



WESTERN SHOSHONE DEFENSE PROJECT

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060073

December 11, 2006

VIA Facsimile
Mr. M. Lee Bishop, EIS Document Manager
Office of Logistics Management
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive
M/S 011
Las Vegas, NV 89314

RE: Comment on Yucca Mountain Rail Line EIS

Dear Mr. Bishop:

In response to the development of the Supplemental Rail Line EIS, we are submitting the following comment(s). At this time, we recommend the No Action option on this project.

First and foremost, portions of the proposed project lies within the ancestral lands of the Western Shoshone people, as recognized by the United States in the *Treaty of Ruby Valley 1863*. The United States has yet to prove title to this land base. Without legal title to this land there can not be any land withdrawal(s). As Western Shoshone peoples, we have our own laws which stem from our existence as indigenous peoples. These laws are natural laws and tell us that we were placed here as caretakers of the land, air, water, and life that exists out here. The four things that must be protected above all else are the land, air, water; sun (L.A.W.S.), without any one of these things there would be no life. These are our laws. We must protect our lands for the good of everyone and we hope that you will work with us and respect our decision making processes. As is based on previous and present data regarding this project it is apparent that the planning for this project only demonstrates that the DOE and U.S. Government are oblivious to the future of the Western Shoshone Nation. We hope that this behavior will change in the immediate timeframe.

In fact, according to United States obligations under recognized standards of human rights, this project should be halted. During the 68th Session of the **COMMITTEE FOR THE ELIMINATION OF RACIAL DISCRIMINATION**, February 20 – March 10, 2006 an “Early Warning and Urgent Action Procedure” Decision was handed down to the United States of America. (A copy of the Decision is attached). In this The Western Shoshone Defense Project is an affiliate of the Seventh Generation Fund for Indian Development.

decision, the proposed Yucca Mountain nuclear waste repository and rail line were a primary concern for the Committee. The legal action is ongoing, however at this point in its decision, the Committee urged the State party to: (1) respect and protect the human rights of the Western Shoshone peoples, to pay particular attention to the right to health and cultural rights of the Western Shoshone people, which may be infringed upon by activities threatening their environment and/or disregarding the spiritual and cultural significance they give to their ancestral lands, (2) take immediate action to initiate a dialogue with the representatives of the Western Shoshone peoples in order to find a solution acceptable to them, and which complies with their rights of indigenous peoples, in particular their right to own, develop, control and use their communal lands, territories and resources (3) adopt the following measures until a final decision or settlement is reached on the status, use and occupation of Western Shoshone ancestral lands in accordance with due process of law and the State party's obligations under the Convention:

- a) Freeze any plan to privatize Western Shoshone ancestral lands for transfer to multinational extractive industries and energy developers;
- b) Desist from all activities planned and/or conducted on the ancestral lands of Western Shoshone or in relation to their natural resources, which are being carried out without consultation with and despite protests of the Western Shoshone peoples;
- c) Stop imposing grazing fees, trespass and collection notices, livestock impoundments, restrictions on hunting, fishing and gathering, as well as arrests, and rescind all notices already made to that end, inflicted on Western Shoshone people while using their ancestral lands.

In addition to the obvious land title issue, on a preliminary basis (there may be additional issues raised as we continue to monitor and analyze the full impact of this proposal) there are other disturbing factors in relation to the proposed project. It is also necessary that these issues be addressed before any further consideration is given to this project.

First, we have found no evidence that the proposed project is mentioned in the Resource Management Plans (RMP) for the areas where it is being proposed. Our understanding of federal law is that for any project to even be considered on alleged "public" lands, that the proposed activity must first be mentioned in the RMP. If our understanding is incorrect please advise us immediately.

Secondly, what type(s) of studies have been conducted and documented on the proposed rail line, specifically, impacts to cultural, burial, historical and religious sites, as well as plant, wildlife, and human life and have these studies had participation from Western Shoshone as we will again reiterate that is this Western Shoshone lands. What consultations, if any have been conducted with Western Shoshone communities regarding this project?

Clearly there will be impacts to cultural, spiritual and historical areas of the Western Shoshone people on their ancestral lands. These will include but not limited to: impacts to human life, water sources, wildlife, plants (native, medicinal and edible), hunting, and fishing areas, sensitive and protected species, air contamination. The data provided to the public does not address these vital issues. Additionally, what consideration and analysis has been completed regarding the cumulative impacts to these areas of concern in the areas in and affected by the project?

Past data has shown that DOE scientists had no knowledge of the hundreds of vital hydrology, geology, cultural and numerous key issues that must be addressed before any type of project begins. What has DOE done to address these concerns?

These are only a small number of the highly significant issues that should be taken into consideration before the proposed project is carried forth, this includes that all information regarding the proposed project be accessible to the public, not one word of the proposed project should be withheld.

Thank you for your attention to these matters, we will look forward to a full response from your offices.

Sincerely,

A handwritten signature in cursive script that reads "Larson R. Bill".

Larson R. Bill
Community Planner

CC: Western Shoshone Council and Environmental Departments