

What Not To Do – With a Happy Ending*

- In January of 1995, the Department of Energy (DOE) and the Navy began talking with officials in two States about the transport and disposal of spent nuclear fuel. There was also a Request for Bid “on the street” for trucking firms interested in contracting to do the actual hauling.
- The State where the waste was generated negotiated an agreement with the DOE and Navy in late 1995. There had been no public discussion prior to the agreement being executed. The State where the Federally operated storage facility was located announced their intent to enter into an agreement in the public notices sections of two local newspapers. There was little public interest, however. By the spring of 1996, the Department of Energy and the Navy were in the final stages of negotiating with the State and two private contractors regarding transport and disposal. The fuel was being taken from the point of origin, a submarine base on the northwest Pacific coast, to a facility operated by the Federal government in a nearby mountain state. The major haulers were two private contractors, specifically trained and licensed to haul hazardous materials. The Navy also had personnel that provided logistical and technical support to the haulers.
- All of the contracts, permits and paperwork were completed in late 1996. Four trucks carrying the spent nuclear fuel headed out from the submarine base shortly thereafter.
- Although a significant portion of the route the trucks traveled was through an Indian reservation, the Tribe had never been contacted. The State, the Navy and the DOE had never informed the Tribe or spoken with any Tribal representative about the proposed route through their lands.
- The Tribe learned about the plan to haul the fuel across their lands shortly before the trucks were scheduled to start out. There was an emergency meeting of the Tribal Council. It was decided that since it was too late to meet about the proposed route with the Navy, the DOE or the State, they had to take a dramatic or drastic action.
- The Tribe decided to stop the passage of the trucks through the reservation by forming human roadblocks. Dozens of Tribal members formed a chain across the highway as the trucks entered reservation lands. The truckers, after some blasts on their air horns and a little bit of moving forward, stopped. They radioed for help and State Troopers arrived. A representative from the Tribe talked with the Troopers. There was some shouting about sovereignty, consultation and consent, but nothing happened.
- The truckers turned back, and the human roadblock remained. After 3 days, representatives from the Navy and the DOE contacted the Tribe and asked for a meeting. The Tribal Council agreed, but only if the representatives would come to the reservation. In the meantime, there were articles in newspapers nationwide; most of them painted the Navy and the DOE as bad guys who ignored the sovereign rights of the Tribe.
- During the meeting, the Navy and the DOE came to realize that the Tribe was not opposed to the transportation of the spent fuel. They were opposed to the way they had been left out of the decision process, especially since it involved their lands. The Tribe continued the roadblock until all transporting was suspended. After several more meetings, an agreement was negotiated between the DOE and the Navy. The agreement covers issues such as the volume of fuel to be transported, the times when it can be transported and the proposed route. There have been no further incidents.

Names and places have been omitted and dates have been changed as a courtesy to the parties involved. The chronology of events and the outcomes are factual.