

NEWS AND VIEWS

on Native American energy resources

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To the Yakimas of Washington State, what American ultimately decides to do with its tons of nuclear waste is not just another matter for dinner-party debate. A dozen miles away from the Yakima Nation sits Hanford, Washington, on land ceded to the Federal Government by the Yakimas more than a century ago with the understanding that the tribe would continue to use it for fishing, hunting, food-gathering - and worshipping. To the Yakimas, the Hanford area is sacred. To the rest of America, Hanford is the site of operating nuclear reactors, and of "temporary" federal facilities for storing low-level and high-level nuclear waste materials. Now, federal officials are moving ahead on plans to finalize a site for permanent nuclear-waste storage in the Hanford area, pointing as justification to Hanford's "prior land-use" commitment to nuclear activities.

At no time in the process that brought Hanford knee-deep into the nuclear business, was the Yakima Nation asked for its concurrence. At no time was the tribe even consulted.

Today, the Yakimas are helping lead a nationwide Indian effort to ensure that a tribal consultation-and-concurrence mechanism is built into any Federal process for planning the long-term storage of nuclear wastes. The fight is bound to be a tough one. Although those sitings already proposed for permanent nuclear-waste repositories would clearly affect the Yakima, Fort Hall and Mescalero Apache, and potentially the Navajo, Hopi, Ute Mountain Ute, Southern Ute, and many of the Nevada tribes as well, none of the consultation-and-concurrence plans proposed thus far would give the tribes any say regarding storage sites off their reservations. One hopeful sign: President Carter's recently created State Advisory Council on Nuclear Waste includes Indian representation, and it is that council which is supposed to help shape the Administration's position on the issue.

WASHINGTON FOCUS: The Carter Administration's proposed Windfall Profits Tax on oil is now law, but in a form which, thanks to heavy Indian lobbying, completely exempts oil produced on tribal lands from its provisions. The tax, which is set to raise an estimated \$228 billion in federal revenues over the next decade, was signed into law by the President April 2.... The Senate's Select Indian Affairs Committee last month held hearings on legislation that would cancel, once and for all, coal leases covering much of the Northern Cheyenne reservation that the tribe maintains were negotiated improperly on its behalf. The measure, introduced by Committee Chairman John Melcher, (D-Mont.), would permit the Interior Department to compensate the companies involved for damages resulting from the lease cancellations.... Melcher's committee has also promised hearings for a bill that would provide non-Indian businesses hefty tax-incentives to locate their operations on a reservation. The latest version of the so-called "Operation Bootstrap" measure, unveiled by Sen. Larry Pressler, (R-S.D.), on April 1, would offer up to ten year's worth of total freedom from federal income taxation for firms with at least 20 employees, a majority of whom are Indian. Some tribal attorneys, however, fault the legislation for provisions requiring tribes to amend their constitutions in a manner they say could endanger beneficial aspects of the federal-Indian trustee relationships.