

Timbisha Shoshone Tribe

October 17, 2001

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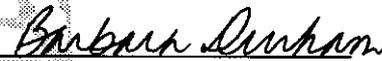
Carol Hanlon
U.S. Department of Energy
Yucca Mountain Site Characterization Office (M/S #25)
PO Box 30307
North Las Vegas, NV 89036-0307

RE: Timbisha Shoshone Tribal Resolution on the *Yucca Mountain Preliminary Site Suitability Evaluation*

Dear Ms. Hanlon:

The enclosed Tribal Resolution is submitted in addition to the previous comments on the *Yucca Mountain Preliminary Site Suitability Evaluation* submitted to the DOE on October 5 at the Las Vegas CGTO meeting (oral comments), and at the public hearing in the Amargosa Valley on October 10 (written and oral comments).

Sincerely,



Barbara Durham
Tribal Administrator
Timbisha Shoshone Tribe

Timbisha Shoshone Tribe

RESOLUTION NO. 18-2001

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SUBJECT: YUCCA MOUNTAIN HIGH LEVEL NUCLEAR WASTE SITE SUITABILITY

WHEREAS, the Timbisha Shoshone Tribe has received federal recognition, as stated in the Federal Register of October 6, 1982, as an Indian tribe entitled to privileges and immunities by virtue of its status as a Tribe with a government-to-government relationship with the United States government; and

WHEREAS, the Timbisha Shoshone Tribe's Constitution was adopted January 25, 1986 by the Timbisha Shoshone General Council; and

WHEREAS, the Timbisha Shoshone Tribal Council is the Tribe's autonomous governmental body established pursuant to the Tribe's Constitution to undertake the necessary steps and actions to promote the health, safety, welfare and economic well-being of its members; and

WHEREAS, the Timbisha Shoshone Tribal Council is empowered to consult, negotiate, contract or conclude agreements with federal, state, local and tribal governments and with private persons and organizations; and

WHEREAS, the Timbisha Shoshone Homeland Act (P.L. 106-423) signed into law on November 1, 2000, has provided the Timbisha Shoshone Tribe with a land base in California and Nevada, with Trust land parcels very close to the proposed high level nuclear waste site at Yucca Mountain; and

WHEREAS, the Yucca Mountain Nuclear Waste Site is being illegally proposed on Western Shoshone lands without Western Shoshone approval, thus a violation of the Treaty of Ruby Valley and tribal sovereignty; and

WHEREAS, the Western Shoshone National Council, of which the Timbisha Shoshone Tribe is a member, declared in 1995 that all Western Shoshone lands were a *Nuclear Free Zone*, thus barring the storage, use, or disposal of all radioactive materials; and

WHEREAS, the Timbisha Shoshone Tribe will be directly effected by the proposed Yucca Mountain project since the Furnace Creek parcel of the Tribe is down-gradient from the groundwater of Yucca Mountain, and the predicted radionuclide leakage from the storage casks will eventually reach the Timbisha Shoshone; and

the proposed Yucca Mountain project would adversely effect future members of the Timbisha Shoshone Tribe as well as all living things at the site vicinity and along the proposed transportation corridors; and

WHEREAS, on April 16, 2001, the Timbisha Shoshone tribe petitioned the Department of the Interior (DOI) for "Affected Indian Tribe" status with no response from the DOI to date, thus placing a strong obligation on DOE to provide the most complete, pro-active, government-to-government consultation on all the complex, interlinked, and scientifically technical reports and evaluations, a trust obligation which DOE has failed; and

WHEREAS, the Department of Energy has failed to provide true government-to-government consultation with the Timbisha Shoshone Tribe by ignoring its letter (dated October 10, 2001) and testimony at a public hearing in Amargosa Valley (on October 10, 2001) requesting an extension of the comment period for the *Yucca Mountain Preliminary Site Suitability Evaluation* in order to provide for adequate consultation; and

WHEREAS, the *Yucca Mountain Preliminary Site Suitability Evaluation* was prematurely issued, before its final version according to the finalized 10 CFR 963 guidelines were approved, and before the *Final EIS* for the *Yucca Mountain Project* was available for review, thus barring a final tribal and public review of the completed and interrelated documents; and

WHEREAS, the *Yucca Mountain Preliminary Site Suitability Evaluation* does not provide any compelling arguments or data to minimize the uncertainties regarding radionuclide leakage into the groundwater, storage container viability, dangers of volcanic eruption, dangerous transportation logistics, and vulnerability to terrorist attacks; and

THEREFORE BE IT RESOLVED, that the Timbisha Shoshone Tribe strongly urges the Secretary of Energy to **not recommend** Yucca Mountain as a site suitable for the storage of high level nuclear waste; and

BE IT FURTHER RESOLVED, that the Timbisha Shoshone Tribe strongly urges the Secretary of Energy to transfer funds from the Yucca Mountain project into feasibility studies regarding safe, on-site storage of nuclear waste and other alternatives along with a program of phasing out the nuclear power plants and nuclear weapons which continue to produce high nuclear waste.

BE IT FURTHER RESOLVED: That the Chairperson is authorized to negotiate, sign and complete all necessary documents relating to this request and the Vice-Chairperson is authorized to act in the Chairperson's absence.

CERTIFICATION

This resolution was adopted by the Tribal Council members of the Timbisha Shoshone Tribe at a duly called meeting held this 12th day of the Month of November, in the year two thousand one (2001). By a vote of 4 FOR, 0 AGAINST, AND 0 ABSTAINING, WITH 0 ABSENT.

Leroy Jackson
Leroy Jackson, Chairperson

10-12-01
Date

Shirley Summers
Shirley Summers, Council Member

10-12-01
Date