

RECEIVED

FEB 22 2000

EIS002271

MR. LENT: Ervin Lent, Inyo County Supervisor, District 3.

At the October 4th, 1999, Department of Energy hearing on the Yucca Mountain Waste Repository in Lone Pine, California, I asked five questions, and received answers -- or attempted answers -- that were attempts at answering my questions from Josette Booth working with the deaf and hard of hearing.

Five questions I asked. I will reiterate them and read the comment portion of my comments and speak to an addendum.

- 1... My first question was has the Department of Energy established the number of tribal governments affected by the proposed Yucca Mountain site? 2: How many tribal governments have participated in an advisory capacity? 3: How many tribal governments oppose or approve of the proposed Yucca Mountain Repository? 4: How many tribal governments have been recognized as an Affected Unit of Local Government? 5: How many tribal governments has the Department of Energy established Memorandums of Understandings with regarding all future projected impacts resulting from the Yucca Mountain site being approved or disapproved?

My comment is the transportation of nuclear waste by the Department of Energy to the proposed Yucca Mountain repository has and will continue to have a detrimental effect on our ever increasing concern for those governments.

To address these concerns, tribal governments must be recognized and treated as Affected Units of Government separate from state and county government bodies. Such a designation would recognize the sovereign right of the tribes to self-determination and government and enhance the government-to-government relationship between the tribes and our federal government.

Tribal governments would require that with that recognition, which has been established through treaty, federal support from the Department of Energy in the form of funding and appropriations go directly to the Affected Units of Tribal Governments and would enable the tribes to participate in a meaningful way rather than as a lesser entity represented by some other authority, such as a state or county government. Recognition as Affected Units of Tribal Government would entail greater tribal interaction with agencies, such as the Federal Nuclear Waste Council Advisory Boards and related departments, while ensuring an effective tribal voice relative to the nuclear waste concerns regarding the proposed Yucca Mountain Repository.

At the present time I do not believe such recognition exists in the minds of the decision makers or the decision-making process of the DOE. Ethnocentric attitudes are alive and well within these councils, committees, and departments.

If the DOE and the Advisory Council on Nuclear Waste hears the tribal government voice, is it recognized as legitimate and, in truth, is it acted upon? It is my determination the tribal voice is heard, but not taken seriously. They are simply patronized or put up with.

My determination that the DOE or ACNW does not address tribal concerns comes from over 200 years of broken treaties, 200 years of a lack of recognition, and over 200 years of a lack of representation on all levels of government. Recognition must be given to each individual tribal government within Inyo County and beyond, thereby reflecting the individual nature and right to self-government of each tribe.

Such recognition of self-determination reflects to all Affected Units of Tribal Government along proposed transportation routes, regardless of what state each tribe may be located within.

1 cont. Effective and workable Memorandums of Understanding must be established with each tribal government creating beneficial relationships between them. Such MOU's must be adopted and implemented at the earliest possible stages of the proposed repository EIS and should have been in place many years prior to this time.

2 For example, the DOE's lack of proactive procedures put communities at a high level of risk by failing to establish MOU's in a timely manner with Affected Units of Tribal Governments along the nuclear waste transportation routes for the New Mexico, WIPP site.

The DOE's refusal to act in such a proactive manner demonstrated the department's willingness to allow a back-up of nuclear waste on major highways and rail thoroughfares putting citizens at an unnecessary level of risk along those routes. This would not have occurred had MOU's been established with the Affected Units of Tribal Government.

In this scenario, affected tribes may shut down a rail transportation route and file lawsuits against the DOE, severely limiting safe transportation of nuclear waste. When the MOU's were finally established, the language within the MOU's recognized and addressed the concerns and rights of the affected tribes. Similar tribal actions and lawsuits could impede the effective and safe transportation of nuclear wastes.

3 My concern is that within close proximity to the Yucca Mountain site, the Timbisha-Shoshone people are in the process of acquiring surplus federal lands both outside and within the boundaries of the Death Valley National Park. The tribe will be directly affected by the transportation of nuclear wastes within Inyo County and the additional transportation routes to the proposed Yucca Mountain repository. Such transportation routes will affect their pursuit of economic development and physical well-being.

4 To reiterate, tribal governments need assistance now. Now, not at the time the Yucca Mountain site may be approved or disapproved, or when an alternative site is considered. Such assistance would include funds to establish nuclear waste spill and contamination response teams to address accidents within proximity to tribal ancestral homelands, developed lands, watershed, affected aquifers, and affected atmospheric use areas.

I am going to cut my reading short. I want to say that I concur as an elected official with the commentary provided San Bernardino County officers, staff, Mr. Robert Laurie of the California Energy Commission representing 13 California state agencies, and Mr. Corbin Harney of the Western Shoshone.

5 An extended comment period would be most beneficial to the public and the tribes at large. Again, I
6 reiterate that the DOE's relationship must entail dialogue and action specific to tribal needs and concerns.

In each section of the Draft EIS tribal involvement only reflects cultural concerns. We are more than entities restricted to cultural activities, and in today's world require more than a few beads to quench our thirst for social equality and environmental justice.

Thank you very much.

FACILITATOR LAWSON: Our next speaker is Bob Halstead, who will be followed by Corbin Harney and Grace Lester.