



United South and Eastern Tribes, Inc.

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USET SPF Resolution No. 2016:022

SUPPORT FOR INCREASED FUNDING FOR THE WEST VALLEY DEMONSTRATION PROJECT CLEAN UP

- WHEREAS,** USET Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of twenty-six (26) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nation's leadership; and
- WHEREAS,** a unique government-to-government relationship exists between Tribal Nations and the federal government, supported by the United States (U.S.) Constitution, numerous treaties, statutes, federal court case law, regulations and executive orders; and
- WHEREAS,** this unique relationship incorporates trust responsibilities of the federal government to federally recognized Tribal Nations, which also includes a fundamental priority for the protection of Tribal lands and natural resources; and
- WHEREAS,** natural resources such as Native plants, trees, fish and wildlife, water and air, are all critical in supporting Tribal Nations' customs and traditions and long-term survival; and
- WHEREAS,** often times commercial development places the lands and natural resources of Tribal Nations at risk to pollution and contamination; and
- WHEREAS,** the federal government has a responsibility to clean up contamination and pollution to lands and natural resources caused by development it has authorized; and
- WHEREAS,** an example is the Western New York Nuclear Service Center (WNYNSC), a former commercial nuclear reprocessing plant owned by New York State Energy Research and Development Authority (NYSERDA), which is located 20 miles upstream from the Seneca Nation's Cattaraugus Territory; and
- WHEREAS,** from 1966 through 1972, the WNYNSC processed 640 metric tons of spent reactor fuel, generating over 600,000 gallons of liquid high-level radioactive waste (HLW); and
- WHEREAS,** in 1980, the U.S. Congress passed the West Valley Demonstration Project Act (WVDP) (Public Law 96-368), which directed the United States Department of Energy (DOE), in cooperation with the NYSERDA and the Nuclear Regulatory Commission (NRC), to complete the closure and long-term management of the WNYNSC, including solidifying and removing the accumulated nuclear waste present on the site, and decontaminating and decommissioning the facilities; and

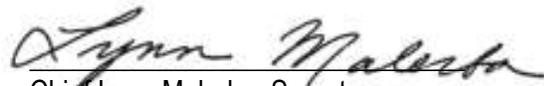
- WHEREAS,** in 2010, when the DOE issued its Decommissioning Environmental Impact Statement, it found that \$75 million per year in federal funding would be required in order to clean up the WNYNSC at an economically efficient pace within 10 years; and
- WHEREAS,** since 2010, the WVDP has never received \$75 million and has been significantly underfunded in both the U.S. President’s and the DOE’s appropriations budgets, which has drawn out the clean-up efforts timeline and increased the administrative costs associated with safely and efficiently disposing of the waste at the site; and
- WHEREAS,** President Obama’s proposed budget for Fiscal Year 2017 recommends that the WVDP be funded at \$62 million. This is an increase in funding over the Fiscal Year 2016 level, and USET supports the increase, but still below the DOE recommended level of \$75 million per year; and
- WHEREAS,** recently an aerial radiological survey was conducted over the WNYNSC and nearby areas for radioactive hot spots and radioactive hot spots were found to be on the Seneca Nation’s Cattaraugus Territory; and
- WHEREAS,** the Seneca Nation of Indians is concerned that the underfunding of the WVDP is delaying effective clean-up efforts and further increasing the risk of radioactive harm to its natural resources and citizens; and
- WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** the USET SPF Board of Directors calls upon the United States President and Congress to fund the West Valley Demonstration Project Act at the level recommended by the United States Department of Energy in order to meet the true costs of the clean-up efforts, thereby upholding its obligations and responsibilities to the Tribal Nations near the Western New York Nuclear Service Center; and, be it further
- RESOLVED** the USET SPF Board of Directors calls upon the federal and state agencies to continue to consult with affected Tribal Nations on a government-to-government basis to ensure that any and all radiological sites are quickly cleaned up and eliminate harm to their lands, natural resources and peoples.

CERTIFICATION

This resolution was duly passed at the USET SPF Impact Week Meeting, at which a quorum was present, in Arlington, VA, February 11, 2016.



Brian Patterson, President
USET Sovereignty Protection Fund



Chief Lynn Malerba, Secretary
USET Sovereignty Protection Fund

“Because there is strength in Unity”