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Yakama Nation set to sue DOE

This story was published Friday, June 6th, 2003

By John Stang Herald staff writer

The Yakama Nation sent a notice Thursday to the Department of Energy that it intends to sue the federal agency in 60 days over how Hanford's cleanup is conducted.

Specifically, the Yakamas believe DOE, the U.S. Environmental Protection Agency and other federal agencies are neglecting the restoration of natural resources as it tackles nuclear cleanup.

The 60-day notice is a legal requirement before the Yakamas can file a lawsuit in federal court. The threatened lawsuit will target DOE and the Department of Defense as defendants because they and their predecessors actually ran Hanford.

The lawsuit will seek to force the federal government to plan, pay for and restore natural resources that were damaged by Hanford's decades of plutonium production, the accompanying radioactive and chemical discharges, and their subsequent oozing to the Columbia River.

The Yakama Nation has tried to get DOE and the EPA to tackle restoring natural habitat for animals, insects and fish simultaneously with the site's nuclear cleanup, said Tom Zeilman, an attorney for the Yakamas.

The Yakama Nation believes its concerns on this subject have fallen on deaf federal ears.

"If DOE and EPA do not restore the salmon and other natural resources as part of their cleanup, the damages in this lawsuit could reach hundreds of millions or billions of dollars. One way or another, the Yakama Nation is committed to restoring the resources by the operations at Hanford," said Ross Sockzehigh, Yakama Tribal Council Chairman, in a written statement.

DOE and EPA officials in Washington, D.C., could not be reached for comment late Thursday afternoon.

The Yakama Nation is a collection of bands, which along with other Eastern Washington tribes, used today's Hanford as a crossroads in their annual hunting, gathering and fishing migrations prior to the 20th century.

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Several treaties signed in 1855 guarantee the Yakamas and other tribes access to Hanford, including its Columbia River segment, to conduct traditional hunting, fishing and gathering activities. The Yakamas contend Hanford's pollution has harmed their traditional fishing areas.

The Yakamas base their threatened lawsuit on the federal Superfund law, which requires that natural resources damages be fixed when a Superfund site is cleaned up, Zeilman said. Under that law, tribes, states and the federal government can sue polluters who discharge hazardous substances that injure natural resources, the Yakamas contend. In this case, DOE would be considered the polluter.

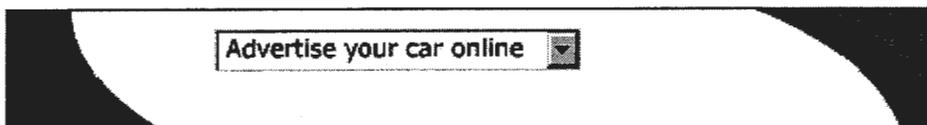
The Yakamas are unhappy that the Columbia River itself within Hanford is not considered a Superfund site. The Yakama Nation contends uranium, strontium and chromium are within the river's sediment, posing dangers to fish.

And subterranean contaminants are oozing into the river from Hanford's reactor areas and from the 300 Area, with more plumes approaching the river from central Hanford.

Ironically, the Hanford Reach, the Columbia segment within Hanford, is the last major salmon spawning area in the main river.

However, the Yakamas are suspicious about the contention that the Hanford Reach is a good salmon spawning area, and want more studies on that matter, Zeilman said.

"We don't know what's going on in the sediment," he said.



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