



February 7, 2024

Leadership: Washington State Senate and House of Representatives
Legislative Building
416 Sid Snyder Avenue SW
Olympia, WA 98504

Transmitted via email

Subject: CTUIR Opposition to Hanford Site Small Modular Nuclear Reactor Deployment

Dear Leaders of the Washington State Senate and House of Representatives,

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) takes our treaty rights protection and the federal government's Trust Responsibility very seriously. We are asking you to consider Washington state law and the authorized uses of Climate Commitment Act funding before extending investments that may affect Tribal treaty rights. [RCW 70A.65.260](#) states that "moneys in the Climate Commitment Account may not be used for projects or activities that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions."

The CTUIR is committed to reducing reliance on fossil fuels, has a strategic energy plan to guide actions on the Umatilla Indian Reservation and has adopted the Columbia River Inter-Tribal Fish Commission's (CRITFC) Energy Vision for the Columbia Basin to guide policy throughout our usual and accustomed areas. These guiding documents offer solutions for an energy future that protects and enhances environmental quality, improves resiliency for both customers and the environment, and mitigates climate change impacts.

Recommendation 42 of the CRITFC Energy Vision states:

'Northwest utilities should not consider new nuclear power missions at the Hanford Nuclear Reservation without tribal consultation and consent. Evaluation of other sites for nuclear fission should consider the costs and compatibility with intermittent renewable resources and salmon protections.'

The CTUIR does **NOT** support the deployment of Small Modular Nuclear Reactors (SMNR) or any new/additive nuclear missions at or near the Hanford Site. On August 6, 2021, a letter was provided to the Department of Energy Hanford Site Manager, Brian Vance, which kicked off staff-to-staff discussions between CTUIR, the Department of Energy (DOE), and Energy Northwest in preparation for a proposed government-to-government consultation. That consultation process was halted by the Board of Trustees to ensure there was sufficient time to understand the issue. The Board agreed to government-to-government consultation on the renewed efforts to site SMNRs at Hanford in November of 2023. The Department of Energy is currently coordinating that consultation request.

The potential impacts of the project are enormous. In 1855, predecessors to the CTUIR—our ancestors of the Cayuse, Umatilla, and Walla Walla Tribes and bands of Indians—negotiated and signed our Treaty with the United States. The Treaty is a contract between sovereigns and is “the supreme Law of the Land” under Article VI of the United States Constitution. In this Treaty, the CTUIR ceded millions of acres of land to the federal government, and in exchange received assurances that various pre-existing tribal rights would be protected, and our interests would be respected, in perpetuity.

A paramount objective in the Treaty negotiations was protecting and maintaining our tribal culture, traditions, way of life, and First Foods—water, fish, big game, roots, berries, and other plants, and, critically, *access to them* and the habitats and ecosystems that support and sustain them, then, now, and forever. This is a duty the United States undertook in the form of the Trust Responsibility to honor the obligations of the Treaty. This objective—protecting, maintaining, and perpetuating our culture—remains paramount for the CTUIR. We have worked for decades with the U.S. Department of Energy to ensure the laws enacted and enforced protect not only our rights under the Treaty of 1855, but also the invaluable sites and resources left by our ancestors for our descendants.

Rights reserved by the CTUIR in the Treaty of 1855, 12 Stat. 945, remain attached to lands that would be negatively impacted by these SMRs or SMNRs. The Hanford reservation, which includes the existing Columbia generating station, is sited within CTUIR’s ceded territories. We anticipate that the SMRs or SMNRs may have impacts on all of the following resources, **and request that special emphasis be placed on the analysis of the impacts to** 1) water quality and resident and anadromous fish habitat, 2) big game habitat; 3) state and federally-listed wildlife and plants; 4) historic properties of religious and cultural significance as defined in the National Historic Preservation Act, including but not limited to visual and aural impacts; and 5) all other cultural and historical resources.

This opposition is consistent with the CTUIR’s adopted Hanford Policy which states:

Natural Resources Management

Hanford and Hanford-affected lands and resources should *not be further developed and no new nuclear missions or expansion of nuclear energy, nor new or expanded nuclear fuel storage undertaken* unless explicitly permitted by the CTUIR Board of Trustees through government-to-government consultation.

Clean-up Operations of the Hanford Site

Re-use of existing uncontaminated facilities is tolerable within current developed footprints as long as no expansion of the footprint occurs, no additional natural resources are taken, and *no hazardous/radioactive waste generated*.

Furthermore, the CTUIR’s adopted Energy Policy states:

While the environmental damage of future uranium mining and milling can be effectively limited...*the lack of a permanent way to store and dispose of highly radioactive spent nuclear fuel rods remains a serious barrier*. (Pages 12-13)

The CTUIR Board of Trustees would like to meet virtually to share their concerns and answer your questions. Please contact our Washington state lobbyist Marie Sullivan, at marie@mspublicaffairs.com or 360-870-6911 to schedule a meeting at your earliest convenience.

Sincerely,



Gary I. Burke, Chairman
Board of Trustees
Confederated Tribes of the Umatilla Indian Reservation

CC:

Craig Bill, GOIA
Becky Kelley, Governor's Policy Office
Senator Perry Dozier
Rep. Mark Klicker
Rep. Skyler Rude
Senator Claudia Kauffman
Senator Derek Stanford
Representative Debra Lekanoff
Representative Chris Stearns
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