

**The Consolidated Group of Tribes and Organizations
Comments to the Supplemental Yucca Mountain Rail Corridor
and Rail Alignment & Supplemental Yucca Mountain
Repository Environmental Impact Statement**

DECEMBER 19, 2006

On November 29, 2006, a meeting was held with the Consolidated Group of Tribes and Organizations (CGTO) for the purposes of eliciting comments relating to the Supplemental Yucca Mountain Rail Corridor and Rail Alignment EIS and the Supplemental Yucca Mountain Repository EIS. The following are the recommendations that were provided due to the need for additional information and time to develop comments. As discussed, formal comments will be provided during the week of December 18, 2006. The following is a summary of those comments.

Position Statement

The Consolidated Group of Tribes and Organizations opposes the transportation and storage of High Level Nuclear Waste at Yucca Mountain and any ground disturbing activities both on and off-site that are associated with this project.

Recommendations

1. The CGTO needs additional time to provide comments and will be submitting formal comments after a draft is developed and disseminated to its members for proper review and comment. The CGTO will provide a copy of its draft comments to DOE to expedite the mailing process.
2. The CGTO recommends that a letter of request under the provisions of the Freedom of Information Act that the DOE provide copies of all correspondence between the department and with the Walker River Paiute Tribe pertaining to their Cooperating Agency Status, their award of funding with any and all stipulations relating to the expenditures of Cooperating Agency funding with accompanying deliverables, and their associated timelines to aid in the CGTO's deliberations.
3. The DOE provide detailed information, instruction, and direction for any tribal group interested in becoming a Cooperating Agency along the proposed rail corridor who are interested in being designated a Cooperating Agency to obtain related funding to properly evaluate the direct impacts associated with the proposed rail corridor such as what is being used by the Walker River Paiute Tribe.

**CGTO Comments Relating
to the
Supplemental Yucca Mountain
Rail Corridor and Rail Alignment
December 19, 2006**

1. The CGTO recommends that the DOE provide logistical and financial support for the AIWS to evaluate the MINA Option and to write a reference document to be included in its analysis of the Supplemental Yucca Mountain Rail Corridor and Rail Alignment as soon as possible.
2. The CGTO recommends that the DOE provide logistical and financial support for the AIWS to examine the Mina Transportation Corridor and other areas not previously visited on the other rail corridor for the purpose of developing a resource document for the Supplemental Yucca Mountain Rail Corridor and rail Alignment Environmental Impact Statement.
3. The CGTO believes that it is important to evaluate the number of fatalities and health risks derived from the handling of high level nuclear waste within the past 10 years and how many are estimated on an annual basis.
4. The CGTO believes that a “Perceived Risk Assessment” should be conducted to evaluate the cultural concerns along the proposed rail corridor.
5. The CGTO is aware that the Walker River Paiute Tribe has been designated as a “cooperating agency” and received funding to support studies to evaluate the proposed corridor. The CGTO recommends that the DOE grant similar status with funding to those tribes along the proposed corridor.
6. The CGTO requests that the DOE provide a copy of their correspondence sent to the Walker River Tribe confirming Cooperating Agency status, funding amounts and the stipulations for the expenditure of those funds.
7. The CGTO requests a listing of all tribes identified by DOE that are situated along proposed transportation corridors including State recognized tribes.
8. The CGTO recommends that the DOE evaluate how to include Northern Paiutes and Western Shoshone tribes that may be impacted by transportation issues related to the project with other tribal groups who have cultural and historic ties to Yucca Mountain.

9. The CGTO recommends that the DOE conduct an evaluation and fund ethnographic studies on the impacts and perceived risks including but not limited to the following cultural sites:
 - a. Ghost Dance Site(s) – TCPs
 - b. Wovoka Burial Site
 - c. Pinenut Festival
 - d. Proximity to Fallon Paiute/Shoshone Reservation
 - e. Proximity to Spirit Cave
 - f. Stillwater Burial Sites or,
 - g. Other areas identified by tribal communities with cultural ties to the rail corridors.
10. The CGTO recommends that the DOE consider those individuals with land holdings including leased and allotted lands on the Walker River Piute Reservation as identified by their tribal government
11. The CGTO recommends that the DOE enter discussions with other tribes within Nevada that may have cultural ties to the proposed transportation corridor including the Temoak Shoshone Tribe, Yerington Paiute Tribe, Walker River Paiute Tribe, Fallon Paiute and Shoshone Tribe, Wells Shoshone Tribe, Temoak Shoshone Tribe, Timbisha Shoshone Tribe, Paiute Indian Tribe of Utah, Moapa Paiute Tribe, Las Vegas Paiute Tribe and others tribal groups as determined appropriate.
12. The CGTO recommend that systematic ethnographic studies be conducted for areas previously not studied including the Mina Option.
13. The CGTO recommends that the DOE evaluate Environmental Justice issues and Rights Violations for those reservations impacted by YMP activities including but not limited to shipments and transportation activities that may impact the following tribal communities: Walker River Paiute Tribe, Fallon Paiute and Shoshone Tribe, Yerington Paiute Tribe, Wells Shoshone Tribe, Temoak Shoshone Tribe, Timbisha Shoshone Tribe.
14. The CGTO understands that additional archaeology studies are needed to properly evaluate archaeological resources that may be impacted by the project. However, the CGTO recommends that the same philosophy should apply for ethnographic studies that have not taken place for the same areas to ensure a proper assessment.
15. The CGTO questions why project archaeologists rely solely on the “Red Book” which includes dated material and was not intended to be a comprehensive study but a summary of some activities.

16. The CGTO recommends that American Indian Monitors accompany archaeologist during all evaluations related to transportation corridors. The CGTO recommends that the DOE provide comparable compensation provided by other federal agencies at \$25 per hour with a minimum of 8 hour day. Should the work week exceed 40 hours The DOE shall provide compensation calculated at 1 1/2 the rate of pay for those hours in excess of 40.
17. The CGTO requests that the DOE provide a copy of the Cultural Resource Management Plan being used by the YMP. The CGTO is aware that the information contained therein is dated and requires updating by the American Indian Writer's Subgroup as soon as possible before it can be formally accepted and applied to the YMP.
18. The CGTO recommends that the DOE evaluate all treaties, Congressional Acts and relevant executive orders that pertain to tribal, trust land status and to other related jurisdictional issues that may apply.

**CGTO Comments Relating
to the
Supplemental Yucca Mountain Repository
Environmental Impact Statement
December 19, 2006**

1. The CGTO approves the recommendations made by the American Indian Writer's Subgroup on April 5, 2006 and requests that DOE provide its responses for review and to assist in the deliberations of the CGTO.
2. The CGTO is concerned with the significant changes to the repository design, support facilities and Transport Aging Disposal Canisters (TADs) proposed by the DOE and believes that it will have adverse impacts on tribal communities and therefore recommends that the additional information be provided to the CGTO before any formal recommendations
3. The CGTO believes that it is important to evaluate the number of fatalities and health risks derived from the handling of high level nuclear waste within the past 10 years and how many are estimated on an annual basis.
4. The CGTO recommends that the DOE provide logistical and financial support for the AIWS to review the proposed changes to be discussed in the Supplemental Yucca Mountain Repository Environmental Assessment for the purpose of developing a supplemental resource document to examine the impacts to American Indian communities for inclusion into this EIS.
5. The CGTO questions why project archaeologists rely solely on the "Red Book" which includes dated material and was not intended to be a comprehensive study but a summary of some activities
6. The CGTO requests a copy of the current approved Cultural Resource Management Plan that is currently being used by the YMP and when the new edition will be made available for review and acceptance by the CGTO.
7. The CGTO recommends that the DOE provide logistical and financial support for the AIWS to evaluate the MINA Option and to write a reference document to be included in its analysis of the Supplemental Yucca Mountain Repository Environmental Impact Statement.
8. The CGTO believes that it is important to hold independent meetings with tribal representatives impacted by YMP activities.