

BEFORE THE DEPARTMENT OF ENERGY

Hearing on the
Draft Environmental Impact Statement
for a Proposed Repository
at Yucca Mountain, Nevada

Crescent Valley Town Hall
Crescent Valley, Nevada

Thursday, December 9, 1999
11:35 a.m.

Reported by:

ERIC V. NELSON, CCR #57

APPEARANCES

MODERATOR:

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1 CRESCENT VALLEY, NEVADA, THURSDAY, DECEMBER 9, 1999

2 11:35 A.M.

3 -o0o-

4
5 MR. LAWSON: My name is Barry Lawson. I am
6 pleased to serve as facilitator for this public meeting in
7 Crescent Valley, Nevada, on the Draft Environmental Impact
8 Statement for a geologic repository for the disposal of
9 spent nuclear fuel and high level radioactive waste at
10 Yucca Mountain. I'm a neutral facilitator who is neither
11 an employee of nor an advocate for the Department of
12 Energy, the State of Nevada, or any other interested
13 party.

14 It is my intent to insure that the public has
15 an adequate opportunity to provide comments to the
16 Department of Energy either through oral or written
17 presentation. I ask for your cooperation in achieving
18 this goal.

19 The court reporter for this session is Eric
20 Nelson, and I have asked him to notify me at any time that
21 he needs to have any of your comments clarified. It will
22 be important that only one person speak at a time. It is
23 my responsibility to make sure that everybody present has
24 an opportunity to offer comments.

25 The Department of Energy will not be

1 answering or responding to questions raised at this time
2 as the purpose of this session is to receive your formal
3 comments that will be addressed in the Final Environmental
4 Impact Statement.

5 I'll call each person in the order given to
6 me by the registration staff. As I call each person I
7 will also announce the two following speakers so that you
8 can be more adequately prepared.

9 It is not my intent to limit anyone's
10 comments. As you can see, there are a number of people
11 who would like to speak this morning. I generally ask
12 people to stick to a five-minute limitation at least for
13 initial comments. Then after everyone else has had an
14 opportunity for their initial five minutes, if you have
15 other comments that you would like to make, to come back
16 and finish your comments after everyone else has spoken.

17 I'm going to relax that a little bit but not
18 too much because we do have 10 or 12 speakers, and we're
19 scheduled to go to one o'clock. I'm going to try to
20 manage that as well as possible.

21 Try to stick to the five minutes. If you
22 need a little extra time, I'll certainly bear with you.
23 I'll give you a 30-second warning when there is 30 seconds
24 left in the five minutes so you will have some notion of
25 how you are doing for time.

1 Now if you have written comments, or written
2 copy of your comments, I should say, or if you have
3 additional comments beyond those that you offer orally,
4 I'd ask you to drop them in the comment box which is back
5 in that corner over there before you leave today. Should
6 you have supplemental reference material that you would
7 like to have included in the record, please give those to
8 me when you speak so that I can have them officially
9 entered as exhibits to this meeting.

10 Now I must insist on there being quiet in
11 this room during the formal comment period so that the
12 court reporter can make an accurate record of all comments
13 and the officials in the audience of course can understand
14 what those comments are. So if you have additional
15 conversations that are necessary, if you would not only
16 step out in the hallway but perhaps go outside or down the
17 hallway so it doesn't interfere with the procedures here,
18 I'd greatly appreciate that.

19 _____ I doubt there is going to be any need for
20 recesses unless it goes a lot longer than I suspect that
21 it will, and I want to thank you in advance for
22 cooperating in making this meeting as respectful as
23 possible.

24 Are there any questions before we begin?

25 Okay. When I call you -- yes, please.

1 FROM THE FLOOR: Will this evening's session
2 be a duplicate of this, or is it entirely separate?

3 MR. LAWSON: No, it will be very much the
4 same thing. The first part of it will be a presentation,
5 with opportunities for questions and answers, and then for
6 formal comments.

7 FROM THE FLOOR: So if someone doesn't have
8 time to do their formal comment now, it can be this
9 evening.

10 MR. LAWSON: Yes, please, for sure.

11 FROM THE FLOOR: Thank you.

12 MR. LAWSON: You can sign up for a time
13 before you leave. When you are called to speak, come up
14 to this table right here, tell the court reporter your
15 name, and then begin, and please speak toward the court
16 reporter. We have set this up so you have no choice on
17 that matter, because it makes it much easier for him to
18 get an accurate record if he can see you speaking.

19 Of course, just a final reminder, anybody who
20 has not preregistered to speak but thinks that they would
21 like to speak, please see Ethan over in the corner there,
22 and he will make sure that you have a chance to speak
23 before we leave.

24 With that as background, the first person or
25 first item I have here is the State of Nevada. Is there

1 somebody from the State of Nevada who is here to make a
2 presentation?

3 MS. JOHNSON: No, they will be here this
4 evening.

5 MR. LAWSON: Thanks, Abby.

6 The first speaker I have is Sandy Green, and
7 she would be followed by Ron Rankin and Pat Leppala.

8 **PUBLIC STATEMENT OF SANDY GREEN**
9

10 MS. GREEN: My name is Sandy Green,
11 S-a-n-d-y, G-r-e-e-n. And I'm the vice chairman for the
12 Board of Eureka County Commissioners.

13 I am here today on behalf of the Commission
14 to make some preliminary comments on the adequacy of the
15 Department of Energy's Draft Environmental Impact
16 Statement on Yucca Mountain.

17 The Commission Chairman will provide
18 additional comments at this evening's hearing.

19 We do appreciate the Department of Energy's
20 willingness to come to Crescent Valley to hold these
21 hearings in the area where the impacts could be. It means
22 that the Department will be hearing today from local
23 residents who could be affected by this proposal to build
24 a branch rail line to transport high-level radioactive
25 waste and spent nuclear fuel to Yucca Mountain.

1 Eureka County is one of the ten affected
2 units of local government under Section 116 of the Nuclear
3 Waste Policy Act as amended. The Commission is very
4 concerned about the impacts that a proposed rail route
5 could have on our county, especially Crescent Valley, and
6 that the draft does not do a thorough or adequate job of
7 identifying those impacts.

8 The draft does not adequately address the
9 potential effects that this project could have on property
10 values within our county. Our concern has several
11 dimensions.

12 We are concerned about the potential loss of
13 market value because of the stigma of a nuclear waste rail
14 line in the county. And with our strong agricultural base
15 in this county, the nuclear stigma would affect not only
16 property values but also crop prices.

17 We are also aware that such stigma can stymie
18 our efforts to diversify the local economy and to attract
19 new enterprises to this county, not to mention retaining
20 our existing businesses.

21 The recent nuclear accident in Japan is a
22 case in point where both tourism and potential business
23 were negatively impacted. The term for this is
24 disinvestment, and we believe that this project could have
25 that sort of impact on our county and on our state.

1 One of the recurring comments I hear is that
2 the proposed rail line is sited in a flood plain, in the
3 playa which floods up to four feet in wet years. The
4 draft contains information which has not been verified or
5 ground truthed. The information in the document is
6 insufficient to make an informed decision about which rail
7 route to select, and flooding is an example of this.

8 On page 3-114 of the draft, it states that
9 Native Americans live in the vicinity of two of the
10 candidate rail corridors, Jean and Valley Modified, and
11 this statement should be corrected to acknowledge that the
12 Western Shoshone Dann sisters live in Crescent Valley in
13 the vicinity of the proposed Carlin route.

14 The draft also uses 1990 census data which is
15 clearly outdated for the State of Nevada, the fastest
16 growing state in the union. Current data is available
17 from the state demographer and should be used in the
18 draft.

19 Do not penalize Nevada for its growth rate or
20 for the fact that this project is being proposed before
21 the next national census.

22 Because over 87 percent of our county is
23 managed by the Bureau of Land Management, it seems that
24 more input is required from that agency regarding the
25 variety of impacts that the rail route could have on land

1 and resources that they manage.

2 We were surprised to read in Appendix C that
3 the Department only met once with BLM and that there are
4 no ongoing communication or interactions mentioned
5 regarding the Department's multi-faceted proposal.

6 We would hope that BLM would not hold the
7 Department's proposed action to any lesser standard than
8 they require of the mining and the ranching industries.

9 I have here the current draft from the Cortez
10 South Pipeline project which was submitted several
11 meetings ago to the Commissioners. This draft has the
12 kind of detailed site specific information that the
13 Department should be gathering for each proposed rail
14 corridor at this time in order for there to be adequate
15 information for route selection.

16 Another area where the draft is deficient is
17 in its treatment of existing rail and highway within
18 Nevada. For example, from West Wendover to Beowawe, the
19 interstate and Union Pacific rail line go through several
20 communities and cross the Humboldt several times, and you
21 would never know that from reading the draft.

22 A major flaw in this draft is that the
23 Department of Energy appears to want to disconnect the
24 development of Yucca Mountain as a repository from the
25 transportation of nuclear waste. As it stands now, the

1 Department is not funding transportation development, and
2 the draft reflects that priority.

3 Since the origins and destination of the
4 nuclear waste are known, the Department should have
5 identified specific routes in the draft which would have
6 informed communities along the country or throughout the
7 country of the Department's plans.

8 This draft is not adequate to make an
9 informed decision on modes and routes, even though the
10 Department states that they intend to make routing
11 decisions based only on the information in this draft. We
12 believe it is inadequate and call upon the Department of
13 Energy to release a new draft for public comment which
14 corrects these deficiencies.

15 It is essential that the public and the
16 affected units of local government have an opportunity to
17 review and comment on the changes that the Department will
18 make. A new draft will insure that the public has a
19 voice. Thank you.

20 MR. LAWSON: Thank you very much.

21 MR. SKIPPER: Thank you, Sandy.

22 MR. LAWSON: Our next speaker is Ron Rankin.

23 MR. RANKIN: Sir, I'd like to be moved to
24 this evening to make comments when the full Planning
25 Commission is present.

1 MR. LAWSON: Sure. That's fine. Then Pat
2 Leppala, and she would be followed by Lee Louden and Nancy
3 Louden.

4
5 **PUBLIC STATEMENT OF PAT LEPPALA**

6 MS. LEPPALA: Dear friends and members of the
7 Department of Energy staff: My name is Patti Leppala,
8 L-e-p-p-a-l-a.

9 I would like to go on record as saying we
10 need an alternative study to the proposed rail line. The
11 members of Crescent Valley got together, and we found 60
12 unanswered questions in one hour. We feel that a rail
13 line is inconsistent with the growth of this community.
14 We found towns named that aren't here, and we found towns
15 that were here that weren't really referred to.

16 I want to thank you for coming and to
17 listening to us, and again, that we are against the
18 proposed railway and would like an alternative proposal to
19 evaluate.

20 MR. LAWSON: Thank you.

21 MR. SKIPPER: Thank you, Patti.

22 MR. LAWSON: Lee Louden and Nancy Louden and
23 Charles Harper.

24
25 **PUBLIC STATEMENT OF LEE LOUDEN**

1 MR. LOUDEN: Hello. My name is Lee Louden.
2 My family and I own the Crescent Valley Mineral Hot
3 Springs Trailer Park and Farms which is located one
4 and-a-half miles from the proposed rail line outside of
5 Crescent Valley at Hot Springs Point.

6 The rail line crosses between our place and
7 town. We have a lot of concerns about the impact on our
8 area there because it's a major riparian area and a
9 wildlife area.

10 So I have quite a few questions, but I just
11 feel that the EIS, the DEIS inadequately answers these
12 questions. My first question would be: The loss of
13 quality of life around here because of the fact that that
14 rail line will be going in front of our house.

15 Question two: Will the private property
16 along the tracks be condemned? If so, will the property
17 owners be given fair market value? The EIS is inadequate
18 on this question.

19 Will the rail line be single use or will
20 there be other potential users, like the mines?

21 Some of these questions were already
22 answered, but I'll still put them in here.

23 Who will own the railroad right-of-way?

24 If we experience a loss of property values as
25 a result of this railroad, will we be compensated for loss

1 of property value?

2 Will the radiation levels in our area be
3 monitored?

4 Will the Crescent Valley airport be
5 restricted? It goes right into the quarter mile corridor.

6 Where does the liability lie in the event of
7 a major accident?

8 And then, I feel that the EIS is inadequate
9 on the subject of a no action scenario. Both 1 and 2 are
10 unreasonable. Thank you.

11 MR. LAWSON: Thank you.

12 MR. SKIPPER: Thank you.

13 MR. LAWSON: I'd like to call on Nancy
14 Loudon.

15 MS. LOUDON: I want to pass because my
16 husband pretty much covered what I was going to say.

17 MR. LAWSON: Okay. Fair enough. Then
18 Charles Harper. Mr. Harper here?

19 -- I'm going through my list much faster than I
20 thought I was going to. Jennifer Viereck. Then Joseph
21 Carruthers and Corbin Harney. Did I get that last name
22 close?

23 **PUBLIC STATEMENT OF JENNIFER VIERECK**

24
25 MS. VIERECK: Viereck. Pretty good. My name

1 is Jennifer Viereck, V-i-e-r-e-c-k. I live in the Yucca
2 Mountain area, although I have been welcomed in this
3 community a number of times over the years by the Danns
4 and others, and I'm grateful to be back.

5 I am going to have additional comments this
6 evening. I'd like to keep it short. I was expecting more
7 speakers. But there is a number of things that I'd like
8 to address that I think the draft Environmental Impact
9 Statement does not cover adequately.

10 One of the first that I'm concerned about is
11 simply the term that we're using for the materials that
12 will be transported. The term spent fuel gives the sense
13 that it's less radioactive than it actually is. I think
14 most of us are used to using the term spent in terms of
15 our family budgets and that sort of thing. And when you
16 spend your money and you look in your checkbook, you got a
17 balance of zero; right?

18 Well, when you talk about spent nuclear fuel,
19 we're talking about materials that are a million times
20 more radioactive after its use in a reactor than before.
21 I don't think any of us will find a million dollars at the
22 end of our checkbook balance. I feel that is a very
23 misleading term for normal people, and I would ask that
24 the DOE look into using a more appropriate term such as
25 irradiated fuel.

1 I also believe that the DEIS does not
2 adequately address a number of legal issues. The first
3 and most important in my view is the issue of the Ruby
4 Valley Treaty. There is very little information in the
5 DEIS about the Ruby Valley Treaty which acknowledged in
6 1863 that the Western Shoshone have sovereignty over this
7 land. It is in litigation at this present time in
8 international courts, the Organization of American States,
9 and it continues to be litigated in federal courts. All I
10 could find in the summary was one small green paragraph
11 set aside as though it were a point of interest along the
12 highway and not a real issue to be dealt with.

13 So I would ask that that be much more
14 adequately addressed.

15 There is a proposal for withdrawing 230
16 square miles for the Yucca Mountain repository, additional
17 to the lands that have already been withdrawn that are
18 bigger than the size of the state of Rhode Island for the
19 Nevada Test Site itself. And as Lois was pointing out
20 earlier, there are many many issues of impacts on plants
21 that are used for medicines and foods, animals that are
22 hunted and used in other ways in the community, things
23 that are used for building, such as willow and that kind
24 of thing, and they seem extremely inadequate. So I would
25 ask that these things be addressed.

1 There is also conflicts with state laws.
2 State of Nevada laws specify quite clearly that the State
3 of Nevada does not accept high level waste. So we'll be
4 in continuous conflict and litigation over this.

5 It's also a felony to contaminate ground
6 water in the State of Nevada. There's already proven and
7 is even mentioned in this document serious contamination
8 at the Nevada Test Site already, and no prosecutions are
9 taking place for that. This is clearly something that
10 needs to be addressed.

11 I think we need to really look at the
12 National Environmental Policy Act which specifies clearly
13 that it's to be used to look at whether something will
14 protect or enhance the environment and not to justify a
15 decision that's already in process or being made. There
16 has been no other site looked at or no other method to
17 isolate the waste that we're talking about. And it seems
18 to be a political decision. I think this is illegal, and
19 I think it needs to be addressed a lot more clearly.

20 The purpose, the mission of the Yucca
21 Mountain repository as originally stated was to isolate
22 nuclear waste from the environment, both human and
23 natural, and it's quite clear from this document, as I
24 read it, that it's already been acknowledged that that's
25 an impossibility. So I don't even understand why we're

1 having this discussion. Because if we cannot isolate the
2 waste, if it is going to leak, whether we're talking a
3 hundred or a thousand years, we're looking at materials
4 like plutonium that have a dangerous life span of half a
5 million years. As plutonium breaks down it creates other
6 isotopes which last even longer.

7 The document states clearly there is a
8 material called neptunium that does not even peak in its
9 releases for 300,000 years. So if we can't isolate the
10 material, then why are we shoving it in a hole in the
11 ground and covering it over? Why don't we keep it above
12 ground where scientists can monitor it. If it is safe
13 enough to transport, isn't it safe enough to keep in one
14 place?

15 Why can't we monitor it and be careful about
16 it until we do have technology that will isolate it and
17 not poison a planet we live on.

18 I'm also concerned about the population
19 figures that are used in the DEIS. In my area, near
20 Pahrump, the figures are already inadequate, and I
21 understand that the projections only go to the year 2001,
22 and these are already inadequate.

23 Pahrump is the fastest growing community in
24 the United States right now. We have an increase in
25 population of over a thousand people per month. Las Vegas

1 has an increase of 4- to 5,000 people per month. If these
2 populations continue to grow at this rate, there's going
3 to be people living on Yucca Mountain by the time this
4 place opens. This is not adequately addressed.

5 My questions earlier about exposure,
6 accumulative exposure. If this panel cannot address them,
7 then I think that's extremely important. If we have rules
8 and regulations for transporting materials that specify
9 they need to be moved in 48 hours, then why isn't this
10 addressed in this book more adequately so that our
11 questions can be answered?

12 We're talking about materials that are
13 extremely deadly, and all of us are very concerned and
14 want factual information. We want to know about
15 cumulative effects. People who live along rail lines and
16 have herds and growth materials, farms, who raise alfalfa
17 and family foods, people who go out and harvest natural
18 medicines and so forth need this kind of information.

19 There is also no cumulative figures that I
20 could find regarding the fact that this is being built
21 adjacent to the Nevada Nuclear Test Site. The Nevada
22 Nuclear Test Site is already exposing everyone in the area
23 through the air, through soils that blow around in high
24 level winds, through the water, and there's not
25 information about how this would cumulatively affect

1 people in terms of genetics, natural wildlife or human
2 health. I think this is inadequate and needs to be
3 addressed with a lot more concern.

4 There's also a concern about what water will
5 be used in that area. The water in that area that is
6 being discussed for use in making cement and that kind of
7 thing, spraying down the grounds, is already potentially
8 contaminated from testing. Testing took place above,
9 below and actually within the water table at the Nevada
10 Nuclear Test Site.

11 So my concern is that in addition to all of
12 these things, there's also the problem that the amount of
13 materials that you are talking about moving will actually
14 have reached its peak, we will have this 70,000 tons of
15 material by the time you're actually trying to open the
16 doors down there, and so we'll again be in the same
17 problem with reactors all over the United States producing
18 these kind of materials, stacking them up everywhere, and
19 at the same time, we will have exposed 50 million people
20 along the rail routes and the highways, we will have
21 exposed 43 states, we will have exposed many so far clean
22 areas, such as this one, and we'll have the same problem.
23 And yet we'll have all this material shoved in the ground
24 where there is nothing we can do to monitor it or take
25 care of problems as they occur. Thank you.

1 MR. LAWSON: Thank you.

2 MR. SKIPPER: Thank you.

3 MR. LAWSON: Joseph Carruthers. Following
4 Mr. Carruthers, Corbin Harvey and Lois Whitney.

5
6 PUBLIC STATEMENT OF JOSEPH CARRUTHERS

7 MR. CARRUTHERS: My name is Joseph
8 Carruthers. I'm a resident of Crescent Valley. My name
9 is spelled C-a-r-r-u-t-h-e-r-s.

10 I'm a very concerned citizen, and took it
11 upon myself to get a committee started so we could address
12 these issues that are affecting our way of life. Many of
13 us who live out here have come here for specific reasons,
14 and that is to get away from the urban sprawl and problems
15 that come with that. We feel that we are being infringed
16 upon with this process that's going on now with Yucca
17 Mountain. And I have some questions -- some comments to
18 make in regards to inadequacies in the EIS.

19 Number one, on 6-62, it mentions that there's
20 only one spring. Well, I found that not to be true.
21 Looking on any of the maps that we have here, and there is
22 an additional one that is below this, just so that it is
23 on record for the water and maybe not just a spring but
24 because wherever water comes from the ground there is one
25 flowing well, there is six additional springs, there is

1 six borderline springs. And I'd also like to mention of
2 this if there ever was a problem, the old pluvial lakes
3 that existed out here, a lot of them drained into Crescent
4 Valley. Grass Valley, and Carico Lake Valley have
5 drainages that come into here.

6 All this water flows from there to here. So
7 if anything in between here and there is happening, it is
8 unretrievable, there would be problems.

9 Also there are three creeks that run year
10 round that would be near this or through the proposed rail
11 route, Steiner, Skull, Callahan, and also I might add a
12 fourth one, Indian Creek as well, which is just right up
13 over here.

14 That is one of my main concerns, as well as
15 our hot spring system that we have. Now, there are two
16 private residencies with thermal springs, and at the Hot
17 Springs Point, the spring is undeveloped, and a lot of
18 animal life in this valley go to there for watering and
19 for food, as well as, I might add, the Loudens, on their
20 developed spring, and I have seen this personally, many
21 types of migratory fowl and animals come through there as
22 well.

23 I did have a question I want to bring up, and
24 I know this isn't a comment period. We have been provided
25 with two different maps showing the differences on the

1 exact rail route. There are some discrepancies in that.
2 I hope that can be worked out so we will know exactly
3 where that rail route would be.

4 One was on the question of the Cortez mine be
5 given its own railroad underpass, and I know you addressed
6 this a little bit to me, gave me a little bit of an
7 answer, but I feel it has been addressed inadequately
8 because it does not tell in the EIS about the land use and
9 ownership, and it does not address the existence of Placer
10 Dome, the mine right down here, which would be
11 tremendously affected if anyone looks at the map here. It
12 goes right through their operation, and they do go across
13 the whole valley. They do have an operating mine that is
14 the big mine where the big deposit is on this side, the
15 west side, and then there is Cortez on this side over
16 here.

17 Also because of that, there is a haul road
18 that is used every day, and we do not find in the EIS any
19 recognition whatsoever what would be done to help the mine
20 so they could continue their operations. So we find that
21 inaccurate as well.

22 Once again, on mining claims, will they be
23 divided and accessed, be restricted, and what type of
24 compensation? I could not find this in there, as well as
25 inadequate. It does not address the existence of such

1 claims with adjacent access rights.

2 Also I want to get into this also again on
3 the water. Water to our county and to our state is very
4 important to us. Water is life to us.

5 Back East -- and I have lived back East, and
6 I also lived near the Byron Power Plant in Illinois. I
7 have seen what industry and other things have done to our
8 rivers and our water in this country, and it is shameful,
9 and we are getting better, fortunately.

10 But I believe what is going on with the
11 nuclear power industry is absolutely wrong, and I think in
12 our hearts we all know it's wrong, and we should phase it
13 out. But anyway, back to this, the great grazing
14 allotments for our ranchers and their water rights and the
15 loss of their rangeland because of a rail route that would
16 go from here, proposed rail route going from here all the
17 way to Yucca Mountain would hurt a lot of our local
18 people. So we find this inadequate as well.

19 Well, I guess all I have to really say is
20 that, you know, as a citizen of Nevada, and I know that
21 our governor and our senator and over 75 percent of the
22 people of our state are opposed to this. I ask you in a
23 kind way, please retract and don't do this to us. Thank
24 you.

25 MR. LAWSON: Thank you, sir.

1 MR. SKIPPER: Thank you.

2 MR. LAWSON: Corbin Harney. And then Lois
3 Whitney. Miss Whitney is the last person I have on my
4 list at this point.

5
6 **PUBLIC STATEMENT OF CORBIN HARNEY**

7 MR. HARVEY: My name is Corbin Harney I'm a
8 Shoshone Indian from this world of ours we talk about.
9 Somehow the DOE, the Nuclear Energy Department, look to me
10 as a people, one of the people that don't care if we get
11 life at all. But they are saying beautiful things. They
12 are telling us it's not that dangerous. But at the same
13 time, they on the other hand, they say it's dangerous,
14 we're going to have to really take care of this.

15 Look what they are doing at the Nevada Test
16 Site for one. I'm from there. I have been there many
17 many years. They are dumping all this stuff, the nuclear
18 waste as they call it, low grade, don't harm you at all,
19 they are dumping it in open pits, open trenches.

20 What does the wind do to that? Does it leave
21 it there? It seems to me like it picks it up and it
22 brings it wherever we're at.

23 A lot of my people on this part of the
24 continent, the native people own the land here in this
25 part of the continent, that we all enjoy living here,

1 making our living on this part of the continent, enjoying
2 our life. At one time we survived on this land with all
3 the food that was produced by the nature itself.

4 I think most of you people know our berries,
5 for one. It's already disappeared because of the
6 radiation.

7 The food that we use as a native people for
8 thousands of years, the food that we really enjoyed, the
9 medicine that was put here before you people ever came
10 into this part of the continent, there was medicine of all
11 kinds for different kinds of sickness. That was put here
12 by the nature. And today those things are gone because on
13 account of the radiation.

14 The DOE, the Nuclear Energy Department, never
15 came to us and asked us questions about those things.
16 Because they get money, they get paid. Them guys that was
17 here this morning, they get somebody else to do their
18 thing to give us a good report that we believe in them.

19 I think their bosses right now, when I do
20 talk to them people in Washington, D.C., they all say that
21 there is somewhere the truth is going to have to come out.
22 This is something that we got to learn, and today most of
23 you people in here, you are going to have grandchildren.
24 What kind of water are they going to be drinking? What
25 kind of food are we going to be eating? And today the

1 wind carries those particles throughout the country,
2 throughout the world in other words.

3 In this part of the country my people survive
4 on pinenuts. It was a very important part of our life.
5 When the particle gets on the tree and the rain comes down
6 and washes it down to our ground. They never have
7 reported to us for many many years, what do they do with
8 this water, the nuclear rods they say they cool it off
9 with? Where do they dump it at? Do they take it to some
10 other planet, or what are they doing with it? They never
11 told you that. They never told us nothing about those
12 things.

13 And today, every living thing on this planet
14 of ours has suffered from cancer. Since 1953, most of my
15 people died from cancer. And today, there's a lot of them
16 out there suffering.

17 Cancer has taken over the country, not only
18 for us humans but all the living things out there. They
19 never report those to us. They never will. As long as
20 they get paid, they don't care. They don't care about
21 your life. They never have, they never will.

22 This is what they done to us from the
23 beginning, and today it's still you are in the same boat
24 that we were in a few, just about 500 years ago.

25 Then we talk about the radiation is going to

1 be with us for 250,000 years, the half life. And today,
2 let's think about Hanford for one. Just think about it.
3 In 60 years, those containers are leaking.

4 Then they tell us they are going to find
5 something that's really going to be safe, hundred percent
6 safe. I think each and every one of us know there's more
7 train wrecks today throughout the country. Somewhere an
8 accident is going to happen. Then what do we do?

9 Them guys up here is not going to save your
10 life. All they are going to say, we didn't know this was
11 going to happen.

12 I have been told by many of them people
13 there, if accident ever happens out there, we're going to
14 get the robots out here from back East, two of the robots.
15 They are going to handle it.

16 I think that's under no agreement, or I don't
17 know what you call it.

18 Let's all think about it. What are we going
19 to do if accident ever happens? Today throughout the
20 world the water is not pure, is not strong. The way we as
21 an Indian people look at those things, they got spirit
22 like we do.

23 I have been asked not too long ago, about
24 three years ago when I was invited to go to Kansas City,
25 the people, the grain raisers keep asking the question,

1 why is my water not doing what it's supposed to do here
2 10 years or 15 years ago? That is simple to know. And
3 today each and every one of us know that. The more water
4 you drink, you never get quenched with thirst because your
5 water is not strong.

6 And today we're killing our water, the spirit
7 in the water.

8 Everything on this mother earth is dying. We
9 all know that. We all see that.

10 But them guys are telling us the other way
11 around. It's not that dangerous. You can live with it.
12 Same with all the stuff that came here.

13 This is something that we have to think
14 about, all of us. Think about our young generation behind
15 us.

16 And today the trees are dying, the animal
17 life is disappearing. The ocean has began to be
18 contaminated with radiation.

19 Look at the radiation that's coming from
20 submarines, nuclear submarines. What do they do with
21 their rods when it gets old, gets weak? They dump it into
22 the ocean. What is the life in that ocean doing today?
23 Why are there so many on the shorelines, the creatures
24 that used to live in that water?

25 They are not telling us those things. But I

1 wish they would ask us questions. Invite the native
2 people, because you're living on this native land. They
3 are the ones you should go to to begin with. They can
4 give you a lot of pointers here.

5 What we're doing today throughout the world,
6 sending these missiles into the air, how much radiation is
7 it leaving behind? What are we trying to do, eliminate
8 some of the people, or what are we trying to do?

9 The Nuclear Energy Department employees are
10 not going to live for thousands of years. They are going
11 to die like we do. Some of us already are suffering,
12 already dying with cancer. But they are not telling the
13 truth.

14 Somehow we're going to have to start telling
15 the truth. We as a native people always say, went one out
16 in circle, it will come back to you. So that way we
17 already know those things.

18 Let's think about it, ladies and gentlemen.
19 If this continues, we are going to be the ones to suffer.
20 Yucca Mountain is not big enough tunnel to hold all the
21 waste they are talking about. Transporting it there from
22 throughout the world, that's where it is going to come
23 from, around the world, to Idaho, into Nevada. It's going
24 to be passed to your front yard, through your land.

25 We are the ones that are going to suffer out

1 of this deal because we have seen so many youngsters today
2 dying with cancer, even three year olds. Let's all unite
3 ourselves together and say no to this Nuclear Energy
4 Department.

5 I don't want it in my land at the Nevada Test
6 Site, or at Yucca Mountain. I don't want bad things to be
7 transferred throughout the country. If they want it,
8 leave the waste where it's at. No use spreading it over
9 the land more than what it is today. We already talk
10 about if it stops in one place so many hours, it is going
11 to affect you.

12 Let's not put it on the railroad or on the
13 highway or on the land. Let's leave it where it's at. If
14 those people who wanted it, they should live with it, not
15 shipping it around the country.

16 So let's think about our life. Let's think
17 about the younger generation. How are they going to
18 survive? All the living things on this planet today, like
19 the alfalfa for one, like I talk about the particles that
20 blow by the air on to that alfalfa, and animals that eat
21 that grass, they get affected by it. They are not telling
22 us that. They never will.

23 So this is something that we all are going to
24 have to think about, how important our life is for the
25 younger generation. Remember, they, the older people,

1 they fought for our life. They suffered for our life, and
2 today, we should suffer for the younger generations, how
3 their life is going to be.

4 Because we're running out of water, we're
5 running out of air, we're running out of this mother earth
6 of ours. We should be taking care of it instead of trying
7 to destroy it.

8 Like I talk about the water, where does it go
9 when they dump that? What are they saying about the water
10 that they using to cool off the nuclear rods? Where are
11 they dumping it?

12 Today it's coming down on to us and all the
13 water throughout the world. So I wish they would address
14 those things and tell us the truth, not those lullabies
15 that they say they call them. Thank you.

16 MR. LAWSON: Thank you, sir.

17 MR. SKIPPER: Thank you.

18 MR. LAWSON: Lois Whitney.

19
20 **PUBLIC STATEMENT OF LOIS WHITNEY**

21 MS. WHITNEY: Again, thank you for coming to
22 Shoshone territory.

23 My name is Lois Whitney. I'm a Western
24 Shoshone descendant from Beowawe, and I also have
25 residence in Elko, Nevada.

1 And my message is of course that radiation in
2 Western Shoshone territory and worldwide is not wanted.
3 Did you hear what I said? Radiation in Western Shoshone
4 territory and worldwide is not wanted, has no purpose.

5 I speak for those beings without a voice, but
6 they have been impacted through colonization of our
7 territory and now radiation. True, radiation is a
8 natural -- is in many natural energy sources and over time
9 has resulted in natural catastrophes and has for millions
10 of years changed all forms of life in many many ways. But
11 man-engineered catastrophes has now come full circle.

12 In Western Shoshone territory, and I speak of
13 Western Shoshone territory because this is where it
14 affected us, and as I stated earlier, in the 40's, with
15 the testing of the bombs, for the nuclear energy of war,
16 it impacted Western Shoshone people because this is where
17 it started. Test it on the Indians, the Shoshone people.

18 But let's not forget to mention the thousands
19 of people of Nagasaki and Hiroshima who were affected by
20 death and mutation. It was a form of genocide.

21 I think when you know the truth, some famous
22 person said, it sets you free. I feel very free today in
23 expressing to you people the danger of what nuclear
24 engineering has done for our people, you and me.

25 We're significant, you and me. We're very

1 significant. We are the ones that promote future
2 generations. Corbin spoke to it. Let's not speak about
3 our generations as, oh, maybe. Why are we having children
4 to populate this earth if it's going to be so sick? I
5 don't understand that. We don't have a chance.

6 Now the proposed transportation and storage
7 through U.S. territory comes in full circle, at least to
8 us, to complete the whole cycle of genocide. Think about
9 it. Man engineered catastrophes. This is what this is
10 about.

11 Forming cancer. Cancer doesn't discriminate,
12 doesn't discriminate against race or economics. It's
13 going to affect all of us. There's no assurance of health
14 and safety of the long term or our future. And there's no
15 assurances that there will be adequate medical treatment
16 or even compensation.

17 Somebody spoke about compensation for losses
18 of mining claims and whatnot. I'm talking about life.
19 Life is very important.

20 It's insufficient, there is insufficient
21 dollars that have been designated for native people in the
22 event it affects us. Well, we have been affected since
23 colonization. That's a long time. But we have seen a lot
24 and we're willing to work with the people in the United
25 States and worldwide.

1 Corbin has traveled all over the world. He's
2 seen those things. We as native people have taken it upon
3 ourselves as grass roots organizations to investigate the
4 effects of nuclear and other issues against, negative
5 issues against our people.

6 Nevada is not a dumping place, and as Carrie
7 said, and I think this is very important, Nevada has its
8 own rain forest. But it's been destroyed, and it
9 constantly is being destroyed by a number of economical
10 advances, the mining, the watering, of course mining, the
11 military. These things we need to think about as a
12 people. We're being selfish because we're thinking of the
13 immediate. We're not thinking of the long term here.

14 I would like to see and be able to count
15 those generations after me, just like I was able to count
16 the generations before me, because we had purpose. We
17 still have purpose. Our purpose is to speak out and stop
18 genocide against all people.

19 Nuclear man-engineered catastrophes needs to
20 stop, and it's all of our responsibility, doesn't matter
21 where we come from, it's all of our responsibility because
22 we want to procreate. We want life. And there is no life
23 with radiation.

24 Go to the test site. Go to these other
25 countries that have experienced the effects of nuclear

1 damage, and for those poor people of Hiroshima and
2 Nagasaki, I'm ashamed for what we have done to them. It
3 came from this country. It started in my territory, and
4 it's come full circle, back to the Shoshone people, store
5 it in their land.

6 This is our territory, yours and mine. Let's
7 take care of it. Thank you.

8 MR. LAWSON: Thank you.

9 MR. SKIPPER: Thank you.

10 MR. LAWSON: And I thank you all. Is there
11 anyone else who would like to speak before we go into a
12 recess? We will be here till one o'clock if anybody does
13 change their mind. Yes, ma'am. If you would like to
14 speak.

15 MS. GRUENING: Yes.

16 MR. LAWSON: While you are doing that,
17 Mr. Carruthers, you mentioned, you made reference to this
18 map over here, and you had a smaller version of it. I
19 didn't know if you wanted to include that as an exhibit to
20 your record.

21 MR. CARRUTHERS: Yes, I could give you that
22 information.

23 MR. LAWSON: Just give it to me sometime this
24 afternoon, and I'll be sure it gets included.

25 Ma'am, give us your name, please.

PUBLIC STATEMENT OF JAMIE GRUENING

MS. GRUENING: My name is Jamie Gruening,
J-a-m-i-e, G-r-u-e-n-i-n-g.

I'm a resident of Crescent Valley. And I
expect to have further comments and questions this
evening. For now I have a couple of items.

One question. Does DOE have clear
unchallenged title to the land of the Yucca Mountain
repository site? I mean clear unchallenged title that
doesn't conflict with Western Shoshone sovereignty as per
the Ruby Valley Treaty of 1863.

And I have a comment. Rather different
issue. The no action alternatives. Neither of the no
action alternatives that are proposed are reasonable.
Therefore, they cannot be used for any reasonable
comparisons to the environmental impacts of the proposed
action of developing Yucca Mountain and transporting the
nation's nuclear waste to that site.

And one further comment. Earlier today I
believe it was Mr. Morton who described low level
radiation and the exposure of low level radiation as an
energy rather than particles or mist or moisture or
spillage, simply energy. This line of thinking suggests
or seemed to suggest that therefore the consequences can

1 only be minor because it is simply a matter of energy. I
2 wonder if the energy of low level radiation exposure can
3 have any significant impact.

4 We speak in words. Our spoken words, they
5 are energy. They don't have particles, they don't have
6 mist, moisture. They don't spill over. But our spoken
7 words are only energy. Do they have significant impact?
8 Thank you.

9 MR. LAWSON: Thank you.

10 MR. SKIPPER: Thank you.

11 MR. LAWSON: Is there anyone else who would
12 like to speak at this time?

13 Okay. As I announced, we will be here until
14 one. If anybody would like to speak up till that time,
15 just come up and tap me on the shoulder and say I'd like
16 to speak, and we'll go out of recess and come back into
17 regular session. You are certainly welcome to stick
18 around for that time and ask questions or speak to the
19 officials who are here.

20 If you choose not to say, I want to thank you
21 all for your time, for your good questions, and especially
22 for your comments. Obviously a lot of time has gone into
23 thinking about this issue, and I know that it is near and
24 dear to many of your hearts. I appreciate you taking the
25 time to give us your testimony.

1 Also remind you that the process continues
2 this evening. The session will start at six o'clock with
3 a presentation and an opportunity again for questions and
4 answers, with comment period beginning at seven, and that
5 session goes until ten this evening. So you are certainly
6 all welcome to come back. You can speak again if you like
7 or have other people you would like to have speak.

8 If there is no one else who would like to
9 speak at this time, we'll go into recess, and if nobody
10 has spoken, we will close this session at one o'clock.
11 Thank you very much.

12 (Recess taken at 12:31 p.m.)
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1 CRESCENT VALLEY, NEVADA, THURSDAY, DECEMBER 9, 1999

2 1:00 P.M.

3 -oOo-

4
5 MR. LAWSON: My name is Barry Lawson. I'm
6 the neutral moderator for the meeting. We have had a
7 session, question and answer period this morning, and we
8 have had a comment period that started at about 11:30 and
9 runs until just about now.

10 So you are here just under the wire, and
11 we're glad that you have made it, and would ask you if
12 you'd like, we have a court reporter here, if you'd like
13 to come over here and address him so he can see what you
14 are saying, that would be great. And if you would just
15 give us your name and then begin your comment, that would
16 be great.

17 PUBLIC STATEMENT OF HEIDI BLACKEYE

18
19 MS. BLACKEYE: Okay. My name is Heidi
20 Blackeye, and I'm Western Shoshone. I used to work for
21 Citizen Alert Native American program, and I was their
22 community organizer, and I worked on nuclear issues.

23 We fought the dump back in the '90s.
24 Actually we have been fighting it since it started. But
25 we have gotten scientific information that the casks are

1 not movable if they are safe. If they are going to be
2 safe, then you can't really move them, because it would be
3 too heavy to move them. And we have had scientists that
4 have worked for the Department of Energy. One of them was
5 Leo -- I can't pronounce his last name. But I think he's
6 Jewish.

7 Anyway, just to make a long story short,
8 we're against the dump. I'm as an individual now, I don't
9 work for Citizen Alert Native American program any more.
10 I was going back to school and took a sabbatical off from
11 working for them. But I have rallied for support in Elko
12 and passed out fliers of information to let people know to
13 come here.

14 There's a lot of people that don't know
15 what's going on. They don't know what to do. They don't
16 have enough information to say, okay, it's okay for you to
17 transport this nuclear waste through Elko, through
18 Duckwater, through one of the routes. That's one of the
19 routes on Interstate 50. And the reason why that one is
20 chosen, that probably will be the political conflict, is
21 that there's small populations that live in those areas,
22 and it's easier to rely on their ignorance and to win that
23 support of people that don't know that it's good for them
24 or what's not good for them.

25 So anyway, I'm against the dump at Yucca

1 Mountain as well. I know a lot about that. I'm a
2 professional researcher, and I have studied both sides of
3 the information.

4 And what I do know is that the waste is safe
5 where it is right now. They have the space and the
6 technology to keep it where it is. And until they do find
7 a safer way to carry it somewhere and to store it, and so
8 I oppose all the radioactive waste transportation routes.
9 We have a map of that, and I'm also against Yucca
10 Mountain.

11 There's 37 earthquake faults that it lies on.
12 I knew that. And one of the Department -- what is his
13 name? -- Arjun Makeajani, he worked for the Department of
14 Energy in the '70s, and he's a physicist, and now he runs
15 his own group in Washington, D.C., and also works with us
16 and has given us scientific data that lets us know that
17 because of the earthquake faults, each year the earthquake
18 faults, there is a part of the earth that keeps separating
19 and moving outward, and that was information that was
20 shoved under the carpet by the Department of Energy back
21 in 1989, around there, and we continue to work with this
22 man, and he has written a book about the nuclear waste as
23 well; and because of the politics we have lost, and
24 Department of Energy moves in where it's not even their
25 land.

1 Nevada is not even a state legally because of
2 the treaty of 1863. Now Nevada became a state, they said
3 Nevada became a state when the mining law. So they used
4 the mining law against that as 1872. They keep that
5 mining law so you can go in and make a mining claim, and
6 then you can go in and dig your gold and do whatever else
7 you want to do with a mining claim for a dollar 25. I
8 think it's a little more than that right now.

9 But it's still the treaty needs to be
10 honored. This is not your land to do this. It's the
11 Western Shoshone's land. Whether you like it or not. And
12 it's wrong for what you're doing because you have the
13 information and the technology to keep all citizens safe
14 and not to subject 10,000 just to save 20,000. Because
15 you did that back in the 50's when you decided to affect
16 all the Indian reservations, when the wind was blowing a
17 certain way, and the sparsely populated areas, which were
18 the Indian reservations, and the Indian reservations now,
19 there's people with leukemia, and leukemia has been
20 diagnosed to be caused by the nuclear fallout.

21 Anyway, I think I have said enough and made
22 my point clear. There is a lot of information backing us
23 up. Even though there is not a lot people of here, it's
24 because of their ignorance and because they are afraid,
25 and when you don't know about something, you'd rather

1 think it best to just leave it alone and not say nothing
2 about it.

3 But I'm here speaking for the people that
4 don't know anything about it. If they knew what I know
5 now, they'd be frightened, and they would have spent all
6 their time and money just to get here. Okay.

7 MR. LAWSON: Thank you very much.

8 MR. SKIPPER: Thank you.

9 MR. LAWSON: Please. And as you do, I
10 neglected to introduce Kenneth Skipper, who is from DOE,
11 who is listening to your comments. Plus there are other
12 people from the Department as well.

13 **PUBLIC STATEMENT OF JOHN McGRAW**
14

15 MR. McGRAW: Great. Thank you for holding
16 these hearings, in a way fulfilling the lawful obligation
17 to hold public hearings, and it is our obligation and
18 right to express our opinions and our informed comments on
19 what is going on that affects all of us. I want to thank
20 you for having the meetings and all the people and those
21 that are gathered and make the time. Because like the
22 previous speaker, there are those who are either ignorant
23 or don't know what to do, and in a way, I'd like to say
24 that, address that in my final comments.

25 MR. LAWSON: Could I also ask you to give

1 your name?

2 MR. MCGRAW: My name is John McGraw, and
3 actually, I became more aware of the issues in the '70s,
4 and it seemed back then we had some movement towards
5 sanity with test ban treaties and some sort of a
6 scientific accumulation of the horrors of radioactivity.
7 But since then it's been difficult to stop this huge
8 momentum of fear and cold war and these needs for energy
9 that we just couldn't really slow it down enough. And it
10 requires a constant opposition to, well, what we know as
11 cancer causing and detrimental to life itself, especially
12 since we know there are alternatives.

13 It's been characterized in a gentle way, some
14 sort of genie that's been let out of the bottle. I must
15 protest this is much too kind of a characterization. It
16 is more of a beast. And the beast is loose, and it's
17 trying to find a hiding place.

18 Now, unfortunately, nuclear waste has no way
19 of hiding. Ask any of the survivors of the only time we
20 have dropped the bomb or those who live near nuclear waste
21 disposals or those who will be in the vicinity of these
22 casks that do leak radiation.

23 There was a very profound protest last year
24 around some critical tests, and it not only is a
25 continuation of production of nuclear waste, but our best

1 scientific minds are continuing in the same wrong
2 direction of prolonging and proliferating not only bomb
3 making but nuclear waste from energy production.

4 Now, this beast is a -- well, it's larger
5 than any of us. It's a horrible thing. And we must
6 tether it and draw it in and perhaps direct our resources,
7 our best minds, from continuing it and proliferating it,
8 into restricting it, and inevitably we must eliminate it
9 and just completely stop it.

10 Now, I don't know how we're going to do this.
11 But that's why we're gathered, all of us. We're all
12 actively trying to do something for the future because the
13 past has definitely shown us that what we have got in the
14 present is not something we want. Just to give some voice
15 to what is glazed over or glossied up or shown to be a
16 possibility, we must take into consideration all the
17 people of this nation and of this world and all our
18 relations, our personal, our families, our communities,
19 our world. That's what we're striving for.

20 I'd like to close with a letter, read part of
21 it that basically speaks to just some questions. And that
22 is: Why do these, you know, we do these things that we
23 do, all of us? The people's government as well as the
24 people and all around the world. Why do antinuclear
25 activists do what they do? Pushing for peace in the

1 world. Encouraging education with depth, increasing
2 understanding among people.

3 Why? Why oppose weapons testing in
4 preparations for mass war? Respecting and honoring
5 worldwide indigenous cultures, inalienable human rights.
6 Why are these worth supporting? Who is caring about the
7 daily tons of radioactive waste being produced? Even if
8 Nevada can stop the waste shipments at its borders, where
9 then would they go?

10 Why do we as a society continue producing an
11 uncontrollable, life threatening, cancer causing substance?
12 Aren't there other alternatives for life enhancing energy
13 production, for life precious utilization of these given
14 resources?

15 Nuclear issues must not be hidden from public
16 view and understanding. People can do something. Direct
17 actions including letters and calls to representatives in
18 government and community groups and nonviolent
19 demonstrations.

20 The questions remain, if not us, each and
21 all, then who? If not now, when? If not here, where?

22 Thank you again.

23 MR. LAWSON: Thank you.

24 MR. SKIPPER: Thank you.

25 MR. LAWSON: And, Mr. McGraw, would you like

1 to submit that as an exhibit?

2 MR. MCGRAW: I would be glad to.

3 MR. LAWSON: Very good.

4 MR. MCGRAW: It was just printed last year.
5 The date is on there as well.

6 MR. LAWSON: This one letter right here?

7 MR. MCGRAW: The nuclear questions.

8 MR. LAWSON: Thank you very much. Is there
9 anyone else who would like to speak at this time?

10 Okay. Since we're now a little past one,
11 I'll say that we'll recess this session. As I mentioned
12 before, we thank everyone who has come today, and
13 especially those people who have made comments or asked
14 questions.

15 We gather again at six o'clock this evening,
16 and you are all welcome to return. Six o'clock is the
17 presentation and 7:00 o'clock for the formal comment
18 period. Thanks again to the DOE officials, and our court
19 reporter.

20 And this session is now adjourned. Thank
21 you.

22 (Adjourned at 1:16 p.m.)

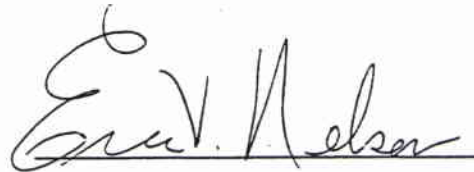
STATE OF NEVADA,)
) ss.
COUNTY OF WASHOE.)

I, ERIC V. NELSON, Certified Court Reporter
and a notary public in and for the County of Washoe, State
of Nevada, do hereby certify:

That I was present at the hearing of the
Department of Energy on the Draft Environmental Impact
Statement on Thursday, December 9, 1999, and thereafter
took stenotype notes of the proceedings, and thereafter
transcribed the same into typewriting as herein appears;

That the foregoing transcript is a full, true
and correct transcription of my stenotype notes of said
proceedings.

Dated at Reno, Nevada, this 14th day of
December, 1999.

A handwritten signature in cursive script, reading "Eric V. Nelson". The signature is written in dark ink and is positioned above a horizontal line.

ERIC V. NELSON, CCR #57