



# THE GOSHUTES

## **AT A GLANCE:** GOSHUTE SOVEREIGNTY AND THE CONTESTED WEST DESERT

The Goshutes have lived in the Great Basin region of present-day western Utah and eastern Nevada since what they describe as time immemorial. Although there is controversy in Western science over the exact date of Goshute arrival in the Great Basin, the Goshutes certainly predate non-Indian settlers. As is typical of American Indian history, contact between the Goshutes and settlers included a mix of conflict and violence, missionary activities, and a few moments of peace. In the early 1900s, the federal government established two Goshute reservations through executive orders.

The contemporary Goshutes are comprised of two federally recognized nations, each with its own reservation and governance. The Confederated Tribes of the Goshute Reservation is located in the West Desert, straddling western Utah and eastern Nevada. The governing body of the Confederated Tribes of the Goshute Reservation is a five-person tribal council. The Skull Valley Band of Goshute Reservation is located approximately forty-five miles southwest of Salt Lake City in the Skull Valley between the Stansbury and Cedar mountains. A general council (all members of the tribe) and a three-person executive committee serve as the governing units of the Skull Valley Goshute.

For nations with limited land holdings, the Goshutes have faced many controversial issues related to their sovereign use of that land. From 1996 to 2006, the Skull Valley Band of Goshute engaged in a controversial battle over the storage of 40,000 metric tons of high-level nuclear waste on their reservation. This delicate and controver-

sial issue highlights the Goshute struggle for sovereignty and economic independence.

The idea of temporary storage of high-level nuclear waste first gained the notice of the Skull Valley Band of Goshute in the early 1990s. Due to anticipated delays in the Yucca Mountain High Level Nuclear Waste Repository, in 1987 Congress created the Office of the Nuclear Waste Negotiator with the goal of finding a temporary storage site for high-level nuclear waste until Yucca Mountain opened. The siting process was voluntary, and the agency offered significant monetary compensation in exchange for storing high-level nuclear waste. Four Native American nations reached the final stage of consideration: the Skull Valley Band of Goshute, the Mescalero Apache, the Tonkawa, and the Fort McDermitt Paiute and Shoshone. Although the Skull Valley Band was poised to sign an agreement for a storage facility, Congress cut funding for the program in 1994, before an agreement was made.

Around the same time, a consortium of energy companies called Private Fuel Storage (PFS) approached the government of the Skull Valley Band of Goshute about leasing reservation land for a temporary high-level nuclear waste disposal site. Private Fuel Storage and the Skull Valley Band of Goshutes signed a lease agreement in 1997, and the Bureau of Indian Affairs (BIA) approved the proposal in 1998. In September 2005, the Nuclear Regulatory Commission (NRC) approved a license for Private Fuel Storage to store 40,000 metric tons of nuclear waste on land leased from the Skull Valley Band of Goshute Reservation, but a year later, two separate rulings, one by the BIA under



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the Department of Interior, and one by the Bureau of Land Management, voided the 1998 NRC license, effectively stopping nuclear waste storage on the Skull Valley Band of Goshute Reservation. Both the Skull Valley Band of Goshute executive council and Private Fuel Storage contested the rulings. In July 2007, the Skull Valley Band of Goshute filed suit against the Department of Interior calling for a reversal of the 2006 rulings.

The proposed Skull Valley nuclear waste site stirred up controversy for at least two reasons. First, the state of Utah's opposition to the proposal threatened the Skull Valley Band of Goshute's sovereignty. In 1996, former governor Mike Leavitt was reported as saying that nuclear waste would come to Utah "over [his] dead body." As a sovereign nation, the Skull Valley Band of Goshute is not under the jurisdiction of the state of Utah but rather in a trust relationship with the federal government. The Bureau of Indian Affairs—the intermediary between Native Americans and the federal government—approved the lease agreement between PFS and the Skull Valley Band of Goshute. The executive council and members of the Skull Valley Goshute argued that the state's efforts to stop the PFS/Skull Valley nuclear waste storage facility was an affront to Native American sovereignty and self-determination. Several local environmental organizations in Utah also opposed the waste storage facility. Similarly, their objections to the decision of a sovereign Native American nation could be seen as a violation of the principles of sovereignty.

Second, although the Skull Valley Band of Goshute executive council, under the leadership of former chair Leon Bear, was in favor of the nuclear waste facility, there were several members of the tribe who opposed the council's decision. Margene Bullcreek and Sammy Blackbear are two prominent opponents of the site. Bullcreek opposed the site because she believed it was part of a pattern of environmental racism targeting Native American lands for the disposal of nuclear and other toxic wastes. She also argued that the site would have violated the reservation land that she believes is sacred.

Several parties in the controversy considered the Skull Valley site ideal for nuclear waste storage because of the reservation's geographic seclusion and sparse landscape. Indeed, in his advocacy of the proposal, Leon Bear noted that the reservation is already surrounded by toxic facilities that damage the landscape, including the Tooele Army Depot, Magcorp, and Deseret Chemical Weapons Incinerator. Storing nuclear waste, Bear argued, might be the best bet for economic development in an area already considered to be a "wasteland." Ironically, these features have perhaps also prevented the fruition of alternate economic development projects for the Skull Valley Band of Goshute Indians. The Tekoi Balefill landfill, leased on the southwest corner of the reservation, is the only current source of economic development on the reservation