

## Comment PH-02

1

1

2

3

4

NAVAJO-GALLUP WATER SUPPLY PROJECT

5

PLANNING REPORT

6

AND

7

DRAFT ENVIRONMENTAL IMPACT STATEMENT

8

9

10

11

PUBLIC HEARING

12

May 23, 2007

13

14

15

Crownpoint Chapter House

16

Crownpoint, New Mexico

17

18

19

20

21

22

23 REPORTED BY:

24

Tanya M. Nims, CCR #168  
TRATTEL COURT REPORTING & VIDEOGRAPHY  
P.O. Box 36297

25

Albuquerque, New Mexico 87110

## Comment PH-02 – continued

2

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

### MEMBERS OF THE PANEL

Susannah Thomas, Hearing Officer, United States  
Department of the Interior, Office of the Field  
Solicitor, Salt Lake City, Utah

Rege Leach, Bureau of Reclamation Project Team Leader,  
Western Colorado Area Office, Durango, Colorado

Carol DeAngelis, Bureau of Reclamation Area Manager,  
Western Colorado Area Office, Grand Junction,  
Colorado

Bernadette Tsosie, Regional Hydrologist, Bureau of  
Indian Affairs, Navajo Area Office, Gallup, New  
Mexico

Michael Benson, Navajo Nation, Department of Water  
Resources

Joanna Austin-Manygoats, Interpreter

Comment PH-02 – continued

	SPEAKER INDEX		
			Page
1			
2			
3			
4	Andrew Robertson	2 PH 01	11
5	Chee Smith, Jr.	2 PH 02	15
6	Rege Leach	2 PH 03	17
7	Tom Becenti	2 PH 04	18
8	Dorothy Becenti	2 PH 05	21
9	Leonard Tsosie	2 PH 06	22
10	Frank Willetto	2 PH 07	28
11	Roger Toledo	2 PH 08	32
12	Jerry Silago	2 PH 09	35
13	Mitchell Capitan	2 PH 10	39
14	Bobby Willie	2 PH 12	48
15	Jackson Gibson	2 PH 13	51

16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**PLEASE NOTE THAT LEO MARTIN WAS SPEAKER 2 PH 11 (PG 43)**

## Comment PH-02 – continued

4

1 WEDNESDAY, MAY 23, 2007, 6:16 P.M.

2 MR. BENSON: We're going to begin right now. We  
3 have a number of people that want to speak, and there may  
4 have to be full interpretation. We'll see right now.

5 My name is Michael Benson. I'm just going to  
6 give a short introductory statement as to what will take  
7 place here; and then you'll hear from the hearing officer  
8 the rules for tonight.

9 But first I'd like to ask who -- is there  
10 somebody here that wants the whole proceedings  
11 interpreted?

12 (At this time, Mr. Benson spoke in Navajo.)

13 MR. BENSON: So the whole proceedings will be in  
14 Navajo and English.

15 Thank you very much, Ladies and Gentlemen, for  
16 being here. We're here tonight to talk about the  
17 Environmental -- Draft Environmental Impact Statement for  
18 the Navajo-Gallup Water Supply Project.

19 As many of you know, the Navajo-Gallup Water  
20 Supply Project involves two pipelines. And the reason for  
21 the project is that we found through Gallup's experience  
22 that if you rely on groundwater, you won't have water to  
23 last you forever. Right now some of Gallup's wells are  
24 the deepest in the USA, over one mile down.

25 And it's the same for the rest of us in New

Comment PH-02 – continued

5

1 Mexico, the Navajo communities as well. If we depend on  
2 groundwater, that is going to be depleted sooner or  
3 later. So we need renewable surface water from the San  
4 Juan River.

5           So we're -- and the project involves two  
6 pipelines, one from Cutter Reservoir near Navajo Dam,  
7 which would take water on the east -- of the eastern edge  
8 of the Navajo Reservation from Huerfano, Nageezi to  
9 Torreon, Ojo Encino, Pueblo Pintado to Whitehorse Lake.

10           And there can be spurs off of that later on if  
11 needed to for Lake Valley and other chapters in the  
12 center, as well as from the other pipeline, which would  
13 run between Shiprock and Gallup and -- which would have a  
14 major lateral going off at Twin Lakes to Window Rock and  
15 then also to Dalton Pass.

16           And the reason why it doesn't go to Crownpoint is  
17 because there's already NTUA lines that go to Dalton Pass  
18 to Crownpoint. So from there on, the water could be put  
19 in the system; and it goes to this regional system that  
20 includes right now Crownpoint, Littlewater, and eventually  
21 Becenti and Standing Rock.

22           The Environmental Impact Statement, whenever the  
23 federal government is going to commit funds to a project,  
24 by law there has to be an Environmental Impact Statement  
25 to examine the impacts on all living things, on the land,

## Comment PH-02 – continued

6

1 the water, the air; and to discuss people's concerns.

2           And it starts off with scoping meetings. And  
3 these were held for this project in 2001. There was a  
4 meeting here back then to talk about this project. And  
5 now the environmental -- the Draft Environmental Impact  
6 Statement has been completed. And by law that has to be  
7 put forth to the people again to comment on it.

8           So tonight you're going to be commenting on the  
9 Draft Environmental Impact Statement. And it's not a  
10 question and answer thing, as will be explained to you  
11 shortly from the panel here. Mainly, the panel up here is  
12 going to listen to your comments. But there isn't an  
13 opportunity to answer questions.

14           We have staff here that you can talk to after the  
15 formal hearing that you can ask questions of, from Navajo  
16 Nation Water Management and also from Bureau of  
17 Reclamation.

18           (At this time, Mr. Benson spoke in Navajo.)

19           MR. BENSON: Did I forget anything? I believe  
20 that's it. I'd like to now go to introductions of some of  
21 our notable officials that are here. Ray Gilmore, Chair  
22 of the Navajo Nation Water Rights Commission is here.  
23 Katie Gilbert, a member of the Navajo Nation Water Rights  
24 Commission.

25           Benjamin Cowboy, the Eastern Agency

## Comment PH-02 – continued

7

1 representative to the Navajo Nation Water Rights  
2 Commission is here. Wally Toledo, Chapter Coordinator  
3 from Torreon Chapter is here. Leo Charlie, the Vice  
4 President from Torreon Chapter is here.

5           Frank Chee Willetto, the President from Pueblo  
6 Pintado Chapter is here. Chee Smith, Jr., past President  
7 of Whitehorse Lake Chapter is here. And also we have  
8 Lloyd Ayliffe, a former member of the San Juan Water  
9 Commission and currently working for the cities of  
10 Bloomfield and Aztec; and he also oversees the Lybrook  
11 water system -- is also with us.

12           We have former New Mexico State Senator Leonard  
13 Tsosie, who is currently the Council Delegate for Pueblo  
14 Pintado, Whitehorse, and Torreon Chapters is also with  
15 us.

16           Jeff Kiely, Deputy Director for the Northwest  
17 McKinley -- Northwest New Mexico Council of Governments.

18           And, sorry, Patty. I should have put you first.  
19 Patty Lundstrom is Chair of the Steering Committee for  
20 this project for about 15 years now?

21           MS. LUNDSTROM: 15 years.

22           MR. BENSON: 15 years. And as you know also  
23 State Representative, the state of New Mexico,  
24 representing part of Gallup and also the Navajo chapters.  
25 Most of her constituents are Navajos.

## Comment PH-02 – continued

8

1           We have Harrilene Yazee, who is the BIA Regional  
2 NEPA Coordinator.

3           And please inform me if any more of our  
4 dignitaries and officials come.

5           Roger Toledo, Vice President of Ojo Encino  
6 Chapter we are honored to have here as well -- Torreon.  
7 Sorry. Torreon Chapter.

8           And most importantly I'd like to introduce to you  
9 the people that are going to be hearing your comments  
10 tonight. First of all, Carol DeAngelis, Area Manager for  
11 the Bureau of Reclamation. Rege Leach, the Planning Team  
12 Leader for the Bureau of Reclamation.

13           Susannah Thomas is the regional -- from the  
14 Regional Solicitor's Office; and she's the Hearing  
15 Officer. In a little while she'll tell you the rules that  
16 we have to follow for this hearing. We have Joanna  
17 Austin-Manygoats, who is our interpreter tonight.

18           And I'm going to be the timekeeper. How many  
19 minutes are we giving them?

20           THE HEARING OFFICER: I'll let them know.

21           MR. BENSON: But when your time is coming close,  
22 I might use this one. I will show you two minutes. And  
23 then when you have one minute left, I'll show you this.  
24 And then last night I didn't have to use this, so please  
25 don't make me use it. Thank you very much.

## Comment PH-02 – continued

9

1           THE HEARING OFFICER: Thank you. Good evening  
2 and welcome to this meeting. This public meeting is being  
3 conducted pursuant to the National Environmental Policy  
4 Act, which is referred to as NEPA. And the purpose of  
5 this open house is to hear your comments, thoughts, and  
6 views on the proposed project.

7           The representatives of the federal government  
8 here today are prepared to take your comments and thoughts  
9 back to the decision-makers for this project.

10           And while we are prepared to answer your  
11 questions with regard to factual matters, we are not here  
12 to engage in discussions about the relative merits of this  
13 project or its alternatives as discussed in the NEPA  
14 documents. Simply put: We're here to listen.

15           Whether you choose to make your comments orally  
16 or provide us your comments in writing, they will both be  
17 considered equally. We will address all comments as part  
18 of the Final Environmental Impact Statement process, or  
19 what we refer to as the FEIS.

20           We are aware that there is a connection between  
21 the project that is the subject of tonight's meeting and  
22 the overall settlement of the Nation's water rights claims  
23 on the San Juan River. We are also aware that there has  
24 been legislation introduced by Senators Bingaman and  
25 Domenici that would resolve the water rights settlement in

## Comment PH-02 – continued

10

1 part by authorizing the construction of this project.

2           But as of this time, the administration has taken  
3 no position with regard to the settlement. And because  
4 this meeting is about the project and not about the  
5 settlement, we ask that you direct any comments or  
6 concerns you may have about the overall settlement to your  
7 elected officials.

8           The meeting will end around 9 o'clock tonight to  
9 get everybody home at a reasonable hour. In order to do  
10 that, we ask that you limit your presentation to 10  
11 minutes. We have a timekeeper, Mr. Benson, to keep us on  
12 time and we ask that you please observe his time notices  
13 as he holds them up.

14           We will now proceed in the order of the names on  
15 the speaker sign-in list. Before you begin your comments,  
16 we'd appreciate it if you can please state your name so  
17 our court reporter can put it in there, and I'll read your  
18 name to have you come up. And I will apologize if I say  
19 them wrong, so.

20           And then after we hear comments from those on the  
21 list, if time permits we invite anyone else who would like  
22 to come and give us your comments. And, again, if you'll  
23 please give us your name and be sure to keep your comments  
24 to 10 minutes. Thank you.

25           Okay. We'd like to first hear from --

Comment PH-02 – continued

11

1 MR. TSOSIE: Could I ask that you give additional  
2 time to our elders that are going to speak in Navajo? And  
3 it's also not too polite to cut them off. So if you could  
4 take that into account also because they have a lot to say  
5 about this.

6 THE HEARING OFFICER: Thank you.

7 MR. TSOSIE: Thanks.

8 THE HEARING OFFICER: We'd like to begin with  
9 Mr. Andrew Robertson. And we have a chair here for you to  
10 come sit in, and we'd like you to use your microphone.

11 STATEMENT BY ANDREW ROBERTSON

02-01

12 MR. ROBERTSON: It's tough signing up first, I  
13 guess. My name is Andrew Robertson. I'm a civil engineer  
14 with Souder, Miller & Associates. And I live in  
15 Albuquerque.

16 And the reason I'm here is that as an engineer  
17 I've been working on water projects in various chapters  
18 throughout Eastern Navajo Agency for the last seven years,  
19 so even though I don't live in this area I've had a chance  
20 to see firsthand the need for water.

21 It is very real. It is very dire, and it is very  
22 urgent. I visited a friend in the hospital a few years  
23 ago who was hospitalized. I don't want to get into too  
24 much of the details, but she was at the UNM Hospital for  
25 about three or four days and had to have surgery. And the

## Comment PH-02 – continued

12

1 doctor said it was a direct result of not having enough  
2 water. And it was sustained dehydration -- or chronic  
3 dehydration over a period of years.

4 Another friend of mine, his father had his leg  
5 amputated below the knee because he is diabetic and he did  
6 not have water to wash his pressure sores. This is  
7 because he did not have water.

8 Now, we all know that no project is a panacea.  
9 No one water project is going to solve all the water needs  
10 on the Navajo Nation or northwest New Mexico at once.  
11 However, this project will go a long way. In this area, a  
12 lot of these wells are dropping rapidly in the Torreon  
13 Chapter.

14 The State of New Mexico Environmental Department  
15 has issued an emergency certificate because of the  
16 drawdown in the -- of the chapter's wells. And there are  
17 schools in this area that have -- either are not able to  
18 be built or in some cases buildings that actually are  
19 going to have to be abandoned because there's not adequate  
20 water supply to feed the schools. And I'm sure there are  
21 others here who can speak to that and more in depth.

22 There are housing developments, businesses,  
23 economic development that have been denied because they  
24 can't get a commercial water hookup. So it's a really  
25 serious problem.

## Comment PH-02 – continued

13

1           Most of the projects that I've been working on  
2 have been in coordination with NTUA and Indian Health  
3 Service. And I can say that there are at least four IHS  
4 projects that I know of in the Torreon and Ojo Encino area  
5 alone which would serve probably about 8 or 9 hundred  
6 people that are not being built at this time because  
7 there's not -- even though there's funding available to  
8 extend the water lines, there is not enough water to fill  
9 the pipes. The pipes would be full of air. And that  
10 problem will not go away until a water supply is made  
11 available to those chapters.

12           Now, having addressed the need, then the question  
13 is, is this project the most efficient way to solve that  
14 problem? Again, as a civil engineer having looked at this  
15 for a number of years, I believe that it is.

16           I've looked -- I won't say that I've studied the  
17 EIS to the same level of depth that you all have, but from  
18 what I do know about it, I would say that the Preferred  
19 Alternative is the way to go.

20           I would certainly encourage as much value  
21 engineering as possible to make sure that the costs are  
22 reasonable and this project remains economically  
23 feasible. As the saying goes, "The slightly smaller  
24 project you build is better than the bigger project you  
25 don't build." So I would certainly encourage that.

02-01-01

## Comment PH-02 – continued

14

1           But on the whole, I strongly support this project  
2 because it is necessary, it is the most efficient way to  
3 bring people water, and the benefit is incalculable.  
4 There are plenty of analyses that do quantify the benefits  
5 in terms of how many people are not going to require as  
6 many medical services because of the public health would  
7 be better, how many jobs it will create, how many schools  
8 it will allow, how many housing developments it would  
9 provide, how it's going to help the population; people  
10 stay at home rather than having to move to the cities  
11 because there's no water.

12           All of that can be quantified, but really the  
13 human benefit of this is incalculable and invaluable, in  
14 my opinion. Finally, I would like to also say that as an  
15 Albuquerque resident -- obviously, I don't speak on behalf  
16 of the City of Albuquerque. I'm not the mayor. I can  
17 maybe speak on behalf of my street or something. This  
18 project will not directly affect the city of Albuquerque;  
19 however, again, in my personal opinion, the overall  
20 settlement will benefit the city.

21           I realize this is not about the settlement, it's  
22 about the project. I just wanted to throw that in.  
23 Again, I strongly support this project, and I urge that it  
24 would be built as quickly as possible. Thank you.

25           THE HEARING OFFICER: Thank you, Mr. Robertson.

Comment PH-02 – continued

15

1 We'd next to like to hear from Mr. Chee Smith.

2 STATEMENT BY CHEE SMITH, JR.

02-02

3 MR. SMITH: My name is Chee Smith, Jr., former  
4 chapter President for Whitehorse Lake. My clans are  
5 Naakai, Tx'áásh Chí'í, Ta'neeszahnii, and Bit'ahnii. I  
6 basically have a couple of questions and two concerns.

7 The reason why I came to this public hearing is  
8 reading in the papers about this public hearing, I didn't  
9 see Whitehorse Lake on there. The line just goes as far  
10 as Pueblo Pintado. So I was wondering why Whitehorse Lake  
11 is not in the picture. That will be my main question.

02-02-01

12 Whitehorse Lake is 35 miles east of here. And  
13 our people, that's -- really need water like anybody  
14 else. Our people from Whitehorse Lake, they travel daily  
15 to haul water from Crownpoint. It takes a beating on  
16 their vehicles, and they haul barrels back and forth  
17 for -- to cook, to do laundry, order livestock.

18 And imagine people having to travel long distance  
19 everyday just for water, even for just drinking. So I  
20 think this project would be worthwhile for our people, for  
21 these Navajo Chapters -- of the Navajo Chapters.

22 The other area is that we have a canyon between  
23 Pueblo Pintado and Whitehorse Lake. I think it's seven  
24 miles that's kind of hilly. So if there's a way we can  
25 cut through that to run the pipes through the canyon, that

## Comment PH-02 – continued

16

1 would be good.

2           Due to no water, Whitehorse cannot get housing.  
3 That's one of the requirements that NHA requires. And  
4 when there's no water, there's no developments. So we're  
5 kind of still like in the -- kind of like a third-world  
6 nation. So we don't have a lot of these things that  
7 people have.

8           And just like Mr. Robertson said, that's why I  
9 think people end up having to move to the city. So we  
10 need your support on this water, getting it down to  
11 Whitehorse Lake.

12           Then my last comment. Reading in The Independent  
13 it said that the city of Gallup is going to run out of  
14 water in 10 years. And I was thinking, why does the city  
15 build a laundromat and a car wash almost like every  
16 month?

17           And our people go -- a lot of our Navajo people,  
18 they go to Gallup and they spend a lot of their moneys  
19 into these border towns, and they don't really get  
20 anything back from the city.

21           So I think if the city, the border towns, and the  
22 tribe could work together to help our Navajos, that would  
23 also be appreciated. I think it's a very worthwhile  
24 project. And we desperately are in need of good drinking  
25 water for years to come. Thank you very much.

Comment PH-02 – continued

17

1           THE HEARING OFFICER: Thank you, Mr. Smith.  
2 We're going to turn the time over to Mr. Rege Leach for a  
3 moment. He's going to address one of the factual issues  
4 on the Draft EIS that Mr. Smith asked about.

5                           STATEMENT BY REGE LEACH

02-03

6           MR. LEACH: I'd like to just answer this. I have  
7 one minute. I'm going to be flagged out here. I won't  
8 take too much time.

9           The question on water for Pueblo Pintado and  
10 Whitehorse Lake, the project is designed for a future  
11 water supply projected out 40 years, a 40-year water  
12 supply for Pueblo Pintado and Whitehorse Lake. The water  
13 treatment plant, the pumping plants, and the pipeline is  
14 designed to carry that quantity of the water. And today  
15 what we have is that water being delivered at Counselor.

16           Now, if it is more appropriate depending on what  
17 the development of the specific pipelines to Pueblo  
18 Pintado or Whitehorse Lake might look like, it may be --  
19 if it's more efficient to come from Crownpoint, it could  
20 come from that point as well.

21           So my point is there is water available in the  
22 design and the cost estimates for this pipeline for Pueblo  
23 Pintado and Whitehorse Lake.

24           Now, the project only takes water -- this project  
25 is a main distribution -- or main transmission system for

## Comment PH-02 – continued

18

1 treated water to common points, which what we see in this  
2 map are the -- it's these blue circles which are storage  
3 tanks. And so this project would end at that point.

4 Now, pipelines that the chapters would build,  
5 that IHS would build, that NTUA would eventually take over  
6 operation, maintenance, those would be beyond the scope of  
7 what we're talking about in this project. This project is  
8 just treating the water, taking it to common points where  
9 it's picked up and delivered to the homes.

10 Does that answer your question?

11 MR. SMITH: Yes.

12 THE HEARING OFFICER: Before we move on to the  
13 next speaker, a few more people who need to be introduced  
14 have come in. So I'm going to let Mr. Benson do that.

15 MR. BENSON: Mitchell Capitan, Crownpoint Chapter  
16 President. BIA Superintendent Duane Bird Bear. Thank you  
17 for being here.

18 THE HEARING OFFICER: We'd next like to hear from  
19 Mr. Tom Becenti. Mr. Becenti.

20 STATEMENT BY TOM BECENTI

02-04

21 MR. BECENTI: Thank you. You all Navajo or you  
22 understand Navajo? Not really. I don't know which way to  
23 try, Navajo or English. But I think I prefer go ahead  
24 Navajo. They can listen and they can get an idea.

25 My name is Tom B. Becenti. Retired Chief Becenti

## Comment PH-02 – continued

19

1 of the courts of the Navajo Nation. And I also chapter  
2 official for 13 years. McKinley County in education  
3 committee for 14 years. And other various committees.  
4 And that now as a rancher. I'll go ahead express myself  
5 in Navajo.

6 (Through the Interpreter) Mr. Tom Becenti, he  
7 spoke about his work and his experience in the world. At  
8 the present time, he's a rancher. And he wanted to thank  
9 everybody for coming to this public meeting. And he  
10 disagreed and disapproved of the five-minute time line.  
11 He says that you can't get anything done within the time  
12 line of five minutes.

13 And he spoke directly to the Gallup-McKinley,  
14 Navajo, and Jicarilla two pipelines. He's thinking that  
15 there's two proposals. He prefers the proposal from the  
16 Shiprock to Gallup, an alternative that would be  
17 beneficial to this proposal.

18 However, he thinks that the Jicarilla pipeline is  
19 a little more difficult just because there are the  
20 jurisdictional issues and the right-of-way problems that  
21 the people will face in the future.

22 He says that if we are all thinking in the -- if  
23 we're all on the same page, we're all doing this for the  
24 survival of our people, for the survival of our  
25 grandchildren.

## Comment PH-02 – continued

20

1           I prefer the Gallup-Shiprock route, which is most  
2 suitable. Even though there's homes in the area, you can  
3 go around these homes to make the route a little more  
4 accessible. I'm very supportive. There's enough -- if  
5 there's enough support for this project, it will benefit a  
6 lot of people.

7           So if we cooperate and work together, be  
8 informed -- keep us informed, the challenge will be a lot  
9 smoother. And we are all aware that there are people  
10 among us that will misconceive the water supply proposal.  
11 Many of us will get defensive because we're thinking that,  
12 "Oh, here comes somebody else trying to take our land away  
13 or trying to maneuver their way through our Reservation."

14           I think the cost of the project should be  
15 economical; that way it's easier to implement. I really  
16 appreciate the fact that you're planning within the  
17 40-year foresight for our grandchildren to use the water  
18 in the future. Our population is increasing. And it  
19 really is beneficial if we all work together.

20           We'd like to see a big -- a large size pipeline.  
21 Don't give us these small pipelines to connect to our  
22 residence. Again, I want to say that we need to cooperate  
23 with each other. And I appreciate you all working on this  
24 project to attain the goal.

25           And he goes on to say that we respect -- we

Comment PH-02 – continued

21

1 should respect each other regardless of who we are. We're  
2 all people. We all have the same needs, and we need to  
3 work together. And I want this to go on record. That's  
4 why I'm asking that we respect each other.

5 I know that there's a time limit, and I must say  
6 this. There were people that have brought and built the  
7 Navajo Dam, and it is built. It was a huge undertaking.  
8 Clint Anderson, Mr. Montoya, and Stewart Udall were the  
9 lead persons on this project. And Paul Jones was at the  
10 time the Navajo Nation President who signed the document.

11 Again, thank you for being here. And I'm in  
12 support of this project.

13 THE HEARING OFFICER: Thank you, Mr. Becenti.  
14 We'd next like to here from Ms. Dorothy Becenti.

15 STATEMENT BY DOROTHY BECENTI

02-05

16 MS. BECENTI: (Through the Interpreter) Dorothy  
17 Becenti. Thank you, my children, for being here and those  
18 of you among us in the audience. There are -- we were one  
19 people at one time, and now we are all different people.  
20 But we must work together to make our dreams happen.

21 I think this proposal is excellent. It's very  
22 good. Many times over we -- we live in the community of  
23 Becenti. I represent several committees. I sit on  
24 several committees, but my point will be specific to the  
25 Crownpoint Hospital. I want to ask why are doctors always



## Comment PH-02 – continued

23

1 Council Delegate with Navajo Nation Council. I used to be  
2 a former State Senator with the State of New Mexico. And  
3 I was just elected last November and took office in  
4 January. This is a legislature within the Navajo Nation  
5 government. I represent Whitehorse Lake, Pueblo Pintado,  
6 and Torreon Chapters, right in the heart of this project.

7           And so I just want to say that the communities  
8 regard the water project as a priority. It's a priority.  
9 And they've been waiting a lifetime for this. When I was  
10 in the state legislature, only one water line was  
11 proposed; and that was along the route between Shiprock  
12 and Gallup.

13           And at that time I strenuously opposed it because  
14 the people in this area need water too. And then later on  
15 it was changed, and it has a two-prong process now. And  
16 we appreciate that now because it benefits people on both  
17 sides, and it helps more of the Navajo people that I  
18 represent.

19           On the way over I saw a rainbow over Crownpoint,  
20 and it was a good sign. And so I just want to mention  
21 that. And I think it's a blessing. And also rain. I saw  
22 raindrops. So that's a blessing. It's a blessing because  
23 this is a matter of survival for our people and for the  
24 communities.

25           You already heard about the brain drain and the

## Comment PH-02 – continued

24

1 people drain. And that's going to continue to happen if  
2 this project is not built. No water, no socioeconomic  
3 development. Whitehorse Lake Chapter, I'm aware of, has  
4 applied many times for housing to HUD, Housing and Urban  
5 Development. They have been denied every time because  
6 there is no water.

7 Pueblo Pintado Chapter has no housing. Again,  
8 they have been denied. Many communities in these areas  
9 have been denied because there's no water. And so a  
10 denial of this project would only cause more hardships.

11 The other thing that this does too is this  
12 benefits First Americans directly, and that's the Native  
13 Americans living in this area. The U.S. Government  
14 through a treaty made itself the trustee for these  
15 citizens. And so it would be a dishonorable thing now for  
16 the U.S. to deny this project if in any way, you know,  
17 denies it.

18 The other thing too is the cost is too much for  
19 the residence to haul water for their families and  
20 livestock because this is an agrarian type of community.  
21 People raise livestock and participate in agricultural  
22 practices.

23 I thank Judge Becenti and his wife for  
24 testifying. They give us the facts that they've hauled  
25 water for 30 years. People who haul water at least 2

Comment PH-02 – continued

25

1 times a week, and you multiply that by 30 years, they have  
2 hauled water to my calculation 57,600 times.

3           So all of those that are here and the Hearing  
4 Officer, imagine that yourself. And then you multiply it  
5 by the more than 9,000 people that this project will  
6 benefit, 9,000 families, for that same number of years, I  
7 count that they have hauled water more than 500 million  
8 times, you know, during that 30 years. And so a denial of  
9 this project will only continue that hardship.

10           The other thing too is that the cost is now more  
11 than \$120 per 110 gallons. There are 55 gallons that  
12 people use, barrels to haul water. At the average it's  
13 two gallons -- or two barrels, 110 gallons. And so -- and  
14 then it costs about \$120 in gas to go one way and back.

15           So you compare that to \$3.30 per thousand gallons  
16 in Albuquerque. And I don't know how much you pay, Madame  
17 Hearing Officer, but you can calculate that yourself too.  
18 And so the people that -- the Navajo people that you see  
19 in the audience tonight pays the highest in the United  
20 States for hauling water in this area.

21           This project promotes intercommunity and  
22 interethnic cooperation. Thanks to Governor Richardson,  
23 this project became a priority in this past legislative  
24 session. And it passed on to the state legislature, which  
25 funded it. If this project is denied, it will turn back

## Comment PH-02 – continued

26

1 this cooperation.

2           So this project not only will deny the physical  
3 part of it, but it will also cause lack of cooperation  
4 again. People are finally coming together to cooperate  
5 not only for this project, but also for the settlement and  
6 would represent a travesty if this project is denied.

7           And then the other is that the intercooperation  
8 on this is now moving the water rights settlement forward,  
9 and this helps in resolving Navajo and other tribal water  
10 rights issues. Again, denial of this project will only  
11 encourage litigation and bitter feelings again. And this  
12 is what it will cause if this project is denied.

13           The other interesting thing too is that  
14 Albuquerque is already receiving San Juan water through  
15 the San Juan Diversion Project. This somewhat I think is  
16 unjust because the Navajo people and the native people  
17 living in this area have prior rights to this water, but  
18 Albuquerque got it first.

19           And you see the economic -- socioeconomic  
20 development in the Rio Grande Valley now in the  
21 Albuquerque area because of this water going over there.  
22 And we don't see it in the Chaco Basin area because the  
23 water is not there.

24           The water is of poor quality as you get further  
25 away from the San Juan River. And so when you have water

Comment PH-02 – continued

27

1 coming from the San Juan River, it leads to increase in  
2 water quality.

3 Navajo Nation Council has approved the settlement  
4 and also this project. And so New Mexico has also done  
5 so. And it's been moved on to Washington. Much cost and  
6 energy has already been invested and expended. And,  
7 again, the denial of this project will dishonor these  
8 approvals and the people's efforts.

9 With this project, we cannot go elsewhere. This  
10 interconnection is the best alternative. Some of these  
11 interconnections have already been built, and it  
12 represents a less disturbance to the people living in the  
13 area and also the environment.

14 I would encourage that the Congress and also the  
15 environmental and whatever U.S. departments prioritize the  
16 building of this project. And I would encourage Congress  
17 to fund this project in the same amount that it is sending  
18 to Iraq. There's a little travesty there when we see how  
19 much money we're sending over, and we see people still  
20 asking for these moneys.

21 Finally, I would ask that these presentations,  
22 the video presentations of the EIS, needs to also be done  
23 in Navajo. And so I would encourage because I think it's  
24 a denial of the rights of the elders here that, you know,  
25 if you don't do a video presentation in it.

02-06-01

Comment PH-02 – continued

28

1           Also, because of the less time that Judge Becenti  
2 talked about, we have very little time to try to express  
3 this. So thank you very much. And I would encourage that  
4 you also honor these procedural rights of the Navajo  
5 people. Thank you again.

6           THE HEARING OFFICER: Thank you, Mr. Tsosie.  
7 Next we'd like to hear from Mr. Frank Willetto.

8                           STATEMENT BY FRANK WILLETTO

02-07

9           MR. WILLETTO: I would like to stand and talk.  
10           (At this time, Mr. Willetto spoke briefly in  
11 Navajo.)

12           MR. WILLETTO: I'd like to use a language which  
13 I've learned. I understand it's a foreign language, which  
14 is English. This evening, we're talking, saying, "public  
15 hearing, see what the public." And I understand these  
16 folks here supposed to just listen to the public.

17           And right now all I know is the Navajos were here  
18 before Farmington ever start to grow. The water, it was  
19 all there. But the Navajos were there. Dinétah, that's  
20 where the Navajos were.

21           I'd like to speak a little about Gallup and  
22 Navajo water line. We have some people here that we were  
23 talking about Gallup and Navajo water line some, some  
24 years ago. It was a different route at that time.

25           I just so happen to have been in the council at

## Comment PH-02 – continued

29

1 that time, Navajo Tribal Council. It was supposed to come  
2 on 371 and catch in most of the chapters. And then it was  
3 supposed to fork off back that way and run back that way  
4 (indicating).

5 I was very happy at that time because Crownpoint  
6 was going to get their water. And then from Crownpoint,  
7 Whitehorse Lake, Pintado, Ojo, Torreon, Rincon Marquez,  
8 all were supposed to get their water. But, you know, when  
9 you get people elected every four years, things change.

10 So today the water line that was proposed many  
11 years ago went west along 491 Highway. And that left the  
12 eastern part dry. And I was so happy to hear about the  
13 Cutter Lateral. I completely 110 percent support that.

14 And my chapter, some people wanted to come. They  
15 thought the hearing was going to be during the day. But  
16 it's going to be at night from 6:00 to 9:00. That's what  
17 I was told. And they kind of back off. And they say,  
18 "You go and say what you can say."

19 For Cutter Lateral, we have seven chapter at this  
20 point. And each chapter has over a thousand-plus members  
21 at their chapter. Pueblo Pintado, I want to speak on that  
22 because I'm the Chapter President at this time there.

23 Pueblo Pintado is 70 miles from Farmington.  
24 Pueblo Pintado is 48 miles from Crownpoint. Pueblo  
25 Pintado is a hundred miles from Gallup. So we're out

## Comment PH-02 – continued

30

1 there. A lot of people say "nowhere," but we know where  
2 we are.

3 Pueblo Pintado has a public high school, grade  
4 from 9 to the 12th. Pueblo Pintado has a BIA boarding  
5 school, K through the 8th grade. Pueblo Pintado has an  
6 IHS clinic that serves practically the five chapters in  
7 that area.

8 Pueblo Pintado has a senior center, which  
9 operates five days a week. Pueblo Pintado is getting a  
10 new replacement BIA school. Pueblo Pintado is getting a  
11 bigger IHS clinic. And Pueblo Pintado has a store for its  
12 community.

13 And Pueblo Pintado sometime soon, the chapter  
14 will hopefully build offices for people that run from  
15 Window Rock to spend two hours out there, most of their  
16 time is going back there. We want to leave -- or get them  
17 to stay at Pintado, which means a building for an office  
18 space.

19 And above all, we are trying -- the chapter is  
20 trying to get water to each hogan or house or trailer  
21 house in that area. I'm talking about only one chapter.  
22 And not even half of the community have water now.

23 We just barely got the high school going because  
24 they said, "We don't have water for the high school." And  
25 when you don't do things for your community, that means

Comment PH-02 – continued

31

1 you are doing bad things for that community. And water is  
2 No. 1 that we need.

3 Just for an example -- yes, I've been over in  
4 Pueblo Pintado 50 years now. But I have a family that  
5 lives two miles from here, right next to the Becentis. We  
6 also hauled water. Two miles from Crownpoint, where you  
7 would think everything is there. And we don't even have  
8 running water.

9 I, myself, have to haul water by a trailer, a  
10 water truck, just to try to keep up with the rest of the  
11 Smiths and Johns of the other places.

12 And I just want to say one less, is that we --  
13 the people out here, we want a swimming pool like all the  
14 cities. We want car washes for our cars. We want to be  
15 up-to-date with everybody else. And we want green lawn  
16 around our hogans.

17 So I want to thank you for listening to me. Of  
18 course, I'm speaking a foreign language. I do better in  
19 Navajo. And that's why they happen to -- got me to serve  
20 three years in the Marine Corps as a Navajo Code Talker.  
21 Thank you.

22 THE HEARING OFFICER: Okay. Thank you,  
23 Mr. Willetto. We'd next like to hear from Mr. Roger  
24 Toledo. Did I say that right?

25 MR. TOLEDO: Yes.

## Comment PH-02 – continued

32

1 THE HEARING OFFICER: Okay.

2 STATEMENT BY ROGER TOLEDO

02-08

3 MR. TOLEDO: Thank you. Thank you for giving me  
4 this opportunity. At this point I guess it's a little  
5 hard to bring something new to the table. What needs to  
6 be said has already been said. You just say what they  
7 said.

8 I'm supporting this project as the public  
9 official from the Ojo Encino Chapter. My name is Roger  
10 Toledo. I'm the Chapter Vice President. I'm on the  
11 school board of a BIA school also. And I'm also a  
12 Community Land Use Planner for the Ojo Encino community.

13 Ojo Encino is one of the first communities to get  
14 water hooked up to individual homes because of the  
15 availability of water in the area at the time. We have  
16 three wells that are -- that support several water lines  
17 in the area, Torreon, Rincon Marquez.

18 They were the first -- one of the first ones --  
19 we were the first communities to get water. And with that  
20 being, the water table is -- I'm one of the -- I'm well  
21 aware of the water depletion in the area. I used to drill  
22 water wells years ago, and so I replace some of the  
23 individual pumps for ranchers and churches in the area.

24 And as such, I'm aware of some of the pumps that  
25 have burned up because of the depleting water table of the

Comment PH-02 – continued

33

1 NTUA water system. It has an impact on ranchers,  
2 individual private wells, as well as churches in the  
3 area.

4           And as a school board member, I'm aware of some  
5 of the things that we can't have in our schools because of  
6 the lack of water or what little there is of the water.

7           Fire hydrants, we've had to -- quite a few  
8 households have burnt down because of low water pressure.  
9 And I don't think we have water -- fire hydrants at our  
10 school, but it doesn't have enough water pressure behind  
11 it to really do much good.

12           And as a Community Land Use Planner, it's a  
13 little hard to plan for the future, you know, 40 years  
14 down the road when you're not -- when the water  
15 availability is uncertain. And we are bringing new  
16 developments in the area.

17           And it's a little hard to plan 40 years down the  
18 road when you're not sure you're going to have the water  
19 that's -- you know, that's going to be available then 40  
20 years down the road.

21           And I think the longer we wait, the more  
22 expensive it's going to be. If we had done this project,  
23 say, 20 years ago, it wouldn't have cost the government  
24 this much. The longer we wait, the more expensive it's  
25 going to be.

02-08-01

## Comment PH-02 – continued

34

1           And I, myself, used to draw water from a water  
2 well and haul water in buckets as a child. I remember  
3 that, when we didn't have water. But it's -- I get  
4 emotional when I talk about things like this, but it's  
5 very -- it's hard to fathom this when you have elders, you  
6 know, that have to haul water in their pickup trucks.

7           Some can't even drive anymore, so they depend on  
8 the younger generation to do that. And that's even  
9 tougher when the kids are leaving the Reservation because  
10 you don't have jobs or, you know, things that you have in  
11 the city.

12           I think this project will probably bring dollar  
13 to the Reservation also, which means jobs and bringing  
14 people -- some of the kids that are -- that have to work  
15 in the city home, hopefully. I know I spent the majority  
16 of my lifetime living in the city and finally came home a  
17 few years back.

18           But I had to wait four years to get water to  
19 my -- into my house. That's still something that we're  
20 still working on. It takes -- takes that long to get  
21 water to an individual home from the date of application.  
22 And that's still going on. And it will -- hopefully we  
23 can cut some of that time down.

24           I know my mom just had a house built last month.  
25 And she's living in a house that's -- that's kind of run

Comment PH-02 – continued

35

1 down, and she can't negotiate the steps like she used to.

2 But we can't even move into the new house because  
3 the water isn't hooked up yet, and it's going to be  
4 another three years before that will get done if we go  
5 through the IHS or -- you know. If we do it ourselves, it  
6 would be less time.

7 But these are some of the things that -- some of  
8 the hardships that we encounter out here. And I just  
9 wanted to bring that to your attention.

10 Again, thank you.

11 THE HEARING OFFICER: Thank you, Mr. Toledo.  
12 We'd next like to hear from Mr. Jerry Silago.

13 STATEMENT BY JERRY SILAGO

02-09

14 (At this time, Mr. Silago spoke briefly in  
15 Navajo.)

16 MR. SILAGO: Good evening. My name is Jerry  
17 Silago. And I presently work for Navajo Tribal Utility  
18 Authority. And I've been with the water utility for  
19 20-plus years. And through that experience and operating  
20 and maintaining a system, I'd like to bring my concerns  
21 and issues to this hearing.

22 We have existing water systems located in Ojo  
23 Encino. And we have an existing water system located in  
24 Torreon. And we have an existing water system tied into  
25 Pueblo Pintado. And we also have a small system in the

## Comment PH-02 – continued

36

1 Whitehorse Chapter area.

2           And as you all know, water is life. And without  
3 water, you can't survive. She is sitting for only a  
4 couple hours and already drinking water. Same here. Two  
5 hours. So water is needed by anybody, especially the  
6 Navajo people that we serve, that we try to serve.

7           I have three issues. A lot of them are already  
8 covered, but it won't hurt to cover it again from my  
9 point. The three items that I wanted to stress is water  
10 quality, the water quantity, and the demand. Okay.

11           We have -- like Mr. Toledo said, we have a couple  
12 wells in Ojo Encino. And combining those two wells, it  
13 produces approximately 150 gallons a minute. And that  
14 source serves over 500 to 600 water connection. And it  
15 serves commercial building that Mr. Willetto mentioned in  
16 Pueblo Pintado.

17           And these pumps and wells, some of them average  
18 about 14 hours per day pumping time just to keep up with  
19 the demand. And it also affect development, like  
20 Mr. Willetto mentioned. The new high school that was  
21 built was barely built. It was borderline to being  
22 rejected because there was no -- not enough water.

23           One thing that helped them was to refurbish, redo  
24 the well where it can produce up to that maximum 150  
25 gallons.

Comment PH-02 – continued

37

02-09-01

1           And the water quality in Whitehorse Lake is kind  
2 of bad, and it has high doses of sodium chloride. And as  
3 you all know, that's a health effect on newborns and also  
4 health effect on elderlies.

5           And we do have a well in Whitehorse Lake, but the  
6 maximum output is 15 gallons a minute. And we have about  
7 almost 150 connection in that area. And pumping at 15  
8 gallons a minute, sometimes we have to pump the pump.

9           About 24 hours a day, that's maximum, 24 hours in  
10 one whole day, to try to keep the water level within the  
11 capacity of our tank. And like I said, the demand raise  
12 it down and the pump huffs and puffs for another 24  
13 hours.

14           There's another source that was developed so I  
15 suggested to drill another well. Then again the water  
16 quality is another issue. So in order to use that water  
17 that was drilled, they would have to blend that existing,  
18 run an extra line to the tank and mix the existing well  
19 with the new well to blend it so the water quality will be  
20 a lot better from the second well.

21           And Torreon is also another issue. There's four  
22 wells up there. And, again, they huff and puff about 14  
23 hours a day.

24           And I'm 100 percent for this project. It will  
25 help all the connection that's proposed from Cutter

## Comment PH-02 – continued

38

1 Lateral to Counselor to Ojo Encino to Torreon, and it's  
2 also proposed to go from Pintado to Whitehorse Lake. And  
3 if that goes through, I'm sure it's going to go through  
4 with the support of you four or five that's sitting right  
5 here.

6           It will benefit all the people that's in there.  
7 It will benefit a new development. Pintado will get the  
8 hospital. Pintado will get their new BIA school. Pintado  
9 will get a commercial building.

10           And in one sec we'll have the water. That's a  
11 big issue. And no water issue is usually geared to NTUA.  
12 You guys should be the provider, make sure you have enough  
13 water to accommodate our request, a proposal to upgrade  
14 economic development. But there's no way it can be done  
15 unless we have another source, a backup source.

16           And that backup source I see as Cutter Lateral,  
17 which will benefit every new development, every new  
18 connection to customers and limit all the water hauling  
19 that's going to be ended -- like Mr. Becenti and other  
20 elderlies -- all they just go in there and turn the water  
21 on right there instead of hauling water and all the wear  
22 and tear on their vehicles.

23           And I appreciate you taking all this back with  
24 you and approve what's still holding up the project and  
25 make it easy on the part right away. And I'd like to

Comment PH-02 – continued

39

1 thank Mr. Robertson, Andrew Robertson, who was kind of  
2 spearheading this whole project.

3 I'm surprised. I heard of this a couple years  
4 ago versus that route, Gallup-Navajo Project that still  
5 did not work. It's all political stuff, but with the help  
6 of Mr. Anderson (sic), that thing is going -- it's going  
7 pretty good.

8 And I'd like to see this get up, get going before  
9 I retire from the company, and it's pretty near. And I  
10 was just teasing Andrew. Once you get that thing built,  
11 I'll be retired, but you can hire me over there. Anyway,  
12 okay. Thank you.

13 THE HEARING OFFICER: Thank you, Mr. Silago.  
14 We'd next like to hear from Mr. Mitchell Capitan.

15 STATEMENT BY MITCHELL CAPITAN

02-10

16 MR. CAPITAN: Good evening.

17 (At this time, Mr. Capitan spoke briefly in  
18 Navajo.)

19 MR. CAPITAN: Is it kind of cold in here? I was  
20 looking at that heater. Hopefully it will come on. But I  
21 guess it's summer, so this is probably the last moment we  
22 can be cool.

23 My name is Mitchell Capitan. I've lived here in  
24 Crownpoint for the past 35 years. I've been a past  
25 Chapter President here in Crownpoint. I remember in 19 --

## Comment PH-02 – continued

40

1 or 2001 we supported this project when it was being  
2 planned first, so most of the people here at my chapter  
3 support the plan at the time it was brought to us.

4           And also I work with Mr. Jerry Silago that spoke  
5 here just recently. It's well said, Jerry, of what you  
6 have brought up here about the water supply that we see in  
7 Torreon, Pueblo Pintado, and Whitehorse Lake area.

8           It's very true that demand is very little. And I  
9 think what this Cutter Lateral water supply will really  
10 help the community of the area because I know they need  
11 growth, they need economic development.

12           And also I am an outspoken individual. I'm not  
13 an activist. I'm not a tree hugger. I'm just trying to  
14 protect my community here in Crownpoint. I'm a founder of  
15 an organization called ENDAUM, Eastern Navajo Diné Against  
16 Uranium Mining, which I'm sure you have heard.

17           I have spoken at the United Nations before and  
18 it's been all over. So we've been fighting a mining  
19 company for the past 12 years, and I will also bring  
20 something up to that effect.

21           First of all, as you know, Crownpoint, we really  
22 are about to outgrow our water supplies. You know, we  
23 share water with other chapters here in Crownpoint.  
24 Becenti Chapter, Nahodishgish Chapter, Littlewater  
25 Chapter. We have a total amount of people at least about

Comment PH-02 – continued

41

1 15,00 people in this area that use this water supply here  
2 in Crownpoint.

3           And we get our water at least about 2,000 feet  
4 deep. There's two wells that we feed off here with NTUA.  
5 And for the past 10 years, you know, we had a water  
6 restriction because of the drought. And we were very much  
7 concerned, you know, how this water supply will really go  
8 down as the communities start to grow more and more and  
9 people will start to move back here in our communities.  
10 And we have to serve other chapters in our surrounding  
11 areas. So that was a concern for us.

12           Another concern was there's a proposed mining  
13 that's coming to our community. And they call this new  
14 technology, the new mining technique called in-situ leach  
15 mining, which they will use our aquifer to mine uranium.  
16 And this was a very grave concern for us that this mining  
17 company will contaminate our water. So these are the  
18 concerns that we have.

19           And now we hear of this alternative water supply  
20 that will be coming into our community from the west, from  
21 Coyote Canyon on to Dalton Pass and down to here to  
22 Crownpoint. I think this is very good. I support it  
23 myself.

24           But there's a concern about this, that I feel  
25 that this mining company will -- hopefully will not take

Comment PH-02 – continued

42

1 advantage, thinking that "Crownpoint is going to get  
2 another alternative water supply, so we can go ahead and  
3 contaminate their water. They've got their water now. We  
4 can play with their water that they've been using."

02-10-01

5           Hopefully that doesn't happen. I have talked  
6 with Mr. Robertson about this issue before and some other  
7 individual about this issue. And what I was told was  
8 that, "The water supply that we have, you guys will still  
9 have. With this other alternative water, it will help you  
10 more. It will develop -- it will create and help your  
11 economic growth," because our community is growing.

12           So it kind of eased me up on that. And  
13 hopefully, you know, in the text of this water supply  
14 that's going to be fed to us, there should be a  
15 restriction on the mining companies.

16           And another grave concern that I have on this is  
17 the right-of-way. The agreement that they could have, you  
18 know, when they go run this water line through the areas,  
19 I know there's a lot of different land issue in this  
20 area. And I myself worked for NTUA as a customer service  
21 supervisor. I run into right-of-way problems, especially  
22 when we run the electric power lines.

23           And I hope all the right-of-way issue will be  
24 taken care of because once NTUA goes to oversee the  
25 system, hopefully we don't run into right-of-way

02-10-02

Comment PH-02 – continued

43

1 problems. And I know right-of-way issue is going to take  
2 a long, quite some time to resolve. And I hope this will  
3 not delay the project.

4           So I have the support for this project,  
5 especially with the community of Whitehorse Lake. I know  
6 their water supply is real bad. And they are in dire need  
7 of that.

8           And another community that I'd like to mention,  
9 which is not really on the project, is the Casamera Lake  
10 community and Smith Lake community. This two community,  
11 they need good adequate water. Their water supply,  
12 especially through Casamera Lake community, they have some  
13 trace of uranium in there. So they have to shut down  
14 their water supplies, their well supply.

15           Now they are feeding off Smith Lake. Smith Lake  
16 doesn't have a good water. So hopefully somehow with this  
17 planning those two community will get involved to receive  
18 these waters. That way I'm sure that they will be much --  
19 much safer, you know; that the community will be healthier  
20 than what it is now. So with this, thank you very much.

21           THE HEARING OFFICER: Thank you, Mr. Capitan.  
22 We'd next like to hear from Mr. Leo Martin.

23                           STATEMENT FROM LEO MARTIN

24           MR. MARTIN: It's against my religion to turn my  
25 back on the people, but they already made their statement

02-10-03

02-11

## Comment PH-02 – continued

44

1 and I'm talking to you, so.

2 My name is Leo Martin. I'm from Becenti  
3 Chapter. I was a member of this chapter here. When they  
4 start selling the water, I left.

5 I believe the reason why you're here is you  
6 wanted to get the facts from the rural area people to  
7 compare with the facts that you've been getting from the  
8 city slickers, Gallup and other area, where the people are  
9 not really as hard up for water as we are.

10 And also why the two public hearing that we have  
11 here, I think this is the only town we have more. We had  
12 some public hearing here. And the people wasn't  
13 interested in because they were misled.

14 At the first they were told they can use the  
15 water, one is coming in to feed their livestock, also used  
16 as an irrigation system, used on the lawns and stuff like  
17 that, but later on they were told, "No, it's just for  
18 human consumption only, just for drinking."

19 So a lot of them start -- don't want to come in  
20 here. So that's why you don't have a full house here.  
21 There's more people out there that's really concerned  
22 about it if they are actually told the truth about what's  
23 going on and what the project is all about.

24 And also right now at that first hearing that we  
25 had was a little bit over \$500 million was the cost of

02-11-01

Comment PH-02 – continued

45

1 it. Now as I see it, it's over \$700 million. By the time  
2 you get this project implemented, it will be over 200 -- I  
3 mean, probably 900 million or so.

4           So I think it's best thing to do is try to get it  
5 going instead of just kicking it around, taking it here  
6 and there to try to prove if it's needed. And as far as I  
7 know, this -- the two route that you already implemented  
8 here around 491 and also on Highway 44 and that northern  
9 area, that should be good enough.

10           And let's face it, the people is not -- is not  
11 going to stop hauling the water. They are still going to  
12 haul the water because the water pool will be either here  
13 at the chapter house. They are not going to run to the  
14 hogans.

15           It's going to be next 28 years before NTUA or  
16 another project comes through here to provide us to a  
17 water line to the hogans. So that's one of the things  
18 they need to remember. They think they are going to stop  
19 hauling the water tomorrow or next year. We're talking  
20 about around 10 years from now.

21           So I don't believe it should be this kick around  
22 for that long. And I hope you all take really serious  
23 action on this one, what we're trying to ask for, what you  
24 want from us to verify the need.

25           Now, somehow I've been thinking what we've been

02-11-02

## Comment PH-02 – continued

46

1 trying to prove, what we're saying is the people that's  
2 nonwater user, otherwise it's such a common sense why the  
3 water is important. Why do you have to ask people, "Why  
4 do you need water?" You know why you need water.

5           The people up in the leadership position should  
6 know. I don't believe none of them is not a water user.  
7 So they should just come out of here and face the facts  
8 and get a right-of-way approval and start working on it.  
9 So that's what I think.

10           And another thing is this water is not going to  
11 change much of our environmental impact. It's not going  
12 to change that much. But it's going to be really helpful.  
13 It's one of the most helpful thing that everybody ever  
14 thought of for us to be part of our survival, especially  
15 for the Navajo people out here.

16           And I think what you here for this evening, you  
17 heard what these people make a comment on before. I think  
18 the gentleman here on his record everything that was said,  
19 to me they are just repeating what was said before in two  
20 public hearings.

21           I thought I was going to hear something  
22 different, but I haven't. Because I attend all the public  
23 meetings that they have here. And that I was saying that  
24 one of the suggestions that was made, if it's going to  
25 cost that much to run two lines, why can't they develop a

02-11-03

## Comment PH-02 – continued

47

1 deep water system in the -- around the chapter close by or  
2 in the area more where you can't reach between the 491 and  
3 also Highway 44, around 371.

4           That might be cheaper by doing that than trying  
5 to get that water going from different area, from Becenti  
6 Chapter we're only going to get water depending on how  
7 much action, how fast the NTUA can work to include the  
8 line through Becenti Chapter.

9           And most of the people are in this town now, not  
10 because there's no water, because the lifestyles have had  
11 changed or what they have been depending on, livestock, is  
12 all gone because of the rules and regulations that is  
13 coming out from all directions to attack us. So you don't  
14 need it. That's why we are in this position. Now we only  
15 ask for survival for our human consumption of good water.

16           And like my son, Mr. Capitan, said, somebody will  
17 try to help me good and somebody else will come around and  
18 work under the table and take what you've been working  
19 against.

20           And if somebody -- we don't want nobody to be  
21 messing around with the basin water level down underneath  
22 basin water pool trying to get -- make some money for  
23 themselves. We want that water to go back up so we can go  
24 back to it instead of depending on the San Juan River.

25           What guarantee do we have 40 years from now that

Comment PH-02 – continued

48

1 river will still be running. We don't have no guarantee.  
2 So we have to have some sort of an ultimate -- something  
3 alternate, something that we can fall back on, which will  
4 be the basin. And that's the way I see it and that's the  
5 only statement I would like to make.

6 And I'm supporting 100 percent in trying to get  
7 the people to vote in for the two systems, that the  
8 drawing that we have on the board, instead of just kicking  
9 it around and going into more time trying to come up with  
10 something. Pretty soon you won't be able to pay for it.

11 And that's the only thing I've got to say. And I  
12 want to thank each and every one of you who come out here  
13 to listen to us, from the rural people. And thank you  
14 again.

15 THE HEARING OFFICER: Thank you, Mr. Martin.  
16 We'd next like to hear from Mr. Bobby Willie.

17 STATEMENT BY BOBBY WILLIE

02-12

18 MR. WILLIE: Good evening, everyone and those  
19 that made a statement here. My name is Bobby Willie. I'm  
20 from the Smith Lake, Chapter President. I'm at the bottom  
21 of the list on these two water line projects, but we have  
22 hope; that we need the water because our population is  
23 growing and they have to have water somewhere.

24 Currently Smith Lake has a bad water, which was  
25 ruined by the mining. There was about four or five mines

02-12-01

## Comment PH-02 – continued

49

02-12-01

1 that was done. Uranium mining. There was a good water  
2 source right in the chapter compound, but right now it's  
3 capped off because it's highly contaminated with uranium.

4           So we have another well that was dug, but right  
5 now it's very corrosive. And the people, they don't use  
6 it for human consumption. They can wash or just  
7 cleaning. Because every year they buy a water heater or a  
8 new appliance to replace them because that water is very  
9 corrosive.

10           And recently we got some allocation -- and thank  
11 you, Mr. Benson, for helping us with that allocation to  
12 try to get that two new wells. And then the Souder,  
13 Miller & Associates, they come up with some ideas. And we  
14 really appreciate those two wells. That's going to be  
15 sometime this summer. And thank you, Mr. Robertson, for  
16 helping us out. We really appreciate it.

17           So we should get some new wells. But to me this  
18 is like a Band-Aid job because in the long runs, one of  
19 these days because of the drought we're going to run out  
20 of water.

21           And right now there's a lot of litigation going  
22 on to do some leach mining for uranium. We're not too  
23 sure what's going to happen, but I'm sure it's going to  
24 contaminate the water somewhere because it's going to seep  
25 into the water system. And we're going to need this water

## Comment PH-02 – continued

50

1 for our future generations because they are going to need  
2 it.

3           Currently, a lot of the young people are going to  
4 the border town. They live out there because they need  
5 running water. And then our elderlies too, they are being  
6 placed in elderly care off the Reservation in border town  
7 because they don't have the running water that is needed  
8 because they have to have inside bathroom to try to keep  
9 them going.

10           But we don't -- since we don't have that within  
11 the communities, a lot of them, they just end up in the  
12 elderly care. And that's where they passed on and very  
13 heart broken because they leave their land and their  
14 birthrights, their birthplace.

15           And right now I'm sure, because I was reading  
16 this, that the Bureau of Reclamations have no indications  
17 that they don't have the authorization to do this thing.  
18 I believe if our nation can put a man on the moon and make  
19 a sample up there and our nation can foot out about over a  
20 \$100 billion to run a war in Iraq, I'm sure we can come up  
21 with some fundings here to get our water to our  
22 communities.

23           And we really appreciate it for letting us  
24 expressing our concerns here because to develop --  
25 economic develop, we need water. And then we need other

Comment PH-02 – continued

51

1 things to do, but we need water. And then the -- around  
2 the states like Albuquerque, as former Senator Tsosie  
3 stated -- that Albuquerque is already getting the water.  
4 And our name is up there, Navajo Reservoir.

5           If we can't get the water, they should change it  
6 to some other name. And the water is running through the  
7 Reservation around Shiprock. We should just take the  
8 whole thing right there.

9           Anyway, I'd just like to express this concern for  
10 our Smith Lake Community. I know we're at the bottom of  
11 the list, but we're looking to the future for about 15 to  
12 20 years so our future generation can benefit from it. We  
13 might not see it right now, but we would like to see  
14 something happen for them. Thank you very much.

15           THE HEARING OFFICER: Thank you, Mr. Willie.  
16 Next, we'd like to hear from Mr. Jackson Gibson.

17                           STATEMENT BY JACKSON GIBSON

**02-13**

18           MR. GIBSON: Good evening. My name is Jackson  
19 Gibson. I live in Thoreau, New Mexico, about a mile and a  
20 half north of Thoreau Chapter House against the red mesas  
21 there. Like Mr. Martin said, it's against my religion,  
22 but I'm going to turn my back on my relatives just for a  
23 little while.

24           (At this time, Mr. Gibson spoke briefly in  
25 Navajo.)

## Comment PH-02 – continued

52

1           MR. GIBSON: I agree and I support all the  
2 comments that I heard this evening. This past January, on  
3 January 11, I turned 60. I was born and raised right  
4 where I live. And at a very young age, I herd sheep right  
5 there in my community.

6           North of my house, it was all open space. Very,  
7 very few houses in that area. I came -- I joined the  
8 military. I came back. When I went riding a horse north  
9 of where I lived where I used to herd sheep, I saw a lot  
10 of mobile homes. There's another housing development in  
11 that area that has increased since I was a young boy.

12           Now, in front of my house, there's a county  
13 road. It's almost like Highway 371. There are a lot of  
14 people that live up north. So it's just to let you know  
15 that growth is there. A lot of people have moved into the  
16 area.

17           I used to walk a mile to unimproved 371 -- at  
18 that time it was a gravel road -- to catch the bus to go  
19 to school. But now McKinley County bus goes up that  
20 county road. The BIA bus goes up that road. A whole  
21 bunch of buses go up there to pick up kids.

22           So, again, this is just to show you the growth.  
23 What does that mean? That means that people are going to  
24 use water. So I need you to understand it; that a lot of  
25 our folks are still hauling water from Transwestern

Comment PH-02 – continued

53

1 Pipeline Company. They haul water from Crownpoint, as  
2 Mr. Leo Martin objected to. But people are still hauling  
3 the water.

4 I worked at Smith Lake Chapter for 10 years. I  
5 left there this past December. I appreciate what  
6 Mr. Mitchell has said about the community of Smith Lake.  
7 The water quality is very, very poor. You could smell --  
8 I sat in my office about 40 yards from the bathroom. You  
9 could smell the water. It smells bad. It's very  
10 corrosive, like Mr. Willie mentioned. So those people are  
11 in dire need of good water.

12 And this is all because of the past mining  
13 activities. If you go into Smith Lake, you go into the  
14 remote area at Smith Lake, the mine shafts that they had  
15 underground, some of the places are caving in right now.  
16 And, you know, it's just a situation that -- that where  
17 the water is desperately needed in that community.

18 I'm a Vietnam veteran. You know, the U.S.  
19 Government, as Senator Tsosie said -- we've been denied.  
20 The government denies the VA benefits to us. In  
21 education, they deny us. To say, for example, Impact Aid  
22 Program, McKinley County Schools, there's about 11,000  
23 kids that are going to the school district. 85 percent of  
24 them are natives.

25 They generate impact aid money, but it's not kept

02-13-01

## Comment PH-02 – continued

54

1 in the district. It's spread out to across the state. So  
2 they are denying us that too. Don't let the government  
3 deny us water, like what former Senator Tsosie said.

4 I want to mention here that we would have had a  
5 packed house. But we don't have a packed house because  
6 some of those people cannot afford the price of gas to get  
7 here. They've probably been out there hauling water and  
8 saving whatever gas they have for tomorrow. That's why  
9 they are not here.

10 You guys are going to be holding another hearing  
11 in Farmington on June 6th. You're going to have a lot of  
12 people there that are opposing what we support out here.  
13 That's the last hearing you're going to have. Those are  
14 the last people you're going to hear from, and that's  
15 going to be fresh in your own mind. But don't forget what  
16 was said here this evening. Don't forget what these  
17 people here said.

18 I want to thank you for coming out here. And I'm  
19 requesting that you go back to your superiors and tell  
20 them, "Let's give water to Eastern Navajos." Thank you.

21 THE HEARING OFFICER: Thank you, Mr. Gibson. And  
22 that's our last speaker tonight. We want to thank all of  
23 you for being here tonight. We really appreciate your  
24 comments and the time you took to come here.

25 We do have a sign-up sheet for attendance in the

Comment PH-02 – continued

55

1 back. If you did not sign that, we would appreciate it if  
2 you would so that you can get information by mail.

3           And thanks again for coming, and we wish you all  
4 a safe journey home.

5           (The hearing adjourned at 9:04 p.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

## Comment PH-02 – continued

56

1 C E R T I F I C A T E

2

3 I, Tanya M. Nims, a Certified Court Reporter, do  
4 hereby certify that the Proceedings of the above-entitled  
5 project were reported by me stenographically on May 23,  
6 2007, and that the within transcript is a true and  
7 accurate transcription of my shorthand notes.

8 I further certify that I am neither an attorney  
9 nor counsel for, nor related to or employed by any of the  
10 parties to the project, and that I am not a relative or  
11 employee or any attorney or counsel employed by the  
12 project hereto, or financially interested in the project.

13

14

15

16

17

18

---

TANYA M. NIMS, RPR  
Certified Court Reporter #168  
License Expires: December 31, 2007

19

20

21

22

23

24

25