and near the Puyallup Reservation ("Reservation") may adversely affect these resources and values, and may impair the health and welfare of the Reservation population. Off-Reservation activities may adversely affect the Tribe's Treaty fishery rights and other cultural and spiritual interests of the Tribe; and

**WHEREAS**, the Puyallup Tribe has reviewed all the permits issued for the Tacoma LNG Plant being constructed by Puget Sound Energy on the Tacoma tideflats; and

**WHEREAS**, the Puyallup Tribe has found each permit decision to be woefully insufficient to protect the environment, the Tribe's natural resources, cultural resources, and Treaty Rights; as well as completely inadequate to protect the health and welfare of its people and the general public; and

**WHEREAS**, the LNG Plant is being constructed by PSE without all the required permits to continue with construction of the tank and related facilities; and

**WHEREAS**, the Proposed LNG project presents significant risks to human life, property, cultural resources, and natural resources particularly when sited in a densely populated urban environment and the Tribal Reservation; and

**WHEREAS**, there are no identified alternatives to the proposal that will reduce the risks to Tribal Members, the public as a whole, human life, and property;

**BE IT RESOLVED**, the Tribal Council of the Puyallup Tribe of Indians hereby declares:

1. The Puyallup Tribe is strictly opposed to the Puget Sound Energy's Proposed LNG Plant on the Tacoma Tideflats; and
2. The Puyallup Tribe has approved the attached statement as it's official statement regarding the LNG Plant being constructed by Puget Sound Energy.

**BE IT FINALLY RESOLVED**, the Tribal Council of the Puyallup Tribe of Indians authorizes the Tribal Council Chairman (Bill Sterud), and in his absence, the Vice-Chairman

(Lawrence LaPointe), to execute this Resolution and other implementing instruments, or amendments, required on behalf of the Tribe.

**CERTIFICATION**

I, Rosalee McCloud, Secretary of the Puyallup Tribal Council of the Puyallup Reservation do hereby certify that the above Resolution was duly adopted at a Regular Meeting of the Puyallup Tribal Council held on the Puyallup Indian Reservation on the 18 day of Jan. 2018, a quorum being present with a vote of 5 FOR, 0 AGAINST, 0 ABSTAINING, and 1 NOT VOTING its adoption.

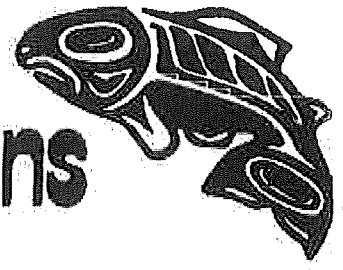
Rosalee McCloud  
Secretary, Puyallup Tribal Council

**ATTEST:**

Bill Sterud  
Bill Sterud, Chairman  
Puyallup Tribal Council



# Puyallup Tribe of Indians



**The Puyallup Tribe of Indians opposes the location of the Liquefied Gas storage facility because of its direct threat to our homeland, culture, way of life, and tribal members.**

**The Puyallup people have lived in this region for millennia. We have fought for and retained our rights as a sovereign nation, including on lands we ceded by treaty to the United States.**

**This area is all that we have left of our aboriginal homeland, and it cannot be replaced.**

The proposed Liquefied Gas plant has not been fully evaluated and poses significant safety and environmental risks to our people and local residents.

The Liquefied Gas storage facility could have devastating impacts on the Puyallup Tribe and well-being of our tribal members.

Our treaty-protected fisheries will face detrimental impacts from the construction and operation of Liquefied Gas storage and fueling facilities, and future vessel traffic.

The review and permitting process has been completely inadequate.

The Puyallup Tribe of Indians is exercising its authority as a sovereign nation:

- We are taking legal action against PSE & City of Tacoma because they conducted the EIS process without consultation with the Tribe.
- We are working with other tribes in our region to insist that federal, state, and local officials ensure compliance with all permitting requirements.
- We are demanding that PSE cease construction activities until all Tribal Consultation and public participation requirements are met and all permit requirements are satisfied.
- We are demanding that the environmental impacts of the construction and operation of the PSE facility be adequately analyzed and that this information is released to the public.
- We call on the City of Tacoma and Port of Tacoma to order a supplemental environmental, health, and safety review under the State Environmental Protection Act (SEPA).