

Seneca Nation of Indians and Department of Energy  
Cooperative Agreement  
Scope for October 1, 2012 - September 31, 2013

**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).

The Final Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center (WNYNSC), issued in January 2010, examines the potential environmental impacts of the range of reasonable alternatives to decommission and/or maintain long-term stewardship at WNYNSC. The alternatives analyzed in the EIS include the Site-wide Removal Alternative, the Site-wide Close-In-Place Alternative, the Phased Decision-making Alternative (Preferred Alternative), and the No Action Alternative. The DOE Record of Decision and NYSERDA Findings Statement both selected to implement the Phased Decision-making Alternative. Under the Phased Decision-making Alternative, decommissioning will be accomplished in two phases: Phase 1 will include removal of all Waste Management Area (WMA) 1 facilities, the source area of the North Plateau Groundwater Plume, and the lagoons in WMA 2. Phase 1 activities also include additional characterization of site contamination and scientific studies to facilitate consensus decision-making for the remaining facilities or areas. Phase 2 actions will complete decommissioning or long-term management decision-making according to the approach determined most appropriate during the additional Phase 1 evaluations. The Phase 2 decision is expected to be made no later than 10 years after issuance of the initial DOE Record of Decision and NYSERDA Findings Statement.

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; U. S. Department of Energy at the West Valley Demonstration Project (DOE-WVDP) administers the Cooperative Agreement on behalf of the DOE. The Cooperative Agreement has enabled the Seneca Nation to participate in the West Valley Citizen Task Force, and the DOE State and Tribal Government Working Group. The proposed tasks for the Cooperative Agreement activities continue to promote an understanding of environmental and human health issues, and sustain the cultural resources of the Seneca community.

**TASK 1 - CONDUCT REVIEWS OF ENVIRONMENTAL DOCUMENTS**

The Seneca Nation of Indians Environmental Protection Department (SNI EPD) will continue to coordinate the reviewing of any documents related to the Decommissioning or Long-Term Stewardship Plan for the West Valley Demonstration Project.

A review of relevant documents might include those related to any remaining DOE decision-making of the Phase I and Phase 2 final EIS, future NEPA analysis, comments generated by the Citizen's Task Force which the Seneca Nation participates, the US President's Blue Ribbon Commission on America's Nuclear Future, and review of opinions and, strategies submitted by independent scientific panels.

## **TASK 2 - TECHNICAL GUIDANCE AND CONSULTATION FOR HISTORICAL, TRADITIONAL USE AND CULTURALLY SIGNIFICANT AREAS**

The SNI EPD will continue its multi-seasonal inventory of cultural and natural resources which are in proximity to transportation corridors that are proposed by DoE for their shipping campaigns. This inventory will consist of potentially impacted areas will include but are not limited to watersheds and their tributaries, riparian zones, forest stands and residential areas.

Because Seneca lands are finite, its natural resources, which are otherwise abundant in adjacent communities, are potentially scarce or threatened within our territory, The health and abundance of resources like native plants, trees, fish and wildlife, water and air, are critical in supporting our traditional dependency and survival.

A plant inventory will continue to be supported by purchasing equipment to assist in plotting, cataloging and collecting of medicines. This includes but is not limited to a GPS unit, digital camera and field tools (shovel, pitch fork, etc). The information generated will be stored in a database and may be used for educational purposes as well track plant changes. It is our intent to preserve and protect the Nations ecosystem and to maintain equitable use for future generations by recognizing the importance of traditional medicines. Reference material and other available mean will be used to assist in plant identification.

## **TASK 3 - RADIOACTIVE WASTE TRANSPORTATION**

The Seneca Nation agrees with the policy that the shipment of wastes off-site for disposal greatly reduces the risks presented to downstream populations such as the Seneca community and western New York; however, these shipments remain a concern to the community. In the unlikely event of an accident, the release of radionuclides could contaminate Seneca Nation lands and the cultural, and natural resources contained therein.

The SNI EPD will continue to coordinate and refine the Emergency Response Program within the Seneca Nation infrastructure. This will include Emergency Response Training (i.e., Emergency Management Framework for Tribal Governments, ICS 100 / 200 / 300, HAZWOPER certification, TEPP, etc.) and other trainings deemed necessary to enhance the knowledge and capabilities of first responders in the unforeseen occurrence of an incident or spill.

The DoE will provide the Seneca Nation with timely notification of shipments and provide training opportunities for first responders to radiological incidents or spills.

#### **TASK 4 - ENVIRONMENTAL MONITORING**

Environmental monitoring of Cattaraugus Creek is warranted given the decommissioning criteria may not be met or have restrictions. The NRC policy statement will potentially allow portions of the site to remain under long-term management or stewardship.

The Seneca Nation produced a Baseline Sampling Report in February 2004 which identified relatively high concentrations of gross beta in fish and food plants. The report will be reviewed and its recommendations will be considered when designing a proposed sampling plan. The plan will be developed to assess the elevated level of radionuclides found within tribal lands and in close proximity to Cattaraugus Creek. Culturally sensitive indicators will be considered in the design such as plants used as medicine and animals for ceremonial purposes, a consultant will be hired to develop the QAPP/sampling plan and to carry out the sampling event.

As part of the Seneca Nation's on-going effort to assess water quality, the Environmental Department will collect baseline data of its major watersheds. Training of personnel is required in the areas including but not limited to environmental assessment, risk assessment, environmental sampling, (JIS, data generation and validation.

#### **TASK 5 - PROJECT SUPPORT: PERSONNEL**

The Cooperative Agreement will support activities for four (4) department personnel:

1. A Director who will facilitate and administer the Cooperative Agreement, ensures grant compliance, acts as a liaison between the Seneca community and DOE, attend national, local or tribal conferences or meetings related to DoE activities with specific tribal interests, acts as an Emergency Response Coordinator and provides input in assessing emergency response plans for the Seneca Territories, supports networking with neighboring emergency responders for containment and remedial activity of any release of hazardous material and maintain instruments and personal protection equipment (PPE) necessary to ensure the health and safety of response personnel; the Cooperative Agreement does not support salary and fringe for the Director but specific programming activity only; AND
2. A Program Manager who will supervise and assign project personnel to assist with tasks, develop and manage consultant contracts relating to DOE tasks research and submit information for the purchase of technical equipment, establish a network within: local and/or tribal agencies and organizations, evaluates and obtains the necessary environmental training for personnel, provides technical assistance to department personnel or other Nation departments, and assists as a liaison with the Seneca community and DOE; coordinates consultation services/contracts; is supported 25% for salary and fringe; AND

3. A Environmental Technician who will assist with task completion, create handouts, fliers or use other environmental media to provide relevant environmental information to the community and executives; produce at minimum a quarterly article for the Seneca Nation newsletter, conduct research of documents and materials that support the Program Manager and Director; is supported 25% for salary and fringe; AND
4. A Budget Monitor will assist the Program Manger with task completion, assists in the purchase of equipment, prepares budget reports and monitors contract expenditures, and the Cooperative Agreement does not support salary and fringe for the Budget Monitor but specific programming activity only

#### **TASK 6 - CONSULTATION and COORDINATION**

DoE and the Seneca Nation will consult in a timely manner on potentially significant issues that may arise from DoE activities. The Seneca Nation EPD will act as liaison to facilitate and coordinate consultations and informational meetings between the Seneca Nation Administration, the Seneca community and DoE.