The National Congress of American Indians
Resolution #DEN-07-079

TITLE: Requesting Immediate Department of Energy Funding to the Timbisha Shoshone Band as an “Affected Tribe” for Impact Assessment of the Yucca Mountain High-Level Radioactive Waste Repository as Required by the Nuclear Waste Policy Act of 1982

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the traditional homelands of the Timbisha Shoshone Band of the Western Shoshone Nation encompasses the region that includes what is now known as the Nevada Test Site and Yucca Mountain; and

WHEREAS, The United States Department of Energy as directed by Congress has been actively seeking to submit a license for a geologic repository for high-level radioactive waste and spent nuclear fuel at Yucca Mountain under the Nuclear Waste Policy Act of 1982; and

WHEREAS, Yucca Mountain is an area that contains culturally significant areas that traditional peoples can no longer gather foods and medicines, or have access to sacred sites for religious purposes; and

WHEREAS, the Timbisha Shoshone recently successfully petitioned the Department of Interior for “affected status” under the Nuclear Waste Policy Act that mandates the Department of Energy to provide for funding to evaluate the environmental, technical, cultural and socioeconomic impacts on tribal members their lands and resources, including public safety; and

WHEREAS, the Department of Energy as an agency of the federal government has a trust responsibility to provide federally recognized tribes with resources and technical assistance for programs land policies that may potentially negatively impact tribal lands and peoples, and acknowledgement of the Department’s obligation is implemented through its American Indian and Alaska Native Tribal Government Policy; and

WHEREAS, the Department of Interior has been notified of the NCAI’s position and the NCAI’s support for the petition of the Timbisha Shoshone Band of the Western Shoshone Nation to be designated as an “Affected Tribe” for the purposes of the Nuclear Waste Policy Act; and

NOW, THEREFORE, the National Congress of American Indians requests that the Department of Energy provide immediate funding to the Timbisha Shoshone Band as an “Affected Tribe” for the Impact Assessment of the Yucca Mountain High-Level Radioactive Waste Repository as required by the Nuclear Waste Policy Act of 1982.
WHEREAS, “affected status” funding from the Department of Energy is not included in proposed budget, continuing resolution, or supplemental requests, that in effect delays the ability of the Timbisha Shoshone to assess the impacts to their homelands, which will seriously prevent the tribe from meeting federal deadlines to comment on the impact assessments; and

WHEREAS, the state of Nevada and nine counties known as ‘affected local units of government have received hundreds of millions of dollars to address the various impacts to their communities and property over the last 20 years through the Nuclear Waste Fund that consists of over one billion dollars; and

WHEREAS, the Department of Interior Bureau of Indian Affairs has agreed to provide limited funding to the Timbisha Shoshone Band of Western Shoshone to begin addressing the impacts.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby call upon the Department of Energy to fulfill its trust responsibility to the Timbisha Shoshone Band of Western Shoshone to immediately provide a minimum amount of $10 million funding through available budget, supplemental funding request from the Congress, or other means, for tribal impact assessment purposes; and

BE IT FURTHER RESOLVED, that the NCAI strongly urges the Department of Interior Bureau of Indian Affairs to release funding to the Timbisha Shoshone Band of Western Shoshone for impact assessment purposes, funds it has for the Timbisha Shoshone; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was referred by the General Assembly at the 2007 Annual Session of the National Congress of American Indians to the Executive Committee, and adopted on December 5, 2007 by the Executive Committee, with a quorum present.

President

ATTEST:

Recording Secretary