

1 RICHARD ARNOLD: My name is Richard Arnold.
2 I'm the spokesperson for the Consolidated Group of
3 Tribes and Organizations. And we have talked amongst
4 ourselves with some tribal representatives present,
5 but not all, and have decided to present some of our
6 recommendations here, and then also others may be
7 submitting in writing. In addition, there may be
8 some other folks that want to contribute and say
9 their other comments as well in response to the EIS
10 that we're meeting about.

1

11 [First of all, the Consolidated Group of
12 Tribes and Organizations has some concern and is
13 actually requesting DOE to continue to support
14 meetings of the Consolidated Group on an annual basis
15 and abandon the activity driven meetings that tend to
16 be less frequent. The purpose of the meeting would
17 be for us to receive regular updates on the project
18 so then we can avoid last minute meetings or meetings
19 that are just sporadic.

20 With respect to the EIS, we've noticed that
21 there's, you know, several scoping meetings that have
22 been held. We think that it's always a good idea to
23 involve as many people as possible in the scoping
24 process, including the tribes, and even this meeting,
25 but as I preface my comments with saying that, there
1 weren't all the tribal representatives present here.

2 We believe that the Department of Energy has
3 not held any of the meetings at any of the tribal

4 affected units of local government, meaning the
5 Timbisha Shoshone tribe would be appropriate to meet
6 there. Therefore, we're requesting to hold another
7 meeting to be scheduled with the support from DOE and
8 this project be held on January the 8th, 2008 at the
9 Timbisha Shoshone tribe as an affected unit of local
10 government that they have agreed to host.

11 And with that the CGTO would help to develop
12 the agenda, invite guests presenters as appropriate.
13 The intent of the meeting is for us to discuss other
14 items and deliberate more on the EIS, and to hold the
15 meeting in such a manner that it would coincide with
16 the scheduled hearing dates or the date before the
17 comment, the date of closure of comments.

18 With respect to that meeting, there's
19 suggestions that we're having some of the people
20 presented there and to promote the
21 government-to-government relationship between the
22 Department of Energy and the tribes that have
23 cultural affiliations, that you have Ed Sproat from
24 DOE and then Steve Frishman from the State of Nevada
25 and Matt Gaffney from Inyo county and others to be
1 decided.]

2

2 Impacts. [I believe that based on tribal
3 comments that impacts weren't addressed for Indian
4 lands and the substantial flooding that occurs in
5 Death Valley. And so with that in mind that the
6 science has not considered those aspects and
7 specifically look at floods that might occur.

8 And I think that was a good example of the
9 potential of impacts that could happen even with
10 relationship to the proposed railroad that would be
11 built and looking at trying to design a railroad that
12 would withstand the hundred years, I think it's
13 hundred year and 500 year or something else floods.
14 And the flooding that happened in Death Valley ended
15 up shutting down the highway for a year and a half
16 and caused significant concern.]

3

17 [The other comment was that the CGTO opposes
18 the increase of the 77,000 metric tons to be stored
19 at Yucca Mountain, and the DOE needs to ensure that
20 that amount would never increase. And the concern
21 that the tribes have is that even though it's
22 designed to hold or store the 77,000 metric tons,
23 there's the concern about the other waste that's
24 going to continue to be developed throughout time so,
25 hence, the concern and the request.]

4

1 [Heavy haul trucks, there's some concern in
2 that, although it was somewhat evaluated has been not
3 considered at this point because of the focus being
4 on rail, and that if there's any changes then that's
5 going to necessitate further evaluation of heavy haul
6 trucks, which would potentially impact tribes in a
7 different manner of which there's concern to be
8 expressed.]

5

9 [As was stated earlier in the conversations
10 that we had here, there was omission in the EIS as it

11 relates to Indian burials in compliance with the
12 Nevada Revised Statute, that I don't have the section
13 here but was provided earlier, so that needs to be
14 addressed and included in the EIS.]

6

[The economic plans were not considered and
15 stated in the EIS that they're not considered or
16 known by the Timbisha Shoshone tribe, and as
17 expressed in the meeting that there are plans in
18 those areas that were not requested, so that has to
19 be further addressed.]

7

[Within the body of the text of the EIS
21 there's mention of Western Shoshone or Shoshone
22 villages and some of the historic information there
23 that happened or occurred along some of the sites
24 where the proposed rail system would go, but there's
25 no mention of the Southern Paiute settlements that
1 are in there as well along some of the areas around
2 the Caliente corridor.]

8

[In the EIS there is no mention of Indian
4 health services being addressed or included in there,
5 as was mentioned about other medical facilities and
6 things in the area.

8 With respect to emergency service and
9 police, it was discussed in Clark County that Metro
10 was the primary law enforcement provider there;
11 however, it should be noted that in Las Vegas, the
12 Las Vegas Paiute tribe has their own police
13 department, which isn't included in any of the
14 evaluations. Moapa has police protection from the

15 Bureau of Indian Affairs, and other tribes impacted
16 by the project would have similar services that
17 should be considered.

18 In the section that describes Nye County, it
19 talks about the municipalities and a lot of the
20 activities and their respective plans; however, it
21 omits and doesn't consider Timbisha, Yamba and
22 Duckwater reservations that also need to be included
23 in that.]

9

24 [With respect to the archeological surveys
25 that will be going on, there is mention of class
1 three studies will be conducted along the rail
2 corridor, and with that there needs to be Indian
3 involvement in those studies making sure that there's
4 Indian monitors and tribal representatives included
5 in those efforts.]

10

6 [Previously it was noted that there was some
7 discussion about perceived risks and a perceived risk
8 study, and that the Department of Energy actually
9 sponsored an American Indian perceived risk study
10 with respect to low level radioactive waste, the
11 transportation of low level waste. And, one, it's
12 not cited, no reference in the EIS. Secondly, it's
13 something that is recommended by the CGTO that such a
14 study should be conducted to include those
15 perspectives of tribal representatives.]

11

16 [There also is in consideration of some of
17 the archeological work that was done by some of the

18 folks under contract for this project and in the EIS,
19 and I have here S-85, and I'm not sure if that was
20 the page or what, but anyway it talks about cultural
21 resource sites and it identifies mining, evaluating
22 mining sites in the Hiko area; however, the Hiko area
23 is also the known site of a large massacre site that
24 wasn't considered in there under the archeology
25 section, so that needs to also be further considered.

1 And then also it mentions here that the
2 concerns are only -- the concerns only indicated are
3 archeological sites and does not consider other
4 cultural resource sites identified or known to Indian
5 people. And so the perspectives of Indian folks have
6 primarily been only identified with respect to
7 archeology and moreover just specific sites.

8 S.3.4.14, cultural resources section does
9 not mention or consider Southern Paiute sites along
10 the Caliente alignment, such as the Mountain Meadow
11 massacre site, and then there's also another known
12 site that's the Quinn Canyon massacre site that was
13 also well-known and documented in the literature.]

12

14 [The Northern Paiute concerns are identified
15 in discussions pertaining to the Mina corridor, and
16 that's appreciated when that consideration was being
17 evaluated. However, there is no parity with similar
18 concerns of tribal people along the other corridors.

19 And so in some discussions, you know, we
20 were talking and hearing that there were Indian
21 people or tribal representatives involved in some of

22 the analysis on the Mina corridor to a greater extent
23 than what was occurring along the Mina corridor with
24 tribal representatives from this group.]

13

25 [The other is that in the past there has been
1 meetings, the annual meetings that would occur here
2 we would be able to go and look at various sites, and
3 so we mentioned that once again it's a recommendation
4 of this group through recording these comments and
5 also as a general recommendation to DOE that the
6 meetings happen again on an annual basis, but part of
7 that is not just be limited to a one day meeting
8 where we come in and we're gone, because there's
9 other sites that we've been able go out and monitor
10 in the past that we haven't been able to observe, and
11 some of those up to five years. So we have no idea
12 of knowing the condition of those sites and whether
13 or not, in fact, the monitoring is occurring.

14 Another request that has come out of the
15 group is that studies, the CGTO needs to be provided
16 with a list of studies that are or have been
17 conducted so that way we can determine what copies of
18 those documents that we need. And that hasn't
19 occurred.]

20 I believe that's all because my computer
21 died and didn't save the rest that we talked about,
22 so I'm going to have to rely upon the recollection of
23 other folks.

14

24 One last comment, I'm sorry. [One had to do

25 with we have noticed in various EISs and things that
1 people will look at conditions for droughts and
2 things, and one of the things is typically that
3 they'll say that we're either not experiencing a
4 drought.

5 We've noticed this with other DOE
6 supplemental analyses and things that we've been
7 working on and that typically they will look at
8 rainfall and just view it primarily on precipitation
9 saying that the average rainfall is consistent with
10 what it has been for courses of ten years or beyond
11 in those periods.

12 However, the Indian people have a unique
13 knowledge of the environment and have noticed truly a
14 shift in the environment and a difference in the
15 plants and animals and the birds that are in the area
16 and the way that the plants are yielding or not
17 yielding some of the foods and medicines that they
18 typically would.

19 So with that we think that any studies, even
20 in looking at or examining floods, rainfalls,
21 anything that has to do with drought and
22 precipitation needs to have further evaluation that
23 considers the perspectives of tribal representatives
24 of the Indian people.] And that concludes my
25 comments.

15

4 RICHARD ARNOLD: [One of the things with
5 respect to the consultation with the tribes, our
6 annual meetings and whatever, I think that the
7 relations or communications have somewhat diminished
8 based upon the activities that are going on and
9 that's sometimes inherent in the problems when you
10 start going to an activity driven consultation model.
11 And so we're going to make things more proactive
12 between the groups.

13 Secondly, to promote the
14 government-to-government relationship. Thirdly, as
15 part of Yucca Mountain was with the various sources
16 of radiation, the various types of waste, things that
17 may potentially be of interest or impact or influence
18 to things that are happening at Yucca Mountain, we
19 need to be involved in those kinds of activities from
20 GNEP, which was one of the acronyms that was
21 mentioned.

22 The greater the class C low level waste, if
23 that's going to look at geologic disposal at a site
24 similar to Yucca Mountain or if Yucca Mountain is to
25 be the actual site, so we need to be a part of all
1 those different processes and things and the
2 information and not just receiving the information
3 after it becomes too late or becomes nonproductive in
4 providing our comments.]

16

10 RICHARD ARNOLD: I left off a couple of
11 things I just noticed in my notes. [First of all,
12 just formally and within the group there was a
13 discussion about requesting that the comment period
14 be extended beyond the 90 days due to some tribes and
15 groups receiving the document late.]

17

16 [Secondly, the reaffirmation that we
17 requested from DOE and the description to the Native
18 American Indian program.

19 And then lastly that we shared some comments
20 earlier with respect to the life of the Yucca
21 Mountain Project, because it was noted that the
22 consultation or the commitment to working with the
23 tribes would be throughout the proposed project as
24 identified in the EIS.

25 And it was mentioned by this group here that
1 the land before it was used by the Department of
2 Energy, during its use and after its use will always
3 be land that is Indian land that the Indian people
4 know about, use and are concerned about.

5 We want to make sure with that respect that
6 we're always included in the process, that no matter
7 whatever happens, even if it's after closure of the
8 facility, there will still be all the important
9 resources to the Indian people that will be there
10 that need to be evaluated and monitored by Indian
11 people. Those concerns are noted and also something
12 that has to be given serious consideration throughout

13 the life and beyond of the Yucca Mountain Project.]

14 Thank you.