

Appearances

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The Draft Environmental Impact Statement (DEIS) Public Hearing held at the Education Building, White Mesa Ute Reservation, White Mesa, Utah, on the 27th day of January, 2005, at 10:00 o'clock a.m., before Joseph J. Rusk, Registered Professional Reporter and Notary Public at Large.

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MS. RYAN: Manuel Heart.

MR. HEART: Good morning, my name is Manuel Heart, I am the vice-chairman of the Ute Tribe.

We have had some of these meetings up in Moab and also here, and up at the mill, and I am glad, Vivian, from the Department of DOE, I am glad you are here. Some of our meetings in the past we have asked representation from the Washington D.C. department, you guys that are here work under the department of the DOE or are affiliated to it in some way or another.

Now, the culture guy down here at the end who thinks he is a culture expert on a lot of things, but culturally native Americans are experts on cultural stuff themselves. These guys are just learning, and they just know the very basics of cultural stuff. I want to make that very clear.

Also I want to make clear a government to government relationship with Washington, D.C. in a federally recognized tribe, the sovereignty that we have, it has to be put on record that we are a sovereign nation and we have to have this government to government relationship.

Now, this gentleman talked about a few items here. He mentioned one thing, something about a big pile that it comes down to the White Mesa mill, and just keep in mind, this is only a draft,

correct. And only looking at possibly three sites, Klondike Flats, Crescent Junction, the White Mesa mill. And what comes into play is money.

Right now we are in the middle of a war that the United States Government is unable to put enough money to put a slurry down here. If they do, there comes water, water rights out of the Colorado, how are you going to push that stuff if you don't have water rights behind that to push that tailings down here. So you have got issues of water rights out of the Colorado, and there is none, there is no extra water anywhere to push that slurry. The cost of bringing it down here is the most, 75 million, if the United States Government wants to do that. There are places out there at Klondike Flats which will have the least impact, the least impact on everything. There is already a railroad right there, transportation is there, a short distance, we are talking about a community, there was one community that was possibly a site, which was Green River, and they said population base, our population is growing here so we want to take that off one of our sites.

We also here have a population base that is growing also, and that has impact to our future.

So I really want to make this clear. Transportation, they talked about trucking also. Sometimes in the past we have had some trucking problems coming back and forth from tailings falling out of the back and not really properly strapped down. I have had community members complaining that they turn into the mill up here and there are some tailings on the road. Who is going to be accountable for things like that.

Looking at our future impact, we have our groundwater resource for this community underneath this mill up here. We have probably three cells up here, and in the future, the extent to put in more cells and more tailings in here, impact where the tailings are going to be coming from. Currently the State of Utah is opposing the nuclear waste proposal up in the northwest. Once you open that up, and we have opened this mill down here to more tailings coming in here, the impacts it will have on the future from outside of the state, not only uranium tailings, but nuclear waste, the impacts that it will have for the State of Utah. We need not look at a residue for the State of Utah, but the health impacts it will have, environmental impacts it will have, all of these come into play, Clean Water Act, air quality, your major fishing, yes, fish are in there, but we also as humans have to live on this land, too.

We have been in litigation for probably the last 30 to 50 years in the water rights settlement over in the Durango area, over those projects, and the fish was more important than the humans. The fish was very important to the Endangered Species Act. They were more important than the humans, and that is what they were trying to do in that project over there, and not have that project go through.

Things come up like this from environmentalists.

SO I need to look out long-term as a Tribal official, for my Tribal members here, and the impacts it will have on my kids, my grandkids, their grandkids. We are a growing population, we have cultural sites here, probably over 120 cultural sites.

I have people I would like to introduce here. Bill Johnson, from the Legal Department; Tom Reichart, Environmental Department; Terry Knight, Cultural; Carl Knight, Land Commissioner. We have Elaine, she was here; council members; and our community members back there from the White Mesa community. All these people who I am advocating for today, because this thing is not good for this community. We need to look at it, and talk right now about what is a good site. We propose the Klondike Flats, Crescent Junction areas as the site for the tailings. To bring it down here, long-term, is not feasible for us, it is for the United States Government, Department of Energy, it is just not feasible. So we recommend them two other sites.

As these guys come up and do their testimony and put it on record, what they feel also, that is up to them, the White Mesa Ute Tribe.

That is all.

MS. RYAN: Terry Knight.

MR. KNIGHT: Good morning. I just want to make a few follow-up comments to what Manuel was talking about, and I just can't get over this idea where initially at some of the other meetings where we were at, like some of the other towns like Green River. Green River was taken off the list of places to take this uranium tailings to, because of the population there, or whatever. They had criteria of why they couldn't take it there, and we were told that the criteria for White Mesa mirrored the criteria that qualified Green River to take it off the list. So we said, why wasn't White Mesa taken off. So from that time on, I have had a problem with this wondering who and why keeps pushing this, the option to bring it down to White Mesa. Yes, we have a mill, you know, here, and that has been taken care of, but people are saying, no. And we don't understand, I don't understand which part of no that the State of Utah, the Department of Energy, and IUC don't understand. Maybe if I talked Ute to them maybe they might understand that, or Spanish or something.

But one thing that we do understand is dollars. And so that is where the amount of money that is going to be given to the State of Utah for monitoring whatever we are talking about, contracts and other things, and it is a large sum of money that would either go to the county or someone in the state there. And when you look at it, to endangering a number of people, it is just a few dollars, maybe millions and millions of dollars, but it is just a few for how long and for what, you know, because this is going to have a lasting effect. Just like our body we cut ourself, it will heal, but it is going to leave a scar. How long does it take for uranium to dissolve, how many thousands of years. About 5 million years, so our people aren't going to be around that long, and just looking at it in that sense, you know, there is some horse trading, back room trading, whatever, and I just don't understand where people that are supporting within the state administration, within the Department of Energy, and of course ICU supporting, they are going to make money on it. Why would they keep pushing a bad situation, you know, this kind of really pisses our people off, and they think we are stupid. Like Manuel said, we were not as -- we don't rate as high as the fish that are going to be extinct or anything, you know. It is just another example of what non-Indian mentality is, of Indian people. And they are just people, you remember that.

So just, you know, just say, well, what I read in some of the history books when the Mormons came and wanted to go down there and clear that area, and they didn't mean clear it of the vegetation, that meant wipe the Indians off, get them off of there. It kind of makes me think about those things, I wonder why. Yes, there is money involved, but is it that important? If it is, then move it over to Klondike. You know, we said, yeah, that is our part of our migration routes that the Ute people used. We are still going to be giving up something.

But the other thing that bothers me, if you start digging around there, maybe the reason they don't want to move it over to Klondike Flats is that when I go through there, there is a lot of people on the mountain bikes and horse riding, and maybe those people are, you know, recreational people, whatever, maybe they are, and they don't want to give that up, but they sure want to stick it down our throat.

But then again, the Ute people said that is part of our migration area. So we would be willing to, you know, let you have that.

And the other thing is the use of water. Manuel says, there is no water to be allocated anywhere in the west, and among the water allocated it is already over allocated. Where are you going to get the water that is on the white man sites, but on the Indian site you can't do that with the water. After you get it down there, what are you going to do with it, wait 5 million years? No, that is definitely a no-no, and you are not supposed to do that with the water. Water is our lifeblood. We can't use it just to use it as a slurry. And, you know, this is one of the main things that we have. And so, like, and the costs, who is going to pay for it. You know, we are talking about the war and everything. But there is nowhere anywhere, within these meetings that we had, that I have attended, is there any kind of guarantee that would assure anybody, any person that this is safe and it is going to be safe, you know, and if something happens within this transit line, you people can always get up and go, you know, you came from Europe anyway, and you can go someplace else, but we can't. We live here, we are part of this, and we don't want this thing to happen. Like I said, we want to stay here, we want to live here. And so, you know, I hope you take this into account, think about it, what if it was in your back yard, what would you say. This whole area, this whole earth is our back yard, so we have that sentiment on it. So think about it in those personal terms. What would you do if they were going to do this in your back yard and you have your cemetery and your people. I am not even touching on the cultural stuff, and all that, that is going to take place. But if it does, then we have got numerous construction and resources, if it does, you are not going to do it without us cashing in on it, too, either way. That is all.

MR. METZLER: Thank you, Terry, a good strong message.

MS. RYAN: Carl Knight.

MR. KNIGHT: Good morning, I think we are learning something here from the things that they use for destroying people. My name is Carl Knight, and I am the Ute Mountain Tribe Land Commissioner. I am sorry, I kind of forgot how the procedure goes, so, but anyway, you know, what I was saying about these things, you know, when you look at it within an individual's mind, you know what you want, you know what the road of life is for yourself, and you understand that. And when you are an individual, regardless of who you are, and where you come from, you

do have that right as a person, and you look at it in any category, a person has a right. I have a right, and the rest of us out there listening, you do have that right also. And when it comes to maybe violating that right that you have, as an individual, a group, organization, agency, and when it comes to Indian Tribes those Indian Tribes are a little bit different, and I don't think there is very many, not very many people that understand that. So when it comes to them they are not Tribes, they are nations, and that nation, that word nation, carries a lot of weight, and to hear one resource that I am talking about, get ahold of that law of nations, and they will explain it to you exactly what it is. And what I see is within that law of nations, the Ute Nation, if this does not go like the Tribe wants it, and then it is a violation, a violation of that law of nations, because they do have that right. Simply, the Tribe itself, is known as sane. This is dangerous, this is not for us, in a polite way of saying, please, don't bestow White Mesa with this uranium. Take it someplace else.

And that is why we have been at this for quite some time. And there are two sites that we are talking about up north in that kind of a remote area up there. If you are a normal person, you will say, that hardly anybody that lives there, there is no danger to human life. But here, in White Mesa when you look at it, there are people here. And it would be kind of a thing within a normal person's mind, by looking at the situation, to say, well, they have got some people down around Blanding, White Mesa, wouldn't it be better if we took it out there where there is hardly anybody around.

On the other hand, uranium, I have done a little research over the stuff, and when you come to meetings like this, the good parts, the good part is to want what people focus on. But let me remind you, there is the bad part to that thing, too. The dangerous part of it, what it can do to a person, to an animal, to a plant life, it is very dangerous, but, you know, people don't talk about those things. And I am saying that within that line, what government agencies do, they don't just do things, they have a plan, they have a plan in place. So I am saying I think there is a plan for this, for this situation that we are talking about. Some people call it the preplan analysis. And other times the public have been used because that is not really -- that is not really how it is going to be, and they call it a public meeting, scoping meetings. But the plan that I am talking about is underneath all of this, and this is the way it is going to be, regardless of how many people oppose it, are offended, and I know what it is.

And I am saying for the people that is here, these people have that preplan analysis, and these, too, the Ute Mountain Tribe would like to have a copy of it, because I have seen it, I have seen it in different situations, to where there is always a plan. These people don't do things just to be doing things. That is how it is.

So I am saying along with my Tribal members here, that I think that with the benefit that people within the Blanding area, the White Mesa site area, and the people to the south toward the San Juan River, because if that uranium, if it ever gets away from these people, and then you have got the people to the south on that same drainage, and, you know, if it got worse, it could end up down in Mexico, and take up everything, contaminate everything to where that water flows. Even Las Vegas.

So I am saying this is not just a little thing. I think it needs to have a good look at things because it involves human lives, the way of life, because we are going to be here, we are not going to go nowhere. But if you want to know that it is going to make it to where you want to make the money off of this, on the Ute site, I am going to get my part, my pay, and then I am going to move on out, and go find something else to do.

But I am glad in a way that I was heard, and there is a person here from D.C., it is kind of nice to have somebody from out there to come out here, and kind of know about the situation, of what is going on here. Because from what little I know, some of those people back there have never been here in the west. And I always said, can you make a decision with an issue that is going on in the west, how can you make that decision if you have never been there. That is what runs through my mind. But if you have been here and look at the grounds here, and then go back to the place where you come from, and look at it, and say, hey, this was a different experience. Now, that is what it is. I think we need to all understand and have that respect for each other as human people, not as I am better than they are, or I carry more weight, or I am the president of ICU, or whatever, you know, it don't work that way.

But I have seen it, and they call it kind of more like a big shot or something like that, you know.

But, you know, I am saying that something like this, you know, I kind of understand where the back room deal comes in, too, and I have seen this, too, and I could pick it up quick, because I know what it is.

So, you know, there is a lot of those that go on, too. And when that happens, it is benefitting just one group, or benefitting an individual, and that doesn't go very good, because what it does, it leaves a paper trail, and somewhere along the way, it is going to catch up with you. And it is not a very pretty sight, in that back room dealing, it is a separate deal. Like the old saying, there is no honor among thieves. But I am saying keep it in the back of your mind that the people on White Mesa and behind it, we don't need a dangerous type of a chemical here, take it someplace else, and leave it there.

And I think the Ute people here are going to be here for a long, long, time, because it is not pretty, this uranium is not pretty. It deforms kids that is born, and this type of a thing, that is what we don't see when we have meetings like this, things like that, to me, to me it is dangerous. That is what I want to say.

Thank you all.

MR. METZLER: Thank you, Carl.

MS. RYAN: John Redhouse.

MR. REDHOUSE: I will be brief. My name is John Redhouse, I am Navajo and Ute, and I am here representing the NACARE citizens against ruining our environment, and our organizational position is that we are opposed to the selection of the White Mesa alternative as the preferred alternative for the reasons that are being stated today, that if this is selected and implemented it

will result in environmental and cultural ruination, the kind of destruction that cannot be mitigated, but it can be avoided. So that is why we are participating in this public hearing process, in the EIS process. We also participated in the scoping meetings of two years ago. We also submitted written comments, and we will submit written comments on the Draft EIS by the February 18th deadline.

Also the next year coordinator Allen Frazier will also be participating in the public hearings in Blanding this evening, and will amplify on our organizational position.

We are also opposed to the continuation of the White Mesa mill for reprocessing, disposal and milling purposes. Milling I know is being considered, and will result in the expansion of the White Mesa facility. Uranium mining is beginning to pick up on the south rim and north rims of the Grand Canyon, and also other parts of the Colorado Plateau. This will result in destruction, environmental and cultural destruction of Indian Tribes and Indian Nations here in the Four Corners of the Southwest, of the American Southwest. The Havasupai are the keepers of the Grand Canyon as are the Hualapai people. The trucking of the uranium ore from these mills, that IUC does have interest in, on the north and south rims of the Grand Canyon will also affect the Navajo, Hopi and the Southern Paiute Band, living in the Tuba City area.

And this uranium from the exploration of the mining, the milling, the disposal, it is like a cancer on the earth, and it must be stopped, it must be kept in the ground. And that is and will always be the organizational position of the NACARE.

Thank you.

MR. METZLER: Thank you.

MS. RYAN: Yolanda Badback.

MS. BADBACK: My name is Yolanda Badback, I am one of the concerned residents here. I have got a paper here that I would look to present to the DOE here, it is a complaint that I want to give you guys, because you guys -- I have been attending meetings and you guys have not been hearing the words that we have been saying all the times at the meetings.

I have been attending meetings in Salt Lake, at the Radon Control Board there in which I keep giving papers out to them telling them what my concerns were and how I felt about having you guys bringing it down to the mill here. As for being a resident here I don't know of any other community members here that was aware of this meeting here, I haven't seen no fliers put out or anything. I don't know if the people here knew about this meeting or anything. But I got a call and they told me that they are holding a meeting here, so I took the time off of work just to attend this meeting, so I am here today, and to tell you my thoughts. After being a community member here, I do not like that the EIS does not have a translator to be before the community here since we have the elderlys here. We have a few elderlys that do not understand what is going on, even though you try to explain it to them and some of them, they say, they tell you a long story and they say, you know, where we come out and tell the public but there is nobody

that will translate it. So I don't know if any of them are around here or anything, and I just present this paper.

That is all I have got to say.

MR. METZLER: Thank you.

MR. METZLER: We will make this paper a part of the record.

MS. RYAN: Next is Thelma Whiskers.

MS. WHISKERS: Good morning, good to see you people here, and I also am glad the councilmen are here.

And my name is Thelma Whiskers, and I am half Navajo and I am half Ute, and I am one of the elderlys here, and I talk Navajo and I talk Ute and I talk English real good, for them to understand, when I talk to them.

So, way back, me and my families, we have been fighting against this White Mesa mill for years and years. So finally, we invite the councilmen for them to know that when we are going to have the meeting. We have been going to the board meetings in Salt Lake, and I have been going to meetings in South Dakota, I have been to meetings in Idaho, Farmington, Shiprock, and I have got a lot of good friends, they are behind me, and here for myself, here -- I am not here myself, I am here with a lot of people are behind me. And I am so happy, and I work with my elderlys for them to understand, and the White Mesa mill is dangerous, and we don't want it to be close to our Reservation. We want it to be out of here, put it somewhere else.

I explain everything to them, and my people here, I care for them, especially the little kids. I really care for them. I am not on a board, I am not on anything. I care for my people, I love them, I explain everything to them, it is dangerous. This thing I am fighting against it. If I wasn't fighting against it this place will be going, it will be going.

So I have been going to Salt Lake to board meetings and here. They are treating me like I am a little puppy, I was a little puppy, they didn't listen to me. I was complaining like this, same old words, I have been complaining to this.

So me and my daughter and my grandkids, we have been going to the meetings. So I got my families together and I said, you know what, we have got to do something, let's tell our councilmen, let's all tell our representatives for them to help us, help us, be with us, it wouldn't work. We are the only ones here in front of the radiation board. They are treating us like little dogs. They don't recognize our Reservation, they don't, they look over us. That is what they have been doing. They now -- so, I work with the person, we all got together, and we work together, and I am so happy that I am fighting against this. I don't want it to be close to our Reservation. No, that is dangerous, we don't want it.

Since they closed that place, it is nice and clear, nice air every time when we go out, every morning. Before that, no, when we go out we used to smell that pollution. I wish you people would understand. I wish you would listen to us people here, from the Ute, Ute Tribe people here. I am, I am one of the elderlys, that is the way I feel because I have got a lot of grandkids, I care for the young ones, and here my nephew, he is suffering from the radiation, he is suffering. If it wasn't for me, yeah, it still would be going. If I didn't stand like this in front of you people, if I say, oh, it is none of my business, let it go. I don't even work for the money, I am not asking for the money, no, I am doing it on my own. I am doing it for my people here on this Reservation here. I get in front of the Radiation Board for years, years, years, and hear the people, and they started hearing my name, Thelma Whiskers, she is alone out there, fighting against the white nation. They are treating her like a little dog.

So all the people from the south I met, they are my friends, they are helping me, they are behind me. Now I am really happy to see the councilmen are here, they are behind me now. I am real happy for them to help me. I am glad that they are here, they go to meetings, they went to the Green River meetings, they went to the Moab meetings, they were all here. I thought I was going to be there by myself again, standing in front of the Ute people here. And I am so happy for these guys are behind me.

I prayed every morning, so I am not by myself, I have got a lot of people from down south are helping me, they are behind me. So that is why I am standing right here. I am real proud of myself, standing on my feet here telling you people, I am against it, I don't like it to be close to our Reservation. Which is I care for my grandkids, my kids, young people for elderlys.

Now people are asking me, did they shut this place down? I don't promise them, I say I don't know. They ask me, you are the one fighting against it. Is that closed? Oh, that is good if it is closed down. You did really hard work to shut this place down up here.

My people here they don't get their water from this White Mesa water, they go uptown and haul this water, the drinking water. Even the young ones got, they got health problems, they think it is from the water that they drink. You never know, if it wasn't for me, these meetings would be boring. No, I said I don't want it to be close to our Reservation. Which is I care for my people here.

I stand up to the people when I go to meetings, I talk Navajo to them, they look at me, I thought you were Ute? Yeah, I am half. I am half Navajo and half Ute. But there is no hardly young people talks Ute, they just talk English. But I talk Ute and Navajo to my grandkids for them to understand, and what they are, what their plan is, for them to know.

And the sagebrush that we use for our home, for our fever, look what happened, there is nothing. And during the springtime, we usually get our tea, Indian tea, nice, and blooms with yellow flowers. No, we don't see that anymore, because of this White Mesa mill up here.

Yeah, they, you people used to treat me like a little puppy, and I spread all my words, I need help, I want you people to help me, back me up, for you people to stand behind me. Let's shut

this place down, tell them to get out of here, move it somewhere else where they have got water. Here we have got no water.

For myself, I look at it now, because we stopped, now we have got good weather, it rains, moisture on our ground, maybe this springtime we are going to have a good, nice flowers around us, because there is no pollution, no smoke. It was killing our plants, what we used to use. Now, it rains good, now we are going to have a good land here, because we stopped this, there is no smoke, everything.

So I am here, and I am glad to see you people here, to be here on this White Mesa Ute Reservation.

I am not an agitated person, I am not on anything, I am not one of the board members, I am just living here on this Reservation. I help my people for them to understand. And good to see you people here.

MS. RYAN: Next is Bradley Angel.

MR. ANGEL: Good morning, my name is Bradley Angel, and I am really glad to be here today, and I want to thank the Tribe members for inviting me to join them in speaking here today and support your efforts to stop the proposal to dump the radioactive toxic waste on White Mesa.

I will be here speaking today primarily as the director of the organization that works with rural and urban and desert and indigent communities here in Utah, and our organization is called Green Action for Health and Environmental Justice.

And our organization works with communities like yours, that basically affects your health and well-being, both from pollution, dirty industry and from governmental agencies, that sometimes and frequently I think that certain people are less important than others, and forget that their mandate is to uphold the law and treat all people of our country equally, and with the idea of democracy and justice that this country is supposedly founded on.

Last night there were a lot of people in Moab, and I am glad you folks are here today, too, and everybody who spoke last night is saying the same things that we are hearing today, people want the mess by the Colorado River moved, and they want it moved north, to the safest possible place, and in the safest way possible. Nobody wants it coming here, except IUC, and I am afraid possibly the Department of Energy.

A few minutes ago, Tribe members presented a document, and I just want to go through some of that, and that was some Tribal members charging the U.S. Department of Energy with violating the civil rights of the Tribal members, and charging the U.S. Department of Energy in the formal decision complaint with taking action that desecrates sacred sites, interferes with traditional religious practices, and violates government mandates to uphold environmental justice. Why does that complaint have to be considered, why is it important. The Department of Energy by law has to consider all reasonable alternatives when discussing what to and deciding what to do with the Moab waste. And it is incredible and outrageous and unacceptable that somehow the

Department of Energy we pay with our tax dollars somehow thinks it is reasonable to dump radioactive and toxic waste, slurring it and using incredible amounts of precious water to be dumped here and to dump it next to the White Mesa Ute community on top of very sacred and cultural important sites. You know, in September 2003 I was at the meeting we had in Moab, and a number of the officials were there, and they spoke eloquently then, and I recall Mr. Knight, as he did today, say, what is it about no that you don't understand. And I think it is really important that the opening comment today from Mr. Heart point out that it is the Tribe, the Tribal members that are the cultural experts, not the DOE. But the DOE doesn't seem to understand that.

The Tribal members and Tribal officials this morning brought out today, as they did a year and a half ago, that East Carbon was eliminated, that Green River was eliminated, and yet White Mesa continues to be considered. And I am extremely worried that all the good words and facts that were presented here this morning, were actually presented at the scoping, and presented in the confrontation meetings, and seeing that the DOE must have a hole in the head, and going in one ear and clearly out the other.

One of the impacts that is not being considered is that the Tribal document has other responsibilities. They have to protect their people and land and culture. They should not have to be spending their limited time and resources fighting this outrageous and I believe illegal proposal. The complaint that was filed, sent in the mail yesterday to the Department of Energy in Washington D.C. was presented, has four main parts. I will quickly go through them.

One, is that the Department of Energy violated the Executive Order 12898, which requires federal agencies to take environmental justice concerns into consideration. And not taking action, and addressing them as appropriate, disproportionately high and adverse human health or environmental effects of its programs on minority population.

Now, how is it that dumping radioactive and toxic wastes next to White Mesa Ute community on top of so many culturally significant sites is not arbitrary and discriminatory? It is.

How is it that eliminating the white community of Green River and East Carbon from consideration, but leaving White Mesa in, which is even closer, is not discrimination? It is.

Secondly, the Executive Order 13007, provides for the protection of Indian sacred sites, and it says that the federal government shall accommodate access to and ceremonial use of the Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites.

Please tell me, dumping radioactive and toxic waste directly on top of these sites would not desecrate and affect their physical integrity, it of course does.

Thirdly Executive Order 13175, Tribal Consultation. As the Tribal government officials made very clear today and have made very clear in the past, you can't just convene a meeting and say you are consulted. This is land, it is the original land. Where I live I could get up and move, you people can't, this is your homeland, and that was not addressed in the draft EIS. So the Tribal

consultation, I believe, has been a mockery, and the Tribe deserves to be treated by law and by right.

And lastly, 42 U.S.C.A., Section 1996, federal statute, Protection and Preservation of Traditional Religions of Native Americans. And it says, you shall preserve for American Indians their inherent right or freedom to believe, express and exercise their traditional religion.

You just heard testimony again, as we have in the past, that that is not being adhered to, and that if in the alternative carried out that is a violation.

So not only should you not do it because it is the right thing to do, you must eliminate White Mesa from consideration because the law requires that you do so.

Lastly, I just want to say, there is one other thing that is not addressed in your Draft EIS, and not just from me as a director of an organization, with constituents in Moab, down to Arizona, a lot of the Tribes along the Colorado River, we guarantee that if this proposal is to be effected, there will be legal challenges, there will be administrative challenges, there will be nonviolent tactics to make sure there is no slurry line coming here, and it will cost incredible amounts in delay and financial costs that you haven't projected, and I am just giving you advance warning, it will be a fight that you don't want to get into.

Thank you.

MR. METZLER: Thank you.

MS. RYAN: Sarah Fields.

MS. FIELDS: My name is Sarah Fields, and I am speaking as a citizen of Southeastern Utah.

I come here from Moab, and last night I was at the hearing in Moab where there were over 100 people, I believe, and probably at least 50 people spoke, and it was I believe unanimous that the people of Moab want the tailings to be moved off the floodplain, off the Colorado River.

The citizens of Moab and Grand County also do not wish to have the tailings moved to White Mesa. A number of people spoke to that, and even if the tailings coming to White Mesa would not they also have to go through the city of Moab. The people in Grand County do not want it to come down here. That waste created in Grand County, the citizens of Grand County benefitted from the mining operation in Grand County, and they feel that it is Grand County's problem. And the law requires that the tailings should be put in the most isolated situation where the tailings would have the least possibility for human intrusion, and environmental intrusion, and would be least likely to contaminate the environment. That certainly eliminates the White Mesa option.

At the meeting last night the DOE said that the documents that were used for the DEIS were available. Well, yesterday morning I went to the Grand County library, where I have been continually doing research on various aspects of this, to take a look at the IUC proposal, because it is referenced. All I found was some colored slides from a presentation that IUC gave to the

DOE or somebody at some meeting. The actual application that IUC submitted to the Department of Energy wasn't there. So it was not available to me to even comment in the DEIS process. Now, apparently the reason it wasn't there was because they submitted a copy to the Department of Energy, which has a lot of what is called proprietary information. Well, in that case the DOE is obligated to create a -- oh, somebody is talking, I am sorry.

The DOE should create a copy that has that proprietary information removed, and make that available to everyone. We shouldn't have to do a formal request to get that.

I also wanted to look at the cultural sites report that archaeology had created, and that is also referenced in the EIS. All I found was a cover sheet stamped confidential. So I couldn't even take a look at that. And I notice in the DEIS, it is pretty skinny when it comes to a description of the types of archaeological sites and the types of cultural resources that would be impacted if the tailings came down here. It has nothing, no pictures, there are no photographs, nothing to give the decision makers any idea of what would actually be initiated, and there is not really any description of what mitigation means. Mitigation for cultural sites means the cultural sites gets dug up a little bit and people remove, they remove the bones, they remove the artifacts, the pots, the shards, the arrowheads, and then the site is totally destroyed, that is what mitigation means. Mitigation means destruction.

Oh, another aspect of moving the tailings down to White Mesa is the fact that if they moved it by slurry line they would have to put a slurry line from the Moab site probably underneath the Colorado River, and across the Mathison Wetlands. The Mathison Wetlands are the largest wetlands on the Colorado River. The wetlands are owned and taken care of by the State of Utah in the Nature Conservancy. No one in the Department of Energy ever went to the Nature Conservancy, and I am unsure about whether they went to the State of Utah, but I know they never went to the Nature Conservancy and said, well, what do you think about this. Are you going to give us permission to put this slurry line across the wetlands. And if they had asked, they would have found out that the Nature Conservancy is not going to give them permission to run a slurry pipeline across the wetlands. But I guess the DOE has counted on their ability to -- the power of eminent domain when they just come along and say, okay, we have this project going and we are going to do it no matter what you think and no matter what you say.

The city of Moab is very concerned about putting a slurry pipeline through Moab. They are very concerned about trucking the tailings through Moab. So the people down here can count on the help and support of Grand County and the people of Moab to fight any possibility that the tailings would come down to White Mesa. Grand County does not want that option.

And just like Grand County, the city of Moab does not want the tailings to be left on the banks of the Colorado River, and there will be administrative challenges, there will be legal challenges, if the DOE makes any determination to leave the tailings in place.

So I think between San Juan and Grand County we have two options that are off the table.

The first option is leaving the tailings in place, that is off the table.

The second option is moving the tailings down to San Juan County, that is off the table. And I sure hope the Department of Energy gets that message.

Thank you.

MS. PETERSON: Mr. Beck.

MR. BECK: Good morning, my name is Dudley Beck, D-u-d-l-e-y, B-e-c-k, I live in Bluff, Utah, I have been there about a year and a half. I came to Bluff after 18 years in Tuba City working with the Public Health Service.

I just want to say, and add my name to the list of people against moving the mill tailings to White Mesa. I am very happy to hear the comments today, and particularly in reference to eliminating the White Mesa for anything, irrespective of the problem in Moab. I was glad to hear that.

I have had tremendous respect for the Iroquois Nation since I was a young boy because of their philosophy of taking care of seven generations and planning for anything and everything that they do, and I have seen that throughout my lifetime now, in the native people, and the Navajo and the northwest Tribes, and I am glad to hear that is alive and well in the Utes, and I just wish it was alive and well throughout the white community throughout this great nation.

I am very scared as an individual, with the administration of this country. I think they have a plan and they could care less what most of us think or say. And that scares me. Our administration doesn't want to listen to science. We have great universities throughout the country who have spent years training scientists so that the administration can rely on their judgment in making decisions, and that does not appear to be happening.

When you are talking about global warming or clean energy use, and I would love to see us move back to the earlier philosophy of clean energy, and away from the uranium, and the coal fired plants that created environmental problems for our community that we can ill-afford and that will affect our children and our grandchildren and our grandchildren's children.

We don't want, I don't want their blood money. There is no amount of money they can give us to mitigate these problems. And I would hope tonight that the San Juan County Commissioners would go on record against this formal process that we have been asked to participate in.

Thank you.

MR. METZLER: Thank you.

MS. RYAN: Elaine Atcitty. I also want to thank Elaine and her staff for their part in getting us set up for this meeting. Thank you.

MS. ATCITTY: I am with the Ute Tribal Council.

First of all, I would like to thank my Vice Chairman, Art, for being here, our legal council, William Johnson, Tom Rice, Terry Knight and Carl Knight for also being here and a couple other community members.

And, you know, we had these meetings for so many years now, and we had set up the meetings here, about three or four times a year in the past, as I do recall, and I continue to hear the same things, and I think all the people continue to hear the same things. What I don't quite understand is what part is it, like our Tribal Councilman said, what part is it that is going to get the DOE to eliminate White Mesa from being a site. You know, I see a lot of comments, and I hear a lot of complaints about the uranium mill out there at White Mesa. Air pollution is one part of them, water is another. It is not going to affect us tomorrow or next year, but in the years to come. That is what we are afraid of here in the White Mesa community, that our water is going to be gone and the uranium tailings will be getting into our water. Where are we going to go from here, where are we going to go tomorrow. I heard a lot of comments about dollars being exchanged. Yes, that is true, but for who. It is not White Mesa, it is not for me, nor is it for our grandkids. All we are taken away from is our house and our grandkids' house. What is it that, you know, that DOE and the uranium tailings, the people who do this, are going to say the day that we don't need this on our reservation. I have seen it come all across this United States, but I don't see it in the east there, but out in the isolated areas in the west, for the native Americans. This is their homeland, this is sovereign land, our great, great grandfathers lived here. Yes, we had mining, back then, but they have long been shut down. There are some concerns. Mr. Heart, Vice Chairman Heart said the water rights, that is one of them, our Clean Air Act is another. We have enough problems as it is on our Reservation. We don't need to continue on with more problems coming to our people here.

And again I do support Thelma and her family back there, the lady, the advocate against this mill tailings way back then, for a number of years we was honored with a plaque for that, a service that he had done, the care that he had took, for his people here in White Mesa, I acknowledge that today here.

There has been some bloodshed, yes, like Thelma who was an advocate against something like this. We don't need no more of that. And, you know, I see things, you know, that transporting tailings, it is not going to work, either way it is not going to work and the people and the County Commissioners back there has made comments about this, too. What we are seeing here today, comments about our sacred ground, yes, that is true, our vegetation, is no longer there, the things that we use for native purposes is no longer there.

I mean I could go on all day here, but I think I made my point, and I would like to say thank you.

MR. METZLER: Thank you.

MS. RYAN: Mr. Lehi.

MR. LEHI: Good morning, I am Malcom Lehi, L-e-h-i.

My concern is sitting back here listening to what is going on here, I have lived here a long time, and I have seen Thelma's family going after the mill about this trying to shut it down for so many years and always wondering what they were doing that for. But now I know what the reason is, because I used to go out there hunting and stuff and a lot of times I seen animals out there that were about the color they should not be, and I wondered why a lot of the times over the years when we would be back there for whatever, or for water, and there is not very much water around here, and the drought and stuff, and I always wondered why this would be. Hunters told me that he had seen the deer that he wanted to go shoot, and he told me, hey, let's wait on it, it will come our way, but it never came our way. But a day later we seen the same buck and somebody had shot it, and he told me, there is that buck you wanted, you want him now? I said no, and we looked at him and he had, the color of his skin was different, he wasn't normal, and I told him, I says, well, he was over there at that pond, and I don't know if the people that run the mill that was there realized what they are doing to the animals here, and it kind of made me feel bad, because, you know, we as native Americans, we used the animals in the sacred way, you know, to live, and feed our families and stuff. To make that deer go to waste like that, I don't think that was right, and somebody has to step up and say something about it and see that. I don't know if the community of Blanding knows about this, that you were just saying are having a meeting, I hope they come out and have their say, and put out this mill and shut it down, because we do really have to shut this mill down, because of all the things that are going on around here in just San Juan County. And I am pretty sure, you know, for me, if I had the power to say things, you know, I would shut that thing down, because I don't think that is a place for the mill to be. I think it is better off where there is nobody or no life flow or anything like that.

You know, we have our, like, our councilmen and our people that were talking and saying it is the future we look at, not the past.

That is all I have got to say. I appreciate this.

MR. METZLER: Thank you.

MS. RYAN: Manuel Morgan.

MR. MORGAN: Good afternoon, my name is Manuel Morgan, I am a San Juan County Commissioner. This is kind of a difficult position for me to be in, but I just want to say that the Tribe have spoken, the Ute Tribe has spoken and the people have spoken for this community.

I think people and communities have different priorities, as we represent San Juan County we have different priorities. And we try to, as elected officials, we look at what is good, or what is best, or what is economically best or economical for the community.

San Juan County's position is to support the slurry. With that position I have stated, I only support this if the DOE comes to this community and educates the dangers, the impacts, that the community is going to experience, and I don't think to this date that we have had that lesson, whether this is good or bad for this community.

I talked to a gentleman the other day, and he told me, he says, you tell me one particle of uranium in the air, and for me to breathe that in, has that radiation in there, is that safe for me. I says, I don't think it is safe, because if it has got radiation you will breathe it in. And from there you have the impact. And that, you know, I get comments that says, well, the sun rays have more radiation than that particle of uranium, okay. If that is the case, if we are introducing another particle that has radioactivity, how is that going to impact this community, because you are adding another element of which we are already exposed to, and together the impact of those is what we don't understand. And so the community and the people that I represent have spoken and said that they are against this, and that is where I stand, is with my people. In this county there is 60 percent native Americans, and the DOE or this impact study basically addresses White Mesa community, and it is stated there are 300 people. The town of Blanding has how many people, San Juan County has how many people, and the impact of that is minimal because there is 300 people, that is not the case. Like I said, there is over 7,000 native Americans in this county, and they say no to bringing the tailings down here, and that is where I am going to have to stand on this issue, and I will also stand on this and present that to the county in that way, if you are wondering where my position is.

I am not going to bash anyone, the DOE for doing what they are going.

I am not going to bash IUC for what they are doing, I understand what their job is and what they are up to, and what they provide communities. But when there is an unknown impact of something that we will -- what we don't know until in the future, then we need to support one another and stand together and say if you can't provide those answers to us, then we don't want it.

Thank you.

MR. METZLER: Thank you, Commissioner Morgan.

MS. RYAN: Is there anyone who did not sign the list who would like to comment at this time?

MS. GOODMAN: My name is Margaret Goodman, M-a-r-g-a-r-e-t, G-o-o-d-m-a-n.

I just wanted to put in some comments to say, you know, Mr. Morgan was right, we have a little bit more different priority than probably you gentlemen here. As native Americans, we cherish animals, even the weeds that grow around here and things like that, that is a priority for us in our everyday lives. And the uranium mill, it seems like to me, as I have heard, you know, like the gentleman over there said, there is deer, rabbits, and for unknown reasons their meat is a different color, breeding and whatnot. And the deer go to the water hole over there, and as uranium is being packed or however the process goes, you don't know how much dust is coming off of that thing in the air, even a slight breeze how many people are going to inhale that dust, you know. And like he said, how many people came down to teach all these people, Tribal members here about this mill site. I don't see an interpreter here today, you know. If you want to step on the grounds of reaching everybody in the community I think that, you know, that is not right, there should be an interpreter, there should be somebody here that can get in contact with the Tribal members and actually see who is going to understand and who is going to know, see what you guys are trying to do. But the fact of the matter is, native Americans do cherish the

earth, the ground, the flowers, the weeds, whether it is a good weed or bad weed, some of it is medicine for people, who are ill, you know.

So I think that, you know, there has to be a lot of thought put into this and a lot of avenues to take to talk to the community members here, basically for their health. And basically for all the animals that we cherish. For some of them, it is their everyday meal, you know, that is the meal on their table for them.

That is it.

MR. METZLER: Thank you, Margaret.

MS. RYAN: Is there anyone else who would like to comment at this time, who has not commented yet?

MR. METZLER: All right. Well, I think that ends it.

(Public hearing concluded at 12:45 o'clock p.m.).

REPORTER'S CERTIFICATE

I, Joseph J. Rusk, do hereby certify that the foregoing is a true transcript of the testimony given and the proceedings had.

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