

Consolidated Group of Tribes and Organizations

RRR000671

January 8, 2008

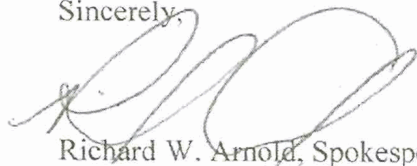
EIS Office
U.S. Department of Energy
Office of Civilian and Radioactive Waste Management
1551 Hillshire Drive
Las Vegas, NV 89134

To whom it may concern:

The Consolidated Group of Tribes and Organizations represents a membership of 16 Tribes and organizations that have cultural affiliation with the areas comprising the proposed Yucca Mountain Project. As such, the CGTO has agreed to submit additional comments pertaining to the *Draft Supplemental Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* and the *Draft Supplemental Environmental Impact Statement for the Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada – Nevada Rail Transportation Corridor and Draft Environmental Impact Statement for a Rail Alignment for the Construction and Operation of a Railroad in Nevada to a Geologic Repository at Yucca Mountain, Nye County, Nevada*.

In addition to the comments contained in the following attachment noted in Additional Findings to the YMP and Rail EIS' you will find twenty-two recommendations and preliminary comments that were made by the Consolidated Group of Tribes and Organizations at our meeting with the Department of Energy on November 27, 2007 in Pahrump, Nevada.

Sincerely,



Richard W. Arnold, Spokesperson
Consolidated Group of Tribes and Organizations

Department of Energy Meeting
With The
Consolidated Group of Tribes and Organizations
To Discuss And Comment On
The Yucca Mountain Project Repository
And
Rail Alignment Supplement Environmental Impact Statement

November 27, 2007

1. [The CGTO recommends that the DOE resume YMP/NAIP Meetings Annual meetings and abandon "Activity Driven Meetings" as has been occurring for the past several years.
2. The CGTO requesting another meeting be scheduled on January 8, 2008, at Timbisha Shoshone Tribe as an Affected Unit of Local Government. The CGTO will develop the agenda and invite guests/presenters as appropriate.
3. The CGTO recommends invitations be sent to Edward F. Sproat, III, Director, Office of Civilian and Radioactive Waste Management; Steve Freishman, from the State of Nevada; Matt Gaffney from Inyo, County and others to be decided
4. The CGTO should help create agendas and decide guest presenters to share information related to YMP.]
- 2 5. [The CGTO knows that the DOE did not consider the impacts for Indian lands including the flooding that occurred in Death Valley.]
- 3 6. [The CGTO opposes any increase of the designated amount of 77 metric tons to be stored at Yucca Mountain and the DOE needs to insure that amount will never increase.]
- 4 7. [The CGTO believes that "Heavy Haul Trucks" have not been evaluated for impacts if a change in decision is needed.]
- 5 8. [The CGTO knows that the EIS has omitted a section in the Nevada Revised Statutes Section omitted related to Indian burials]
- 6 9. [The CGTO knows that the Environmental Impact Statement has not reviewed and consequently does not consider any economic development plans for the Timbisha Shoshone Homelands including those near Scotty's Junction.]
- 7 10 [The CGTO knows that Southern Paiute Settlements are not included with areas along Caliente Corridor]

- 8 11. [The CGTO recommends that a listing of all reports associated with the YMP be provided along the corridor]
- 9 12. [The CGTO knows that Indian Health Services is not included in EIS]
- 10 13. [The CGTO knows that Nye County does not include Timbisha, Yomba and Duckwater reservations in their activities funded under the Nuclear Waste Policy Act.]
- 11 14. [The CGTO recommends that the DOE must include Indian involvement in All Class III archaeological studies]
- 12 15. [The CGTO has previously recommended an American Indian perceived risk study that was not considered and continues not to be addressed in the EIS.]
- 13 16. [The CGTO knows that S-85 Cultural Resource Sites does not consider the \ Massacre Site and is limits the evaluation to mining sites in the Hiko area.]
- 14 17. [The CGTO recommends that only archaeological sites and does not consider other cultural resource sites identified or known to Indian people.]
- 15 18. [The CGTO knows that S.3.4.14 Cultural Resources section does not mention or consider Southern Paiutes sites along the Caliente Rail Alignment, Mountain Meadow Massacre Site or Quinn Canyon Massacre sites.]
- 16 19. [The CGTO knows that there is distinct reference to Western Shoshone villages and surrounding use areas in the Oasis Valley, Goldfield area and Stone Cabin and Reveille Valleys. However, no Southern Paiute settlements are mentioned or identified along the Caliente Corridor]
- [20. [The CGTO knows that the EIS specifically concerns of Northern Paiutes with respect to the Mina Corridor but does not give equal consideration to the tribes that are members of the CGTO.]
21. The CGTO will provide additional information and recommendations upon further review and discussions with tribal governments.
22. The CGTO also acknowledges that other recommendations may be forthcoming to the Department of Energy as part to reaffirm government to government relations.

Additional Findings and Comments
From The
Consolidated Group of Tribes and Organizations
Relating To The YMP And Rail EIS

Volume 1 – Draft Environmental Impact Statement for Yucca Mountain
Purpose and Need for Agency Action

18 [Page 1-18 1.5.3 Tribal Interaction Meetings - Various typographical errors are noted throughout the document however one in particular is found in Volume I for Rail Alignment – Page 1-18 (3rd Paragraph) that misspells “Consolidate” which should be corrected to “Colsolidated”]

19 [Page 2-10 (2.2.5) Railroad Operations and Maintenance – states that for 50 years for the shipment of spent nuclear fuel, high level radioactive waste and “other materials.” It is unclear what is defined by “other materials”]

Affected Environment and Evaluation of Impacts – Mina Rail Corridor

20 [Page 3-18 indicates Oasis Valley Option 1 and 3 that includes Thirsty Canyon Wash. The Thirsty Canyon is known to have significant cultural resources relating to water resources and the home of “water babies” a supernatural being that are known by the CGTO and has been the subject of intense study through the Nellis Air Force Base American Indian Program. The Rail EIS does not consider these important attributes in its analysis.]

21 [Page 3-24 indicates that the Railroad Valley Springfish, a federally and state classified threatened species is of concern to the Western Shoshone people and has no mention or consideration is identified.]

22 [Page 3-33 (3.2.6.2.2. and 3.2.6.2.2.3 indicates anticipated radiation exposure to “noninvolved workers” and escorts that causes great concern to Indian people. A better explanation is needed to substantiate these claims.]

23 [Page 4-3 4.2 Mina Rail Corridor – The text states that this section summarizes the projects and activities in this Nevada Rail Corridor. However according to this text and throughout the Cumulative Impacts Section, there is no analysis or consideration of planned activities within the Timbisha Shoshone Homelands equal to what is stated and considered by the Walker River Paiute Tribe in the Mina Corridor analysis.]

Cumulative Impacts – Mina Corridor

24 [Page 4-12 4.2.1.2.8 Timbisha Shoshone Trust Land - The text states that “the locations and nature of these future development opportunities are not known and are not

considered to be reasonably foreseeable for purposes of this cumulative impact analysis.” It should be noted that no discussions or requests from the DOE has occurred for information from the Timbisha Shoshone relating to planned or future activities within the Timbisha Shoshone Homelands. Further there is no analysis or consideration of those activities equal to what is stated and considered of the Walker River Paiute Tribe in the Mina Corridor analysis.]

25 [Page 4-27 4.2.2.5 Cultural Resources – states that other federal agencies including the Nevada Test Site and the Nellis Air Force Base employ cultural resource specialist and involve tribal representatives, as appropriate. There is no provision, indication or intention that the YMP will replicate such a position with tribal involvement which is inconsistent with regulations promulgated under the provisions of government-to-government relations.]

Purpose and Need for Agency Action

[Page 1-6 1.3 Selection of the Caliente Rail Corridor for Further NEPA Evaluation – The text identifies American Indian tribal consultations in the analysis of the Nevada rail option however, it is misleading to state that tribal involvement would be included since only selected portions identified by DOE and not the tribes and for a minimal period of three days.

26 Page 1-17 1.6.3 Tribal Update Meetings – The description of the frequency of Tribal Update Meetings is inaccurate is as the DOE/YMP has previously confirmed that meetings would occur twice per year. These meetings are clearly different than the Special Scoping Meetings that have occurred on June 2-3, 2004 and November 29, 2006. According to CGTO records, the last Tribal Update Meeting occurred over 5 years that included site visit to archaeological sites within the Yucca Mountain Study area. The text should be modified to accurately reflect the difference between regularly scheduled Tribal Update Meetings and special scoping meetings.

Page 1-17 1.6.3 Tribal Update Meetings – states that the “DOE is committed to continuing the consultation process throughout the development of this Rail Alignment EIS and plans to continue consultation with American Indians to ensure that tribal concerns and perspectives are considered.” The CGTO questions the sincerity of this stated commitment since the DOE/YMP has failed to fulfill its previous commitments for Tribal Update Meetings including a recent statement by a DOE representative that indicated that tribal involvement would occur on an “activity driven” basis. Most recently, on December 6, 2007, the CGTO requested an additional special meeting with the DOE on January 8, 2008 at the Timbisha Shoshone Tribe for the purposes of providing additional comments relating to the YMP Supplement and Rail EIS. As of January 2, 2008 the DOE has again failed to respond or acknowledge this request. Accordingly, the text should be revised to accurately reflect DOE’s agreement for limited tribal involvement based on their recently stated position of “activity driven” meetings and involvement.]

27 Page 1-28 Table 1-3 NEPA Documentation Related to the Proposed Railroad – The text provides a summary of NEPA documents that were identified relating to the proposed railroad but fails to mention the Environmental Impact Statement relating to the Storage of Greater than Class C Low-level Radioactive Waste that evaluates geologic disposal similar to and possibly at Yucca Mountain. The text should be revised to include Greater than Class C Radioactive Waste.

Proposed Action and Alternatives

28 Page 2-11 Table 2-3 Caliente and Mina Implementing Alternatives – The text indicates that a total of 16-17 rail traffic shipments will occur per fday which the CGTO believes is excessive. Moreover there is no indication of the anticipated scheduling, i.e., am/pm so that tribes and communities along the proposed rail line can plan accordingly. The text should be expanded to provide additional information to add greater clarity.

29 Page 2-24 Figure 2-10 Common Segments, Alternatives Segments, and Related Sites within Caliente Map Area – the text indicates that five segments and related sites within Caliente Map Area 6. Although there is an indication of the Timbisha Shoshone Trust Land there is no consideration to aboriginal homelands of Western Shoshone, Southern Paiute and Owens Valley Paiutes and Shoshones.

30 Page 2-108 2.2.5 Railroad Abandonment – indicates provisions for the abandonment that could occur following the completion of shipments to the repository. The text states that the DOE would relinquish its regulatory right-of-way to BLM and consult with the same agency and other land-management entities, as appropriate. Currently there is no provision to consult with the CGTO or other Indian Tribes that may be inadvertently impacted by railroad abandonment.

Volume II - Affected Environment – Caliente Rail Alignment

31 Page 3-39 3.2.2.2.1 County Land-Use Plans – This section describes land-use plans of Lincoln, Nye and Esmeralda Counties but clearly absent is no mention of those tribal governments that are located within these counties. Further, there is no mention specifically relating to the Timbisha Tribe that recently received “Affected Status” under the provisions of the Nuclear Waste Policy Act and has lands located near the proposed rail corridor near Lida.

32 Page 3-51 3.2.12.1 – Environmental Justice – The text identifies demographics pertaining to Walker River Paiute Reservation but fails to identify similar statistics that relate to other tribal communities. Further, the American Indian Writers Subgroup identified Environmental Justice concerns in their reference document that have not been acknowledged nor included in the text. Further, the text should be revised to include this information along with the same acknowledgement issued by the Department of Energy – Nevada Test Site that indicates that “disproportionately high and adverse impacts from

DOE/NTS activities continue to affect American Indians noted by the CGTO and need to be addressed.” All text within the YMP and Rail EIS’ relating to Environmental Justice should adapt this DOE/NTS language to maintain consistency with other DOE documents since the CGTO has made the same recommendations to the YMP that is located near the Nevada Test Site.

33

Page 3-53 3.2.2.3 American Indian Land – The text acknowledges the previous request from the Timbisha Shoshone Tribe to move the rail alignment which is now be approximately 2 miles to the east of the Timbisha Shoshone Trust Land. Nevertheless, additional consideration including compensation should be provided due to this close proximity. Equally important is the intentional siting of the proposed rail line next to the tribal lands thereby causing a disproportionate impact to this tribal community.

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34

Page 3-230 Table 3-47 Nevada Game Species Present or Potentially Present – The text omits two species that are absent and known to exist in the proposed area. Indian people have observed kit fox and bobcats that have been inadvertently omitted. Other sources should be reviewed to determine a complete listing to alleviate other exclusions. The text should be revised to include the two species identified.

35

Page 3-240 3.2.7.3.2 Wildlife – The text identifies water sources that are limited to wildlife guzzlers. There is no mention to “pohs” natural water basins that are known to be in the same areas were maintained by Indian people. These features have been identified by the CGTO during previous ethnographic studies and reports. The text should be expanded to identify all water sources that are equivalent to man-made guzzlers.

36

Page 3-290 3.2.9.3.3 Housing – the text only relies on Bureau of Census statistics but does not identify any housing statistics for tribal housing authority’s as identified in separate tables within the U.S. Census.

37

Page 3-320 3.2.13.3.1 Prehistoric Period – The information provided in this section is inconsistent with previous literature and text written provided by DOE/YMP archaeologists. Moreover, the text clearly delineates the Prehistoric Period from the American Indian Historic Period which is inconsistent with information and text previously provided in YMP documents. The text should be revised to maintain consistency within DOE documents.

38

Page 3-326 3.2.13.4.3 Known American Indian Resources – The text fails to list and/or identify Prow Pass and Cot Cave that are known to exist within the Yucca Mountain Site boundary.

39

Page 3-331 3.2.13.5.3 Garden Valley Alternative Segments – Throughout this section there is mention or reference to the American Indian Resource Document and in some instances it is acknowledged that some areas or limited information was provided. The text should be further qualified by stating that the American Indian Writers Subgroup was only afforded 3 days to view pre-selected sites by the DOE and did not have an equal opportunity to examine and evaluate other portions of the rail corridor.

40 [Page 3-384 3.3.2.2.2 Local Land-Use Planning – The text in this section does not identify nor mention the Timbisha Shoshone, Duckwater Shoshone and Yomba Shoshone Tribes. The text should be modified to include the tribes identified.]

41 [Page 3-393 3.3.2.3.2 Timbisha Shoshone Trust Land - The text acknowledges the previous request from the Timbisha Shoshone Tribe to move the rail alignment which is now be approximately 2 miles to the east of the Timbisha Shoshone Trust Land. Nevertheless, additional consideration including compensation should be provided due to this close proximity.] Equally important is the intentional siting of the proposed rail line next to the tribal lands thereby causing a disproportionate impact to this tribal community.]

Environmental Impacts

43 [Page 4-350 4.2.13.1 Impact Assessment Methodology – identifies a Class III Inventory would recommend tribal involvement and the American Indian Writers Subgroup. This recommendation is good however there is no guarantee that this will occur based on previous commitments made by the DOE but not upheld. The text should be revised to address this concern.]

44 [Page 4-352 4.2.13.1 Impact Assessment Methodology – The text references the American Indian Writers Subgroup Resource Document but must recognize that this document was not intended to be all inclusive due to the limited time permitted by the DOE for only those sites that they pre-selected. During Class III Archaeological Evaluation a provision should be clearly stated that the American Indian Writers Subgroup will be afforded the opportunity to systematically evaluate the entire rail line in addition to on-site American Indian monitors during all phases of construction.]

45 [Page 4-353 – 4.2.13.2.1.1 Alternative Segments at the Interface with Union Pacific Mainline – The text describes of a previously recorded rockshelter and an unevaluated rockart panel and various lithic scatters. These areas have not been visited nor evaluated by the American Indian Writers Subgroup and provisions need to be stated in the text that provisions will be made and supported by the YMP for tribal representatives the opportunity to systematically evaluate these important areas prior to implantation of the construction phase.]

46 [Page 4-406 4.3.2.2.2.1 Walker River Paiute Reservation – Extensive text is developed describing various environmental impacts to the Walker River Paiute Reservation in comparison to the disproportionate and limited explanation provided in section 4.3.2.2.2.2 describing impacts to Timbisha Shoshone Trust Land.]

Cumulative Impacts

- 47 [Page 5-15 5.2.1.2.6 Timbisha Shoshone Trust Land – The text states that the locations and nature of future development opportunities are not known and are not considered to be reasonably foreseeable for purposes of this analysis. The DOE did not make an attempt to ascertain the future development plans of the Timbisha Shoshone to include in this analysis. Therefore it is inaccurate to make the conclusions identified and therefore the text should be revised to include a systematic analysis of the cumulative impacts from this project on Timbisha Shoshone Trust Land.]
- 48 [Page 5-38 5.2.2.9 Socioeconomics - The text indicates that “Growth in Nye County is also linked to existing and future Yucca Mountain Site operations.” According to information provided by the DOE and continuous budget reductions, YMP operations included funding for the American Indian Program have been scaled back significantly thereby raising question to the stated conclusion that Nye County growth is being linked to existing YMP Site operations. In addition, there is no similar text or stated analysis devoted to those reservations in Nye County.]
- 49 [Page 5-44 5.2.2.13 Cultural Resources - The text identifies other federal agencies that employ cultural resource specialists and involve tribal representatives as appropriate but fails to identify similar initiatives by the YMP. The text should be expanded to include similar efforts by the YMP. In addition, the absence of this text specifically related to the YMP further confirms the absence of consultation with tribes to maintain a government-to-government relations and include tribal interactions as stated throughout the Rail EIS.]
- 50 [Page 5-45 5.2.2.15 Environmental Justice – The table of contents contained in Volume I indicates that Environmental Justice can be found in section 5.2.12 which appears to conflict with the section contained on Page 5-45. The numbering should be corrected to coincide with the proper sections.]
- 51 [Page 5-55 5.3.1.2.8 Timbisha Shoshone Trust Land – The text in this section is clearly limited in comparison to the corresponding text describing the Walker River Paiute Tribe found on page 5-53. The text should be revised to create parity between these two areas. Further, the text states that the “Timbisha Shoshone is actively evaluating economic develop opportunities on the Scotty’s Junction parcel.” While the text acknowledges that the Timbisha Shoshone are “actively” evaluating economic development opportunities, there were no initiatives to correspond with the Timbisha Shoshone to ascertain their future plans that may be impacted by the YMP. Efforts should be made and text revised to include future plans in the YMP analysis.]
- 52 [Page 5-83 5.3.2.15.1 Environmental Justice – Potential Effects to Low-Income and Minority Populations – The text is expanded to include a provision for no identified effects to special pathways (such as subsistence hunting and gathering) in the Mina rail alignment region of influence only. The text does not give equal consideration in its explanation to the rest of the rail alignment. Further, the text should be revised to include this information along with the same acknowledgement issued by the Department of Energy – Nevada Test Site that indicates that “disproportionately high and adverse

impacts from DOE/NTS activities continue to affect American Indians noted by the CGTO and need to be addressed.” All text within the YMP and Rail EIS’ relating to Environmental Justice should adapt this DOE/NTS language to maintain consistency with other DOE documents since the CGTO has made the same recommendations to the YMP that is located near the Nevada Test Site.]

Statutory, Regulatory and Other Applicable Requirements

53 [Page 6-30 (Proposed) 6.3.6.4.1 - NRS 383.160 Protection of Indian Burials on Private and State Lands – The text identified the provisions promulgated under the Native American Graves Protection Act (NAGPRA) however, there is no mention of state Nevada Revised Statutes that should be identified as 6.3.6.4.1 NRS. 383.160 Protection O Indian Burial Sites on Private and State Lands. The text should be revised to include this statutory requirement.]

54 [Page 6-30 6.3.6.8 - Consultation and Coordination with Indian Tribal Governments - The text states that the DOE will continue “regular” consultation with the Consolidated Group of Tribes and Organizations. There is no definition of the term “regular” and based on past performance with the DOE the text needs to be clarified to add clarity and commitment.]

Unavoidable Adverse Impacts; Short-Term Uses and Long-Term Productivity; Irreversible and Irrecoverable Commitment of Resources

55 [Page 8-3 8.1.1.2 - Land Use and Ownership – The text indicates that DOE would need to gain access to some private lands. As such, in the event of inadvertent discovery of Indian burials, NRS 383.160 Protection of Indian Burials would come into play and should be identified accordingly in the text.]

56 [Page 8-10 8.1.1.13 – Cultural Resources - The text identifies Western Shoshone Villages however does not mention Southern Paiute Settlements along certain portions of the Caliente Rail Corridor. The text should be revised accordingly.]

Yucca Mountain Supplemental EIS – Summary

57 [Page S-17 – S.2.4 Transportation – The text indicates that barges will be used to ship spent nuclear fuel to the nearest rail line. The CGTO is concerned that no efforts have been made nor is it indicated that those tribes and tribal communities near nuclear power plants that require barge shipments have been notified and the DOE is working collaboratively on a government-to-government basis as required.]

58 [Page S-28 – S.3.1.5 – Cultural Resources, Cont’d – The text describes an overview of a Programmatic Agreement that includes the CGTO to manage cultural resources during

characterization of the Yucca Mountain Site. This matter was reviewed with the CGTO in November 2007 where it was stated by some tribes that the document had not been received and/or that another copy of the documents should be sent. Based on this information, the text should be modified to reflect that the DOE is required to maintain government-to-government relations with all tribes represented by the CGTO regardless if they choose to enter into a formal programmatic agreement.]

59 [Page S-28 - American Indian Viewpoint – The text indicates that it is DOE’s intention to maintain its commitment to the Native American Interaction Program throughout the implementation of the proposed action. While the text is clear, there is a question by the tribes about the sincerity of the stated intention and commitment of the DOE. Accordingly, the statement should be modified if the DOE does not intend to honor their commitment to working collaboratively with the Consolidated Group of Tribes and Organizations and resume meeting annually as they have previously agreed and not on an activity driven basis as they have recently stated to the CGTO in November 2007.]

Draft Environmental Impact Statement – Volume I Impact Analysis Proposed Action and No-Action Alternative

60 [Page 2-31 2.1.2.3.4 Low-Level Waste Facility – The text states that DOE would control and dispose of site generated low-level radioactive waste in a DOE Low-level waste disposal site. There is no mention to the Greater-than-Class C Low-level waste that is currently being evaluated by the DOE including deep geologic disposal similar and perhaps inclusive of Yucca Mountain.]

61 [Page 2-79 2.4.3 – Opposing View – The text provides a definition of opposing views and includes American Indian Tribes in the sources of information. It should be noted that not all comments received by Indian tribes including the CGTO were in opposition but requested clarification of information that was presented by the DOE. The text should be revised to delineate this fact so as not to mislead the readers and general public.]

Affected Environment

62 [Page 3-4 3.1.1.1 Regional Land Use and Ownership – The text states that there are approximately 5,000 square kilometers (2,000 square nukes) are Indian lands. The text does not provide a definition of Indian Lands and there is question about the accuracy of this statement. Additionally, there are some land holdings that were acquired under previous provisions including the Indian Allotment Act under Bureau of Land Management that do not fall within reservations boundaries. The statistics used should reflect accurate information and therefore further research is needed and revisions to the text as determined necessary.]

63 [Page 3-8 3.1.1.3 – Treaty Issues – The text attempts to limit American Indian Treaty Issues to the Yucca Mountain area only and does not attempt to address the same

information in the YMP Rail EIS. The CGTO does not agree with the statement and recommends that the text be revised to expand on the limitations imposed by the DOE to limit treaty issues only to Yucca Mountain and not to the proposed rail corridor as appropriate.]

64

[Page 3-59 3.1.6.2 American Indian Interests – 3.1.6.2.1 Yucca Mountain Project, Native American Interaction Program – The text states that the YMP/NAIP concentrates on the protection of cultural resources at Yucca Mountain and promotes a government-to-government relationship with tribes and organizations. The DOE has not upheld its previous commitments to meet regularly with the tribes and organizations, as previously agreed and has made to attempt to allow the culturally affiliated tribes and organizations the opportunity to monitor cultural resources as previously agreed. Therefore, the text should be revised to accurately reflect the inherent limitations and if it does in fact intend to allow the tribes and organizations the opportunity to visit and monitor cultural resources as the tribes have requested then the text should be modified to state that “while the DOE has not fulfilled its previous commitments to the CGTO, it now intends to resume tribal interactions as stated.”]

65

[Page 3-59 3.1.6.2.2 – American Indian Views of Affected Environment – The text has attempted to minimize the views and opinions expressed to the DOE as they relate to the YMP EIS. The text should include all information relating to Affected Environment that was submitted by the American Indian Writers Subgroup.]

66

[Page 3-68 3.1.7.5. Health Care – The text does not identify Indian Health Service facilities that are located within the Area of Potential Effect. The text should be expanded to include these facilities to allow for a proper analysis.]

67

[Page 3-68 3.1.7.5.3 – Law Enforcement – The text limits its analysis to the Las Vegas Metropolitan Police Department and Nye County Sheriff’s Department. There is no discussion about tribal police departments and those officers commissioned through the Bureau of Indian Affairs. The text should be expanded to include these entities including the number of employees and ratios, etc. so that a proper analysis can be made.]

68

[Page 3-69 3.1.7.5.4 – Fire Protection – The text only identifies the City’s of Las Vegas, North Las Vegas, Boulder City and the Clark and Nye County Fire Protection District Department. There is no mention of information from the National Park Service Fire Department in Death Valley or Volunteer Fire Departments that work in various tribal and/or smaller communities within the Area of Potential Effect. Therefore, the text should be expanded to include this information.]

69

[Page 3-87 3.1.13 Environmental Justice – The text indicates that an analysis of minority and poverty data was used and cites other information that was used in its analysis. There is no mention of the response provided by the Nevada Test Site which sits adjacent to Yucca Mountain. The text should be revised to include this information in addition to the acknowledgement by the Department of Energy–Nevada Test Site that indicates a “disproportionately high and adverse impacts from DOE/NTS activities continue to affect

American Indians noted by the CGTO that need to be addressed.” The text should adapt this language since the CGTO made the same recommendation to the YMP since the Yucca Mountain is adjacent to the Nevada Test Site.]

Environmental Impacts of Repository Construction, Operation, Monitoring and Closure

70 [Page 4-93 4.1.13.2.3 Cultural Resources – The text indicates that the DOE has implemented a worker education program on the protection of archaeological sites and artifacts and suggests limitations to direct and indirect impacts. The CGTO has previously requested to have tribal representatives attend their training to ensure accuracy of information. Moreover, the CGTO has recommended that tribal representatives be afforded the opportunity to provide educational training to workers associated with the Yucca Mountain Project. To date, the DOE has not afforded the CGTO the opportunity to become actively involved in worker education programs. Therefore, the text should be revised to provide an explanation for the oversight and/or an acknowledgment of the recommendation and desire to work collaboratively with the CGTO.]

71 [Page 4-122 4.3.2.5 Cultural Resources – The text indicates that the before beginning other land disturbances, the DOE would conduct preconstruction surveys to identify cultural sites in the affected areas. The CGTO has recommended that American Indian Monitors be included in these activities of which the DOE has agreed. There is no mention of the inclusion of American Indian Monitors and therefore the text should be revised to include this important component to accurately reflect the DOE’s commitment to collaborate with the Consolidated Group of Tribes and Organizations and maintain government-to-government relations.]

72 [Page 4-126 Table 4-39 Best Practices and Mitigation Measures – The text does not identify nor mention the Native American Graves Protection Act or NRS 363.160 Protection of Indian Burials on Private and State Lands. The text should be expanded to include these regulations and any others that have been inadvertently omitted.]

Environmental Impacts of Transportation

73 [Page 6-23 6.3.5 Environmental Justice – The text provides information used in its analysis with the conclusion that no disproportionately high and adverse impacts would be likely to minority and low-income populations from the national transportation of spent nuclear fuel and high-level radioactive waste to Yucca Mountain. The analysis does not consider previous analysis by the Nevada Test Site that concludes that a “disproportionately high and adverse impacts from DOE/NTS activities continue to affect American Indians noted by the CGTO that need to be addressed.” The text should adapt this language since the CGTO made the same recommendation to the YMP and that site is located near the Nevada Test Site.]

74

[Page 6-36 6.4.1.8 – Cultural Resources – The text limits in identification of Western Shoshone Villages but does not identify Southern Paiute Settlements within the Area of Potential Effect. The text should be expanded to include this recommendation to maintain parity among groups represented by the CGTO.]

75

[Page 6-37 6.4.1.9 American Indian Interests – The text indicates that identifies the Northern Paiute peoples as traditionally occupying lands north of Goldfield and Tonopah. This information is misleading in that Western Shoshone peoples also occupied lands north of Goldfield and Tonopah including two federally recognized tribes located in Yomba and Duckwater. Further, the text states that the Department would continue to consult with American Indian Tribes with regard to their interests and beliefs however, the DOE has not fulfilled its previous commitments to work collaborative and regular basis with the Consolidated Group of Tribes and Organizations. The text should be revised in clarify these recommendations and address the issues of non-compliance with previous commitments.]