THE SKULL VALLEY GOSHUTES AND THE NUCLEAR WASTE STORAGE CONTROVERSY

TEACHER BACKGROUND
The Skull Valley Band of Goshute Reservation, located approximately forty-five miles southwest of Salt Lake City, was established by executive order in 1912 and covers 17,248 acres. With limited land holdings in a sparse, secluded landscape, the Skull Valley Band has struggled to develop a viable economic base. In the 1990s, the nation’s executive council undertook efforts to locate a temporary nuclear waste storage site on the reservation. The history of this controversial issue highlights the Goshutes’ struggle for sovereignty, economic independence, and environmental security.

OBJECTIVE
The student will be able to comprehend how tribal sovereignty is complicated by disagreements over land use, economic development, and state vs. federal control. They will also understand the economic and ecological variables that have shaped the Skull Valley Band of Goshute’s attempted acquisition of a nuclear waste storage facility.

TEACHER MATERIALS
At a Glance: Goshute Sovereignty and the Contested West Desert
We Shall Remain: The Goshute (chapter 4, 18:37–22:05)

STUDENT MATERIALS
Debate: Should the Goshutes Build a Temporary Nuclear Waste Storage Site on the Skull Valley Reservation?
   YES: Forrest Cuch
   NO: Margene Bullcreek

TIME FRAME - VERSATILE
Two block periods with homework
Three standard periods with homework

PROCEDURE
Using information from At a Glance: Goshute Sovereignty and the Contested West Desert and clips from We Shall Remain: The Goshute, teach your students about the controversy over nuclear waste storage on the Skull Valley Band of Goshute Reservation. Emphasize the way these issues are related to tribal sovereignty and economic stability.

Split your students into debate teams and assign each team a position either for or against temporary nuclear waste storage on the Skull Valley Band of Goshute Reservation. Provide each “debate team” with a starter oral history excerpt and have them search for at least three additional credible sources of their own. Remind them to keep the focus of their arguments on sovereignty.

Have students debate their topics and judge as is appropriate for your classroom.
ASSESSMENT/PRODUCTS
Debate resources chosen
Debate participation

VARIATIONS/EXTENSIONS
Rather than having in-class debates, ask students to do a research paper on the issue of Goshute nuclear waste storage. Make sure they articulate the arguments on both sides of the issue and tie their arguments to the issue of tribal sovereignty.

Have students research other issues related to Goshute tribal sovereignty, such as the Southern Nevada Water Authority’s plan to pump water from the Snake Valley Aquifer (part of which underlies the Goshute Reservation) to Las Vegas. Have them report their findings either in-class or in a research paper.

ADDITIONAL REFERENCES


Utah Division of Indian Affairs. “Goshute Tribe.”
http://indian.utah.gov/utah_tribes_today/goshute.html

Utah Division of Indian Affairs. “How Tribes Get Their Sovereignty.”


**STANDARDS ADDRESSED**

- **State Standards**
  - High School – United States History II: 9/1/a&d; 10/1/a; 10/2/b

- **Accreditation Competencies**
  - Thinking and Reasoning/Integrates new learning with existing knowledge and experiences/Uses various reading and writing strategies to organize, interpret, analyze, and comprehend information; Social and Civic Responsibility/Demonstrates an appreciation of diversity and interdependence of all people/Analyzes diverse viewpoints of social and civic issues in local, regional, and global events

- **NCSS Standards**
  - High School: 1/a-f; 4/c,e&f; 5/a-d; 6/a-e
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 controversial 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
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.
DE: Can you give an example of [a political issue] that doesn’t get closely examined?

FC: Well the nuclear issue, nuclear energy. We’ve gone the spectrum of slamming down the Skull Valley Goshutes but now we’re entertaining these building studies to construct seven—possibly seven nuclear plants here in Utah. So that to me is, it’s not only hypocrisy, it’s outrageous. It’s—to me it reflects people who lack information. They’re too quick to judge and they don’t examine issues. It also suggests that people jump to conclusions here. Just because you store nuclear spent [fuel] rods, does not mean you have to jump into the nuclear industry or vice-versa. I was essentially opposed to the concept of storing nuclear spent rods until I heard the testimony of numerous scientists from the University of Utah in particular. And most of their presentations indicated that it could actually be stored safely, to which I come to see that that was a wonderful business opportunity for Skull Valley Goshutes. It didn’t mean an endorsement of the nuclear industry whatsoever, in my view, but some people took it that way. So I had to stay—Working for the governor, I had to stay neutral on the issue. But in the end I simply did not think that it was damaging to the earth especially due to the fact that nuclear energy is a reality of most communities east of the Mississippi [River]. And this was information that most people weren’t exposed to prior to this time. I heard complaints about the fact that Skull Valley Reservation was so close to Salt Lake City [Utah]. And they kept saying “Oh it’s only 35-40 miles” and that was a lie. I went and checked it myself. It’s over 65 miles to Skull Valley from Salt Lake City [Utah] and that’s from, well, like the airport. You get out to the airport and from there on it’s about 60 miles. So it’s—people were really unfair and the information that was exchanged about that. I happened to live in Massachusetts for six or seven years and I happened to know that there’s a reactor that is within a short distance from the metropolis of Boston, and that’s the Seabrook reactor. And that’s not very far. I mean that’s within twenty miles, 15-20 miles I believe, I’m not sure. But it’s certainly much much closer than Skull Valley. And that was spent rods; that’s not a reactor. You know what I’m saying. I mean to me there was an overreaction on the part of—Utah is—what really bothers me is it really has a “the sky is falling,” you know, reaction to things. It’s like a reaction to many—so many things. And that’s because they lack so much information about things and have leaders who are overzealous in their reactions. . . . So I’ve seen this state turn around from one of slamming down the [Skull Valley] Goshutes for even considering the idea. “How dare you in our own backyard?” And then turn around and entertain the possibilities for even more exposure to dangerous levels of atomic energy and waste. So especially considering the fact that we have a socially acceptable organization, Energy Solutions, that keeps wanting to raise the level of waste from hazardous to nearly nuclear. And it’s such a hypocrisy to me. I think that’s what stands out the most about the Skull Valley situation there. And so my education and my experience was directly contrary to what Governor Levitt and what everyone else was saying. I just kept shaking my head saying, “Don’t they understand there’s another world out there? That France has been operating on nuclear energy for decades and they have been able to store it safely. Don’t they know that most of the communities east of the Mississippi rely and most products are manufactured using nuclear energy?” I mean, wake up. You know, I was always told you need to gather the facts and no one was gathering the facts at that time.
I would think if people are so concerned about their health and radioactivity, etcetera, they ought to be concerned about particles and the pollution in the air in Salt Lake Valley. That’s certainly a far more serious situation here. And they ought to be concerned about the emissions that are coming from the coal firing plants—power plants in our state. And, of course, there’s so much politics and money involved in that. They’re not about to even consider that. And the idea that you can have clean coal-burning plants is a fiasco also. I heard the good side of that and then I heard the bad side of that and I’ve come to realize that that’s a joke. We need to be pursuing alternative sources of energy with rigor, not in a mediocre fashion or as something we can do in our spare time. This needs to be taken seriously.

DE: So you mentioned several times that there were fairness issues, . . . that it was unfair. Who was it unfair to?

FC: It was unfair to the [Skull Valley] Goshutes. It was unfair to Leon [Bear], the chairman of the Skull Valley Tribe. He was villianized as the bad guy, the person who wants to expose Utah citizens to waste—nuclear waste. And there have been far more bad guys that have endangered the health of Utah citizens far more than Leon Bear. You have the atomic energy experimentation. You have nuclear bombs in Nevada, the [Nevada] Test Site. Then a lot of the fallout was entering Utah and a lot of people were exposed to the fallout and consequently died of cancer—various forms of cancer. And they certainly were far more dangerous than Leon Bear. The operators with Envirocare and now, Energy Solutions are far more dangerous to Utah citizens than Leon Bear. The owners and operators of Magcorp that were dumping tens of thousands of gallons of waste from chlorine gas into the air—and they’ve been doing that for some thirty years—are far more dangerous than Leon Bear. But these people are never spoken about. You know, you don’t hear anything about them. They get away with it. And they make millions of dollars not to grow crops while my brother and I barely can’t—we lose money raising hay to feed our horses. Some of these are very wealthy people that are getting paid by U.S. Department of Agriculture. So there’s lots of unfairness you know.

DE: So can you talk about the role of sovereignty and in relationship I think to this unfairness that you’re talking about or just in general to the Skull Valley situation.

FC: Well sovereignty is like freedom to the American citizens who talk about fighting and dying for freedom. American Indians have fought and died for sovereignty. Sovereignty existed here before the Europeans—Euro-Americans ever entered this continent. Indian nations were governing themselves and they had the full authority to do so. And the colonial governments dealt with Indian nations accordingly because at the time they had to. The Indian nations were strong enough militarily to defend themselves and to wage costly wars against the colonials. And so the sovereignty that Indian people enjoy today was brought about as a consequence of war. In the State of Utah alone there were over 150 battles fought between all the tribes and the Mormon settlers. This was a bloody confrontation. People would have you believe otherwise but it’s not true. There were lots of bloody confrontations here. One of the largest military encounters in the United States was the Bear River Massacre. And although it was in southern Idaho—just over the border—it involved Utah American Indians, the northwest band Shoshone.

So sovereignty nowadays comes about as a result of war, which is based at the end of those wars, and then people surrendered certain rights in return for agreements in exchange for land. Certain services were guaranteed by the U.S. government in exchange for peace and for those lands. And those services range from education to housing to health. And those agreements are still in force today because those treaties were considered international instruments of law and they are binding to this day. They have an international
connotation because they are dealing between different nations. And Indian nations are nations within the U.S. nation. So that's what kind of makes them kind of distinct in that respect, but they are nations nevertheless. And so tribes are very protective of that sovereignty. And it's important for people to understand that because most people only see sovereignty as applying to city, county, and state governments. And they don't see how it applies to an Indian tribe unless they get a history lesson about the military confrontations that took place not only in this state but throughout this country. And only then do they seem to understand how sovereignty applies to Indian tribes. We're not like other groups. We have a political relationship with the U.S. government not a racial one. It's a political one based on solemn agreements. Okay. Our people are referenced in the commerce clause of the U.S. Constitution as being—having sovereign qualities. So we are different. We're not like other ethnic groups. And the Indian people are very protective of that because we don't want to be swallowed up in the mire and in the context of the great American melting pot. Indian people want to retain their identity and their culture. They don't want to be mixed in with other minorities either. Because they would lose their identities just as sure under the minority context as they would under the dominant culture context. Indian people are very protective of their identity. Even though we are very oppressed and would seem to suffer low self-esteem—which we do—our heritage we hold high.

DE: So you mentioned that if people don't get this history, that they may not know about this sovereign relationships. I know that you were a teacher, and of course have gone though the school system. Do you think that's taught enough?

FC: No. That's why there's so much ignorance. That's why people going all the way to the U.S.—not to the U.S.—but our own state legislature lack that history—that information. If they had that information then they—there would be—they would have more understanding of our plight, our situation.

DE: And then returning to the Skull Valley controversy, do you think that that lack of information or the sovereignty issue came up in that controversy or did it not?

FC: What I meant to say also, and this touches on that, is...almost—I think all of the Utah tribes, I'm pretty certain, all the Utah tribes opposed the idea of storing nuclear spent rods on Skull Valley Reservation. They opposed the project, but they stood solidly behind the Skull Valley Tribe's right to make that decision. So, although they didn't like the idea, they stood behind the sovereign rights of the Skull Valley Tribe to do so. And that's very important to be pointed out. Is that the tribes, once again, they value sovereignty. And they stood by Skull Valley all the way through this. They stood by the right to Skull Valley to exercise their authority.
DEBATE: SHOULD THE GOSHUTES BUILD A TEMPORARY NUCLEAR WASTE STORAGE SITE ON THE SKULL VALLEY RESERVATION?
NO: MARGENE BULLCREEK

SS: What made you first get involved [as an activist against nuclear waste storage]?
MB: For the same reasons—when my brother died, and I somewhat wanted to give up my political thing. There was a lot of unfairness. To build a strong government, having resources to be able to provide for members, to give them, you know, to make things possible so that they could be able to have good homes, and good employment. . . . I’m still doing it today minus my brothers, but I’m always thinking they’re there. . . . I feel like I could be able to still stand for the things that we believe in and the things that we believe in is the fairness, is to provide and to want better things for our people. And now, it’s the same today. We don’t have any homes, we don’t have housing for our youths. The children that was, children back then, that are now adults. They still don’t have any places to stay. And the employment is still bad; all this is still here. And we have a new council where they can provide all these things, but it’s not happening yet. And so it’s just continuation after continuation. But the main reason is that, is that I still believe in the same things that I still believe in, like this place. You know, this place still has a lot of meaning to me. This where my bro—my father, my father and mother raised us, and taught us things. And my brothers were here. And I have my brothers buried in a cemetery close to here. There have been times when I felt like I just wanted to go, but I can’t because I have my commitments here. And so, um, well there’s a lot of things to being a Native American. It’s not just all politics; sometimes politics gets in your way, but . . . And then, it knocks on your door . . . When you don’t want to be involved in it, it knocks on your day because you’re thinking we need this, we need that and we’re going to have to go say something about this issues. Even if we’re not being heard, we still have to be, we still have to bring it up. And so, that’s how politics, you know, gets me involved in things. But otherwise, you know, I’m very content here, sitting here with the warmth coming from the sun and the wind coming through the trees. I feel very content without having to look down the road and seeing the nuclear waste storage down there. And so, I, I feel very, what can I say? I feel . . . I’ve been hearing the word blessed a lot lately. I feel content here, now, even now. Because of that we’re still holding on to the very things that was taught to us.

SS: What organizations are you involved with? I saw, I did a little bit of background research and a lot of people interviewed you. I saw that you were on the board of HEAL Utah. Are you involved with any other organizations?
MB: Other than HEAL, we have an organization we need to get some money into. So, hopefully, somewhere, we’ll be able to get that, but... I’m involved with an organization called Native Community Action [Council]. . . . But what it is, we are doing is, studying the effects from the fallouts, from the test sites in Vegas and how it affected the Native Americans. We have pretty much done most of our studies. It just that we, we have to put the finishing touches on it. The things that they did and the effects that they had in the Native American communities, and how it affected them, and causing cancer today, it’d be overwhelming to think about what’s going on. But they were living as how they, their livelihood was being the Native American they are. You know, they lived outside, they hunted during the seasons, they worked more on the outside, and when the test, the test came around, they were all
affected by it, by that. And so, that’s one organization. And I’ve been in close contact with the IEN, the Indigenous Environment Network, in Minnesota, they really helped our organization out by supporting us. And Shundahai [Network] was another one that was um, you know... The chairman for Ohavi. And, ah, that’s about all the organizations that I’ve been really close to.

**SS:** Great. So, from your perspective, what is the problem with nuclear waste?

**MB:** What’s the problem with nuclear waste?

**SS:** Um-hm.

**MB:** The big problem from what I learned over the years is that, that it was something that was created by the DOE [Department of Energy] and they were going to put it at this permanent site. By this time it should have been there [Yucca Mountain], but it’s not there. OK and, and, they want to create more, but they don’t know where to put this stuff. Our place was, was, was the one place that was going to be possible, and hopefully it won’t come about yet. But this was the place where they were going to store it. And this was a temporary stop and from here it was going to go to Yucca Mountain, OK? But I’m saying and I hear this, people say keep it where it’s at, keep it in your own backyard. Don’t let it come through the states where it’s going to affect communities. Keep it where it’s at. I believe that they do have spaces because they used to say they have room in their parking lots and they do. Keep it there until it’s time to go to its permanent site. The sad part about it is that it’s going to go to another Native American territory. And it’s their land. And it’s just like I’m saying, how come from the start of things that they took over a lot of our Native American country? They took a lot and then this permanent site is a part of that. And it’s sad because—that’s one of the reasons I was fighting it too. I didn’t want this big corporation [Private Fuel Storage] or DOE or nuclear waste is a big thing. It gave, created a lot of corporations and a lot of moneys for people that are, that wants it. But those of us that are going to sacrifice our land and our livelihood just so that they could create more and create more moneys for themselves by putting this, putting it on our land after we’ve been stripped of our, the best portion of the lands in the country and put us on the poor, the poor part of the country. And now they want to put it, there’s no place else to put it but on our reservation, that’s what I’m saying. This reservation that they haven’t touched, yet. But to us, there’s a lot of there’s a lot of values here. Whether it’s materialistic or spiritual. And, um, it’s just the same thing all over again. That’s why, that’s how I feel about nuclear waste. And it’s not only nuclear waste. Anything that has to do with our Native American land, whether it’s nuclear waste or mining or oil drilling or whatever that the country needs. The important thing I’m trying to say is that they’ve already, they’ve already dug up the things that they dug up. Why, you know, dig more into our Native American lands? And it’s just the same, like the Navajos were telling me about the uranium, you know, you’re going to wake up a giant and that’s what it did. From that came Hiroshima and all these lot of lives being wasted and lost. And wars. It’s just not—it’s not right.

**SS:** You’ve outlined the problem with nuclear waste, and clearly you’re trying to solve that problem. So, how do you see your role in that solution?

**MB:** The solution I, because the interior, the Secretary of the Interior made a decision, saying that it would affect our homeland security, being who we are as Native Americans and the land that we have, this could affect us, OK. And so, that itself could be a solution because then it could stop the waste from coming not only to this reservation, but to other reservations as well. So, that needs to be, I really feel that needs to be looked into for that, that part of the solution more. You know, I really feel that we need to have support of tribes to work together; we need to have support of your
state legislators, legislatives to work together or the governor because in Utah, they were against it, OK. Not only for, well, for that decision that the interior made. That’s, that’s what I’m looking at. As far as state-wise, I really feel that they should... if they don’t want the waste on our reservation, why create more? And so, why are they talking about having new reactors? What did, what did, what did...why do you think I fought for 13 years? And it’s been long years to be able to go up against this opposition. I've lost, I've lost a lot of things; I've sacrificed in other words. And the way I sacrificed is that now I’m not a likely person because I've went against the economic development for the tribe. In a way, we were successful in stopping it because if it wasn't for the very things that we believed in to fight this—to oppose it—then, it wouldn’t have happened. Senator [Orrin] Hatch and [Senator Bob] Bennett took that ball and ran with it and made that goal, but they left us behind. They left us behind. They didn’t put us up there with them and so we’re still sitting here, but then we don’t, we realize, we know that if it wasn’t for us, they couldn’t have stopped this. So, what I would like to see is to be able to have it be like, like a goal for other reservations as well because this nuclear waste isn't going to stop here on the reservation, the reservation, the Skull Valley Goshute Reservation, the Indian Goshute Reservation. It’s going to go somewhere else and it's going to affect those—that community—those Native Americans—those indigenous people, the same way it was affecting us. And we’re lucky, we don’t have to deal with cancer here. Although there are cancers, but we can’t pinpoint it because of the nerve gas and Dugway [Proving Ground] and all that stuff and the government would never recognize it anyway. But we’re lucky that we’re not affected by the test site, the Nevada test site. Although it might have came this far as, as far as the studies go. But, at least it’s not more than half of our members that are stuck with cancer, which is just pretty scary. And so, um, I feel that that would be, um, a solution that's there now. And, ah, but that could be, um, that could be possible for other reservations as well.