



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

October 17, 2014

Honorable Carl Levin, Chairman
Committee on Armed Services
228 Russell Senate Office Building
United States Senate
Washington, DC 20510

Honorable Patty Murray
154 Russell Senate Office Building
United States Senate
Washington, DC 20510

Honorable Maria Cantwell
311 Hart Senate Office Building
United States Senate
Washington, DC 20510

Re: Troubling and Controversial Amendments in the House passed NDAA bill

Dear Chairman Levin and Senators Murray and Cantwell,

The Yakama Nation, signatories to Yakama Treaty of 1855, 12 Stat., 951, ratified by the United States Senate on March 8, 1859, does hereby relay its great concern with two provisions of HR 4435, the House passed National Defense Authorization Act for FY 15. We urge your opposition to two of the provisions and recommend your acceptance of another. We understand that much of the work on this will likely be pre-conferenced during the present recess and acted upon during the Lam Duck session in November or December. We therefore respectfully request that Committee staff who will be involved in negotiations over the recess be told of your wishes, which we hope will be reflective of the positions laid out below.

Section 2848. Land Conveyance, Hanford Site

As written the amendment would transfer 1641 acres DOE surplus land at the Hanford Site to TRIDEC by December 1, 2014. Under such an expedited time frame the transfer would necessarily take place without the environmental evaluations required by the NEPA, NHPA or CERCLA. In fact circumventing these important laws is precisely the intent of the amendment because TRIDEC already has a petition pending through normal administrative procedures to acquire this land. On October 9, 2014 DOE wrote to us and described their ongoing evaluations of TRIDEC's land request as follows:

DOE is conducting several processes - an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA), a review under Section 106 of the National Historic Preservation Act (NHPA), and evaluations under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120 (h) and DOE Order 458.1, Radiation Protection of the Public and the Environment.

Here is a vivid example of why these procedures are so important. Initially, DOE had contemplated designating 4,400 acres in this area as being surplus and available for transfer to interested parties. As it has begun to implement the studies required by law, DOE has recently removed ("down-selected") 2,100 of those acres "...from further consideration for conveyance at this time due in part to initial survey work completed under the DOE Order 458.1 (radiological clearance)." (October 9, 2014 email from DOE to Yakama Nation.)

While the Yakama Nation has many concerns with the proposed land conveyance, we must question the wisdom of Congress authorizing the sidestepping of national laws and policies including, but not limited to, radiological clearances. The evaluation of potential hazardous substances has resulted in the identification of institutional controls that will need to be in place to assure protection of human health and the environment. DOE is working on the NEPA and Cultural Reviews for this project and indicates that the Cultural Resources Report and the draft EA will be provided for concurrent 30-day review periods in early 2015. Simply put, this work should not be stopped.

Section 2867 Ensuring Public Access to the Summit of Rattlesnake Mountain

Yakama Nation is even more strongly opposed to this amendment. "Laliik" (our named for Rattlesnake Mountain) is a sacred mountain to the Yakama People and promoting public access – including motorized access – would constitute an adverse effect to the spiritual quality of the Mountain and the character defining features that make it eligible as a Traditional Cultural Property under the National Historic Preservation Act. Senators, Laliik is our Mount Sinai. This is where Smohalla, our most revered prophet and teacher set forth teachings and practices that are followed to this day. When our Long House leaders feel that a young adult is ready and worthy, Laliik is where they are sent to fast and to have vision quests. This is not a place for Airstreams and Winnebegos.

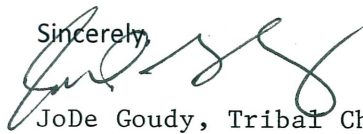
Currently the infrastructure at Laliik is likely not adequate for safe public access, which could require road improvements and other ground disturbing activities. These types of activities would require a Section 106 cultural review, whereby they would be considered as having an adverse effect on the traditional cultural property under the National Historic Preservation Act.

We cannot urge in strong enough words the importance of rejecting this amendment. It too is an attempt at circumventing ongoing administrative and legal procedures intended to determine the appropriate amount of access to the top of this mountain. We should point out that other mountains, including Saddle Mountain, have outstanding views as well and do not have the same cultural significance to us.

Section 2866. Manhattan Project National Park

This amendment would designate National Park status for a portion of Hanford (ie B-Reactor, White Bluffs and Hanford Town Sites). YN would have no issue with a National Park designation, providing YN cultural resources were protected and there is proper consultation. We would even hope that a national park here in area that we ceded to the United States in our Treaty, would make mention of our role as the first people of the area.

Sincerely,



JoDe Goudy, Tribal Chairman
Yakama Nation