



Testimony of the Confederated Tribes of the Umatilla Indian Reservation
House Committee on Energy and Environment, Oregon Legislative Assembly
HB 2131 March 13, 2017

Good morning. My name is Gary Burke. I am the Chairman of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation. I am pleased to be here to convey the Tribe's support of HB 2131.

The increase in crude-by-rail shipments is unprecedented. There are tens of millions of gallons of Bakken Crude and Alberta tar sands crude traveling along the Columbia through the Gorge and up the Deschutes River on a weekly basis. The Union Pacific derailment in Mosier got a lot of attention and sparked conversation about the risk posed by Bakken Crude. However, there have been many derailments and accidents along the rail lines over the last few years including:

- On January 9 of this year, a Union Pacific train derailed on the Umatilla Indian Reservation.
- On December 27, 2016, a BNSF train struck a rock along the Deschutes River and caused a diesel spill from the engine.
- On March 2, 2015, a UP train derailed near Meacham Creek, by the Umatilla Indian Reservation.
- On September 19, 2014, a BNSF train struck a rock south of Pasco along the Columbia River and leaked over 1000 gallons of diesel fuel.
- On August 1, 2014, a UP train derailed and resulted in five rail cars sliding into the Columbia River.

We believe that timely, competent oversight is absolutely critical to make sure that the right parties are consulted and the appropriate standards are met. The current DEQ spill response budget is cobbled together from a number of sources and receives no general fund dollars. Oregon deserves a stable, consistent source of revenue to address hazardous material spills that have the potential for catastrophic impacts. The annual assessment levy found in HB 2131, Section 14 provides a necessary, stable funding source.

Furthermore, the contingency planning that HB 2131 will fund is crucial to ensuring effective responses. CTUIR would like an opportunity for Tribes to review those plans and we appreciate the amendment that has been proposed to make that happen. The Tribes have unique and extensive experience in the management of natural resources, specifically water-ways, in their territory and can provide invaluable information to resource agencies.

We also encourage the Legislative Assembly to provide additional funding for statewide response staff. We understand that the Governor's budget includes an additional \$3 million for spill response. We need this and more to ensure appropriate response. Even with the increase in the number of incidents, the number of spill response personnel has not kept pace. Right now, the nearest DEQ response staff to Pendleton is over three hours away in Portland and Interstate 84 is frequently closed due to winter weather.

Thank you again for the time to testify on behalf of the Confederated Tribes of the Umatilla Indian Reservation.