

**Testimony of Fawn R. Sharp, President
Quinault Indian Nation
House Natural Resources Indian, Insular, and Alaska Native Subcommittee
Legislative Hearing on H.R. 2719, the Tribal Coastal Resiliency Act
1324 Longworth House Office Building
November 4, 2015**

Good afternoon Chairman Young, Ranking Member Ruiz, and Members of the Subcommittee. My name is Fawn R. Sharp. I serve as President of the Quinault Business Committee, which is the elected governing body of the Quinault Indian Nation (“Quinault” or “Nation”).

I am honored to be here today to testify on H.R. 2719, a bill that would allow us to protect our communities and our cultural resources from extreme weather situations. We appreciate this opportunity to testify in support of H.R. 2719 and thank our Congressman, Representative Derek Kilmer, for introducing this bill and his efforts to assist the Nation.

Background/History of the Quinault Indian Nation

Located in the northwest corner of the United States along the Pacific Ocean, the Quinault Nation was one of the last Native nations in the U.S. to be contacted by European nations. Less than one year before the foundation of the United States, the first recorded contact between the Quinaults and non-Indians occurred on July 13, 1775, when the Spanish vessel *Sonora* anchored several miles from the mouth of the Quinault River. Not long after first contact, our Nation was sadly subjected to the same greed for our homelands and natural resources that tribes across the continent faced.

Upon its formation, the United States acknowledged the existing inherent sovereign authority of Indian tribes over our lands. The federal government entered into hundreds of treaties with Native nations to secure peace and trade agreements, to foster alliances, and to build a land base for the newly formed United States. Through these treaties, tribes ceded hundreds of millions of acres of our homelands. In return, the U.S. promised to provide for the education, health, public safety, and general welfare of Indian people. For the Quinault and other tribes, the United States also promised to preserve our rights to fish and hunt our aboriginal homelands and accustomed areas.

The solemn promises that the United States made to the Quinault Nation were detailed in the Treaty of Olympia, signed on July 1, 1855 and on January 25, 1856 (11 Stat. 971). The Treaty acknowledged Quinault’s status as a sovereign Nation with inherent rights to govern our lands, our resources, and our people. This includes access to our usual and accustomed lands and waters and the right to co-manage the natural resources outside of our Reservation borders. The United States has unique legal treaty and trust responsibilities to keep these promises to the Quinault Indian Nation.

The Quinault Indian Reservation (“Reservation”) consists of 207,150 acres of beautiful forestlands, mountains, rivers, a lake, and 25 miles of relatively undisturbed Pacific

coastline on Washington State's Olympic Peninsula. Our people have lived along the coast of the Olympic Peninsula since time immemorial, living off of the bountiful natural resources of the land and waterways. We have deep cultural connections to the coast and are continually working to ensure the protection of our cultural resources for future generations. We want our children, and their children, to inherit a land rich with resources and to work in partnership with non-Indian neighbors to protect the coastal zone.

There are two major villages and one housing community located within the Reservation. The village of Taholah, where the Quinault government operations are headquartered, is located in the southern portion of the Reservation along the coastline looking out on the Pacific Ocean. Taholah consists of two locations known as the "Upper Village" and "Lower Village." The village of Queets is situated in the northern portion of the Reservation on the mouth of the Queets River, where it empties into the Pacific Ocean.

Over the past several years, the Nation has endured one natural disaster after another. The Sandy Recovery Improvement Act of 2013 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act") and allowed tribal governments to work with the Administration to declare a disaster and directly access Federal Emergency Management ("FEMA") funding. Disaster declarations, which provide access to badly needed funds, are the only recourse for many tribal governments in these situations. Prior to the Stafford Act amendment, tribal governments experiencing an emergency or major disaster had to rely on a state governor to petition the President on the tribe's behalf. Many thanks to Subcommittee Member Rep. Jeff Denham for including the Stafford Act amendment in the Sandy Recovery Improvement Act.

In March 2014, Quinault was one of the first tribal nations to use this authority to declare a state of emergency after a breach of our seawall flooded the Lower Village. The flooding destroyed property and put the community in danger. This past March, Washington Governor Jay Inslee declared a state of emergency on the Olympic Peninsula and ultimately across the state due to extreme drought, lack of snowpack, and forest fires. Quinault did the same on our Reservation. Quinault and other tribes in coastal areas urge Congress to ensure that our communities are protected.

The Lower Village is at the heart of Quinault history, culture, and community. Our culture is intertwined with nature and healthy natural resources. Our respect for the Creator's gifts and our ability to harvest, hunt, and gather is at the core of our cultural identity as well as our economy. Intensified weather conditions interfere with this by causing shut downs, impacting habitats and resources, and creating dangerous and even deadly conditions on the land and in Quinault waterways. As discussed below, the Lower Village is directly in the tsunami zone and faces frequent flooding and erosion due to lack of resources to properly manage our coastal zone. Protecting our cultural and historical areas is paramount to the Nation.

Tsunami Threat

“Noskiako’s” is a Quinault phrase that means “the water coming.” The phrase aptly describes the Lower Village, which is the ancestral home of our people and is located along the banks of the Quinault River at the mouth of the Pacific Ocean. The area is within the official tsunami hazard zone.

There are two types of tsunami threat. The first is tsunamis from distant earthquakes on the Pacific rim, such as the 2011 magnitude 9.0 earthquake that devastated Japan. This type is the most common. Because the waves arrive hours after the quake, they are less likely to cause loss of life but may inflict significant damage to property and cultural sites. The other type is local tsunamis caused by a magnitude 8.0 (or greater) earthquake on the Cascadia subduction zone. This type poses the greatest danger — destructive waves, much larger than those from a distant quake, could strike the coast within minutes, causing loss of life and widespread devastation. Forty-three percent of the Quinault people live within the tsunami zone, and a catastrophic event would have disastrous consequences for the community.

Our K-12 tribal school, our childcare center, our Head Start program, and our senior housing center are all located within the tsunami zone. People within these buildings would have less than a 15-minute evacuation window in the event of an earthquake or tsunami. This puts our children and elders at extreme risk. Further exacerbating the issue, many of our emergency services such as fire, public safety and EMS/ambulance are also located in the Lower Village. Should a tsunami or other natural disaster strike, there is no guarantee that our emergency services would be able to respond adequately to a disaster.

Storm Surge and Flooding

Quinault has a seawall that extends from the mouth of the Quinault River south along Taholah. This seawall is the only line of defense against storm surge and persistent flooding in the Lower Village. As discussed above, we have had to declare states of emergency due to seawall breaches on numerous occasions. This persistent flooding also creates mold infestation and unsafe living conditions for tribal members. After the breach in March 2014, the Army Corps of Engineers rebuilt and reinforced the seawall. While the Corps’ efforts secured the breach, the repair is a temporary band-aid, not a permanent solution. We live day to day not knowing when another storm surge or flood will break through the seawall.

Access to the Villages

Exit and entry access to the village of Taholah, where Quinault’s government offices are located, is limited to a single highway. Access to the Village is cut off during natural disasters and other extreme weather events, such as downed trees, mudslides, and treacherous conditions, which make the road impassible. This is a serious concern for our people. When access is cut off, emergency vehicles are unable to reach the villages. The lack of adequate emergency response contributed to the death of one of our elders in 2014 when access to our village was cut off due to the impact of storms. Our community remains vulnerable to similar emergency response failures if we do not address these critical concerns.

The Need for Enactment of H.R. 2719

H.R. 2719 would amend the Coastal Zone Management Act of 1972 to authorize grants to Indian tribes to help advance tribal coastal zone objectives. These objectives include public safety mitigation as well as protection, restoration, or preservation of areas that hold cultural value to tribes. As detailed above, it cannot be stressed enough how important the need for these efforts are.

The Tribal Coastal Resiliency Act is the natural next step after the Stafford Act amendment. Tribal governments currently have no access to direct funding to develop preventative measures to protect our coastal homelands. Like the Stafford Act amendment, H.R. 2719 respects tribal sovereignty and the status of Indian tribes as governments by providing direct funding to tribes to develop projects that will prevent disasters before they occur.

Funding from both state and federal agencies are too often emergency-based and do not adequately cover preventative measures to address ongoing hardship, property loss, and infrastructure damage to our villages. In the example of our seawall breach, we were only able to access funding and support once the breach had occurred, despite the fact that for years we had hoped to either rebuild the seawall or engage in other coastal management activities to mitigate the potential for certain disaster. We should not have to wait for an emergency to address the compounding issues in coastal areas.

Tribes are the best stewards for our land and culture. However, currently funding for management activities under the Coastal Zone Management Act of 1972 is offered exclusively to state governments, leaving tribes without the ability to adequately manage and support our homelands. This lack of parity and gap in coastal management activities would be rectified upon enactment of this bill.

As mentioned above, in the Treaty of Olympia, the United States made legal promises to the Quinault Nation to provide for our health, public safety, and general welfare. Currently there is no way for the Quinault Nation or many other coastal tribes to ensure the safety of our communities in the face of these continuing threats. The United States has the responsibility to ensure for the public safety of our people and the protection of our cultural resources. H.R. 2719 would assist the United States in fulfilling this basic responsibility to the tribes.

We appreciate the Subcommittee's efforts to advance this bill and urge Congress to enact it. I would be happy to answer any questions.

Traditional Quinault Clam Diggers



Canoe landing at Quinault



11/3/15

Quinault River



Quinault River washing over the only access road during a storm



Emergency truck during flooding in the Lower Village



Building the temporary break wall



Pacific Ocean encroaching upon
the temporary break wall

