

**Seneca Nation of Indians and Department of Energy
Five Year Cooperative Agreement
Scope for February 1, 2001 - December 31, 2001**

Background on Proposed Activities

The 3340-acre Western New York Nuclear Service Center (WNYNSC) is owned by the New York State Energy Research and Development Authority (NYSERDA). The Center, located approximately 20 miles upstream of Cattaraugus Reservation, was the site of the first commercial nuclear fuel reprocessing facility built and operated in the US. The reprocessing facility operated from 1966 to 1972 by Nuclear Fuel Services, Inc. The US Department of Energy (DOE) assumed control of 200 acres of the Center in 1982 to conduct the West Valley Demonstration Project (WVDP).

Alternatives for cleanup, closure, or long-term management of the WVDP facilities were presented in the January 1996 Draft Environmental Impact Statement (EIS). A proposed action or preferred alternative is yet to be identified. Two new draft EISs containing preferred alternatives are scheduled to be released in 2001 and 2002. The 2001 draft EIS will contain analyses and recommendations for waste management at the site. The 2002 draft EIS will contain analyses and recommendations for decommissioning the site.

The Cooperative Agreement has been instrumental in fostering the government-to-government relationship between the Seneca Nation and the DOE. The Seneca Nation's Environmental Protection Department (EPD) manages the DOE Cooperative Agreement on behalf of the Seneca Nation of Indians; the Ohio Field Office, West Valley Demonstration Project (OH/WVDP) administers the Cooperative Agreement on behalf of the DOE. In the previous four years, the Cooperative Agreement has provided the resources that made reviewing and commenting on the previous Draft EIS and related documents possible, formulating a baseline environmental sampling plan, compiling some preliminary information on population and lifestyles, and educating the Seneca Nation staff and community on issues related to the West Valley Demonstration Project. The Cooperative Agreement has enabled the Seneca Nation to participate in the West Valley Citizen Task Force, the National Congress of American Indians Nuclear Waste Policy Committee, and the DOE State and Tribal Government Working Group. The proposed tasks for the fifth year of the Cooperative Agreement continue activities that promote an understanding of environmental and human health issues, and sustain the cultural resources of the Seneca community.

Task 1 - Conduct Reviews of Environmental Impact Statement Documents

Although the Waste Management Draft EIS is scheduled to be released during this project period, funding is not anticipated to be necessary for the Seneca Nation to complete its review.

Task 2 - Technical Guidance and Consultation for Historical, Traditional Use and Culturally Significant Areas

EPD anticipates that DOE will have the need for future consultations with the Seneca Nation to review documents or surveys, and potentially to identify and protect cultural and archeological resources. This task will make funds available to bring in experts on Seneca culture and history should the need for consultation arise. The EPD will contract with local herbalists to begin a multi-season inventory of cultural resources along the transportation routes proposed by the DOE for their shipping campaigns. The geographically-referenced inventory will ultimately include plants, animals, and historical and archeological sites for use by a tribal personnel during spill response. The task will also be used to support efforts underway by the Seneca Nation Tribal Historic Preservation Office to develop a cultural resources management plan.

Task 3 - DOE/Tribal "Closing the Circle" Project

This task will not be active during the funding period.

Task 4 - Radioactive Waste Transportation

The OH/WVDP is currently shipping Class A low-level waste (LLW) from the WVDP to Utah. Scheduled shipments for 2001 include at least four rail shipments of LLW and the rail shipment of DOE-owned spent nuclear fuel rods from the WVDP to the Idaho National Environmental and Engineering Laboratory. Although the Seneca Nation agrees with the Citizen Task Force policy and priority that shipment of waste off-site for disposal significantly reduces the risks presented to downstream populations and to western New York, these shipments remain a concern to the Seneca community.

The full extent of future OH/WVDP shipments across Seneca territories depends on the EIS(s) Record of Decisions for waste management and decommissioning of the WNYNSC, the availability and location of waste disposal facilities, and the availability of improved roads and interstate highways. Many of these potential shipments will be restricted from secondary routes and must use primary (e.g., interstate) routes instead. In July 2000 the Seneca Nation and the DOE signed a Memorandum of Understanding that underscores DOE's responsibilities when transporting spent nuclear fuel and high level radioactive waste through Seneca territory.

In the unlikely event of a transportation accident, releases of radionuclides and hazardous substances could contaminate tribal and aboriginal lands and the cultural and natural resources that are located on these lands. Contamination of tribal resources may also pose health and safety risks to tribal people, particularly in situations where contamination and environmental stressors are already operating and additional contamination could compound impacts. The development of culturally sensitive risk management strategies, such as tribal oversight and direction of cleanup actions, and emergency planning are appropriate ways to prepare for and implement protective actions when responding to incidents and accidents. The EPD will coordinate and collaborate

with other Seneca Nation departments to develop an emergency response program, which may include emergency response training, medical monitoring, basic equipment needs, and other federal and state funding sources. The EPD will solicit technical assistance with conducting a needs assessment and preparing an emergency response plan for SNI territories. The EPD will continue to retain independent legal counsel to assist with waste transportation issues. The EPD will sponsor public meetings to address community concerns.

Task 5 - Support Project Staff

The Project Manager will supervise project staff, write requests for proposals, scopes of work, manage the outside contracts, and coordinate public meetings. The Project Manager will review and comment on documents related to the Draft Environmental Impact Statement and other documents pertinent to DOE. The Project Manager provides technical assistance to other Seneca Nation departments as needed. The Project Manager is expected to attend national meetings related to DOE activities and tribal interests (e.g., meetings organized by the National Congress of American Indians), as well as OH/WVDP Citizen Task Force meetings, quarterly public meetings, or other local meetings related to the WVDP. The Project Manager functions as the liaison among Tribal Administration, the Seneca community, and the DOE. The estimated cost includes a three percent cost of living increase for the Project Manager.

The Environmental Technician will obtain quotes for equipment or other vendor services, create handouts and fliers for public information meetings, produce a quarterly EPD newsletter, assist the EPD in creating an environmental hotline service, research granting agencies and private foundations, help with environmental sampling, research documents and materials that support the Project Manager and the Director, and provide technical assistance to other Seneca Nation departments. The Environmental Technician may create video public service announcements for the EPD and other departments, as time allows.

An Emergency Response Coordinator will be added to the project staff. The Emergency Response Coordinator will be responsible for conducting a needs assessment for the Seneca Nation, developing the emergency response plan for Seneca territories, respond to spills that occur on Seneca territories, work with outside environmental agencies, contractors and the volunteer fire departments to ensure effective emergency response, containment, and cleanup. The Emergency Response Coordinator will organize a health and safety training program for EPD staff and other responders and implement a medical monitoring program, as appropriate.

Task 6 - Complete Baseline Sampling for Cattaraugus Reservation

The EPD will complete and disseminate (including necessary Tribal Council approval) the Baseline Sampling Report to the Seneca community and other interested parties. This report will describe the sampling, quality control, and other methodologies that were used during the baseline

environmental sampling and explain the results of the sampling. This task contains contingency funds for additional environmental sampling, if recommended based on the initial sampling results.