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THE HOPI TRIBE

Wayne Taylor, Jr.
CHAIRMAN

Phillip R. Quochytewa, Sr.
VICE-CHAIRMAN

SEP 26 2001

September 10, 2001

Lake H. Barrett, Acting Director
Office of Civilian Radioactive Waste Management
Department of Energy
Washington, DC 20585

Dear Mr. Barrett,

Thank you for your letter, regarding Federal Register notice (66 FR 43850) and the proposed Yucca Mountain repository for spent nuclear fuel and high level radioactive waste.

Attached are the Hopi Tribe's letters dated June 6, 2001 and February 9, 2000, regarding comments of the Hopi Tribe on the Draft Environmental Impact Statement, with accompanying Hopi Tribal Council Resolution H-32-2000.

The Hopi Tribe recommends that the Secretary seriously review our comments, and not make a recommendation for site development to the President.

Thank you for the opportunity to comment in this process.

Respectfully,

Wayne Taylor, Jr.
Chairman
The Hopi Tribe

Enclosures: 6/6/01 letter to DOE
2/9/00 letter to DOEw/Comments and HTC Resolution

xc: Office of General Counsel, Office of Vice Chairman, Department of Natural Resources, w/o encls.
Senator Jon Kyl,w/encls.
Senator John McCain, w/encls.
Congressman Bob Stump, w/encls.
Senator Ben Nighthorse Campbell,w/encls

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THE HOPI TRIBE

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Wayne Taylor, Jr.
CHAIRMAN

Phillip R. Quochytewa, Sr.
VICE-CHAIRMAN

June 6, 2001

Dr. Jane R. Summerson, EIS Document Manager
M/S 010, U.S. Department of Energy, Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
P.O. Box 30307
North Las Vegas, Nevada 89036-0307

Re: Comments from the Hopi Tribe
U. S. Department of Energy *Supplement to the Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (DOE/EIS-0250D-S)

Dear Dr. Summerson:

Thank you for your letter dated May 4, 2001, with the enclosed *Supplement to the Draft Environmental Impact Statement* (DOE/EIS-0250D-S), which provides the Hopi Tribe with the opportunity to reiterate our position on the *Supplement to the Draft Environmental Impact Statement* (DOE/EIS-0250D-S) and the *Draft Environmental Impact Statement* (DOE/EIS-0250D).

Attached are the Hopi Tribe's letter dated February 9, 2000, to Ms. Wendy R. Dixon, EIS Project Manager, regarding comments of the Hopi Tribe on the *Draft Environmental Impact Statement* (DOE/EIS-0250D), with accompanying Tribal Council Resolution H-32-2000, and a letter from dated January 20, 2000 from the Hopi Cultural Resources Advisory Task Team.

The Hopi Tribe supports the No Action Alternative.

Thank you for the opportunity to comment in this process. Please keep the Hopi Tribe appraised of developments.

Sincerely,

Wayne Taylor, Jr.
Chairman
HOPI TRIBE

Enclosures: (1) 2 9 00 letter to DOE (2) Comments: DEIS (3) H-032-2000 (4) 1/20/00 letter from CRATT

xc: Office of General Counsel, Office of Vice-Chairman, Department of Natural Resources
Senator Jon Kyl
Senator John McCain
Congressman Bob Stump
Senator Ben Nighthorse Campbell

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THE HOPI TRIBE

Wayne Taylor, Jr.
CHAIRMAN

Phillip R. Quochytewa, Sr.
VICE-CHAIRMAN

February 9, 2000

Ms. Wendy R. Dixon, EIS Project Manager
M/S 010
U.S. Department of Energy
Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
PO Box 30307
North Las Vegas, NV 89036-0307

Fax: (800) 967-0739

Dear Ms. Dixon:

RE: Comments from the Hopi Tribe
U.S. DOE *Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (DOE/EIS-0250-D)

The Hopi Tribe has had the opportunity to consult internally, amongst tribal environmental professionals as well as Hopi elders, to develop our comments and input in the NEPA process relative to the disposal of spent nuclear fuel and high-level radioactive waste at Yucca Mountain in Nevada.

The Hopi Tribe's position paper on the transportation and disposal of spent nuclear fuel and high-level radioactive waste to Yucca Mountain in Nevada is attached. This paper constitutes the Hopi Tribe's comments for the purposes of the NEPA public consultation process.

The Hopi Tribe's position can be summarized as supporting the "No Action Alternative." The spent nuclear fuel has been stored safely for decades at the site of the nuclear power generation plants. The less handling these materials receive, the less risk of catastrophic accident is incurred.

The attached Hopi Tribal Council Resolution on this *Draft Environmental Impact Statement* was passed today supporting the No Action Alternative. Thank you for the opportunity to comment in this process. Please keep the Hopi Tribe apprised of developments.

Sincerely,

Phillip R. Quochytewa, Sr.
Vice-Chairman
HOPI TRIBE

Mailed 2/9/00 p.m.

P.O. BOX 123 — KYKOTSMOVI, AZ. — 86039 — (520) 734-2700

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cc: Senator Jon Kyl
Senator John McCain
Congressman Bob Stump
Senator Ben Nighthorse Campbell

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THE HOPI TRIBE

Wayne Taylor, Jr.
CHAIRMAN

Phillip R. Quochytewa, Sr.
VICE-CHAIRMAN

MEMORANDUM

TO: **Beverly Suderman, Planner**
Department of Natural Resources

FROM: **Mary A. Feller, Tribal Secretary**
Hopi Tribal Council

DATE: **February 9, 2000**

SUBJECT: **DISPOSAL OF SPENT NUCULAR FUEL - A.I. #025-2000**

On February 9, 2000, the Hopi Tribal Council by motion and majority vote approved Resolution H-032-2000.

By passage of this resolution, the Hopi Tribal Council authorizes the Chairman or his designee to submit comments to the State Department of Energy to lobby for the choice of the No-Action Alternatives and the exclusion of the I-40/Santa Fe Railroad corridor as a transportation route for high-level nuclear waste. Should you have any questions, you may contact my office at extension 134.

xc: Office of the Chairman
Office of the Vice Chairman
Office of the Treasurer
Department of Natural Resources
Hopi Tribal Council
chrono

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HOPI TRIBAL COUNCIL
RESOLUTION
H-032-2000

WHEREAS, the Constitution and By-Laws of the Hopi Tribe, ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a) authorizes the Hopi Tribal Council "To represent and speak for the Hopi Tribe in all matters for the welfare of the Tribe, and to negotiate with the Federal, state, and local governments, and with the councils or governments of other tribes"; and

WHEREAS, the Hopi Tribal Council, under Chairman Vernon Masayesva's leadership, declared Hopi opposition to nuclear waste disposal, in Resolution H-37-92; and

WHEREAS, the United States Department of Energy has requested the Hopi Tribe's input and comments on their proposed action of establishing a geologic repository for the disposal of spent nuclear fuel and high-level radioactive waste at Yucca Mountain, in Nye County, Nevada; and

WHEREAS, the Hopi Tribe owns land adjacent to one of the proposed corridors for the transportation of said spent nuclear fuel and high-level radioactive waste, the I-40/Santa Fe Railroad corridor, and therefore has a direct interest in the proposal; and

WHEREAS, the Western Shoshone people of Nevada have an unsettled land claim under the Ruby Valley Treaty for an area which includes Yucca Mountain, and they are opposed to the use of this area as a repository for nuclear waste.

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HOPI TRIBAL COUNCIL
RESOLUTION
H-032-2000

NOW THEREFORE BE IT RESOLVED that the Hopi Tribal Council fully supports and endorses the attached comments and input into the United States Department of Energy's NEPA process.

BE IT FURTHER RESOLVED that the Hopi Tribal Council authorizes the Chairman of the Hopi Tribe, or his designee, to submit these comments to the United States Department of Energy by the deadline of February 9, 2000.

BE IT FINALLY RESOLVED that the Tribal Chairman and the Energy Team monitor this NEPA process closely, and lobby strenuously for the choice of the No-Action Alternative, and failing that, for the exclusion of the I-40/Santa Fe Railroad corridor as a possible transportation route for high-level nuclear waste.

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HOPI TRIBAL COUNCIL
RESOLUTION
H-032-2000

CERTIFICATION

The foregoing resolution was duly adopted by the Hopi Tribal Council on February 9, 2000 at a meeting at which a quorum was present with a vote of 11 in favor, 1 opposed, 1 abstaining (Vice Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by ARTICLE IV-POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a) of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936, and approved by the Secretary of Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said resolution is effective as of the date of adoption and does not require Secretarial approval.

Phillip R. Quochytewa Sr., Vice Chairman
Hopi Tribal Council

ATTEST:

Mary A. Felter, Tribal Secretary
Hopi Tribal Council

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Comments from the Hopi Tribe: U.S. DOE *Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (DOE/EIS-0250-D)

Introduction

The purpose of the U.S. DOE's *Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (DOE/EIS-0250-D) is "to provide information on potential environmental impacts that could result from a Proposed Action to construct, operate and monitor, and eventually close a geologic repository for the disposal of spent nuclear fuel and high-level radioactive waste at the Yucca Mountain site. The potential repository would be located in Nye County, Nevada. The EIS also provides information on the potential environmental impacts from an alternative referred to as the No-Action Alternative, under which there would be no development of a geologic repository at Yucca Mountain." (Summary, p. S-1)

Comments are due in to the Department of Energy by February 9, 2000. The Hopi Tribe received notice about this process on August 9, 1999. Bev Suderman, Natural Resources Planner for the Hopi Tribe, met with the Hopi Tribe's Cultural Resources Advisory Task Team, on September 23, 1999 to receive guidance in the development of the Hopi Tribe's position. The draft position paper was circulated within the Hopi Tribal Government for refinement in December 1999, and reviewed with the Cultural Resources Advisory Task Team on January 20, 2000. Hopi Tribal Council ratified these comments in February 2000.

Hopi Preferred Alternative

The Hopi Tribe has reviewed the Draft Environmental Impact Statement (EIS) for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada.

The Hopi Tribe is very concerned, for itself and its members, as well as for the larger society, that the United States Government is considering such a dangerous undertaking as to remove spent nuclear fuel and high-level radioactive waste from its current resting place, transport these hazardous substances over long distances, and deposit them again concentrated into one location.

The risks of such an enterprise are beyond imagining, and carry no real benefit to the American people. It is our understanding that these materials have been stored safely at the place where the materials have been used since the early days of nuclear-generated electricity. While there are risks associated with such hazardous materials being stored in such highly populated areas, there is also a high level of motivation to store these materials safely for exactly that reason. The alternative being proposed in this Draft EIS is to transport these materials, using the existing United States rail and road network. This alternative exposes the entire American population to extreme risk of radiation exposure.

The injustice of this is magnified because of the long distances most of this high-level radioactive material will have to travel. Of the 72 commercial and 5 DOE sites across the country to be served by this "geologic repository," all but 10 are in the eastern United States. This means that 67 sites will have to transport hazardous nuclear waste and spent fuel thousands of miles across the country to be stored in one facility.

One implication of this is the risk exposure of the entire American population. Another implication is the condemnation of a region of Nevada to serve as a "national sacrificial area." There is a perception in the eastern portion of the United States, and probably also in the coastal west, that Nevada is empty, and therefore it won't matter if regions within that State are made toxic for millenia. However, the Mohave Desert is a complex ecosystem with integrity, just like any other ecosystem. There are plants and animals, birds and insects, that are important to the future of the region, the country, and therefore, the planet. There are also people who live in Nevada, including the Tribal peoples who claim Yucca Mountain as their own.

For all of these reasons, the Hopi Tribe supports the "No Action Alternative" proposed in the Draft EIS. Leaving the hazardous materials in situ will reduce the risk of accident, thereby reducing the risk exposure of the American population, without exposing any particular population to extreme risk.

Inadequate Treatment of Transportation Issues and Risks

One issue, which is not adequately addressed in the Draft EIS, is the transportation implications of the proposed action. The question of transportation routes within Nevada has received some considerable attention, but the question of how materials are to reach Nevada has been treated only cursorily.

The Hopi Tribe owns land adjacent to the I-40. Hopi Villages are strung out along Arizona Highway 264, which is occasionally used as an alternate route by truckers, in conjunction with Arizona Highways 87 and 77. The Hopi Reservation, in several sections, is adjacent to Arizona Highway 160. Hopi people travel extensively along all the highway systems within the lower 48 states, whether on business, for pleasure, or to visit relatives. **Northern Arizona is extremely ill-equipped to deal with any emergency response which might be needed by an accident during the transport of high-level nuclear waste.** An accident, which could release high-level nuclear waste into an area, would contaminate it for 10,000 years. This is an unacceptable risk, for us, as well as for our brothers and sisters in other Tribes, and for the other residents of the region. The Hopi Tribe views the possibility of the transportation of high-level nuclear waste as a real threat to people and property along the major transportation routes through Hopi lands.

The implications for the economic activity in Northern Arizona, an extremely economically depressed region largely dependent on tourism, are profound, and are not addressed in this EIS. Tourists are likely to react negatively to the possibility of being

caught in an area unprepared for nuclear accident, and stay away. Reduction in tourist numbers will reduce the revenues generated through the tourism industry.

Conclusions

The Hopi Tribe, and other Native Americans in the region, have issues related to federal nuclear activity in Nevada that have never been resolved. Damage has been done to people and resources due to testing of a variety of types of bombs in Nevada, with radioactive fallout. There has never been a full disclosure of the events or their consequences, and remedies for the damage have never been implemented. Therefore, the Hopi people are slow to trust the intentions and preparations by the federal government with regard to planning for a phenomenon so potentially catastrophic as this proposal to transport nuclear waste across the continent to a permanent repository in Nevada.

Thus, the Hopi Tribe encourages the Department of Energy to select the "No Action Alternative" as its preferred alternative. It this is done, as we hope and pray, further action by the Hopi Tribe will not be necessary. However, if the Department of Energy proceeds with the Yucca Mountain repository alternative, the Hopi Tribe demands that the highways with direct contact to Hopi land, together with the Santa Fe Railroad, be excluded from the anticipated transportation corridors. The survival of the Hopi people demands this as a minimum concession from the U.S. government.

Thank you for your consideration of our comments. It is our hope and prayer that the Department of Energy will make the right choice in this process, and understand the wisdom of leaving the high-level nuclear waste where it is.

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Comments prepared on behalf of the Hopi Tribal Council by Beverly A. Suderman, Natural Resources Planner, together with the Hopi Inter-Disciplinary Team, with input from the Hopi Cultural Resources Advisory Task Team.