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3 MR. LENT: Ervin Lent, Inyo County Supervisor and
4 Native American concerned with Native American issues.

5 I don't speak here tonight as a supervisor,
6 although it would be very difficult to extricate myself
7 from that role, but yet I have the majority of Native
8 American constituents in my district as well.

9 I wholeheartedly agree with Ms. Esteves'
10 comments as it relates to tribal concerns, and I'll give
11 you some more information here to back some of that up.

12 During the month of October, I had attended
13 an Advisory Council on Nuclear Waste meeting in Las Vegas,
14 Nevada, and had the opportunity to establish dialogue and
15 coordinate with Mr. Robert Holden, the National Congress of
16 American Indians Nuclear Waste coordinator.

17 Mr. Holden and I spoke with the manager of
18 the former WIPP site and formulated -- whose name is Mr.
19 George Dials, who is presently with TRW, who works in
20 management operations -- or the director of management
21 operations for Yucca Mountain. We formulated the following
22 needs relative to effective units of tribal government.

23 Now, if you remember earlier I had asked
24 about five questions as they relate to DOE's contact,
25 determination, assessment, the number of affected tribal

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1 governments, the level and number of those contacts, the
2 number of tribal governments approving or disapproving, and
3 a couple more that I didn't bring up here with me. And I
4 also will be sending that information to the DOE at a later
5 time to go with what I'm saying here tonight.

1...

6 The transportation of high-level nuclear
7 waste and its effects on tribal government's economy,
8 health, safety, and welfare is a matter of great and
9 ever-increasing concern. To address these concerns, tribal
10 governments must be recognized and treated as effective
11 units of government, perhaps separate from state and county
12 governmental bodies. Such a designation would recognize
13 the sovereign right to self government and the
14 government-to-government relationship between the tribes
15 and our federal government.

16 Tribal governments would require with that
17 recognition, federal support from the Department of Energy
18 in the form of funding, which would enable them to
19 participate in a meaningful way, rather than as a lesser
20 entity represented by some other authority such as a state
21 or county government. Such a voice may be deemed more
22 legitimate by Federal Nuclear Waste Councils and
23 Departments. This would certainly enhance tribal impact
24 relative to concerns on Advisory Councils for Nuclear
25 Wastes and Department of Energy meetings for the Yucca

1 cont. 1 Mountain repository.

2 I don't believe at the present time that
3 such a voice exists, or if it exists, is taken seriously.
4 If the Department of Energy and the Advisory Council on
5 Nuclear Waste hears the tribal government voice, is it
6 recognized as being legitimate, and in truth is it acted
7 upon? This determination on my part comes from over 200
8 years of broken treaties, 200 years of a lack of
9 recognition, and over 200 years of a lack of representation
10 on all levels of the government.

11 I've determined that ethnocentric attitudes
12 are alive and well on these councils and departments. A
13 voice may be heard, but in reality nothing is done to
14 address tribal government concerns.

1 cont. 15 Recognition must be given to each tribe
16 within Inyo County, thereby reflecting the individual
17 nature and right to self-government of each tribe. That
18 determination also reflects to all effective units of
19 tribal government along transportation routes, regardless
20 of what state they may be in.

21 Memorandums of understanding need to be
22 established which are effective and workable, creating good
23 relationships between the tribes and federal government and
24 must be adopted and implemented at the earliest stages
25 possible. These MOUs should have been in place or thought

1 cont. 1 about, constructed, years ago. The refusal by the
2 Department of Energy to establish MOUs addressing affected
3 tribes' concerns and resulting public endangerment was
4 demonstrated along the nuclear waste transportation routes
5 to the New Mexico WIPP site.

6 Tribes shut down transportation routes
7 within tribal lands and were forced to file lawsuits to get
8 the DOE to establish those MOUs which were conducive to the
9 concerns and rights of the affected tribes. Similar
10 lawsuits and tribal action could impede the effective and
11 most beneficial transport of nuclear waste to the Yucca
12 Mountain repository, should it occur or be denied. In the
13 WIPP case it, no doubt, created a backup of nuclear waste
14 on a major highway and transportation thoroughfare, putting
15 citizens at risk all along those routes. [My concern is in
16 the close proximity to the Yucca Mountain site is the
17 Timbisha land acquisitions, should they occur.

18 Tribal governments need assistance, not
19 should the -- not at the time that the site may be
20 established or an alternative be established, but should be
21 established now and should have been established earlier,
22 assistance to establish nuclear accident response teams, to
23 address accidents in proximity to tribal ancestral
24 homelands, developed lands, water shed, affected aquifers,
25 and atmospheric contamination.

1 cont.

1 At present, I say this as a private citizen,
2 counties are somewhat hesitant due to the adversarial
3 relationships over the hundreds of years, since their
4 inception, to recognize tribal government needs and to
5 share the money that actually is to address those tribal
6 governments needs as well as the general public. These
7 items of concern have either been omitted from the DEIS or
8 simply disregarded. The DOE's immediate attention is
9 required and will hopefully reflect respectful attention to
10 the affected units of tribal governments.

11 Ironically, at the ACNW meeting in Las
12 Vegas, it entailed an interesting topic, why the people
13 distress risk assessment and other topics relative to that
2 14 as well. [It appears to me that the DOE is concerned with
15 the public's perception of the site, its risk assessments,
16 it's DEIS. Hopefully after this hearing, DOE will work not
17 only with the affected units of tribal governments but all
18 concerned citizens affected by the proposed repository at
19 Yucca Mountain.]

3... 20 [The EIS needs stronger language relative to
21 Native American needs and concerns. In S.4.1.6, such
22 language that would reflect or specifically say cultural
23 resources -- or this cultural resource section, language
24 requiring the Department of Energy to not only recognize
25 but work side by side with the affected units of tribal

3 cont. 1 governments as the tribes deem necessary, to protect their
2 economies, projected economies, archeological/cultural
3 resources, traditions, and to ensure the spiritual
4 integrity of lands within the proposed repository and in
5 outlying affected areas.

4 6 Finally, local concern for Highway 395 as an
7 alternate route in the event of an accident. Tribal
8 governments and county governments as well, citizens,
9 vehemently oppose such an alternative route which would
10 endanger public health and safety in Inyo County.

11 Once again, thank you for your time. Thank
12 you for hearing me, and when I read the next EIS, I hope to
13 see some of this language in there. But more so than that,
14 I really look forward to the DOE working with those
15 affected units of tribal government. That designation
16 would certainly help to address those concerns by those
17 entities.

18 Thank you.

19 THE FACILITATOR: We're halfway through the
20 speakers who signed up. Why don't we take about a
21 five-minute break, and we'll reconvene and get on with
22 business.

23 (A recess was taken.)

24 THE FACILITATOR: Our next speaker is Jack Pound.
25 Welcome. I'm sorry. I believe this meeting was noticed

1 that it would end at ten o'clock, but it's always been the
2 practice of the department that they will stay as long as
3 people have comments. So if we do run a little late, and
4 we may be running past ten o'clock, and so department
5 personnel will simply stay here until everybody has had
6 their say.

7 So with that, Jack.

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