



**Testimony of the Snoqualmie Indian Tribe
Chairwoman Carolyn A. Lubenau
Before the U.S. House Appropriations
Subcommittee on Interior and Related Agencies
March 24, 2015**

Introduction

Good Afternoon Mr. Chairman, Madam Ranking Member and distinguished Subcommittee members, thank you for the opportunity to share with you the history of a place where my people draw our strength, our faith, our healing, and our hopes from. A place that has existed since time immemorial, where my Tribe has gathered in times of celebration, in times of sharing and in times of grief. Our Sacred Snoqualmie Falls where I was taken as a child with my Great-Grandmother, my Grandmother, my Uncles and Aunties, and where my Mother taught me how to pray.

My name is Carolyn Lubenau and I'm the elected Chairwoman of the Snoqualmie Indian Tribe. We are the original inhabitants of Washington's Salish Sea, which is referred to as Puget Sound. We lived along the rivers, on the prairies above the rivers, along the lakes and streams, drawing our food and spiritual strength from the bounty that was set before us. We are one of the signatories to the Point Elliot Treaty of 1855. We were known as the "Fierce Fighters" and "People of the Moon". We were at the time of the signing of the Treaty, the largest Tribe in Washington Territory and now we are under 650 tribal members.

Snoqualmie Indian Tribe Creation Story

My Great-Grandmother would tell us of the stories she was told as a child, stories that would take many days to tell, over long winter nights. The most important of those stories was our Tribe's creation story. This is the story of how the first man and woman were created by Moon the Transformer. Moon the Transformer was the son of one of two Sisters who was married to a star. It was Moon the Transformer who created our Sacred Snoqualmie Falls. The mists rising from the powerful cascading waters were created so our prayers could be carried by the mists up to the Creator. The Falls and the area around the Falls have always been used as ceremonial grounds and the surrounding areas are our burial sites where souls are returned to the Creator and reside forever in our memories. The spirit of the Snoqualmie Falls is there to strengthen, heal and renew us. The Falls are the center of who we are as a people.



Background

My testimony today focuses on preserving and protecting our most sacred site, Snoqualmie Falls. Snoqualmie Falls is a 268 foot waterfall 30 miles east of Seattle and is listed on the National Register of Historic Places as a Traditional Cultural Property (TCP). My Tribe holds the Falls sacred and we continue in an ongoing effort to protect the Falls and the surrounding area from the destruction that further development would cause to our sacred site and the practice of our religion.

My Great-Grandmother would tell us of her childhood and going to the Falls. She would describe the way the earth shook with the power of the Falls, where the mists were so heavy she thought they could carry her to the stars above with their power. Over the years, that power and those mists have been reduced to a mere shadow of what they were in her day. The earth no longer shakes there, the mists are just a light veil, they have been restrained and their power harnessed for the sole purpose of producing an insignificant amount of electrical power.

Development of Snoqualmie Falls

The development of the Snoqualmie Falls began in 1898 when the Puget Sound Power & Light Company built a hydroelectric generating plant at the Falls. In order to make this plant the company blasted the face of the Falls and excavated an underground cavern. In 1957 they built yet another power plant bellow the Falls. This development has reduced the massive, awe-inspiring flow from my Grandmother's days to a mere trickle. Today, our sacred site is in imminent danger of further development and desecration.

Tokul Roundabout Project

In 2012, the City of Snoqualmie, proposed to develop a roundabout directly adjacent to Snoqualmie Falls off of Tokul road and Highway 202. The Tokul roundabout will sit at the base of a large hill and is necessary for utility and infrastructure development in the area. We only learned of this roundabout project through a Public Announcement placed in a local newspaper on the verification of the Army Corp of Engineer's Nationwide Permit (NWP). The NWP was required because the project proposed the filling in of certain wetlands in the project area. Subsequently, as the lead Federal Agency overseeing NWPs, the Army Corps agreed to consult with us on our concerns. After many meetings with us, the Army Corps determined that the project would have an "Adverse Effect" on my Tribe and in May of 2013, they issued a letter suspending the NWP until consultation with my Tribe was complete. The consultation for the project took place under Section 106 of the National Historic Preservation Act (NHPA).



After an extremely poor and unsatisfactory consultation effort by the Army Corps with my Tribe, the Army Corps determined that the Section 106 consultation was complete. The Army Corps sent my Tribe a letter in February, 2015 in which they stated the “proposed project [does not] impair the Tribe from exercising their religion.” This claim is shocking and we absolutely reject it. The Army Corps has no legal, practical or rational basis to determine how Indian people, or anyone for that matter, can practice their religion. Indeed, the United States Supreme Court has routinely held the government cannot make such determinations¹ and accordingly has explicitly stated that “Courts are not arbiters of scriptural interpretation.”² It is deeply troubling that the Army Corps of Engineers feels entitled to determine how Native American Tribes exercise and practice their religion.

Since the issuance of the permit for the Tokul roundabout, the owners of the surrounding land have stated that they plan to further develop the land around the roundabout and the Falls. The Tokul roundabout project is currently in the bid process and is targeted to begin construction on March 28, 2015, with a closeout date of October 31, 2016. These development plans threaten my Tribe’s use of the Falls for cultural and spiritual needs and are deeply disrespectful of the sacred Falls that form the very core of who we are as a people.

My Tribe’s efforts at reasonable consultation with the Army Corps on this issue did not bear fruit. It is safe to say that my experience with the Corps has shown me they are completely indifferent to Native American history, culture and religion.

Preservation of the Snoqualmie Falls and Solutions

I am here today to ask Congress and the members of this Committee for their assistance in ensuring the federal government carry out its Trust responsibility. The religious and cultural practices of my Tribe are at stake. The Falls are the birthplace of our creation story and the bones of our ancestors are buried there. It is our most sacred duty, honor and responsibility to protect them and the Snoqualmie Falls.

My request to you today is that you partner with us in preserving the Snoqualmie Falls and the area around the Falls by helping us halt the construction of this roundabout. We also request that you partner with us to ensure that no further development proceeds. We will do everything in our power to fight this development and protect our Sacred Snoqualmie Falls.

¹ See *Holt v. Hobbs*, 135 S. Ct. 853 (2015).

² *Thomas v. Review Board of Indiana Employment Security Division*, 450 U.S. 707 (1981).



Snoqualmie Falls is one of the greatest gifts from Moon the Transformer, created to enrich our spirits and fill us with hope. We invite you to experience this marvelous gift and for you to come to the Falls to feel the healing mists. You will experience a place of immense power, beauty and grandeur, a place as sacred and moving as any site on earth. A place that must be protected. Thank you for this opportunity to share such an important part of myself and my Tribe with you.