

No. 80007-8

**IN THE DIVISION I COURT OF APPEALS
OF THE STATE OF WASHINGTON**

AJI P., et al.,

Plaintiff-Appellant,

v.

STATE OF WASHINGTON, et al.,

Respondent.

Appeal from a Decision of the Superior Court of the State of Washington

For King County

Civil Action No. 18-2-04448-1 SEA

Honorable Michael R. Scott

**AMICUS BRIEF OF THE SWINOMISH INDIAN TRIBAL
COMMUNITY, QUINULT INDIAN NATION, AND SUQUAMISH
TRIBE IN SUPPORT OF PLAINTIFFS**

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I. Introduction

We do not inherit the earth—we borrow it from our children. With those future generations firmly in mind, tribal leaders have long recognized that sound environmental stewardship requires balancing use with conservation. In keeping with these teachings, the Swinomish Indian Tribal Community, Suquamish Tribe, and Quinault Indian Nation (collectively, the “Tribes”) support the youth Plaintiffs in this case.

The State of Washington’s actions, detailed in Plaintiffs’ complaint, have contributed to and failed to mitigate the impacts of climate change. Climate change threatens the Tribes’ cultural, economic, and territorial integrity, and the subsistence of the Tribes’ members. It is a present-day crisis with devastating current and future impacts.

Each of the Tribes’ reservations abut marine waters. Within decades, rising sea levels are expected to inundate substantial portions of each Tribe’s reservation. Harms to infrastructure and housing, including increased flooding, have already begun. Habitat degradation and changing climactic conditions are depressing the Tribes’ harvest of fish, shellfish, and native plants. Taken holistically, these harms—the accelerating degradation of traditional lands and waters that have sustained the Tribes’ ancestors since time immemorial—strike at the heart of what it means to be a Tribal member. Parents fear their children will no longer be able to

live in their ancestral homeland. Children face an uncertain future in which their individual choice to pursue the Tribal way of life is increasingly imperiled.

The Tribes firmly believe that the Washington State Constitution protects against these fundamental threats to Tribal members' homelands, livelihoods, security, families, and societal well-being, and that the judiciary has an essential role in enforcing those protections. Pursuant to RAP 10.6, the Tribes respectfully request that this Court recognize the right to a livable climate as a fundamental right protected by the Washington State Constitution.¹

II. Identity and Interest of Amici Tribes

The Tribes are located in Western Washington, signatories to treaties with the United States, and dependent on the natural world for perpetuation of their economies and culture.

The Swinomish Indian Tribal Community is a federally recognized Indian tribe and a political successor-in-interest to certain tribes and bands that signed the Treaty of Point Elliott (1855), which established the Swinomish Reservation on Fidalgo Island in Skagit County and reserved

¹ Plaintiffs describe this right, in part, as encompassed within the right to a "healthful environment," drawing from RCW 43.21C.020(3). However, Plaintiffs have narrowly defined the fundamental constitutional right they seek to protect as the "livable climate," and the Tribes support that narrow formulation.

fishing, hunting, and gathering rights for the Swinomish people. Since time immemorial, the Swinomish Tribe and its predecessors have occupied and used land and water in the Puget Sound region to fish, hunt, gather, and otherwise support the Swinomish way of life. Pacific salmon and other marine resources have played central and enduring roles in the Swinomish Tribe's culture, identity, and economy.

The Suquamish Tribe is a federally recognized Indian tribe and signatory to the Treaty of Point Elliott (1855). In exchange for ceding most of its aboriginal homeland, the Suquamish Tribe reserved the Port Madison Indian Reservation on the Kitsap Peninsula and fishing, hunting, and gathering rights. The Reservation encompasses approximately 7,657 acres allocated in two parcels, and includes 12.4 miles of Puget Sound shoreline. Old Man House, the home of both Chief Kitsap and Chief Seattle, was located on Agate Pass just south of the present-day village of Suquamish, WA. Since time immemorial, the Suquamish Tribe has occupied and used the marine waters of Puget Sound, from the Fraser River in the north to Vashon Island in the south, and the Hood Canal, to support its marine fishing lifestyle. The Suquamish have always depended on salmon, cod and other bottom fish, clams, cockles and other shellfish, berries, camas and roots, ducks and other waterfowl, deer, elk and other

land game for food, family and community use, ceremonial feasts, and trade.

The Quinault Indian Nation is a federally recognized Indian tribe occupying a Reservation on the western Olympic Peninsula. The Quinault Reservation includes 208,000 acres of mostly forested land, thirty miles of undeveloped Pacific Coast beach lands, and thousands of miles of rivers and streams. Quinault ancestors signed the Treaty of Olympia (1856), which reserved a permanent homeland and the rights to hunt, fish, and gather, in order to preserve Quinault's ability to sustain a traditional way of life. Fish and shellfish are a source of social, economic, and cultural value for Quinault. Salmon and razor clams are communally served at all social and community events. Fishing is also a way to teach younger generations traditional knowledge and the importance of preserving natural resources for future generations.²

A. The Tribes' study of climate change.

As governments responsible for the safety and well-being of their communities, the Tribes have dedicated significant resources to the study of climate change. As a result, the Tribes have a clear and sophisticated

² Three of the named youth Plaintiffs are Quinault Tribal members: James Charles D., Kylie Joann D., and Daniel M. This amicus brief is filed on behalf of the Tribes, including the Quinault Indian Nation, and not on behalf of any individual Tribal member.

understanding of the existential threat facing their governments, Reservations, and members.

In 2007, recognizing the growing and irrefutable evidence of climate change, the Swinomish Senate issued a proclamation authorizing an investigation of climate change impacts on Swinomish lands, resources, and the community.³ The resulting Swinomish Climate Change Initiative, conducted in collaboration with the University of Washington Climate Impacts Group and Skagit County, produced two key reports: the 2009 Impact Assessment Technical Report (analyzing expected climate change impacts) and the 2010 Climate Adaptation Action Plan (establishing guidelines for adaptive planning).⁴

The Suquamish Tribe is also assessing and mitigating climate change problems. Suquamish partnered with the Northwest Indian Fisheries Commission to study ocean acidification and sea level rise,⁵

³ Available here: http://www.swinomish-nsn.gov/climate_change/Docs/Swinomish%20Climate%20Change%20Proclamation.pdf (last accessed June 3, 2019).

⁴ A description of the initiative is available here: http://www.swinomish-nsn.gov/climate_change/climate_main.html. Work on the Swinomish Climate Change Initiative is ongoing. For example, the Tribe is a key participant in the Skagit Climate Science Consortium, a nonprofit organization of scientists working with local stakeholders to assess, plan, and adapt to climate related impacts. <http://www.skagitclimatescience.org/> (last accessed June 3, 2019).

⁵ See “Climate Change and Our Natural Resources: A Report from the Treaty Tribes in Western Washington” (November 2016), p. 25-27, http://nwifc.org/wp-content/uploads/downloads/2017/01/CC_and_Our_NR_Report_2016-1.pdf

including partnering with the University of Washington to develop a low-cost zooplankton imaging and computer identification system to study planktonic communities vulnerable to ocean acidification.⁶ Suquamish is also working with the University to project climate change effects on stream flows and temperature in Chico Creek, which is the most productive salmon stream on the Kitsap Peninsula.

Quinault retained Oregon State University to conduct its first climate impacts assessment in 2016, which confirmed changes will occur across the Quinault landscape.⁷ Quinault has also worked with the U.S. Department of Energy's National Renewable Energy Laboratory to research how to develop a climate change resistant community and energy resources.⁸

B. Resource, economic, and cultural impacts to the Tribes caused by climate change.

Climate change adversely impacts nearly every aspect of life for the Tribes and their members. These impacts are already occurring and,

⁶ State of Our Watersheds (2016), https://geo.nwifc.org/sow/SOW2016_Report/Suquamish.pdf

⁷ "Climate Change Vulnerability Assessment for the Treaty of Olympia Tribes" (February 2016) https://quileutenation.org/wp-content/uploads/2017/02/Climate_Change_Vulnerability_Assessment_for_the_Treaty_of_Olympia_Tribes.pdf; see also "Quinault Indian Reservation 2016 Tribal Hazards Mitigation Plan Update" (July 2016). <http://quinaultindiannation.com/documents/Hazard%20mitigation%20draft.pdf>.

⁸ <https://www.energy.gov/indianenergy/articles/doe-assists-quinault-indian-nation-plans-climate-resilient-community>

absent major changes in climate law and policy, will certainly increase in the future.⁹

The Swinomish Tribe's Impact Assessment Technical Report¹⁰ observes that between 2006 and 2010, the Tribe experienced tidal surges several feet above normal, devastating winter storms, and an unprecedented heat wave. The Report further identifies serious impending harm to the Swinomish Reservation, including: inundation of over 1,100 acres of the Reservation, constituting approximately 15% of Reservation uplands; inundation risk to approximately 160 residential structures, 18 non-residential or commercial structures, and to vital transportation links and access routes to and from the Reservation; significant inundation and permanent loss risk to areas of traditional tribal resource harvests; and risk of physical and mental illness to the entire Reservation population resulting from increased heat and loss of resources. The estimated cost to respond to these changes is more than \$700 million in 2019 dollars. Some

⁹ See <https://nca2018.globalchange.gov/chapter/1/> (discussing recent climate science and increasing rate of change); C. Figueres et al, *Three years to safeguard our climate*, Nature 546, 593-95 (2017), available here: <https://www.nature.com/news/three-years-to-safeguard-our-climate-1.22201>.

¹⁰ See http://www.swinomish-nsn.gov/climate_change/Docs/SITC_CC_ImpactAssessmentTechnicalReport_complete.pdf.

resources, such as land lost on the island Reservation, can never be replaced.

The anticipated negative impacts of climate change extend off-Reservation throughout the Swinomish Tribe's Treaty-reserved fishing areas. The Skagit Climate Science Consortium has identified key scientific findings and projections for climate variability in the Skagit River Basin, including temperature and precipitation, glaciers, hydrology, sediment, snow elevation, forest fires, and sea level rise. The consequences of those changes include reduced low flows, increased flooding frequency and severity, and an altered sediment regime.¹¹ These changes cause increased fish mortality, render certain sub-basins inhospitable as habitat, and decrease reproductive success.

The Suquamish Tribe is also impacted by climate change, particularly with respect to its freshwater fisheries. These fisheries are vulnerable to climate change because of the unique hydrology of the Kitsap Peninsula, which is dominated by numerous, small, rain-fed streams. These streams are greatly impacted by the longer, drier, and hotter summer seasons caused by climate change. Summer rearing habitat for juvenile salmon is limited due to low flows and high water

¹¹ <http://www.skagitclimatescience.org/skagit-impacts-overview/>

temperatures, and those conditions are worsening. During the late fall and early winter, climate change will likely increase the intensity and frequency of heavy rainfall, causing heavier and swifter stream flows, which can destroy salmon eggs.

The Quinault are experiencing dire climate-related impacts, two of which are highlighted here. First, in both 2018 and 2019, Quinault was forced to close its Quinault River Blueback sockeye fishery due to historically low return runs. Blueback are a genetically distinct and culturally-critical sockeye that have sustained the Quinault people for millennia. In recent years, however, factors associated with rising global temperature have severely impacted Blueback populations: the marine heatwave known as the “Blob” (2013-15) and the “Godzilla El Niño” global climate event (2015-2016) resulted in low survival rates for fish returning to the Quinault River. Then, in 2018, the Anderson Glacier disappeared. The absence of the glacier, which previously fed the Quinault River with cold water critical to the Blueback run, further impacts survivability.

Second, due to climate change and its proximity to the Cascadia Subduction Zone, the Village of Taholah—the most populated Quinault residential area—is under threat from tsunamis, storm surge, and riverine flooding. The Village consists of approximately 175 homes housing 660

people, a K-12 school, a mercantile and gas station, post office, fish processing plant, museum, office space for 60 tribal employees, and vital community services including police and fire. In March 2014, the confluence of two large storms (wave heights in excess of 20 feet and 13.5 feet, respectively) and high tides caused significant erosion at the toe of the 2,000-foot seawall protecting the Village. The seawall failed, resulting in severe flooding of many homes and buildings. The Village has experienced flooding every year since.

C. Climate change impacts on Tribal culture.

For the Tribes, the environment and culture are inextricably linked. Stewardship and use of natural resources are enduring cultural connections that stabilize and unify individual, family, and community identities. Salmon and shellfish are served at weddings, celebrations, and funerals. Parents bond with their children and teach them broader life lessons while catching, gathering, preserving, and preparing foods.

As a result of this cultural dependence on the environment, the impacts of climate change are multiplied for tribal populations. The loss of traditional foods and practices, discussed above, will inevitably cause cultural harm. The Swinomish Climate Adaptation Action Plan, citing a large body of indigenous peoples social sciences research, explains:

In many Native American communities, Swinomish included, health is defined on a community level, consisting of inseparable strands of human health, ecological health, and cultural health woven together, all equally important. Within this definition, many of the dimensions of good health . . . such as participation in spiritual ceremonies, intergenerational education opportunities, and traditional harvesting practices . . . may be negatively impacted or even destroyed when resources are scarce or disappear.¹²

The present and future climate change impacts to the Tribes' lands and waters threaten the very essence of what it means to be a Tribal member and Tribal nation.

D. The Tribes' preparations for climate change.

In addition to research and planning, the Tribes are taking concrete steps to address climate impacts. The Swinomish Tribe has developed a new Forest Management Plan that increases resiliency and carbon sequestration, instituted a practice of "beach nourishment" to replace eroded beaches, and sited a new location to cultivate clams and other shellfish to replace inundated tidelands. The Swinomish Senate amended the Tribal Shorelines and Sensitive Areas Code to address sea level rise through designation of, and stricter rules for activities in, the inundation risk zone. STC 19-04.010 *et. seq.*¹³

¹² Climate Adaptation Action Plan at 59.

¹³ http://www.swinomish.org/media/4944/1904shorelines_sensitiveareas.pdf

The Suquamish Tribe has worked with partners to implement aggressive habitat restoration, including eelgrass restoration near Bainbridge Island and restoration of Chico Creek and its estuary. These efforts will help to mitigate some local impacts of climate change.¹⁴ Suquamish is also investing in community education, preparing youth for climate change through its Suquamish Youth Climate Change Club and development of an ocean acidification curriculum.

In response to recurring floods, the Quinault Indian Nation must take the radical—and expensive—step of moving the entire Lower Taholah Village. In 2017, Quinault finalized a Taholah Village Master Relocation Plan, relocating the village to higher ground a half mile from the existing site.¹⁵ The first building in the new Upper Village—WenasgwəllaʔaW (Generations Building), housing elders’ and children’s programs—is currently under construction at a cost of nearly \$15 million. Infrastructure costs alone for the new Upper Village are projected to be over \$50 million.

¹⁴ https://geo.nwifc.org/sow/SOW2016_Report/Suquamish.pdf

¹⁵ The Plan creates a mixed-use community of approximately 300 dwelling units and 200,000 square feet of community facilities, as well as parks, trails, and open space. http://www.quinaultindiannation.com/planning/FINAL_Taholah_Relocation_Plan.pdf

E. The Tribes have a direct and unique interest in this litigation.

The Tribes are sustained by their homelands and their connection to the water and lands where Tribal ancestors have lived, fished, gathered, and hunted since time immemorial. These activities, all of which are dependent upon a livable climate, are fundamental to the lives and identity of Tribal members. For these reasons, the Tribes have a great interest in these proceedings and seek to make their views known as *amicus curiae*.¹⁶

III. Statement of the Case

The Tribes generally concur in the statement set forth in the Petitioner's Statement of Grounds for Direct Review.

IV. Argument

A. Washington Residents, Including Tribal Members, Have a Fundamental Right to a Livable Climate.

The Washington State Constitution guarantees a fundamental right to a livable climate. Although unenumerated, the right to a livable climate is retained by the people of Washington and enforceable as the necessary prerequisite to the free exercise of specific, enumerated rights.

¹⁶ The Tribes' arguments rest solely on state law. The Tribes reserve all arguments based on their federally reserved treaty rights, and any other rights arising under federal law. Because the Plaintiffs did not raise federal treaty rights, those rights are not at issue.

To determine whether an unenumerated constitutional right exists, courts primarily consider whether such a right is implicit and necessary to the exercise of enumerated rights, and whether the right is deeply embedded in societal values. *See, e.g., Eggert v. Seattle*, 81 Wash. 2d 840, 841-44, 505 P.2d 801, 803 (1973); *Pierce v. Soc’y of Sisters*, 268 U.S. 510, 534, (1925); *see also Southcenter Joint Venture v. Nat’l Democratic Policy Comm.*, 113 Wash. 2d 413, 438, 780 P.2d 1282, 1295 (1989) (citing the preamble to the Washington State Constitution and art. 1, § 32 to explain that the constitution contains unenumerated rights based on natural law). For example, Americans enjoy a fundamental right to travel, despite travel not being expressly referenced in the federal or Washington State Constitution. *Eggert*, 81 Wash. 2d at 841-44. State and federal courts recognize the right to travel as fundamental because it is implicit in protecting the rights to liberty, to petition government, to participate in interstate commerce, to exercise free speech, to protect due process, and to guarantee equal protection. *Id.*; *Kent v. Dulles*, 357 U.S. 116, 126 (1958) (right to travel protected in part because it “may be necessary for a livelihood.”). Courts also recognize the right to travel because of its longstanding social value: “[f]reedom of movement across frontiers in either direction, and inside frontiers as well, was a part of our heritage.” *Kent v. Dulles*, 357 U.S. at 126.

The United States and Washington Supreme Courts have employed the same analysis to recognize the fundamental rights to marry and raise a family. Summarizing decades of jurisprudence, in *Stanley v. Illinois*, the Supreme Court recognized that “[t]he rights to conceive and to raise one’s children have been deemed essential, basic civil rights of man.” 405 U.S. 645, 651 (1972) (citations and internal quotations omitted). As support for such recognition the Court relied upon “the Due Process Clause of the Fourteenth Amendment, the Equal Protection Clause of the Fourteenth Amendment, and the Ninth Amendment.” *Id.* Subsequent courts have anchored constitutional support for the right to marry and raise a family in the key role the family instruction plays in societal well-being. *See Obergefell v. Hodges*, 135 S. Ct. 2584, 2599 (2015); *Custody of Smith*, 137 Wash. 2d 1, 15, 969 P.2d 21, 28 (1998) (“The family entity is the core element upon which modern civilization is founded. Traditionally, the integrity of the family unit has been zealously guarded by the courts.”).

The Court should utilize the same analytical framework adopted for recognition of other unenumerated rights and hold that there is a fundamental right to a livable climate. Like freedom to travel, a livable climate is essential to the exercise of recognized life, liberty, and property rights, as well as participation in commerce among the states and with tribes. The liberty right “is deemed to embrace the right of the citizen to

be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation.” *Williams v. Fears*, 179 U.S. 270 (1900). The rights of enjoyment, living where one desires, and earning a livelihood, and the associated liberty right, cannot be exercised by Tribal members without a livable climate. Indeed, “it is difficult to conceive of a more absolute and enduring concern than the preservation and, increasingly, the restoration of a decent and livable environment. Human life, itself a fundamental right, will vanish if we continue our heedless exploitation of this planet’s natural resources.” *Stop H-3 Ass’n v. Dole*, 870 F.2d 1419, 1430 (9th Cir. 1989).

The right to a livable climate is also implicit and necessary in protecting enumerated constitutional rights to certain forests, agricultural lands, and tidelands. Article 16, Section 1 of the Washington State Constitution provides that “[a]ll the public lands granted to the state are held in trust for all the people.” Similarly, Article 17, Section 1 provides that “Washington asserts its ownership to the beds and shores of all navigable waters in the state up to and including the line of ordinary high tide...” These express constitutional ownership duties to the people extend to more than two million acres of forest and agricultural lands granted at statehood, as well as vast tidelands and navigable waters. If the

impacts of climate change are not abated, the public forests are doomed to fire and the public tidelands will be harmed by rising, acidic oceans.¹⁷ Accordingly, protection of the right to a livable climate is a prerequisite to exercise and enforcement of these enumerated rights to public resources.

Having established that the right to a livable climate is essential to exercise enumerated rights, the next step in the analysis is to assess whether the right provides social benefit and reflects long-standing values. Like travel and marriage, recognition of a right to a livable climate is strengthened by its core importance to societal well-being. For the Tribes' members, nothing is more fundamental to history, culture, and heritage than access to natural resources in one's homeland, which relies upon a livable climate. *See, e.g., United States v. Winans*, 198 U.S. 371, 381 (1905) (recognizing that at treaty time, as today, fishing was "not much less necessary to the existence of the Indians than the atmosphere they breathed[.]"). The individual right to a livable climate is inextricably connected to protection of the family, both immediate and extended, and

¹⁷ According to the Washington State Department of Natural Resources, Washington is "already experiencing impacts from a changing climate" and DNR projects detrimental impacts to constitutionally-protected state forest, aquatic, and agricultural resources. *See Assessment of Climate Change-Related Risks to DNR's Mission, Responsibilities and Operations, 2014-2016 Summary of Results*, Department of Natural Resources, 1, https://www.dnr.wa.gov/publications/em_climate_assessment010418.pdf?ovn8b8.

the associated benefit to Tribal communities. Access to traditional indigenous foods is critical to knowledge transmission, community cohesion, ceremonies, and food security, activities which are all essential to familial and societal well-being. For example, younger fishermen reserve part of their catch to provide to elders for subsistence, and elders pass down knowledge and teachings through sharing of food gathering and preparation traditions. In learning and performing these activities, individuals fit into roles that support the broader family, and in turn, society. For the sovereign Tribes and their members, the right to a livable climate is “a building block of...community.” *Obergefell v. Hodges*, 135 S. Ct. at 2601.

In sum, following the recognized analytical framework for recognition of unenumerated rights fully supports recognition of the constitutional guarantee of a livable climate. The trial court erred by failing to follow the settled method of evaluating unenumerated rights, and by drawing a distinction between individual and shared rights that is without basis. *See* CP 437-38. While the Tribes recognize that modern substantive due process jurisprudence requires a “careful description” of the asserted fundamental liberty interest, *Braam v. State*, 150 Wash. 2d 689, 699, 81 P.3d 851, 857 (2003) (quoting *Washington v. Glucksberg*, 521 U.S. 702, 721 (1997)), the right to a livable climate is not a vague

“shared aspiration,” as expressed by the trial court, CP 437-38, but rather a concrete and basic right that is necessary to the exercise of other constitutional rights.

The Tribes do not understand Plaintiffs to argue that the State must affirmatively provide certain ideal conditions, but rather that the State may not unduly restrain the exercise of a right to a livable climate. *See Harris v. McRae*, 448 U.S. 297, 318 (1980). While climate change law presents a relatively new factual context, at root the Plaintiff youth simply assert the unremarkable and well-established argument that the State must stop harming them, and must not prevent them from the basic human pursuits of creating a home and making a livelihood. “As in all matters dealing with the welfare of children, the court must...act in the best interests of the child.” *Wash. State Coal. for the Homeless v. Dep’t of Soc. & Health Servs.*, 133 Wash. 2d 894, 923, 949 P.2d 1291, 1306 (1997).

Plaintiffs’ circumstances are similar to other situations when the government is responsible for the care of residents and children. For instance, with respect to foster children, “substantive due process gives foster children a right to be free from unreasonable risk of harm, including a risk flowing from the lack of basic services, and a right to reasonable safety.” *Braam v. State*, 150 Wash. 2d 689, 699, 81 P.3d 851, 857 (2003). Where the State and City provide water to residents relying on those

services, it violates their constitutional rights if that water is poisonous. *See Guertin v. Michigan*, 912 F.3d 907, 921 (6th Cir. 2019); (“a government actor violates individuals’ right to bodily integrity by knowingly and intentionally introducing life-threatening substances into individuals without their consent”) (citation omitted). Here too, the Plaintiff children only seek to prevent the State from impinging on their basic constitutional rights—the right to live, to be free from State-caused bodily harm, to earn a livelihood, and to own property.

V. Conclusion

The Tribes and their ancestors have lived in and cared for their homelands since time immemorial. The ever-increasing impacts of climate change pose the greatest disruption to the Tribal way of life since the settlement of Tribal lands at Treaty time. As a result of the close ties between the natural world and tribal communities, these impacts are being felt already—and they portend the harms facing us all in the absence of an enforceable Constitutional right to a livable climate.

For all the reasons stated herein, the Tribes urge the Court to recognize the constitutional right to a livable climate, and to remand to allow the youth Plaintiffs to prove their case.

Respectfully submitted this 12th day of July, 2019.

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DECLARATION OF SERVICE

Wyatt Golding declares as follows:

1. I am a resident of the State of Washington, residing or employed in Seattle, WA.
2. I am over 18 years of age, and not a party to the above entitled action.
3. I declare that on July 12, 2019, I caused the foregoing document to be filed with the Washington State Appellate Court's Secure Portal for Electronic Filing, which generates a transmittal letter to all active parties in the case; including a copy of all uploaded files.
4. On July 12, 2019, I also emailed the foregoing document to the parties and amici. It is my understanding that there is an electronic service agreement in this case.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 12th day of July, 2019, at Seattle, Washington.

s/ Wyatt Golding
Wyatt Golding, WBSA #44412

ZIONTZ CHESTNUT

July 12, 2019 - 4:09 PM

Transmittal Information

Filed with Court: Court of Appeals Division I
Appellate Court Case Number: 80007-8
Appellate Court Case Title: A. Piper, et al. Appellants v. State of Washington, et al., Respondents
Superior Court Case Number: 18-2-04448-1

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