



FOR IMMEDIATE RELEASE --- May 3, 2023

### **Swift action and inclusive cleanup?**

#### **Yakama Nation disappointed by inaction at Bradford Island Superfund Site; delivers Notice of Intent to sue**

**Toppenish, WA** – On May 2, 2023, Yakama Nation invited representatives from EPA Region 10, the U.S. Army Corps of Engineers (USACE), and the states of Oregon and Washington to discuss the lack of progress and cooperation with cleanup at the Bradford Island Superfund site. This comes after an [initial government-to-government meeting](#) last year that promised swift action and an inclusive cleanup; a meeting where EPA and the USACE committed to finalizing a federal facilities agreement within a year, expediting cleanup actions where possible, and fully engaging the Yakama Nation in all processes. None of these actions have yet to happen.

During this year's government-to-government meeting, Yakama Nation Tribal Councilman George Meninick stated, "For decades, many words have been shared regarding contamination concerns at Bradford Island; no one is listening."

In response to the lack of action and engagement, the Yakama Nation is serving on federal officials a 60-day Notice of Intent to sue in U.S. District Court under the citizen suit provisions of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The Notice alleges violation of CERCLA's standards, regulations, and requirements in the Bradford Island cleanup; and also alleges that the USACE has failed to perform acts or duties required under CERCLA regarding Bradford Island.

Tribal Councilwoman Terry Goudy-Rambler stated, "We've gone through court cases many times and have been successful..." She goes on to say, "For what we gave up, for what you developed that contaminated our world... all we want is a seat at the table to see what can be contributed to fix the problem."

[Bradford Island](#) is part of the Bonneville Dam complex, which has been operating in the Columbia River since construction began in 1934. The USACE is both the lead cleanup agency and a regulated polluter at this federal cleanup site. Toxic waste from the dam complex was disposed of on Bradford Island and in the river surrounding the island throughout the twentieth century.

It has been twenty-seven years since contaminants were initially discovered at Bradford Island, eighteen years since YN became involved to address that contamination, and one year since Bradford Island was added to the EPA's National Priorities List in 2022.

The level of polychlorinated biphenyls (a highly carcinogenic chemical) in resident fish at the Bradford Island Superfund site are the highest measured anywhere in the United States. Resident fish (bass, bluegill, carp, catfish, crappie, sucker, sturgeon, walleye, and yellow perch) at the site have been under a ["DO NOT EAT" consumption advisory](#), from both Oregon Health Authority and Washington Department of Health, for nearly a decade. Tribal members are exposed to toxins coming from the site at alarmingly high rates.

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In last year's meeting, the USACE committed to building its relationship with Yakama Nation and EPA as this clean up initiative moved forward. USACE even acknowledged the United States' responsibilities to the Tribe under the Treaty of 1855 and agreed to include Yakama Nation in the planning and cleanup process in a meaningful way.

Despite promises made by the USACE, clean-up is delayed, communication is nonexistent, and no headway has been made to correct the issues at the Site.

In this year's meeting Leah Feldon, Director of Oregon Department of Environmental Quality, urged the USACE to make a meaningful decision: "We believe the Yakama Nation has important and critical input into this process." She continued, "I would humbly suggest as a next step that the USACE consider a decision on the Yakama Nation's participation on a technical advisory team..."

Brian Saluskin, YN Fisheries Resource Management staff and Tribal Council alternate, spoke on the context of the US's treaty responsibilities to the Yakama Nation, "The statute authority of the Secretary of Defense derives from constitutional authority and our treaties fall under the constitution as supreme laws of the land – it should be recognized accordingly." Under the [Treaty of 1855](#), the Yakama Nation's ability to fish in usual and accustomed places is protected. The Yakama Nation has been clear that they will not allow its Treaty-protected rights to be threatened, diminished or ignored.

The Yakama Nation is resolute in its goal to hold the USACE responsible for the contamination at and from Bradford Island, and the impacts that have resulted from its failure to address the problem.

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The Yakama Nation is a federally recognized sovereign tribal government with certain reserved rights that are guaranteed in perpetuity by the United States in the Treaty of 1855. Today, Yakama Nation works towards a clean and productive Columbia River that sustains the cultural practices of Yakama members and improves life for our neighbors and future generations.

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