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Comments on the Proposed Yucca Mountain Environmental Impact Statement

1 [The proposed Yucca Mountain site should be off-limits to any nuclear use by the Department of Energy, because the land is sacred to the Western Shoshone nation. The mountain itself is central to apocryphal prophecies shared by many American Indian tribes as distant as the Ohio Valley, according to which a Great Serpent will arise from the mountain, provoked by human transgressions.

In consideration of this prophecy, every animal and plant species on that mountain should be considered in the EIS as protected under the National Historic Preservation Act, in accordance with the federal court decision in *Okinawa Dugong v. Rumsfeld*. That decision extended the protections accorded to historic sites under NHPA to animal species, when those species are integral to the religious beliefs of an indigenous people. American Indians merit at least as much consideration as foreign populations impacted by U.S. federal actions -- Okinawans in that case.

NHPA also incorporates a different conception of "alternatives" to a proposed action that must be considered in contemplation of a proposed action. Specifically, for culturally protected sites, alternative uses for the site must be considered, even if those uses do not accomplish the same goal as the proposed action. The EIS must therefore consider complete environmental restoration of the site, and return of the land to the Western Shoshone, as an alternative to the proposed action.]

2 [Correspondingly, it is painfully apparent that DOE has failed to devise a plan for spent nuclear fuel storage and disposal that is safe, sound, and respectful of cultural heritage, in regard to both the Yucca Mountain site, and the "backup" storage site at Piketon, Ohio. A solution to this problem, decades in the making, cannot be fudged with a simple EIS. There is broad scientific and political consensus that the only reasonable course of action is Hardened On-Site Storage at the reactor sites where the waste was produced. This is the only way that the security problems of transport and centralization, the technical problems of waste isolation, and the multilayered problems of site selection can be responsibly addressed for the near-term. HOSS, combined with environmental and cultural restoration at the Yucca site, must constitute the alternative of focus in the EIS.]

Respectfully,

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