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## Tribes and Yucca Mountain: Native American forum on nuclear issues

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# Tribes and Yucca Mountain: Native American Forum on Nuclear Issues

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April 10, 2008

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# DOE History of Tribal Interaction- Yucca Mt.

- Yucca Mountain: Extensive history of social-cultural studies
- No interaction on transportation
- Unsuccessful effort began in 1993 and ended in 1995
- DOE tribal policy was a very good start
- Restarted again in 2004-DOE invites tribes to TEC meeting
- Shape future interaction between DOE and other Tribes
- Tribes identify themselves as affected by DOE differently than DOE defines affected tribes



# DOE History of Tribal Interaction: Transportation

- Bannock-Shoshone tribe explored efforts to regulate shipments of nuclear material originating at the Idaho National Laboratory
- Mirrored contemporaneous State of Idaho efforts to regulate the same shipments using air-quality laws
- Never pressed in court-but had significant impact

# DOE History of Tribal Interaction: Waste Isolation Pilot Plant

- DOE concluded that the best way to avoid trouble was to avoid tribes



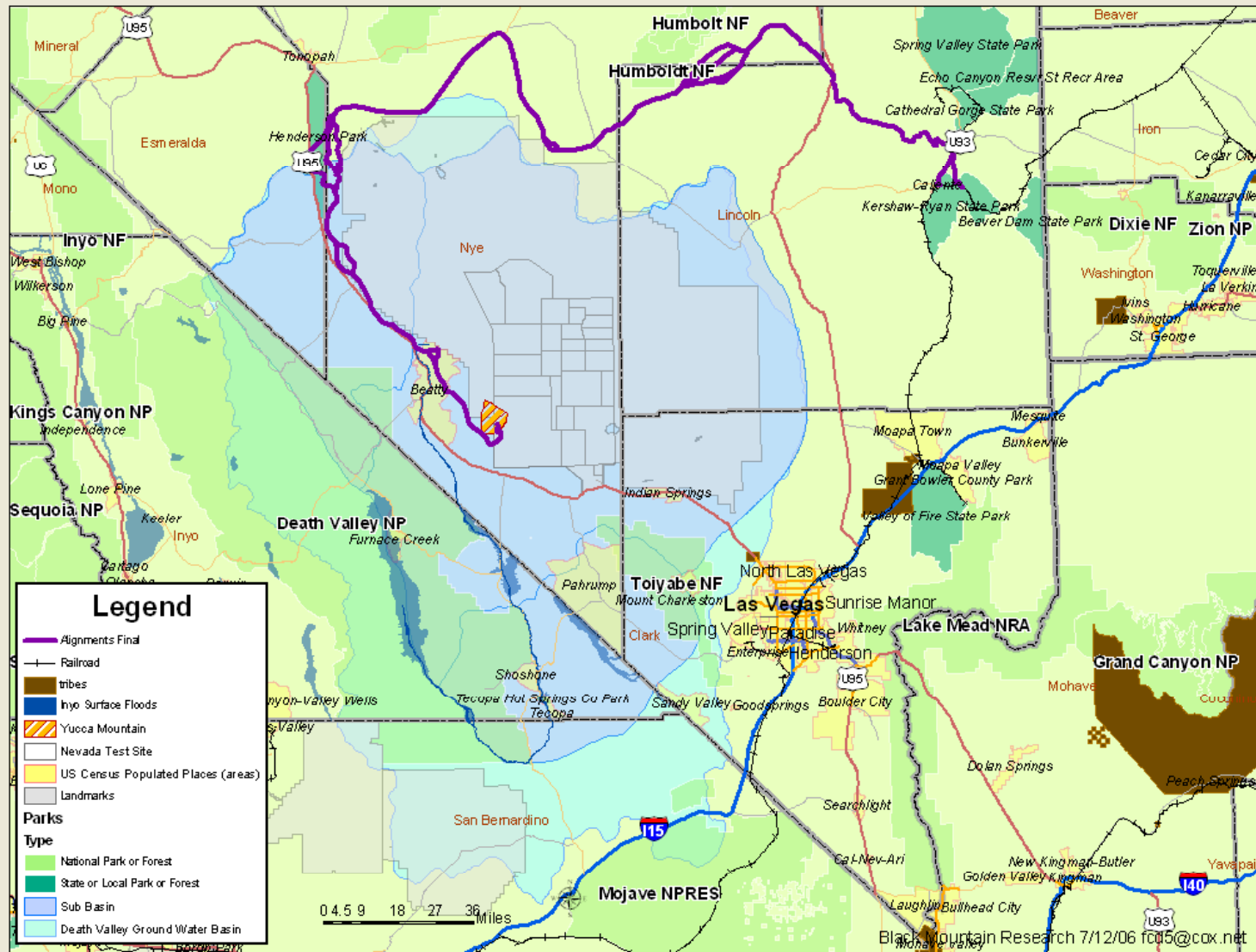
Won't work for Yucca Mt.



# Current Yucca Mt Interactions with Tribes

- Transportation External Coordination Working Group (TEC)
- Appropriate format for most tribes because most tribes will be most affected by transportation, but....
- “We’ve invited tribes that may or may not be affected. It will be interesting for them to learn about the program.” (Jay Jones, DOE)

# Yucca Mt Groundwater





# Potentially Affected Nevada Tribes Identified by DOE

- Wells Band Te-Moak
- Pahrump Paiute Tribe
- Timbisha-Shoshone
- Las Vegas Paiute Tribe
- Moapa Band of Paiutes
- Elko Band
- Pyramid Lake Tribe





# Institutional Issues for Tribes

- Which tribes are affected, how severely they will be affected, and when they will be affected cannot be completely known until routes are identified
- Tribes (as a group) should consider how they wish to interact with DOE
  - Representative group? How often? Reports?
  - Different meetings for Tribes-Tribes as stakeholders or Tribes as Regulators
- What steps to take?



## A Possible Action Plan

- Tribes should press Bureau of the Interior (BOI) for a protocol that permits rapid designation of affected status
- DOE should be urged to create a method to ensure funds are available following designation
- Impacted tribes should receive “affected” designation
- Tribes should determine their legal authority over shipments
- Craft a plan to build tribal capacity, influence



# Tips for Building Capacity

- Develop a process for inter-tribal collaboration
- Focus on issues that tribes can influence
- Understand what authority tribes may be able to exert
- Earn a place at the table:
  - Comments
  - Research
  - Useful insight

# Urgent Business

- The DOE's request for Cooperating Status means that the Caliente rail corridor is not guaranteed
- The STB has a history of meaningful tribal interaction
  - Tongue River
  - DM&E
- If tribes want to participate, they must inform the Surface Transportation Board (STB) in writing-10 copies to both STB and DOE-that they wish to do so by April 21<sup>st</sup>



# Conclusion

- Affected status is the key for tribes
- Tribes must channel their resources to focus on the critical issues
- A key issue will be to decide what parts of the DOE program to watch