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MR. ARNOLD: My name is Richard Arnold. I am the spokesperson for the Consolidated Group. I am a Southern Paiute from Pahrump, Nevada, and I've been asked to present some of the comments on behalf of the Consolidated Group, which will be followed by individual comments by the tribes.

However, before I start, I need to just let it be known that I was informed by the Yomba Shoshone Tribe that there would be some information forthcoming. That has unfortunately been delayed, and so I'd like to recommend to them that they send the comments directly in to the project to be recorded down as such.

1 Starting out with some of the initial concerns, clearly the Consolidated Group of the Tribes and Organization has voiced their concern about opposing this project which is, again, wanting to go down on record as that. But we also recognize that we need to make some recommendations specific to the draft Environmental Impact Statement for Yucca Mountain.

In looking at the various options that were presented and being opposed, clearly we would support the no-action alternative. But I believe that in looking at the way that the draft EIS is constructed, we have some comments that I want to present at this time.

2 First, with environmental justice in the Environmental Impact Statement it states that there are no adverse impacts of any minority populations in the subsistence pattern. But from our experience and affiliation with this project, from the best of our knowledge, there's been no systematic studies that have been developed to evaluate our subsistence life-styles. And until such time, I think it would be premature to make that kind of a conclusion and would strongly recommend that those studies be done.

3 Secondly, with respect to environmental justice and as was cited in the reference document that was developed by the American Indian Writers Subgroup of the Consolidated Group of Tribes and Organizations for our perspectives on the EIS, that there's no other group of people that have experienced holy land violations due to our cultural affiliation and religious beliefs and ties to the Yucca Mountain area.

4 Secondly -- or thirdly, actually, that there is no other group of people that have a potential to be denied access or have limitations imposed to their practice of their cultural and religious beliefs associated with areas that would be impacted by the Yucca Mountain Project. We feel that there should be further consideration and expand the text on the environmental justice. Beyond that, there's been no epidemiological studies to really look at the impacts to the American Indian population, specifically those that have been potentially impacted by any former activities that have been conducted on the Nevada Test Site, nor any potential impact that could result from the Yucca Mountain Project.

5 With respect to the transportation, it's the consensus of the group that we feel the transportation portion of the EIS to be expanded, especially in consideration that the Las Vegas Paiute Tribe and Moapa Paiute Tribe and the Timbisha Shoshone Tribe, all are within very close proximities to the potential corridors, transportation corridors identified in the EIS.

Further, that there's numerous other tribes throughout the State of Nevada and actually the United States, for that matter, that should be granted the same consideration. Although the states -- we've been informed that the states are the ones that really decide on some of the route selections, that the tribes, we believe, should be also incorporated as a part of those selections.

6 Lastly, on the transportation portion is that the transportation model only considered portions within -- we have conflicting views -- of either a quarter or a half mile of the proposed transportation corridors. And, as we know, that because there's been the lack of systematic ethnographic studies in those areas, that there

continued on page 2

6 continued potentially may be other cultural considerations that should be given because of potential traditional cultural properties or other cultural resource sites that would be by areas or fall within those corridors.

18 And with that, then, would also go the notification and insuring that there be proper notification to tribes with respect to any shipments, as well. And we know that there is some proposed language right now being considered by the Nuclear Regulatory Commission to notify federally recognized tribes of shipments. But we believe that should be built in as part of any future development on this project.

7 With respect to transportation, too, I might also add that the maps that were given out in the handouts today and also the maps that are inclusive in the EIS, they clearly illustrate county boundaries and state boundaries, but they don't illustrate tribal boundaries. And so we may recommend that the maps be expanded, especially due to the special relationships and recognition that's given, that are afforded to tribes, that those boundaries be indicated in there as well as to give a clear and concise picture.

8 With respect to the intermodal sites that was stated in the American Indian prospectus on the Yucca Mountain Site Characterization Project that was done by the American Indian Writers subgroup, there's been no systemic ethnographic interviews that have been conducted to evaluate the epidemiological and sociological impacts to Indian people and their communities regarding cultural resources of sacred sites. The studies only focus on the impacts to the physical artifacts and no subsistence patterns, no traditional eligibility for traditional cultural properties or cultural landscape as considered in the bulletin number 30 and 38 by the National Park Service.

9 Also, it appears that in looking at some of these sites, and, again, finding in my previous suggestion or finding here on the systematic ethnographic studies, that it appears that only a desktop review has been conducted of the corridors with respect to cultural resources. We were talking in here and just trying to imagine that if this project had to conduct mechanical or geological studies or maybe even a site characterization study without doing any in-field analysis -- so we believe that it's been a bit shortsighted in that respect. And that, again, reinforces the need for those further kinds of studies. Also, with that when and if site selection is decided and transportation corridors are decided, that it's believed that there should be one monitor out there for any kind of activity going on.

Secondly, there should be preliminary cultural assessments being conducted leading to those systematic interviews that were recommended previously.

10 Some general observations that were made with respect to the DEIS in appendix G, I have 12 through 13, it states that copies of the DEIS were sent to all governors of states and territories and the tribes by request. And, apparently, we learned that it was sent to every federally recognized tribe, so it appears to be contradictory. The other is that if it were sent to tribes by request, it appears that it was done without regard to a presidential memorandum regarding government-to-government relations with Indian tribes. And it would seem that the same consideration should be granted and a courtesy granted to those tribes that could be potentially impacted, directly or indirectly by this project.

11 With respect to an adverse impact to cultural resources, it states in the EIS that impacts may result from workers and from construction activities. Clearly a plan for mitigation has been established to monitor those areas and sites, but the plan does not include or have a provision for any monitors, even though this has been a long-standing relationship and that the tribes have direct cultural ties to the area.

12 continued on page 3 With respect to the affected environment, 3.1.6.2.2, Native American views of affected environment, pages 3 through 3-70. During the EIS scoping process it states that the DOE visited many tribes and encourages their participation. It's a bit puzzling to some of these tribes here in that the scoping meetings occurred from September of '99 through January of 2000, and there's been no tribes here that have --

12 continued whatever I was just saying. I lost my train of thought here. Oh, that the DOE visited many of the tribes and encouraged them. There appears to be a conflict with respect to that in the EIS.

13 Under the long-term provision, and we're not really sure as to where this could go, but under the long-term provision, it seems that there should be a stated commitment, not only what we've done to date, but how we've gotten this far leading to the resource documents and such, but the matter of maintaining government-to-government relations and then also the long-term commitment to work with the tribes on the long-term basis with this project.

Funding was clearly something that we saw a lack of throughout our participation and throughout the process of the tribes directly, the funding not only for oversight activities, and we know that there's been comments that have been made by other various entities and municipalities about our involvement, but we have -- there is a trust responsibility between the Department of Energy and the tribes, so we feel that, you know, again, the funding issue will be and probably continue to be brought forward in any forum in just trying to make sure that that concern is being addressed.

14 Also in our discussions we found that there was a need to bring up secondary impacts to any activities that would be going on as a result of the Yucca Mountain Project, and that any other kind of ground disturbing activities that would potentially result in moving the earth or having some impact, an adverse impact, that there needs to be information shared with the tribes. The tribes need to be involved in decisions as to where things may be dumped, where things may be stored, or things of that sort that may fall either outside the footprint of the project or even looking within the current footprint of the project just to, again, assure that perhaps something could be potentially mitigated, if necessary.

15 With funding we talked about, again, the need and absence of tribal preparation for emergency response and things and looking at health and safety situations in the future. Along with that obviously goes notification for shipments and things. But tribes, at least in this room and that are represented by this group, feel that they are not adequately prepared to deal with any kind of response, nor do they have the equipment or the staffing or training to respond to any kind of emergency. And also in the event of an emergency in looking at the transportation models that were being used in here, those typically don't consider subsistence patterns, nor, again, have those been looked at efficiently or adequately to really make any kind of determinations.

16 Again, with health and safety, and this is just going down on the record, is that there is concern by this group of terrorism and felt that the potential of those kind of situations occurring, as well as looking at the potential of derailments. It was felt that there was an accident that happened, I believe it was, December 24th in 1997 or '98, on the Caliente, that that was not felt that it was adequately considered or there was an indication as to how those kinds of things could occur -- I mean, how those kinds of things were considered into the decisions of looking at various sites, including the Caliente intermodal site.

17 Let's see. Water contamination, there's also concern that it was felt that it wasn't adequately addressed as far as the water contamination and that a lot of the studies were done on modeling and hypothetical -- what was the wording -- hypothetical models or something like that, that from the cultural perspective, we don't believe that those hypothetical models are sufficient and nor can be they be predicted as to where and how fractures can occur as far as water getting down into the repository and such and/or if the water were to be contaminated, it potentially could go up over the various tribes such as over in Timbisha in Death Valley or areas even coming down into Las Vegas and getting into the Colorado River affecting many of the other tribes along the route.

So, I think -- did I cover all those you guys? I think I got there. That was the gist of our discussions that we had in this meeting.

And then, again, at this time, what we would like to do is afford those tribes that are represented here and individuals the opportunity to share any other comments they have specific to the EIS.

Pauline, did you want to start or do you want to defer to someone else?