**Skull Valley Band Nuclear Dump: Tribal Sovereignty’s Role in Environmental Justice**

**by Adam Koplik**

In late 1996, the Skull Valley Band of Goshute Indians Reservation entered into a lease agreement with Private Fuel Storage (PFS) to host a nuclear waste dump on the Skull Valley Goshute Indian Reservation in Utah. That’s the headline. For the nuclear conglomerate PFS and the U.S. government, that was more than enough to move forward. The problem? Skull Valley Tribal Chairman Leon Bair signed the agreement without the tribe’s General Council knowing or approving of the deal. The monetary amount agreed upon was never disclosed–to this day, “no tribal member outside the three member tribal executive committee knows…” (Kamps, 2001). After decades of legal fights, the project was halted. The case is an incredibly interesting investigation into the role of tribal sovereignty in environmental justice and the economic injustices that inform their decisions.

At the time of the agreement, just 25 tribe members actually inhabited the reservation. The other 100 or so Band members lived a bit closer to Salt Lake City. The displacement out of this group was no accident, but a series of environmental destruction that brought about the inhabitant dispossession of their land. Surrounding the reservation is the Magnesium Corporation–the “nations worst air polluter” (Kamps, 2001) that has brought about chlorine gas, acid clouds, and hazardous landfills. In 1968, Dugway Proving Grounds testing of VX nerve gas resulted in the “accidental” death of 6,400 sheep in Skull Valley. On top of this, half of the US Army chemical weapon stockpile is burning in a nearby incinerator and the local Air Force base is dropping bombs, misfiring missiles, and crashing jets all in the surrounding area. This concerted effort from both the government and corporations has resulted in an inhospitable economy for the tribe. Leon Bear, the chairman who signed the dump deal in 1996, said “We can't do anything here that's green or environmental. Would you buy a tomato from us if you knew what's out here? Of course not”.

Clear parallels exist between the story of the Skull Valley Band and that of the characters in Ann Pancake’s *Strange As This Weather Has Been*. Similarly, the Appalachian characters have seen their home’s health systematically attacked by corporations looking to exploit the land for profit. The coal mining industry and the nuclear industry–seen as rivals by the average American environmentally–are two sides of the same coin when it comes to the exploitation of people. As a result of the environmental destruction of these areas came their economic demolition. Both the Skull Valley Band and the Appalachian people in *Strange As…* suffer from massive unemployment and high poverty rates, making them easy targets for the large companies to dispossess them from their lands. These companies create the illness (poverty) so they can sell the disease (money for land).

The reason the Skull Valley case is so interesting is that it’s not simply a case of the United States government violating a treaty. It is, however, a clear case of environmental injustice. Yes, the contract was signed by the Band’s tribal chairman. However, it was clear and obvious why the Goshute were targeted–they’re an incredibly small, impoverished tribe that would be easy to manipulate in the eyes of a corporation. Yet, even justice has a price. In 2000, the U.S. Nuclear Regulatory Commission deemed that the dump does not violate environmental justice because PFS’s price was so high. Additional agreements were made between PFS and local opposition like cattle ranchers and Tooele County in the years after to get the dump moving forward. Utah Governor Mike Leavitt put it bluntly, saying, “It’s pretty clear that utilities are willing to spend billions to move the spent fuel out of their back yard into ours.”

The case is a prime example of the cheapening discussed in Jason Moore and Raj Patel’s “A History of the World in Seven Cheap Things: A Guide to Capitalism, Nature, and the Future of the Planet”. Colonialism’s devaluation of nature and people in the name of productivity is a clear cycle that seems inescapable, valuing “only what it [capitalism] can count, and it can count only dollars” (Moore & Patel, 2021, p. 21). This cheapening begins at the changing of one singular letter: Nature vs. nature. Capitalism has created this naturalization of ecology as a resource to be turned into production. It has formed an imaginary hierarchy where Society is the boss of Nature and can control Nature to its whims. In this, human beings are also brought into the folds of Nature, with Indigenous peoples not being considered members of Society and therefore being disposable and able to be exploited. The actions of PFS are a clear example of this. Not only do they want to use the natural world as a dumping ground for toxins, showing a complete apathy for the non-human life that inhabits the area, but they want to use the tribe members themselves to do their bidding for them. This creation infighting of oppressed people is a classic maneuver used by oppressors to distance themselves from the problems they’re creating.

To see this shift of blame one had to look no further than the Skull Valley Band’s own website. A quote from scientist Marie Curie, “Nothing in life is to be feared. It is only to be understood”, was plastered along with arguments for why nuclear science is safe and a good economic decision for the tribe. The argument for the lease was being made by tribe members themselves. This inviting of Native nations into exploitative economic partnerships was coined by Randel Hanson as, “new Indian capitalism” (Hanson, 2001, p. 25). Tribal sovereignty and economic independence have been pitched as one and the same. The argument from neoliberal colonialists is clear: if tribes want freedom, they have to be able to afford it. This economic partnership mirrors other exploitative ones, “Housing these forms of garbage on reservations ‘off-shores’ it in a way not dissimilar to…locating factories in underdeveloped nations” (Hanson, 2001, p. 32). The proposals shape themselves as allowing sovereignty, but asks them to participate in the same activities that took it away in the first place. Margene Bullcreek, an avid opposer of the dump, put it bluntly: “Sovereignty isn’t selling your independence and your heritage to the highest bidder” (Kamps, 2001).

The consequences of this are explored in Kyle Whyte’s “Indigenous Climate Change Studies: Indigenizing Futures, Decolonizing the Anthropocene”. Members of the Skull Valley Band don’t actually have a say in the use of their land. They’re told to choose between bad and worse, and then have it made out to seem like they agreed to whatever consequences they suffer. Indigenous peoples have become the vicitm’s of a cultural genocide that makes it seem as though the problems they face are their own doing. Whyte discusses this, saying “Indigenous peoples live in worlds so changed by colonialism, capitalism, and industrialization that our collective self-determination and agency are compromised” (Whyte, 2017, p. 160).

By coating environmental injustice in the disguise of economic opportunity, corporations are profiting off of the problems they’ve already caused. Tribal chairman Leon Bear, who had agreed to the contract, said “People need to understand that this whole area has already been deemed a waste zone by the federal government, the state of Utah and the county” (Ishayam & TallBear, 2001, p. 5). This erie view of the situation puts into perspective why Bear made the decision he did. The tribe had already been written off entirely, and the area was seen as a waste zone. The only way out, Bear believed, was by embracing the colonial actions that have brought so much destruction in the past. As Whyte discussed, this line of thinking is an example of how Native people have survived an apocalypse, saying “Native Americans have seen the end of their respective worlds” (Whyte, 2017, p. 160). The “New Indian Capitalism” is a direct symptom with the destruction of Native civilization and knowledge.

So what can be done? Ishiyama and TallBear critique the narrow view of environmental justice, saying, “This paper challenges the predominant tradition of environmental justice scholarship and activism that focus on the inequitable distribution of hazards in low-income minority communities” (Ishiyama & TallBear, 2001, p. 1). Framing environmental justice activists as only opposing the economic opportunities presented to them undermines the members of the tribes themselves, assuming that, “Indians lack the intelligence to balance and adequately protect their own economic and environmental interests” (Ishiyama & TallBear, 2001, p. 2). They argue that the white environmental justice approach ignores the participants, only focused on the results of the decision and not the process. White activists support tribes conditionally, only accepting those that conform to their own environmentalist beliefs and disparaging those that do not. They position internal struggles as “occurring between morally pure ‘traditionalists’ and less moral ‘assimilationists’ (Ishiyama & TallBear, 2001, p. 2). This then posits the assimilationist leaders as colonial sympathizers who are exploiting their own people, ignoring the environmental racism and oppression that has impacted whatever decision they’re making.

Process versus results is an incredibly important distinction to make when discussing environmental justice. A decision that is seen as pro-environment (say, transitioning from coal to water power) can still be environmentally unjust if it is not made through the proper channels. Currently, environmentalism is dominated by highly educated, White activists. Indigenous voices are often muted and, even when considered, viewed as monoliths where all members of the tribe hold the same values.

The main theme of these discussions is actually quite simple: tribal sovereignty. The Skull Valley Band has the right to agree–and also to fight against–any decisions that affect them. The key is to accept their sovereignty while still remembering the context that has put them in the situation in the first place. Institutional, structural racism has oppressed many Indigenous peoples, resulting in poverty and a dispossession of their own land. Even when they exercise sovereignty, it still exists in the oppressed context that has put them into making the decision, as “that tribe and tribes in general have never participated in the decision-making process that has lead to the production of nuclear waste or that has lead to the absence of alternate means of economic survival in the desert landscape to which this tribe has been relocated” (Ishiyama & TallBear, 2001, p. 10).

These problems are symptoms of the cycle of capitalistic exploitation that creates systems of poverty so people can be exploited. After all, it’s much easier to steal from the hungry than the full. By ignoring the system and viewing each decision on a case-by-case basis, Native tribes are put at fault for choosing one of two evils. As put by Keith Lewis of the Serpent River First Nation, “There is nothing moral about tempting a starving man with money” (Kamps, 2001).

The project eventually was halted after years of protest from the state of Utah, environmental groups, and fellow tribe members like Bullcreek. The argument is much larger than should the project have been completed or not though. The villainization of tribe members like Bear from activists ignore the situation that these leaders have been forced to make decisions in. As Indigenous Environmental Network director Tom Goldtooth said, “...The Tribe is not the enemy here, Private Fuel Storage is. The State needs to look at policies that threaten the Tribes health and well-being and work to rectify those first.” (Kamps, 2001).

Tribes are working to help their place and their people. They’ve been pushed into a corner by colonial powers that have systematically stolen their land, their bodies, and their culture. Critiquing leaders for choosing one of two bad situations ignores that they’ve been forced to choose by these powers. Tribal sovereignty and environmental justice work hand in hand. To force any Western views onto them is to take their right of choice. For too long colonial powers have been telling Indigenous people what is the okay decision. It is their land. It has always been their land.

The way to fight environmentally dangerous policies like the Skull Creek Band nuclear dump is not to fight the proposal, but to have fought the poverty that made the Band an easy target for PFS. Environmental justice, economic justice, racial justice–they’re all the same thing. Justice is justice. To fight for the world is to fight for nature. To fight for nature is to fight for people. Until society switches away from exploitative measures and towards a more holistic, equitable system, there will always be another nuclear dump. Like a hydra, when one anti-environment measure dies, three more grow in its place. The solution is not to win every small battle, but to just win one: the culture. True environmental justice must respect tribal sovereignty while addressing the economic inequalities that have lingered for generations.

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Hi Dr. Burke,

I wanted to take a moment to thank you for the opportunity to take this course. Looking back at college, I am a bit regretful I didn’t take more classes that challenged my thinking in the way this one did. It was truly such an impactful experience and one that I’m going to cherise and will sit with me post-grad. I was thinking a lot during Bella’s thesis presentation on how much your course has changed my perspective, even in just understanding Bella’s point of view. Having to work hard to not just understand the material but actually challenge my prior ways of thinking has been such a rewarding experience and I’m going to take those lessons with me. Lessons of slowing down, appreciation of the world around me, and love of place are so beautiful and make me feel so much better in the scary world I’m entering in a few weeks. Thank you so much for such a great semester and I wish you all the best!

Adam