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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

BNSF RAILWAY COMPANY,  
Petitioner

v.

YAKIMA COUNTY,  
Respondent

YAKAMA NATION,  
Intervenor.

DOCKET NO.: TR-140382

AND

DOCKET NO.: TR-140383

PREFILED TESTIMONY OF  
JOHNSON MENINICK

**SUMMARY**

Johnson Meninick is an Elder of the Yakama Nation, former Tribal Council Chairman, and currently the Program Manager of the Yakama Nation Cultural Resources Program. Mr. Meninick has extensive knowledge and experience with the traditions and culture of the Confederated Tribes and Bands of the Yakama Nation, and offers this testimony in opposition to the closure of the Barnhart Road railroad crossing proposed by the Petitioner, BNSF Railway Company. Mr. Meninick testifies, based on his education, knowledge, and professional experience, that the Barnhart Road railroad crossing is culturally significant to the Yakama Nation and its members for a variety of reasons and should be kept open.

1

**TESTIMONY**

2 Q: Please state your name for the record.

3 A: My name is Johnson Meninick. My Native name is Meninocket.

4

5 Q: Are you an enrolled member of the Confederated Tribes and Bands of the Yakama  
6 Nation?

7 A: Yes I am.

8 Q: Can you please describe your current position at the Yakama Nation?

9 A: I am the Program Manager for the Yakama Nation Cultural Resources Program.

10

11 Q: How long have you been in this position?

12 A: I have held this position for 30 years.

13 Q: Prior to assuming your role as the manager of the Yakama Nation Cultural Resources  
14 Program, what did you do?

15 A: I am the tribal elder. I was born ½ mile from the site we are discussing along Satus  
16 Creek. At a young age I was selected as a fisherman and a hunter for the community there. I was  
17 also initiated by the tribal elders at a young age as a religious leader, to perform the ritual  
18 ceremonies of our beliefs, and to carry that knowledge of our culture and share it with people and  
19 teach the young.

20 As I grew up I also owned property in the area where I was born. As I grew up I was  
21 made aware of our homeland – the trails, how to utilize Satus Creek for fishing and medicine.  
22 Today I still hold this position as the religious leader of the community.

23 Later I was selected as spokesman for the community when it came to legal issues or  
24 Treaty Reserved Rights. I also worked in law enforcement as well as a Tribal Judge for the  
25 Yakama Nation. I served on the Yakama Nation Tribal Council for 15 ½ years, 12 of which I  
served as the Tribal Chairman.

1  
2 Q: How long have you lived on the Yakama Reservation?

3 A: My whole life, 81 years  
4

5 Q: Can you please describe your education and experience dealing with Yakama Nation  
6 cultural resources issues, archaeology, anthropology, and customs and traditions?

7 A: I have inherent knowledge of Yakama Nation culture and traditions. I maintained tribal  
8 knowledge and history, carrying the responsibility for the protection of all resources and cultural  
9 values. Besides my traditional knowledge I had public education, in addition to gaining  
10 knowledge about the archeological and anthropological profession through seminars and  
11 training. I attended a law enforcement academy for 6 months. This is where I learned legal  
12 Indian Law. Today I still carry that knowledge and use it for legal cultural issues, in public  
13 speaking and in court cases.

14 Q: Are you familiar with the railroad crossing at Barnhart Road?

15 A: Yes.

16 Q: Is the railroad crossing at Barnhart Road significant in any way?

17 A: Yes.  
18

19 Q: Can you please describe this significance?

20 A: The area we are discussing at Barnhart Road is a network of trails, homes, villages and  
21 ceremonial sites. Barnhart road was named for an elder "Barnhart" that lived north of the railroad  
22 at this location. This crossing was built in an area with crisscrossed trails, utilized for funerals,  
23 and gathering of material utilized for ceremonies. The Longhouse on Barnhart Road is still in  
24 practice. The alternative road used to access the Longhouse is Satus Longhouse road, also in use  
25 by tribal members accessing the Longhouse for ceremonies and burials. Access is very  
important. Members do not use the public highway during ceremonial access of this area, as



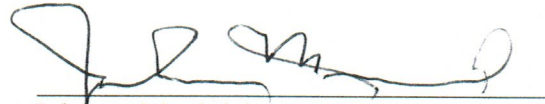
1 traffic during ceremonies is slow. It is the safest to stay off the public highway during these  
2 times.

3  
4 Q: What do you hope is done with the railroad crossing at Barnhart Road?

5 A: I hope the railroad crossing at Barnhart Road is kept open. It would be beneficial to  
6 install crossing warning lights and crossing gates to ensure safety of those using the crossing.


7  
8 I, Johnson Meninick, declare under penalty of perjury under the laws of the State of  
9 Washington that the foregoing PREFILED TESTIMONY OF JOHNSON MENINICK is true  
10 and correct to the best of my knowledge and belief.

11 Signed at Toppenish, Washington, this 21 day of February, 2015.

12  
13   
14 Johnson Meninick

15  
16 DATED this 12<sup>th</sup> day of February, 2015

17  
18 Galanda Broadman, PLLC

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20   
21 R. Joseph Sexton, WSBA #38063  
22 Galanda Broadman PLLC  
23 Attorneys for Intervenor Yakama Nation  
24 8606 35<sup>th</sup> Ave NE, Suite L1  
25 P.O. Box 15146  
Seattle, WA 98115  
(206) 557-7509

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**CERTIFICATE OF SERVICE**

I, R. Joseph Sexton, declare as follows:

1. I am now and at all times herein mentioned a legal and permanent resident of the United States and the State of Washington, over the age of eighteen years, not a party to the above-entitled matter, and competent to testify as a witness.

2. I am employed with the law firm of Galanda Broadman PLLC, 8606 35<sup>th</sup> Ave. NE, Suite L1, Seattle, WA 98115.

3. I submitted the foregoing document for filing with the Washington Utilities and Transportation Commission via United States Postal Service or a courier service for hand delivery to Steven King, Executive Director and Secretary of the Washington Utilities and Transportation Commission, and through the Commission's Web Portal. I also submitted an electronic PDF version as well as hard copies via United States Postal Service to the following parties and representatives:

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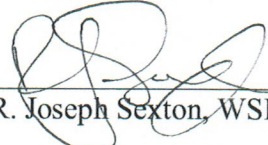
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<p>1 Counsel for Petitioner, BNSF Railway Tom Montgomery 2 Montgomery Scarp MacDougall, PLLC 1218 Third Avenue, Ste 2700 3 Seattle, WA 98101 4 5</p>	<p>Representative for Petitioner, BNSF Railway Richard Wagner Manager Public Projects BNSF Railway 2454 Occidental Avenue S. Suite 2D Seattle, WA 98134</p>
<p>6 Counsel for Respondent, Yakima County Kenneth W. Harper Menke Jackson Beyer, LLP 7 807 North 39th Avenue 8 Yakima, WA 98902 9 10 11</p>	<p>Representative for Respondent, Yakima County Gary Ekstedt Yakima County Dept of Public Services County Engineer / Assistant Director 128 N. 2<sup>nd</sup> Street, Room 408 (Courthouse) Yakima, WA 98901-2639</p>

12 The foregoing statement is made under penalty of perjury and under the laws of the State  
13 of Washington and is true and correct.

14 Signed at Yakima, Washington, this 12th day of February, 2015.

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18 R. Joseph Sexton, WSBA #38063  
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