

January 9, 2007

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Chairman

Margaret Armitage  
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Madeline Esteves  
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U.S. Department of Energy  
Office of Civilian Radioactive Waste Management  
1551 Hillshire Drive M/S 011  
Las Vegas, NV 89134

Re: Comments to Draft Supplemental Environmental Impact Statement for a Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County Nevada

To Whom It May Concern:

- 1 [The Timbisha Shoshone Tribe ("Tribe") hereby submits the following comments concerning the Draft Supplemental Environmental Impact Statement (EIS). Please note that as the Tribe was only recently granted affected status this past July 2007, we provide these comments in the absence of being able to fully analyze and address the issues addressed by the EIS documents. With the arrival of appropriate financial support we will provide supplemental comments to this and the rail alignment EIS as soon as practicable.]

Comments:

Procedural Comments:

- 2 [There were limited hearing opportunities outside Nevada, especially concerning the TAD canister proposal;

The comment period was inadequate relative to the size, scope and importance of the environmental documents prepared;

There is inadequate time for the Department of Energy to consider the multitude of comments and issue Final EIS's;]

Timbisha Shoshone Tribe

- 3 [There is the absence of a contingency plan for reliance on final EIS's in the event the TAD system or rail alignment proposals are rejected.]

### **MINA CORRIDOR, NEW CORRIDOR INFORMATION AND RAIL ALIGNMENT COMMENTS**

#### **Proposed Action:**

- 4 [The Timbisha Shoshone is opposed to any proposed action(s) by any government or non-government party that will alter, destroy, negatively impact and or reduce the Timbisha Shoshone's ability to celebrate and or reaffirm its cultural heritage and or the cultural heritage of other indigenous peoples. The Timbisha Shoshone believe that the Yucca Mountain rail alignment and transportation project, as currently contemplated, will negatively impact tribal culture, including its religious practices, health, and economy.]
- 5 [The Tribe believes that the United States government's acquisition and dispensation of information concerning the Yucca Mountain Project (YMP) has been woefully inadequate and does not satisfy the government's legal and regulatory obligation to obtain indigenous peoples perspectives concerning the YMP depository project and its potential impacts. The Tribe insists that the best and most meaningful means of communicating would be on a government-to-government basis.]
- 6 [The YMP rail corridor and alignment study area and nearby lands have significant cultural importance to the Tribe and to other indigenous peoples. To indigenous peoples, which include the Tribe and the tribal group of which it is a part, the Western Shoshone, these lands contain rich traditional religious, gathering and recreational areas that are life sustaining and lie at the core of indigenous life. In contrast, however, non-Indigenous peoples may view the proposed action lands as remote, low populated and barren, a lifeless place, where a highly controversial project such as Yucca Mountain should be located. These contrasting perspectives lie at the core of the present controversy of the appropriateness of the YMP depository location, proposed rail corridors and rail alignment transportation projects and are precisely why it is vitally important that before any proposed action move forward, that the indigenous people's perspectives concerning the YMP site be fully evaluated studied and documented.

As of the date of these comments, the studies that have been conducted fail to include the complete indigenous perspective and it is recommended that the DOE thoroughly assess and fully fund any and

all research documenting indigenous peoples perspectives and concerns with the YMP.

Additionally, further studies, including geological, hydrological, ethnological, archeological, and meteorological and volcano logical should be conducted focusing on the indigenous person's point of view, which would assist the DOE to better understand the complex cultural perspectives of indigenous peoples. Likewise, scientific experts who have gained the trust of or who are highly familiar with indigenous peoples cultural perspectives, specifically, the perspectives and traditions of area indigenous peoples, should be utilized, again, to better develop the indigenous perspective to the project and proposed land use.]

### **Scientific Modeling**

7 [In reading the rail corridor and rail alignment EIS it became immediately apparent that scientific modeling is at the core of a significant percentage of assumptions DOE makes concerning potential environmental impacts. However, these models fail to include a quantification of the "perceived risks" of indigenous peoples. While many of these models base assumptions on a "worst case scenario" they fail to include the perceived risks of indigenous peoples. Therefore, if modeling is to be used, perceived risks should be quantified as part of the risk analysis modeling process. Again, experts familiar with, and who have gained the trust of indigenous peoples should be included in the risk analysis modeling team.]

### **Land Use and Ownership**

8 [The main points of our opposition are based on: (1) title issues, failure to provide promised responses and failure to address cultural resource damages and (2) environmental sustainability and lack of US legal compliance. There is no valid extinguishment title to this area and we have not given approval of this activity. On March 10, 2006 in Geneva, Switzerland, an historic and strongly worded decision by the United Nations Committee for the Elimination of Racial Discrimination (CERD) and the United States was urged to "freeze", "desist" and "stop" actions being taken or threatened to be taken against the Western Shoshone Peoples of the Western Shoshone Nation, of which the Timbisha Shoshone are a part. In its decision, CERD stressed the "nature and urgency" of the Shoshone situation informing the US that it goes "well beyond" the normal reporting process and warrants immediate attention under the Committee's Early Warning and Urgent Action Procedure.

8 cont.

And finally, referencing once again the title issue which cannot be ignored; the 1863 Treaty of Ruby Valley recognizes and follows a clear chain of title, excepting Western Shoshone lands out of the State of Nevada and any claim of "federal" title.

The 1787 Northwest Ordinance (still in effect) states that: "The utmost good faith shall always be observed toward the Indians; their land and property shall never be taken from them without their consent."

The 1834 Trade and Intercourse Act (still in effect) restricts authority to make land transactions with Indian Nations. Section 11 prohibits any person from making a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe." Section 12 provided that "no purchase, grant lease, or other conveyance of lands, or of any title or claim thereto, from any Indian Nation or tribes of Indians, shall be of any validity in law or equity, unless the same is made by treaty or convention entered into pursuant to the Constitution."

The 1861 Nevada Territorial Act referred to in the 1787 Northwest Ordinance and stipulated that Indian lands "shall be excepted out of the boundaries, and constitute to part of the territory of Nevada."

Article 6 of the US Constitution confirms the authority of the Ruby Valley Treaty upon all entities of the United States: "This Constitution, and the Law of the United States which shall be made in pursuance thereof; and all shall be the supreme Law of the Land; and the Judges in every state shall be bound thereby, anything in the Constitution or Laws of any state to the contrary notwithstanding." Clearly the Treaty of Ruby Valley is such a document and appropriates Western Shoshone land.

Therefore, any considerations concerning YMP land use and ownership concerns must include a full assessment and consideration of indigenous peoples and communities views of the potential environmental impacts arising due to the proposed YMP activities.

9

Additionally, the EIS is absent the following information:

Mina Corridor

Information concerning the calculation of compensation for private property owners who's property rights are disrupted due to construction of the Mina Rail. Will property owners be compensated? If so, how would compensation be determined?

- 10 • [The EIS does not discuss how the DOE would respond to land ownership issues if the project footprint exceeds expected uses of negotiated rights of ways.]

#### Rail Alignment

- 11 • [Information concerning any environmental impact created by the creation of new ballast quarries in supporting either rail line alternative.]
- 12 • [Information concerning the potential, in creating new ballast quarries, of releasing harmful natural carcinogens or reintroducing existing nuclear fall out from previous nuclear tests into the atmosphere.]
- 13 • [Information concerning any environmental impact created by the construction of bridges, culverts and at grade and grade-separated road crossings.]
- 14 • [Information concerning safety measures, such as fencing for persons and livestock located around bridges, culverts and grade separated road crossings.]
- 15 • [Information supporting the use of passive warning devices at unpaved roads and private crossings.]
- 16 • [Information concerning any environmental impact associated with the construction of the alignment access road.]
- 17 • [Information concerning potential or anticipated environmental impacts to the Timbisha Shoshone lands that are nearest common segment 5 of the Caliente or Mina proposed rail corridor, closest to Scotty's Junction.]

#### 18 [Support Facility Design

##### Mina Corridor and Rail Alignment

The EIS is incomplete as it was presented with incomplete rail corridor support facility designs in addition to incomplete construction and operations plans. Additionally, facility design and construction plans are not complete without the input of Native American persons or designers familiar with Native American construction or design concerns.]

#### 19 [Aesthetics

The EIS concludes that the environmental impacts upon study area aesthetic resources would be small. Indigenous persons believe it is important that their view of the Mina Rail and Rail Alignment project study areas be unobstructed without the distraction of buildings, roads and other impediments to the spiritual interaction between the people

and their lands. Therefore, any and all proposed modifications to the rail corridor areas should include indigenous persons and or representatives, to assist with the design and construction of rail corridor support facilities. Such input and representation will provide an opportunity for indigenous persons to voice their concerns and design rail support facilities that are the least intrusive to the surrounding landscape. The EIS fails to address the following concern: 20

#### Rail Alignment

- What measures DOE doing to resolve the apparent inconsistency between BLM-visual resource management objectives during the rail construction and operations phases? ]

#### 21 [Air Quality and Climate

Although the EIS states that due to the rural nature of the Mina Corridor impacts to air quality will be unclassifiable for air pollutant Ambient Air Quality Standards, any release of additional air pollutants within tribal aboriginal or traditional cultural, religious or gathering areas are of great concern to the Tribe. The EIS should include information concerning what affect, if any, the release of non-radiological air pollutants will have within both rail corridor study areas, specifically within any traditional Native American religious, cultural and gathering areas. Studies should include what affects non-radiological air pollutants may have on sensitive groups, such as tribal elders and children. Additionally, the Rail EIS does not address the following concerns: ] ; . .

#### 22 [Mina Corridor

- The dust suppression measures presently being considered and will these measures create air quality impacts when placed in use ]

- #### 23 [
- Whether equipment emissions will be measured and equipment emissions potential impact on air quality. Will DOE create appropriate models to determine the potential air quality impact due to equipment emissions ]

#### 24 [Rail Alignment

- The accuracy of the air quality simulations that the DOE conducted to determine county-level increases in air pollutant emissions ]

- 25 • [Information concerning whether the construction of either rail line result in an obstruction to the implementation of a state or regional air quality plan]
- 26 • [Information concerning the AERMOD dispersion modeling system version 07026, the modeling unit used to perform air quality simulations for both rail lines, the most technologically advanced dispersion model]
- 27 • [Whether AERMOD models were used for modeling all quarry sites along both proposed rail lines]
- 28 • [What mitigation measures will DOE take to mitigate air pollutant concentrations that exceed the NAAQS during the construction and operations phases]
- 29 • [Whether the AERMOD system was used to model the Shared Use Option for both the proposed Caliente and Mina routes]

### 30 [Groundwater Resources

The EIS anticipates potential impacts to surface and groundwater to be small. However, the EIS does not discuss potential impacts, if any, to the Ash Meadows alluvial aquifer that is nearest tribal trust lands within the Death Valley National Park. Any information concerning potential contamination is of intrinsic concern to the Tribe because it maintains a 300 plus acre trust land area near the Ash Meadows aquifer which is within the Tribe's homeland situated in the heart of the Death Valley National Monument. The Tribe is concerned about any radiological or hazardous material contamination of available drinking waters to aquifers near the Tribe's trust lands. Moreover, the Tribe is specifically concerned about any migration of polluted waters to the Tribe's Death Valley trust lands, where a significant population of its membership resides, and to non-trust areas, where high percentages of tribal members reside. Therefore, the EIS is incomplete absent additional studies concerning impacts to both surface and ground waters, and potential contaminated water migration upon the Ash Meadows alluvia aquifers. [Additionally, the EIS is absent information concerning the following:] ...

#### [Mina Corridor

- 31 • Information concerning potential water shortages and how water shortage measurements will be implemented

- Data used to quantify how it concluded surface water impacts will be small. In the event that use of ground water during construction results in a short term decrease in ground water availability what regional alternatives are presently being contemplated?

### 32 [Rail Alignment

- Information concerning whether anticipated changes in sedimentation rates and drainage patterns will adversely impact local plants, fish or wild life?

33

- [Disclosure of the engineering design standards that will be used to minimize impacted water features]

34

- [Information concerning the amount of wetland fill anticipated and the modifications anticipated to reduce the need for wetland fill. The EIS is also absent information to determine impacts due to raising or decreasing water levels in the wetland areas.]

### 35 [Biological Resources

Although the SEIS states that environmental impacts to biological resources will be *small*, the document again fails to quantify the impacts to plants, game and fish ecosystems traditionally used by indigenous peoples. Indigenous people have a unique means of viewing the land and the biological resources it provides. This view includes the concept that indigenous peoples are "one" with the land and manage its resources with future generations in mind. Therefore, any SEIS absent an assessment of traditional cultural ecosystem considerations is insufficient to base further action. Therefore, it is recommended that future environmental documents include an assessment of Indigenous peoples ecosystem perspectives and concerns. This again, is especially important as the SEIS concedes that some impacts may occur to indigenous resources such as Bighorn sheep, Prong Horn Sheep, deer and possible fish. Moreover, clearly defining an indigenous ecosystem is critical to implementing an appropriate ecosystem management program. The EIS is also absent any discussion of the following concerns:

### 36 [Mina Corridor and Rail Alignment

- Does DOE plan any additional studies to determine whether any existing plant life is BLM-Designated Sensitive?



37 • [Information with reasonable certainty, quantifying the number of desert tortoises that may be impacted by rail construction. Likewise, the EIS is absent any information concerning identification and relocation and/or mitigation of tortoise loss.]

38 • [Information concerning the proposed rail lines impact on the spawning activities of the Lahaton Cut throat trout or depredation of game species such as Bighorn Sheep, Prong Horn Sheep, deer, mountain lions and herd management areas for wild horses and burros.]

39 • [Information quantifying the impact of rail line soil erosion on plant, fish or mammal life.]

#### 40 [Socioeconomics

The EIS evaluates social and economic activities within the study area and makes a general statement concerning potential socioeconomic impacts that *the percentage of value of changes would be low*. However, the report is absent information concerning socioeconomic impacts to the indigenous economy within the study area. Additional data is required to provide a complete perspective of socioeconomic impacts to indigenous peoples. Within the YMP area there are several Indian reservations, tribal enterprises, tribally controlled schools, tribal police departments and tribal emergency response units, many of which are federally funded. The EIS does not presently quantify the potential impact to these federally funded programs, i.e. whether, school or public safety or business employment would be adversely impacted. Additionally, several tribes have shown interest in developing potential economic vehicles both within and near the study area. A full evaluation of all potential impacts to these indigenous services and businesses should be conducted. Studies should include, but should not be limited to:

- YMP affect on tribal members leaving the study and near by areas
- Potential impact on tribal salaries and employment
- Potential impact on Housing and Urban Development grants and funds
- Potential impact on federal Indian education monies
- Potential impact upon Indian police, fire and emergency response grant funding
- Potential impact on the loss of tribal culture and community as a result of the above potential socioeconomic impacts

A complete socioeconomic assessment would include specific data concerning the potential impacts upon "affected status" designated indigenous communities such as the Timbisha Shoshone. Such an assessment would include specific studies detailing any and all socioeconomic impacts upon the tribe, its trust areas within and without the YMP area and in areas where high concentrations of tribal members reside. ] [The EIS is absent any discussion of the following concerns:

41

#### Mina Corridor and Rail Alignment

- The data or models used to determine that surrounding community impacts will be short term and small.
- Data concerning how it determined that only forty-two workers would be required to operate the rail line safely.
- Whether the construction phase would result in an impact upon surrounding communities by negatively affecting the existing employee workforce of surrounding communities, specifically Native American communities ]

#### [ Occupational Health and Safety Impacts

42

##### Radiation Exposure

Although the EIS assumes that the exposure to radiation by both non-workers and workers will be low, the SEIS is absent any information concerning indigenous peoples perspectives concerning their view of radiation in general and or what irradiation (exposure) to plants, game and minerals exposure means to them. For example, many indigenous cultures believe the concept of irradiation includes the release of "angry powers" that can only be satisfied by a return of the power to its original release point. Additionally, indigenous cultures also believe that they can neither eat game, plants nor use minerals in areas exposed to these powers, therefore making it impossible to perform religious, cultural or gathering activities in the areas of exposure. Additional studies concerning indigenous people's perceptions concerning radiation are required to be conducted to acquire the complete perspective concerning occupational health and safety impacts. ]

43

#### [ Utilities, Energy and Materials

The SEIS indicates that quantities of utilities, energy and materials used in support of depository construction activities will be *small* in comparison to regional supply capacity. The SEIS should include information concerning any potential impact to Native American use of

utilities, energy and materials, i.e. whether prices or the availability of utilities, energy and materials will be impacted on or near reservation lands.] The EIS is also absent any information concerning the following:

44

#### Mina Corridor and Rail Alignment

- Data quantifying whether the use of utilities, energy and materials will have an impact on utility, energy and material prices in surrounding communities, specifically Native American, communities and businesses.]
- 45 • [Information concerning the transportation and storage of gasoline, diesel fuel and other hazardous materials and information concerning spillage probabilities due to accidents or sabotage.]

#### 46 [Waste Management

The EIS concludes that any hazardous materials and or wastes will be appropriately disposed of in regional and statewide landfills, with little or no impact to existing regional or state waste disposal requirements. However, the EIS is absent information concerning the indigenous cultural perspective concerning how best to appropriately dispose of hazardous materials and waste. Additional studies, with the assistance of indigenous persons, should be conducted and included within subsequent environmental documents concerning the appropriate means of disposing of hazardous materials and waste. In short, indigenous persons should be included in any assessment and siting of waste disposal in general and the siting of new waste disposal facilities specifically.] The EIS is also absent any discussion of the following:]...

#### 47 [Mina Corridor and Rail Alignment

- Information concerning the possibility of a hazardous waste spill situation during the construction phase and appropriate emergency responses and emergency response planning]
- 48 • [Information concerning the projects waste impact on area landfills and or tribally owned or operated landfills]
- 49 • [Information concerning how hazardous waste would be moved from the construction site to its final destination, i.e. safety issues]

#### 50 [Cultural Resources

## Mina Corridor and Rail Alignment

The EIS connotes impacts to cultural resources to be in the area of small to moderate and that the DOE would use best practices to mitigate potential cultural resource impacts. The proposed action and alternative of no-action lack the appropriate studies and or reports analyzing the complete impact upon cultural resources, sacred sites, game and gathering areas within and near the rail corridors. Therefore, at this time, in the absence of an appropriate assessment, the Tribe cannot support either rail corridor or alignment proposal. Additional studies should include an appropriate assessment, documentation and inventory of cultural sites and the cultural dynamic involved.]

51 [Additionally, it is recommended that a document, something akin to a cultural resource management plan, be developed to specifically address and monitor the assessment of YMP upon indigenous cultural resources. Such assessments should, again, includes indigenous representatives, and if possible, indigenous experts or experts familiar with and respected by indigenous communities and their cultural resources. The above approach would greatly assist in the identification, evaluation and monitoring of cultural resources and assist in promoting government-to-government relations.

With these assessments completed, and in the event either the Caliente or Mina rail corridor alternative is approved, the Tribe could recommend that specific cultural and or ceremonial areas be set aside as American Indian Cultural Resource Areas (AICRA).]

## 52 [Environmental Justice

The EIS makes a general statement that the *largest concentration of low-income and minority populations within the Mina Corridor is within the Walker River Paiute Reservation*. However, this statement fails to fully quantify the impacts to minority and low-income persons as compared to those of the non-minority or low income community in general. Further evaluation is needed because quite often, persons at the lower end of the financial spectrum, when impacted, face impacts that are many times more severe than those faced by non-minorities or low income persons, this is unfortunately true with indigenous communities in general and indigenous peoples specifically. Therefore, additional studies should be preformed to identify and address any disproportionately high and adverse effects of the proposed action on indigenous federal programs, policies and economies.]

53

**A. [ Emergency Response**

An appropriate environmental justice analysis should also include a complete evaluation of indigenous peoples ability to respond to a radiological emergency. This is especially significant because many of the indigenous peoples that may be potentially impacted by the YMP have either limited resources or lack resources entirely to adequately respond to an emergency. Upon quantifying the communities' ability to appropriately respond and any response training or equipment needs, the DOE should adequately fund identified needs.]

54

**[ RESPONSE TO NO-ACTION ALTERNATIVE**

Presently, the Tribe cannot support the EIS's No-action alternative. Even without action, possible threats exist to indigenous peoples cultural resources, sacred sites and game and plant gathering areas may be realized. Moreover, many indigenous communities believe that lands presently under the jurisdiction of various federal agencies do not provide the level of preservation and protection that the YMP land use area may provide. The Tribe suggests that DOE continue to due its best to protect cultural resources, sacred sites, game and plant gathering areas in cooperation with various indigenous groups and organizations, including the Western Shoshone Nation and the Consolidated Groups of Tribes and Organizations.]

**Additional Comments Specific to the Rail Alignment EIS**

55

**[ RAILROAD OPERATIONS AND MAINTENANCE**

The EIS is absent information concerning the safety records for both repository cask transportation schemes (Naval and Federal Railroad Administration).]

56

**[ SHARED USE OPTION**

The EIS is absent information concerning the additional potential effect on the environment, specifically, air quality that may result from the proposed shared use option. The EIS is also absent information concerning the potential safety concerns that may result by the implementation of the shared use option.]

57

**[ RAILROAD ABANDONMENT**

The EIS is absent information concerning any potential environmental impact resulting from the abandonment, decommissioning and or dismantling of rail facilities, and reclaiming of lands.]

58 [ **TRIBAL UPDATE MEETINGS**

The DOE should consider more frequent and interactive meetings with Tribal representatives from the Consolidated Group of Tribes and Organizations, in addition to separate meetings with tribes awarded affected status.]

**ENVIRONMENTAL IMPACTS**

59 [ **Physical Setting**

A Supplemental or Final EIS studies should include potential impacts for the reduced availability of Perlite and or limestone and its economic cost to surrounding communities. Future studies should include the total percentage of anticipated limited mining boundaries.

A Supplemental or Final EIS should include an analysis of the potential effects of anticipated leaks and spills that may contaminate soils during railroad operations.]

60 [ **DOE PREFERRED ALTERNATIVE**

Presently, the Tribe cannot support the EIS's Preferred Alternative. As presented the preferred alternative includes possible threats to Native American cultural resources, sacred sites and game and plant gathering areas may be realized. Moreover, the Tribe, as does many indigenous communities, believes that lands presently under the jurisdiction of various federal agencies do not provide the level of preservation and protection that the Mina and Rail Alignment land use areas may provide. The Tribe suggests that DOE continue to do its best to protect cultural resources, sacred sites, game and plant gathering areas in cooperation with various indigenous groups and organizations, including the Western Shoshone Nation and the Consolidated Groups of Tribes and Organizations.]

**Additional Tribal Concerns:**

61 [The Yucca repository project is viewed as a violation of Western Shoshone territorial sovereignty from trespass by the DOE in development of the Yucca Mountain site.]

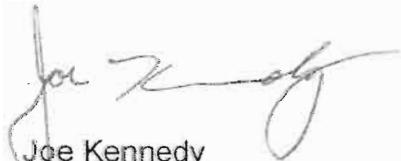
62 [The Yucca Mountain Repository Project takes land and cultural resources out of the use of Western Shoshone people, of whom the Timbisha Shoshone are members.]

- 63 [Make fully available the American Indian Writers Subgroup (AIWS) article *American Indian Perspectives on Proposed Rail Alignment*]
- 64 [The project impacts Indian peoples by diminishing the capacity for self-government from the deployment of limited human and technical resources from normal day-to-day affairs to unfounded monitoring and response to DOE characterization and licensing activity;]
- 65 [Potential reduction in Western Shoshone peoples use of land, plant and animal]
- 66 [The potential disturbance and possible destruction of Western Shoshone cultural resources;]
- 67 [Potential Impacts to lands and economic development outside the 50 mile radiological region, specifically to tourism in the Death Valley National Park area, which may impact the Timbisha Shoshone Tribe's ability to sustain economic development;]
- 68 [Potential impacts to the self-governance of the Timbisha Shoshone Tribe;
- 69 [Potential impacts to the Government-to-Government relationship between the Tribe and federal government;]
- 70 [Potential impacts to lands held in trust for the tribe near the proposed rail line;]
- 71 [Potential contamination of water resources from potential radiological release;]
- 72 [Potential impacts to infrastructure such as roads and power lines and to emergency response in case of an accident on the trust lands or within the tribal emergency response area;
- Potential impacts to land use outside the 50 mile radiological region, due to the possibility of a transportation accident or accident at the Yucca Mountain site;]
- 73 [Potential impacts to tribal fiscal resources for having to review and respond to DOE documents;]
- 74 [Potential impacts to sustainable tribal economic development due to the stigma of nuclear transportation near reservation lands;]

- 75 [Potential impacts to services such as law enforcement and the lack of emergency training or preparedness/response equipment;]
- 76 [Potential impacts to the Tribe's cultural relationship to lands that may be removed from tribal use and access due to the rail transportation route(s) and construction activities;]
- 77 [Potential damage to animal habitat from Yucca Repository project and rail construction activities;]
- 78 [Potential damage to the health and safety of tribal members from possible exposure to radiation due to a depository or rail accident or terrorist attack;]
- 79 [Potential contamination of traditional food sources such as wood, grasses, pinion nuts, animal protein;]
- 80 [Potential loss of tribal budget funding due to tribal member migration away from proposed rail transportation routes.]

If you have any questions concerning the above, please contact me at (760) 873-9003.

Sincerely,



Joe Kennedy  
Chairman, Timbisha Shoshone