

ESTABLISHED BY THE
TREATY OF JUNE 9, 1855
CENTENNIAL JUNE 9, 1955

CONFEDERATED TRIBES AND BANDS

Yakima Indian Nation

POST OFFICE BOX 351
YAKIMA, WASHINGTON 98948

TREATY OF
1855

GENERAL COUNCIL
TRIBAL COUNCIL

File: 406.4

WM-
PDR

(Return to WM, 623-SS)

TO: ▷ Colleen Ostrowski
Geologist
Nuclear Regulatory Commission
L Washington, D.C. 20555

DATE December 10, 1981

SUBJECT

MESSAGE

FOR YOUR INFORMATION FROM ERLINE REBER, RUSSELL JIM'S OFFICE.

1. Auluck Letter
2. Evans Letter
3. Environmentalists Message.

SIGNED

REPLY

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PDR WASTE

WM-10

PDR

SIGNED

DATE

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CONFEDERATED TRIBES AND BANDS

Yakima Indian Nation

GENERAL COUNCIL
TRIBAL COUNCIL

POST OFFICE BOX 151
TOPPENISH, WASHINGTON 98948

November 12, 1981

The Honorable Dan Evans, Chairman
Pacific Northwest Electric Power and
Conservation Planning Council
c/o Washington State Energy Office
400 E. Union, ER-11
Olympia, WA 98504

Dear Dan:

The Yakima Indian Nation as an addition to the Joint Recommendations of Fisheries Agencies and Indian Tribes in accordance with Section 4h of P.L. 96-501 submits the following statement as a recommendation:

The Yakima Indian Nation believes that the following facts, some of which are to date fully understood and appreciated only by Indian People, should become a part of the recommendations for Section 4h of P.L. 96-501. These facts are believed supportive of fish protection for non-Indian, as well as Indian fishermen.

1. The Religion of the Yakima Indian People is inextricably bound up in our Food Rights and our Mineral Rights. The salmon and the waters of the rivers and streams are both vital parts of our constitutionally protected right to practice our religion.
2. United States Legal Precedent includes reference to Nuisance Law which declares that a neighbor does not have the right to pollute or violate the area beyond his own borders with noxious and poisonous elements which do violence to the use and enjoyment by neighbors of their own lands. This is particularly true where the polluter is the more recent land holder in the area.
3. Environmental Impact Studies (which include Environmental Impact Statements, Safety Evaluation Reports, Socio-economic Impact Studies, and others) to date from both public and private organizations within the Columbia River Basin area have consistently failed to look beyond the Judeo-Christian socio-economic heritage when investigating potential nuisances to neighbors from a given undertaking. The result has been repeated Nuisance Trespass on the Sovereign Rights of the Yakima Indian Nation guaranteed by the Treaty of 1855. This oversight has flawed environmental studies in 2 principle ways:

Honorable Dan Evans
Page Two
November 12, 1981

- Beyond the Boundaries of the Yakima Reservation, on the Ceded Lands where the Yakimas have Reserved Rights, those Rights have been ignored and violated time and again.
- Within the Boundaries of the Yakima Reservation, Nuisance Trespass occurs because the public or private organizations have not been considerate of the Culture and Sovereignty of the Yakima People.

The result of the above facts has been a history of violations of the Rights guaranteed to the Yakima People by their Treaty of 1855, by the Constitution of the United States, and by the Law of the Land.

The Yakima Indian Nation sees much that needs to be accomplished before Section 4h of P.L. 96-501 is finalized and becomes binding on the parties involved:

1. Environmental studies by public and private organizations must fully consider and respect the Sovereignty and socio-economic heritage of their Indian neighbors.
2. Indian Peoples must be invited to play a seminal role in all of these studies to reflect their own value systems.
3. Indian Peoples must have expert assistance so that they may properly protect their interests in these environmental studies. This expert assistance must be funded from the power revenues.
4. Scientific Monitoring, involving biology, chemistry, and physics must become a routine, ongoing process designed to protect Indian Rights to fish, and the Rights to a catch which is free of pollution, and safe for the health of our People. (See Section 1.7 of the Coordinated Recommendations of Fisheries Agencies and Indian Tribes).
5. Emergency Response Plans required by the Nuclear Regulatory Commission must be conceived, developed, and implemented by stand-by services and equipment to meet the particular needs of Indian Nations and again funded from the power revenues. (Supra. Sect. 1.7).

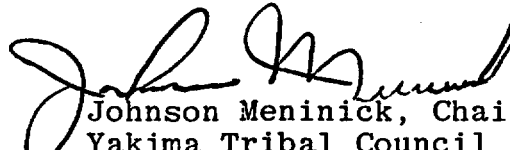
Honorable Dan Evans
Page Three
November 12, 1981

The Yakima fishermen do not pretend to speak for all fishermen, but they believe that the Yakimas have a duty to protect Nature for those yet unborn. This duty, rooted in our Indian Heritage, we trust will result in the protection of the rights of all fishermen, Indian and non-Indian alike.

The Yakima Indian Nation requests the time and expert assistance necessary, in the light of the above facts, considerations, and recommendations, in cooperation with others, both Indian and non-Indian, to:

- Incorporate into Section 4h of P.L. 96-501 the material discussed above.
- Analyze the present contents of Section 4h of P.L. 96-501 to assure that the existing text is comprehensive enough to cover Indian concerns and values.

Sincerely yours,


Johnson Meninick, Chairman
Yakima Tribal Council
Yakima Indian Nation