

## Comment PH-03

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NAVAJO-GALLUP WATER SUPPLY PROJECT

5

PLANNING REPORT

6

AND

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DRAFT ENVIRONMENTAL IMPACT STATEMENT

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11

PUBLIC HEARING

12

May 24, 2007

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St. Michaels Chapter  
St. Michaels, Arizona

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23 REPORTED BY:

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### MEMBERS OF THE PANEL

2

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

4

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

5

6

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

7

8

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

9

10

Michael Benson, Navajo Nation, Department of Water  
Resources

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Joanna Austin-Manygoats, Interpreter

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1 THURSDAY, MAY 24th, 2007, 6:20 P.M.

2 MR. BENSON: Thank you very much for being here  
3 tonight. We're here tonight to hear your comments on the  
4 Navajo-Gallup Water Supply Environmental Impact Statement,  
5 Draft Environmental Impact Statement.

6 In 2001 there were scoping meetings that were  
7 held here as part of the Environmental Impact Statement  
8 process. Whenever the federal government is going to  
9 commit money to a project, by law there has to be an  
10 Environmental Impact Statement. And it's associated with  
11 a process where the public has an opportunity for input.

12 And the Environmental Impact Statement addresses  
13 the impacts on the environment, water, land, air, the  
14 people. And we had a meeting here back in 2001. And now  
15 that the Draft Environmental Impact Statement has been  
16 completed, we're here to hear comments from the public on  
17 that Draft Environmental Impact Statement.

18 I'd like to ask right now if we can just continue  
19 in English? Is that all right? Okay. We'll continue in  
20 English, but if anybody should come in and they need an  
21 interpreter, we have an interpreter here.

22 I'd like to begin by introducing some of the  
23 officials, elected officials that we have here with us  
24 tonight. Ray Berchman, Navajo Nation Council Delegate  
25 from Saint Michaels and Oak Springs. Perry Wilson,

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1 President of Crystal Chapter. Jeff Kiely, Deputy  
2 Director, Northwest New Mexico Council of Governments.  
3 Katie Gilbert, Commissioner, Navajo Nation Water  
4 Rights Commission. Lena Fowler, Navajo Nation Water  
5 Rights Commission. Stanley Pollack, Navajo Nation Water  
6 Rights Attorney. Jason John, hydrologist, Navajo Nation  
7 Water Management Branch. Teresa Showe, hydrologist,  
8 Navajo Nation, Water Management Branch. Brenna Clani,  
9 Navajo Nation, Department of Justice.

10 And if more people come in that need to be  
11 introduced that are officials, we will introduce them.

12 Now, I'd like to introduce the panel here that  
13 you will be addressing your comments to.

14 And the Environmental Impact Statement concerns  
15 the Navajo-Gallup Water Supply Project. It's a project  
16 that is meant to bring San Juan River water to the Navajo  
17 Nation in the state of New Mexico.

18 There are two pipelines in this one project. One  
19 pipeline runs between Shiprock and Gallup with laterals  
20 coming to Window Rock, which would serve the water system  
21 in this area, including Saint Michaels, Fort Defiance. I  
22 believe the water system goes to Navajo to Oak Springs as  
23 well.

24 And off the main trunk line coming from Shiprock  
25 there will be a lateral going to Dalton Pass. And there's

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1 already a water line from Crownpoint to Dalton Pass, so  
2 the water will continue to communities around Crownpoint  
3 through that lateral.

4           The Cutter Lateral runs along the eastern edge of  
5 the Navajo Nation. The water will be taken out of Cutter  
6 Reservoir, which is a small reservoir built for the Navajo  
7 Indian Irrigation Project. And the pipeline will run from  
8 Huerfano, Nageezi, Torreon, Ojo Encino, Pueblo Pintado to  
9 Whitehorse Lake.

10           The project also involves groundwater as well.  
11 And there will be groundwater development in the area  
12 between these two pipelines.

13           The people up here that you'll be addressing your  
14 comments to are Carol DeAngelis, Area Manager, Western  
15 Colorado Area Office of the Bureau of Reclamation in Grand  
16 Junction. Susannah Thomas is the Hearing Officer, and  
17 she's with the Regional Solicitor, Salt Lake City.

18           Bernadette Tsosie, regional hydrologist, Navajo  
19 area, Bureau of Indian Affairs. Rege Leach, he's the  
20 Project Team Leader, Bureau of Reclamation, Western  
21 Colorado Area office, Durango. Tanya Nims is the court  
22 reporter taking down your comments. And Joanna Austin-  
23 Manygoats is our interpreter.

24           And right now Susannah Thomas, the Hearing  
25 Officer, will tell you the rules that we'll follow this

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1 evening.

2           THE HEARING OFFICER: Good evening, and thank you  
3 for coming to this meeting tonight on this project. A  
4 public meeting is being conducted pursuant to the National  
5 Environmental Policy Act, which we refer to as NEPA. And  
6 the purpose of this meeting is to hear your comments,  
7 thoughts, and views on the proposed project.

8           The representatives of the federal government  
9 here today are prepared to take your comments and thoughts  
10 back to the decision-makers for this project. And while  
11 we are prepared to take your questions with regard to  
12 factual matters, we are not here to engage in discussions  
13 about the relative merits of this project or its  
14 alternatives as discussed in any of the discussions.

15           Simply put: We are here to listen.

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

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

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1 part by authorizing the construction of this project.

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

8           We have, as mentioned, Joanna Austin-Manygoats  
9 here to interpret in Navajo for those who do not  
10 understand English or for those who prefer to speak in  
11 Navajo. So if you come up if you could let us know if  
12 you'd like that service, she'll be happy to help you out  
13 with that.

14           This meeting will end around 9 o'clock tonight so  
15 that everyone can get home at a reasonable hour. In order  
16 to do that, we ask that you limit your presentation to  
17 about 10 minutes. And we have Mr. Benson here to be our  
18 timekeeper, so if you could please observe his time  
19 notices, we would appreciate that.

20           What we will do tonight is we will hear from  
21 people in order of the list as they have signed in to  
22 speak. And before you begin your comments, we'd  
23 appreciate it if you could please come up here and use the  
24 mike so that our court reporter can hear you and that we  
25 can be sure to hear you too. And if you could state your

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1 name.

2           And then after we hear the comments from  
3 everybody on the list, if time permits we will then  
4 provide an opportunity for anyone else who may have  
5 comments to come up. And, again, just state your name and  
6 observe our timekeeper.

7           So without any further adieu, we will begin. Let  
8 me get my list here. We will begin with Mr. Kee Ike  
9 Yazzie.

10                           STATEMENT BY KEE IKE YAZZIE

**03-01**

11           MR. YAZZIE: Good evening, Honored Panel, Council  
12 Delegates, Chapter Officials and the community of Saint  
13 Michaels and other residents of the Navajo Nation.

14           My name is Kee Ike Yazzie. I'm the  
15 Administrative Services Officer for the Navajo Department  
16 of Diné Education. And I'm here on behalf of Dr. Tommy  
17 Lewis. I have a prepared statement which regards schools,  
18 dormitories, and children.

19           The Department of Education strongly supports the  
20 proposed Navajo-Gallup Water Supply Project because it  
21 will benefit 165 schools, public schools, BIA-funded  
22 schools, church schools, private schools located at  
23 Shiprock, Crownpoint, Gallup, Window Rock, and Saint  
24 Michaels area.

25           And the growth rates are as follows. Currently

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1 we have 65,789 students in this region in grades K through  
2 12. And the number will reach approximately 88,550  
3 students over a 10-year period at the growth rate of 3  
4 percent per year. Enrollment will reach 174,700 students  
5 by the year 2040 at the current growth rate of 3 percent  
6 per year.

7 We anticipate 15 new schools over the next  
8 10-year period to accommodate the current growth rate that  
9 will bring the total number of schools to 185. We  
10 anticipate 45 new schools by the year 2040 to accommodate  
11 the current growth rate. It will bring the total number  
12 of schools to 210.

13 These schools are heavily dependent on water  
14 supply in order to offer a safe and clean learning  
15 environment. These schools cannot operate without water  
16 supply; therefore, alternative water sources are very  
17 critical and important for the benefit of our children and  
18 the future generation. Thank you.

19 I'll submit this written statement to you now.

20 THE HEARING OFFICER: Thank you, Mr. Yazzie.

21 Next, we'd like to hear from Mr. Ray Berchman.

22 STATEMENT BY RAY BERCHMAN

23 MR. BERCHMAN: Good afternoon and good evening.

24 For the record my name is Ray Berchman. I'm a member of  
25 the Navajo Nation Council serving Oak Springs and Saint

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1 Michaels Chapter.

2           Before I go any further, one of our chapter  
3 officials from here, Saint Michaels Chapter, is here with  
4 us. She wasn't introduced. I guess she'd get mad if we  
5 don't introduce her, Effie Ashley.

6           I'd like to thank everybody from Water Commission  
7 and also the panel here. I don't know how your policy  
8 goes regarding your public hearing. Navajo Nation usually  
9 does it different. They invite all the chapter -- public  
10 for their opinions, questions, and everything. It seems  
11 like this public hearing is just to give the comment.

12           Recently, in our last chapter meeting, the people  
13 were having -- kind of questioning this public hearing  
14 that would be here this evening. And at the same time the  
15 public not here because of the kids' graduation this  
16 evening in Window Rock. The majority of the people from  
17 here, their kids goes to Window Rock High School.

18           So according to the last meeting that we had, we  
19 kind of discussed the public hearing, what is it about,  
20 and mostly the proposed project, the Navajo-Gallup Water  
21 Supply Project. And I think Mr. Michael Benson mentioned  
22 that to try to keep us separated with the Navajo water  
23 settlement. And I believe the Navajo Nation Council  
24 already approved that.

25           So the question we have is that we understand

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1 we're in a water crisis. At this time we're being served  
2 by NTUA. And I believe we have 18 wells here in Window  
3 Rock, Coal Mine, and Navajo area, combined to a total of  
4 26 -- I believe 26 wells. So the community is in need of  
5 water at this time.

6           And the report from NTUA is that their water  
7 supplies is declining at this time due to the H, the well  
8 that was drilled in Coal Mine area back in 1950's. So  
9 some of those wells has collapsed and is pretty  
10 expensive.

11           And they are pumping into Window Rock Reservoir  
12 here. And we have -- we're being supported by two areas,  
13 I believe, from Navajo, View Point, Water Well, which is  
14 alluvium. And I believe its water level is declining  
15 also.

16           The main producer we have is down in Hunters  
17 Point. The people try to keep that separate from Window  
18 Rock. And then in-house it was decided to run and hook up  
19 with Window Rock. So we're pumping our water from Hunters  
20 Point and the people wants to keep their port and at the  
21 same time Window Rock wells are drying up.

22           So these are some of the things at least to be  
23 mentioned to the people which we need to have water supply  
24 come in from Gallup to feed Window Rock, Fort Defiance,  
25 and Navajo and towards the switch of Hunters Point and Oak

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1 Springs. Oak Springs and Hunters Point are now separate,  
2 but the plan is to intertie one area to feed the valley.

3           And another connection where the chapter is  
4 working on is to -- to run the water line to some people  
5 up the road on the Highway 264 up in the mountains, at  
6 which we can't because of the elevation and the -- and the  
7 plan, we're lacking some fundings for that part, so.

8           I believe all the community is known that --  
9 about a water shortage, so the chapter is supporting the  
10 Gallup water supply for the area of Saint Michaels and  
11 Hunters Point, Oak Springs, which we represent. Those are  
12 some of the comments that I like to share with you and  
13 also from of the people.

14           But the questions -- some of the questions  
15 remains unanswered, is the settlement part, which I don't  
16 think we would get into that at this time, the question  
17 from the constituents from Saint Michaels. That's all I  
18 want to share with you. Thank you.

19           THE HEARING OFFICER: Thank you, Mr. Berchman.  
20 As of this time we don't have anyone else signed up, so if  
21 anybody would like to come and address our panel here,  
22 we'd be happy to hear from you.

23           And we're just going to be here for a while  
24 sitting here, so you're welcome to come up and talk to us.

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**03-03**

1 STATEMENT BY STANLEY POLLACK

2 MR. POLLACK: Good evening and welcome to Saint  
3 Michaels Chapter. My name is Stanley Pollack,  
4 P-O-L-L-A-C-K. I am an attorney with the Navajo Nation.  
5 I work on water rights matters. I'm also a resident of  
6 Window Rock, Arizona. I've lived here for almost 22  
7 years.

8 Window Rock has a declining water supply that, as  
9 Mr. Berchman pointed out, we are in desperate need of  
10 getting a renewable, reliable, sustainable source and  
11 supply of water for this area.

12 The San Juan Lateral -- excuse me. The PNM  
13 Diversion Alternative that's identified in the Draft  
14 Environmental Impact Statement for this project is the  
15 preferred alternative of the Navajo Nation. It's an  
16 alternative that I urge the secretary to issue a record of  
17 decision for.

18 Whether or not there is a New Mexico settlement  
19 of the Navajo Nation's water rights claims, the pipeline  
20 should be built. The Treaty of 1868 promised the Navajo  
21 people a permanent homeland on these lands here. Without  
22 a reliable supply of water, a permanent homeland will not  
23 be possible.

24 Whether or not the settlement goes through, I  
25 believe it's the federal government's obligation to

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1 provide such a water supply to the people on the Navajo  
2 Reservation.

3           With that, I just want to thank the Bureau of  
4 Reclamation and the Department of the Interior for holding  
5 the hearing. I also want to thank especially the team  
6 that put together the Draft Environmental Impact  
7 Statement. I know it was a colossal undertaking. I know  
8 it's a very complicated document. There are a lot of  
9 different components that needed to be put in.

10           We were concerned that it might not be published  
11 on time. We received a commitment from the Department of  
12 the Interior that it would be published on March 30th.  
13 And it was published on March 30th. So I really want to  
14 express my appreciation to the Department for all their  
15 hard work in getting this out.

16           THE HEARING OFFICER: Thank you, Mr. Pollack. We  
17 appreciate that. We've had a few more people come in, so  
18 I'm going to turn it back over to Mr. Benson.

19           MR. BENSON: Mr. Raymond Maxx, Navajo Nation  
20 Council delegate from Tuba City. We're honored to have  
21 you here.

22           Are there any other elected officials here that  
23 we'd like to recognize, please introduce yourselves.  
24 Thank you.

25

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03-04

1 STATEMENT BY BRENNNA CLANI

2 MS. CLANI: I'll just say a few words. My name  
3 is Brenna Clani, B-R-E-N-N-A, C-L-A-N-I. I'll speak in my  
4 individual capacity. I work for the Navajo Nation, but  
5 I'll be speaking just from my own experiences.

6 I'm actually a graduate of Gallup High School. I  
7 graduated from Gallup High in 1994, and I grew up in  
8 Gallup. My dad had started working with the Bureau of  
9 Reclamation. I'm originally from Upper Fruitland. My  
10 family are farmers along the San Juan River. My mom  
11 currently farms about eight acres of land from using water  
12 from the San Juan River.

13 Having grown up in both areas, the need for  
14 water -- the need for water is just so important. Growing  
15 up in Gallup, I just saw so many things that made me  
16 wonder why -- why there was not an emphasis on water  
17 infrastructure on the Reservation.

18 In public rest rooms, at the places that I  
19 shopped, and gas stations, I would see people washing  
20 their hair, washing their babies. It was just a really  
21 sad sight to see on the weekends in Gallup people bathing  
22 themselves.

23 And I think as a result of that you had a lot of  
24 the chapter houses build showers so that people can bathe  
25 there. I've seen people and kids take showers in chapter

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1 houses because they don't have running water in their  
2 homes. And I just think it's just such a shame to see  
3 that.

4 I've seen that growing up all my life. And I  
5 think that's the reason why I'm currently working in the  
6 field that I'm working in, which is water rights, to bring  
7 water to people. The reality of, you know, it's just hard  
8 to see some of these things when you're not living here on  
9 a daily basis.

10 But, you know, you always hear about people  
11 hauling water, but there's also people washing their hair  
12 and washing their clothes in these public rest rooms. And  
13 when you go to Gallup you always see signs in the  
14 bathrooms that the rest rooms are for customers only or  
15 that the toilets are closed because they're broken.

16 And I think that's because of the people needing  
17 to just wash their hands and become clean. But I just had  
18 to share that experience. I was thinking about this at  
19 the Gallup hearing. I remembered that.

20 And one of the other things that I remember too  
21 is I've gone to public school in both Gallup and I went  
22 one year here in Window Rock and I went back to the  
23 schools in Gallup. But I remember the taking all the  
24 Navajo kids out of the classroom checking for lice. And I  
25 had never experienced that before prior to that.



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1 I was introduced earlier, Raymond Maxx from Tuba  
2 City. It's way on the western side of the Navajo Nation.  
3 I represent Tuba City, Coal Mine Canyon as a Council  
4 Delegate. And I thank the Bureau for coming out and  
5 holding hearings in Navajo and taking comments and  
6 statements on the project.

7 I know this project that we have, you know,  
8 supported and approved, the settlement being of the  
9 governments, would benefit a lot of people. And, you  
10 know, we supported it with legislation. So that should  
11 send a message that, you know, this needs to be done.

12 And we had a long debate and discussion on  
13 certain details and interests and concerns. And even  
14 though there's pros and cons, about the same, we supported  
15 it. So, you know, you can take that message back. And it  
16 should be approved, you know, all the way signed by the  
17 President.

18 And I don't want to see this project derailed  
19 through this legislative process by other entities from  
20 other states, other parties. This is a concern that we  
21 have.

22 And when we talk about water, there's a lot of,  
23 you know, interest in the water. Because, you know, out  
24 there in main stream people talk about water as gold, as  
25 being valuable. To us, you know, we don't think about

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1 water like that. This is basically life. That's what it  
2 is.

3           And, you know, we consider everything equal. You  
4 know, water, sky, the air, and the fire as something that  
5 will give life. The plants, the animals, and Mother  
6 Earth. So we don't really have, you know, a hierarchy  
7 where there's one supreme being. Everything is equal.

8           And, you know, we have ceremonies that would, you  
9 know, correct the harm or the violation of the, you know,  
10 laws that pertain to a concern like water. So if you  
11 violate the spirit or the laws of the water, we have  
12 ceremonies to address those.

13           And that just shows you how we think about water  
14 and how we consider it life. And a lot of our elders kind  
15 of get after us sometimes. We treat water as a  
16 negotiating tool sometimes. And they don't like to see us  
17 talk about it as something to say like a commodity, a  
18 resource.

19           So we have to kind of overcome these obstacles to  
20 get to where we are. So it's really, you know, nothing  
21 that -- that we did, you know, with just going into it  
22 just like free will. We have to consider a lot and  
23 address a lot to get to where we are right now.

24           So even with all those concerns by our  
25 traditional folks, this water will, you know, give life to

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1 the Navajo land. And as you have heard, you know, our  
2 people haul water to survive right now, to make a home a  
3 home. And we don't have the luxury to shower everyday  
4 and, you know, waste water.

5           That's like it was expressed earlier, a lot of  
6 our -- for myself, I didn't know what a shower was until I  
7 went to boarding school. And that's probably the first  
8 time I ever took a bath or a shower.

9           And before that, we were brought up to conserve  
10 everything, even a tin can. It couldn't go to waste.  
11 And, you know, we could make a barrel of -- a 50-gallon  
12 barrel of water last three weeks, even a month, that was  
13 provided for like a family of six or seven.

14           So, you know, we try to encourage, you know, our  
15 elders when they get modern plumbing -- like in our case,  
16 in my area we have the relocation. And when some of our  
17 elders are moved and they get housing benefits and they  
18 get their modern homes, they don't know -- it's kind of  
19 funny when you look at them. They don't want to turn on  
20 the faucet because it's going to go down and to them it  
21 goes to waste.

22           And so even then we try to encourage them to use  
23 the modern facility and enjoy what you have. They didn't  
24 have these before. So it takes them a long time to, you  
25 know, adjust.

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1           So hopefully, you know, the remote areas will get  
2 water, and they can stop hauling the water. With the gas  
3 prices these days, boy, it's tough on hauling the water.

4           So, you know, with the spirit of the agreement,  
5 take it. You know, don't let anybody derail it. I  
6 understand there's some parties out there that are trying  
7 to do that already. You know, take a strong message to  
8 the powers to be, people that would consider it, and  
9 hopefully they'll approve it right away the  
10 recommendations that we're giving.

11           So, thank you. And I notice a lot of people to  
12 thank, you know, this settlement and the work that was  
13 done. A lot of thanks goes to a lot of people. And when  
14 it's finally done and we get water and actually see wet  
15 water, then we'll show our gratitude then. Thank you.

16           THE HEARING OFFICER: Thank you, Mr. Maxx. We  
17 appreciate that. Is there anyone else here at this time  
18 who would like to make any comments? Mr. Barney.

19                           STATEMENT BY ALFRED BARNEY

03-06

20           MR. BARNEY: My name is Alfred Barney. I'm  
21 from -- represent Red Lake Chapter, just up the road 15  
22 miles from here. And I also represent Sawmill Chapter,  
23 which is another 15 miles west of here.

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

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1           MR. BARNEY: I appreciate being here. I  
2 apologize for being late. And, you know, like everybody  
3 else, I'm on the road most of the time. So I know the  
4 meeting was going on today. And my issue is that as a  
5 delegate and a representative of these chapters, I support  
6 the water line project and -- which means that it's going  
7 to give us what we need in the long run.

8           But I also have a concern on your drawing. Where  
9 the main pipeline is just going up to Saint Michaels, ends  
10 here. And I would like to recommend if there was a way  
11 that we can take it back up north, just a little bit  
12 further up, by Sawmill, which is only supplied by one  
13 well.

14           And it was up on the mountain where most of the  
15 region is mainly rock area. And they told us that they  
16 couldn't really dig any more wells because of all of the  
17 rocks or something, platform. And so we got Red Lake and  
18 Crystal up on -- in 12.

19           So I think as well as said before, water is  
20 life. And we'd like to sustain that water as much as we  
21 can to give us a better living. And I guess everybody  
22 said that the Navajo Nation is in need of water, where  
23 most of the families are still without water.

24           And with that I would like to see this project go  
25 through. And I know this is just an Environmental Impact

03-06-01

## Comment PH-03 – continued

24

1 Statement but, you know, the concern that we have is our  
2 concern; and we would like to make this an issue, things  
3 that we can work with.

4           So with that, as a leader, I support the water  
5 line project. And I hope that it goes through soon and  
6 people can start utilizing this benefit. So with that, I  
7 would like to see if you can do a study where we can bring  
8 it a little bit closer to Red Lake, Crystal, and Sawmill.

9           And I know there's an infrastructure already  
10 between here and Crystal where you might just backfeed  
11 through those lines. But up in Sawmill there's no other  
12 line coming in. It's a small community where we're trying  
13 to be self-sustainable.

14           So that is my issue. And I know that the  
15 community people wanted me to come here and try to say  
16 something for them so they can get some benefits for this  
17 water line project.

18           THE HEARING OFFICER: Thank you, Mr. Barney.  
19 Anyone else?

20           STATEMENT BY LENA FOWLER

03-07

21           MS. FOWLER: I'm Lena Fowler. I'm the Vice Chair  
22 of the Navajo Nation Water Rights Commission. And thank  
23 you for coming. You have all come from different  
24 directions, and you're making visits to various  
25 communities just to hear the -- to be patient and sit

Comment PH-03 – continued

25

1 there for -- from 6:00 to 9:00. That's a lot of patience  
2 for five minutes.

3 I thank you for your time and thank you. Thank  
4 you from the community and our leaders from various  
5 communities. I'm very happy that for they are all here.

6 We need -- we need water today. We need water in  
7 our communities, not only in this area, but throughout  
8 Navajo. But we do need water. This Navajo-Gallup Water  
9 Supply Project will really help us and the Cutter Lateral  
10 on the Eastern Navajo.

11 We have a drought as you know that's going on.  
12 We have been dealing with this for many years now. We  
13 have the water quality issues in these areas also. The  
14 water we need, we don't have treatment centers that -- so  
15 we need to make sure that we have quality water that comes  
16 to the communities.

17 Currently, we mine water. NTUA and some BIA  
18 wells that provide water to communities, they are mining  
19 water; and so, therefore, we're reducing water. We haul  
20 water. I have been making chapter visits and meeting with  
21 various organizations in this region. And people are  
22 hauling water.

23 We visit the Gallup water point and people by the  
24 truckloads -- I mean, trucks of water are being hauled out  
25 of there everyday. And which means that they have to buy

## Comment PH-03 – continued

26

1 gas. Gas price is high. They have to buy new vehicles.

2           And so for people it becomes a family financial  
3 issue. And so a lot of times what happens is that since  
4 Navajos need vehicles, we're taken advantage of when we do  
5 buy vehicles with the high interest rates and everything  
6 else. So it just really becomes a bigger issue than just  
7 water. Just it's like a snowball effect.

8           We haul water for our families. We haul water  
9 for our livestock. So to sustain ourselves and our  
10 livestock is to feed ourselves. So we need the water for  
11 our family, so that we can stay healthy. It becomes a  
12 health issues.

13           We visit families that have -- that are supposed  
14 to have water to -- because they have a major health  
15 issue, but they can't have that, the water that is  
16 supposed to be required to take care of themselves, take  
17 care of their health issues.

18           So they end up having to go to the hospital even  
19 more so; therefore, the hospital care costs goes up. And  
20 we're supposed to be drinking eight cups of water a day,  
21 and we can't have eight cups of water a day in certain  
22 aspects.

23           We're supposed to be able to grow our own food so  
24 we can have -- eat healthy and not have all the pesticides  
25 and everything else that is out there. So that becomes an

Comment PH-03 – continued

27

1 issue. And we don't have the water to farm or even have a  
2 garden so, therefore, it's just -- it becomes a social  
3 issue that we're facing here.

4           We have our children that -- that go to school.  
5 Some of the schools do not have the water. They don't  
6 have enough water. So that becomes an issue at the  
7 schools.

8           We have economic development. Every politician  
9 campaigns every campaign season on creating jobs and  
10 economic development. Well, there is an issue there  
11 because we don't have the infrastructure. And we don't  
12 have the water to run through the infrastructure, even if  
13 we put all kinds of pipelines everywhere so -- and  
14 everyone mining water.

15           And NTUA in some certain communities, they are up  
16 to capacity. So it's just like you turn this way, you  
17 turn that way, and it's just we're all caught in a trap.

18           We support this. I support this project because  
19 it provides sustainable water supply, a safe water  
20 supply. And I believe that it will better the lives of  
21 the Navajo people, and it will reduce healthcare costs.

22           And it will also -- it's also -- the other aspect  
23 of this is that it has created partnerships between the  
24 city of Gallup, the state of New Mexico, and other  
25 nonNavajo communities and families.



Comment PH-03 – continued

29

1 visiting staff here at the community of Saint Michaels.

2 (At this time, Mr. Wilson spoke briefly in  
3 Navajo.)

4 MR. WILSON: I came here to get my concern and  
5 also the support from my community in reference to the  
6 water settlement that we have a panel for a public hearing  
7 this evening. The concern we have is water is life for  
8 all the human beings that we have we are considered as a  
9 Navajo Nation and for community members here for the  
10 Navajos.

11 So on behalf of my community we are concerned  
12 about and support an effort for the water settlement for  
13 getting the water to the Navajo Nation. The San Juan  
14 River Basin has support in other communities throughout  
15 the state of Arizona, California for the past many  
16 centuries, so we need to have this water being utilized  
17 with the Navajo people, which have every right to have  
18 that respect for the Navajo people to utilize the water  
19 here on the nation.

20 The reason behind it is there's a lot of it, even  
21 for many years, but 10-plus years we have a -- the  
22 national drought in our southwest here. It does have a  
23 big dictation over what we have a need for this water  
24 situation here and reason being for our livelihood as a  
25 Navajo Nation.

## Comment PH-03 – continued

30

1           Healthwise, educationalwise we need this water to  
2 support it in effort to our livelihood, that we have the  
3 betterment of our lives here in our Navajo Nation, for our  
4 growing vast Navajo people here. So it starts with the  
5 infants up to the elderly. And now at this present time  
6 we're a growing nation everyday. We have newborns as  
7 well, so.

8           As well as for our farming efforts too, we have  
9 sort of dwindled down in farming, create our own small  
10 gardens for our own self and family. We haven't done it  
11 because of lack of moisture in our area.

12           In the wintertime we don't have the abundance of  
13 snow that we used to have snowfall annually, as well as  
14 the rainfall here in the summertime. So these are the  
15 things I see and probably people can testify to that  
16 behalf.

17           As well as some of the comments I hear and sit  
18 and listen to as the way we have lived in our lives. As I  
19 have seen a lot of these things in life, we don't have  
20 that abundance of rain to get a necessity to have running  
21 water in our each home, our hogans.

22           So now we see some of those things begin to  
23 prosper throughout our -- the way we live. And now we  
24 need to upgrade our things and put back the trust  
25 responsibility to the government themselves saying, "Hey,



## Comment PH-03 – continued

32

1           I have just been reflecting that for the 30 years  
2 that I've been working with the Navajo people in this area  
3 and with the other peoples of this region, half of that  
4 time, 15 years, have been spent working on this project  
5 with some of the best people I have ever met in the  
6 world.

7           These are technical people, legal people, public  
8 policy officials. They have been Navajos, Jicarilla  
9 Apaches, and people from many other walks of life. It is  
10 probably the most complex project I have ever witnessed or  
11 been a part of. I've been a part of a lot of them.

12           I am an inlaw to the Navajos. And so I have --  
13 in that capacity, I have been called upon to haul water  
14 for my mother-in-law. And I have visited virtually every  
15 one of the 110 chapters of the Navajo Nation. I have  
16 worked in many of them providing community development  
17 technical assistance.

18           And it has begun to occur to -- it has become  
19 clearer and clearer to me that this project represents an  
20 equity issue. I'd like to give you an anecdote. Sometime  
21 back I was running an operation on a rural Navajo property  
22 that didn't have running water and most of the area  
23 residents did not have running water.

24           And I had a visitor, and the visitor was a water  
25 operator from the City of Albuquerque. He's a water

## Comment PH-03 – continued

33

1 engineer. And he was used to with a flick of the switch  
2 moving millions of gallons from one channel to another.

3           And so I asked him, I said, "Would you like a cup  
4 of water?"

5           And he said, "Sure."

6           And I said, "Get in." And we got in the truck.  
7 Had a bunch of 5-gallon drums in the back, a 55-gallon  
8 drum in the back of the truck. We drove three and a half  
9 miles to the well, the local well.

10           And I asked him to stand by the pump and start  
11 pumping the water. And I got the 5-gallon drums and the  
12 55-gallon drums out. He pumped the water into them. We  
13 put them back in the truck, drove back to the campus.

14           I got a cup, and I poured a little bit of water  
15 from one of the drums into the cup. And I said, "Here.  
16 Here's your cup of water." I said, "That's the level of  
17 effort it takes for people in these lands to get a cup of  
18 water. And you live in a circumstance that is as  
19 different from that as possible."

20           I also recently had occasion to take a trip south  
21 of the border into Mexico to Rocky Point area. And a lot  
22 of connections started to happen in my mind. We heard  
23 last night in Crownpoint that some of the local residents  
24 there talked about we can't keep good professional people  
25 from outside because they want facilities that have water

## Comment PH-03 – continued

34

1 like swimming pools, things like that.

2           And it occurred to me -- and we heard many other  
3 comments in which you heard about people coming to Gallup  
4 because that's where stuff happens, that's where  
5 infrastructure is, that's where water is. And down in  
6 Rocky Point, Mexico I saw the same thing. They are  
7 putting up resorts there, multimillion dollar resorts  
8 there.

9           And the Mexican people are watching all these  
10 people come in from North American, park their cars, and  
11 go into this exclusive area and play in water and have  
12 showers whenever they want to and everything. And yet the  
13 lives of these people have remained totally unchanged.

14           And then I come back here to northwest New  
15 Mexico, and it just hit me that we're experiencing a very  
16 similar thing. The rural Navajo people are seeing people  
17 flock into Gallup and play with water and leave and so  
18 on. But the water is still not coming to those  
19 communities. So they are not experiencing that kind of  
20 opportunity.

21           Over the years I have really felt a sense of  
22 grief over the loss of self-sustaining agriculture among  
23 many Navajo families. Out of the six or seven or eight  
24 families that I'm directly related to, now there is only  
25 one of them that is maintaining any level of self-

## Comment PH-03 – continued

35

1 sustaining agricultural activity.

2           And whereas the Navajo-Gallup Water Supply  
3 Project is primarily municipal/industrial, it's still an  
4 issue of water is life for the people of that area. And  
5 it occurred to me also because I am a champion of rural  
6 America that this is a precious rural population in this  
7 part of the world.

8           And, you know, as reflecting on former Senator  
9 Leonard Tsosie's comments last night about what would  
10 happen if the United States Government denied this  
11 project? What else would it deny in the lives of these  
12 people?

13           And it seems to me that we would not only be  
14 depriving the people of the Navajo Nation and city of  
15 Gallup and all of the neighboring communities, we would be  
16 denying America of this precious culture, of this precious  
17 people who live in these lands.

18           Because we're seeing an out migration of our  
19 young people. My two kids who are enrolled members of the  
20 Navajo Nation are not thinking of staying home because the  
21 opportunities are elsewhere. I would like to see America  
22 commit to preserving the opportunity to have culture and  
23 economy and opportunity and prosperity in this part of the  
24 world. And water is central to that.

25           I had a couple of things, sort of themes that

## Comment PH-03 – continued

36

1 I've noticed that I wanted to reflect on. And one is that  
2 in the past there has been a lot of mistrust and  
3 resentment between peoples in this area, prejudices,  
4 mistreatment of people in-between communities, racism,  
5 institutional racism, economic racism. We've seen lot of  
6 that.

7 I have sensed a shift. And I'm very sensitive to  
8 these issues myself being married to a woman within the  
9 Navajo community, being very active in all cultures in  
10 this area. I've sensed a shift. And I think this  
11 project, the Navajo-Gallup Water Supply Project, has been  
12 as important as any other thing I've seen to begin to  
13 build bridges and to heal relationships.

14 And we are now beginning to speak about a thing  
15 called the water commons. The water commons. This is  
16 water; it's life to all people regardless of their  
17 background, their color, their culture, their heritage.  
18 We're beginning to speak of the water commons.

19 The Gallup regional water system is being  
20 developed now as a service to the water commons, not just  
21 to the people of Gallup, which in the next couple of  
22 decades will be 50 percent Navajo people anyway. But  
23 we're beginning to speak about serving all people in that  
24 area.

25 So the Navajo-Gallup Water Supply Project when



## Comment PH-03 – continued

38

1           Sometimes I think about why people from Mexico  
2 come to America. Because of the opportunities. They are  
3 looking for jobs. Probably looking for a good place to  
4 live. And America is supposed to be the world of  
5 opportunity. Pursue your dream. Democracy. The world's  
6 greatest nation.

7           But here in America, in Arizona here, sometimes  
8 San Jose, Saint Michaels, Arizona -- I started saying  
9 Saint Michaels, Navajo Nation to express sovereignty.

10           So also I have in my mind as I'm sitting back  
11 there listening to comments being made, as well as in  
12 Gallup and Crownpoint, there are graduations going on  
13 within the Navajo Nation and outside the Navajo Nation,  
14 Gallup, Crownpoint, Farmington. We have our Navajo  
15 children going there and graduating.

16           Where are they going? Well, there's two  
17 graduations here close to Window Rock. One is Window Rock  
18 High School, Window Rock Junior High, and then down the  
19 road, Sanders. Just there's an area known as New Land.  
20 Graduation going on. Navajo students graduating by the  
21 thousands. Where are they going?

22           Well, they may have a problem finding a job  
23 here. The opportunities are not all that like the rest of  
24 the world. They may not find a home because home for  
25 them -- like testimony given over in Crownpoint last

## Comment PH-03 – continued

39

1 night, some houses were denied by HUD because there's no  
2 water available. This is no different here.

3           So that's what's going through my mind this  
4 evening as I'm sitting here. I welcome you to Saint  
5 Michaels, Navajo Nation.

6           This land was set aside as Reservation for the  
7 Navajo people in 1868. As part of the Treaty of 1868,  
8 when the Indian Reservations were set aside, enough water,  
9 sufficient amount of water to make the Reservation livable  
10 for permanent homeland for them, for the Indian people,  
11 was considered. Whether they are explicit or implicit in  
12 the treaty, they are there, reading between the lines.

13           In order to have a permanent homeland -- and this  
14 Saint Michaels, Window Rock, Oak Springs, Sawmill, Fort  
15 Defiance, Red Lake, and other communities, includes the  
16 Window Rock area, also like Crownpoint and Lake Valley,  
17 Shiprock, and other communities in the New Mexico portion  
18 of the Navajo Nation, that is Navajo homeland. And then  
19 all this way to the west.

20           Two speakers you heard this evening, one is  
21 Council Delegate from Tuba City, my brother Raymond Maxx,  
22 and also my paternal relative Lena Fowler serving as  
23 representative from Tuba City Agency. And I'm the  
24 Chairperson of the Navajo Nation Water Rights Commission.

25           In order to have this homeland on our

## Comment PH-03 – continued

40

1 Reservation, we need a sustainable supply of water,  
2 quality of water. The Navajo-Gallup project provides the  
3 best hope to provide a long-term water supply for the  
4 Navajos in New Mexico and in the Window Rock area.

5           You're welcome to go see Window Rock just across  
6 the valley. It will take you about maybe 10 to 12 minutes  
7 to drive there. If you haven't been there, take a look.  
8 That's the headquarter.

9           We have two council members here. Mr. Berchman,  
10 he said something and he left. And Mr. Raymond Maxx. We  
11 have 108 chapters -- or 110 chapters and council delegates  
12 representing those chapters on the Navajo Nation.

13           The Navajo Nation Water Rights Commission is  
14 authorized -- or rather, given mandate to pursue the water  
15 rights on behalf of the Navajo Nation aggressively within  
16 the three states, New Mexico, Arizona, and Utah. And  
17 we're doing it.

18           This is one important piece of the settlement in  
19 New Mexico. And as I said, it is the best hope not only  
20 for Navajo and for Jicarilla Apache Nation and Gallup,  
21 there are other nonNavajo people. Their interests are  
22 protected in the settlement agreement.

23           So the Water Rights Commission supports the  
24 project as an important component of the overall Navajo  
25 Nation water development plan. We encourage each chapter,

### Comment PH-03 – continued

41

1 110 chapters, on the Navajo Nation to begin -- or some of  
2 them already did -- thinking and planning and putting a  
3 chapter water development plan together.

4           I believe I said this one time in Gallup that  
5 some families along the Boardman Road to the university  
6 where we were a couple evenings ago -- and this is the  
7 quotation coming from my younger brother Mike Benson. He  
8 heard a comment by a young lady there living in a trailer  
9 that she bought a washing machine hoping that the water is  
10 coming soon.

11           And all these years her kids were going  
12 somewhere. Right in Gallup going to school. But water  
13 has to come from somewhere within city limit. Rain, snow,  
14 windy, hot. They had to haul water to bring it into the  
15 trailer.

16           The Navajo Nation Water Rights Commission is  
17 committed to working collaboratively with our neighbors.  
18 I believe our neighbor is the city of Gallup, Jicarilla  
19 Apache Nation. We're neighbors to each other here on the  
20 Navajo Nation.

21           We may be seeing or heard about the boundaries  
22 between us, state lines, chapter boundaries, BIA boundary  
23 lines, but I have trouble recognizing it. What are they  
24 for? I think some of those lines just hinders our effort,  
25 laws, and policies.

## Comment PH-03 – continued

42

1           Those neighbors in New Mexico along the San Juan  
2 River, city of Farmington, Bloomfield, we consider them as  
3 our neighbors; and their interests are protected. And we  
4 need their support, just like we are supporting them. And  
5 through the settlement agreement, I think it's fair.

6           I think it's -- it's in the best interest of  
7 mankind out here. Just a human thing to do, to help each  
8 other, respect each other, work together, and make  
9 something happen.

10           The Jicarilla Apache Nation also wants to develop  
11 a regional water supply for the region in the northwest  
12 New Mexico and Navajo Nation. So we're speaking for --  
13 I'm speaking on behalf of the Navajo Nation as chairperson  
14 and the chapters out here.

15           I've been to several chapters out here in Arizona  
16 and New Mexico with Chairperson of the Navajo Nation Water  
17 Rights Commission, other Water Rights Commission members,  
18 Water Management Branch, Mr. Benson, when the settlement  
19 was being put together. The documents were made public.  
20 My sister also, Bernadette, I accompanied her.

21           I pick up a lot and I learned a lot. And I begin  
22 to understand that these -- we are in a situation that we  
23 are in dire need for water because in the next few years  
24 or decade, the prediction is that the amount of moisture  
25 we get from above, or the snow or the rain, may be less

Comment PH-03 – continued

43

1 than drought, what happens to us in the southwest to our  
2 water, our food, fresh water.

3           So we're thinking that far ahead with others and  
4 coming together and make this project to happen. We  
5 support that. We welcome you to Saint Michaels. Thank  
6 you for your time.

7           THE HEARING OFFICER: Thank you, Mr. Gilmore. Is  
8 there anyone else? Please.

9           STATEMENT BY KATIE GILBERT

**03-11**

10           MS. GILBERT: Hello. My name is Katie Gilbert.  
11 I am also a member of the Water Rights Commission for the  
12 tribe. There are seven commissioners. I'm one of them.  
13 There's a couple others here that you heard from. I just  
14 would like to say -- I would like to first of all start  
15 out by reiterating some of the comments that were made  
16 last night at the Crownpoint Chapter House.

17           We did have a public hearing there. And in that  
18 same spirit there was a lot of Navajo individuals,  
19 elderlies. There was a lot of community residents from  
20 throughout the Crownpoint area, the Smith Lake area, the  
21 Casamera.

22           Some of those individuals will benefit directly  
23 from the water pipeline. And some of those individuals  
24 are -- live kind of aways from the main watering centers  
25 that will take place. But those community members that

## Comment PH-03 – continued

44

1 won't directly benefit will still indirectly benefit. And  
2 their spirits as far as support for this project was  
3 really positive. So in that same spirit.

4 I am from Sanders, Arizona. I actually grew up  
5 pretty close to I-40. Sanders is about 20 minutes south  
6 of here and right alongside the I-40, which runs from I  
7 guess east to west. I did grow up like 15 minutes away  
8 from I-40. But just 15 minutes from I-40, we did have to  
9 haul water.

10 I grew up in the Sanders community. The Navajo  
11 community is Burnt Water, Arizona, the Wide Ruins, Ganado.  
12 You might have toured some of those places just within the  
13 last week. I grew up in those communities. And my  
14 parents raised us -- my family there in the community of  
15 Burnt Water, Wide Ruins, just kind of in that neck of  
16 woods. Can't really -- there's not a word for where I  
17 grew up. We just kind of grew up in Burnt Water, in that  
18 area. But we did have to haul water.

19 I grew up watching my grandparents haul water. I  
20 grew up watching my uncles, my aunts, and my relatives --  
21 everybody hauled water. So I guess I have observed that  
22 firsthand. I probably have wrestled a 55-gallon drum  
23 myself in one of those times. But I just want to say that  
24 that's where I'm from.

25 And according to this project, you know, there's

## Comment PH-03 – continued

45

1 two main lines, regional preferred alternatives, for this  
2 pipeline project. Even though my community is away from  
3 that, I still have -- I'm very supportive of this  
4 project.

5 I think that this project will, you know, create  
6 infrastructure from that. Because the project is so close  
7 to us, we will see the benefits of the project and we will  
8 also get, you know, the benefits of some of that project.  
9 So, that's where I'm from.

10 I just want to also add that that was my  
11 experience growing up. And then, of course, I moved away  
12 from home after graduating from high school. As our chair  
13 said, we see a lot of our young people graduating  
14 tonight. They will also leave.

15 But I grew up on the Reservation and then moved  
16 off the Reservation, got my college degree. And I really  
17 find it hard to move home because there's no water  
18 distribution system at my -- near my home. I would have  
19 to probably haul water again.

20 And I probably could afford to, but I'm a school  
21 teacher by profession; and school teachers don't make a  
22 lot of money. So I would probably end up spending a  
23 disproportionate amount of my income on hauling water and  
24 that -- my desire is not to do that.

25 You know, my desire is to be able to live off the

## Comment PH-03 – continued

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1 Reservation. And I don't encourage that, but I just feel  
2 like I had to make that hard choice of living off the  
3 Reservation and living in a border town where I feel like  
4 I can, you know, develop, build a life and build a family  
5 and whatnot.

6           So I just want to just kind of reiterate some of  
7 those points that I heard from other elderlies that kind  
8 of share a similar story to my story. So that's my  
9 experience and my background as far as hauling water.  
10 Like I said, I'm a water commissioner and by profession  
11 I'm a high school teacher. So I work with high school  
12 students, and I've been a teacher for many, many years.

13           And I guess that's where my biggest concern is.  
14 I watch a lot of young people. I hear from a lot of young  
15 people. And their first desire is to not go back to the  
16 Reservation. And so my concern is the migration rate, the  
17 high migration of our young people.

18           I would like to say that I know it is -- I know  
19 it's a heartfelt desire on the parts of our young people,  
20 our young community to return to the Reservation and offer  
21 their resources after they leave the Reservation.

22           So though the migration rate is rising and  
23 increasing, I still believe that our young people will  
24 return home to build a life and build a home and have  
25 families here. Because I'm like that myself. I'll

Comment PH-03 – continued

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1 probably return to a hogan near where I grew up when I'm  
2 all old and gray, even though I'm already there. But a  
3 little bit older and gray.

4           But I just -- well, I guess I just observe a lot  
5 of young people having the desire to leave the  
6 Reservation. And I think that the building of this  
7 pipeline is very timely. The building of this pipeline  
8 will make it to where our young people will be able to see  
9 that there is a pipeline and see that there is, you know,  
10 some infrastructure being -- taking place. And I think  
11 that our young people will, you know, when they see that,  
12 they'll be motivated. And they'll be able to return  
13 home.

14           And which their desire to come home and benefit  
15 from the pipeline will -- and then, you know, it will --  
16 subsequently, it will increase the growth of our nation.  
17 It will boost our economic development because our young  
18 people will come home and use their resources and their  
19 education here on their homelands.

20           And having our resources and having an increased  
21 capital of our young people will also catapult other  
22 things like economic development growth in this area. So  
23 that's my concern is just migration rate.

24           So I just would really like to -- from my  
25 observation, from my perspective I feel like this

## Comment PH-03 – continued

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1 pipeline, these major pipelines will -- will kind of  
2 reverse our migration rate. You know, it will kind of  
3 slow it down because I know it's in the heart of the young  
4 people to, you know, to be home and to be here, to have  
5 their families here.

6           Another concern is -- I'm a math teacher and I've  
7 taught math for many years. But I also have -- have to  
8 supplement my lesson planning with water education. So I  
9 take my students whenever I get a chance to the river, the  
10 San Juan River. I teach in Kirtland, New Mexico, which is  
11 two hours north of here.

12           But where our school is situated like 10, 15  
13 miles from -- or I'm sorry, 10-, 15-minute walk from the  
14 river. And so I take my students to the river, and we do  
15 water quality testing. We test for chemical parameters.  
16 And that's to expose the students to the water quality and  
17 the education in water quality and whatnot.

18           And when I take my students to the river, you  
19 know, that exposure, the students begin to understand  
20 that, hey, the water quality is poor here. The water  
21 quality is -- is poor. And that along with our elders  
22 recognizing that from last night our -- just listening to  
23 the elders at Crownpoint last night, many of those elders  
24 are also aware that the water quality is bad.

25           So the young people understand water quality with

Comment PH-03 – continued

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1 the education that I give them and also our elderlies  
2 understand the water quality is really bad. We have an  
3 increased awareness of the fact that our water quality  
4 isn't all that good.

5           So we need to supplement it with the surface  
6 water. Our groundwaters in this area we understand from  
7 our own education and our own awareness as well as  
8 education of our water resources people -- we have a lot  
9 of water resources folks here that have informed us and  
10 given us technical knowledges on the poor water quality.

11           So, you know, understanding all that, I think  
12 that, you know, we all understand the importance of  
13 bringing surface water because our groundwaters are  
14 contaminated.

15           And since we're dependent on our groundwater, we  
16 are glad that we -- anticipate the coming of this water  
17 pipeline, this surface water. So because of that reason  
18 too we're in support of it.

19           I also want to say that I know that just kind of  
20 being on the Water Commission for over several years, I've  
21 learned that there's major pipelines, like there's a --  
22 the Utah state has a proposal to build a pipeline from  
23 Lake Powell to the southern -- along the southern part of  
24 the state to communities like Saint George. That's a  
25 major pipeline that's being built to give water to rural

## Comment PH-03 – continued

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1 residents from the Colorado River.

2           And then there's other pipelines that take water  
3 from the Colorado River to -- well, there's the one  
4 biggest pipeline project in Arizona is the water that goes  
5 from -- is it Lake Meade or Lake Powell? I think it's  
6 Lake Meade. It goes to the Phoenix area to build those  
7 big, huge urban centers, metropolitan centers, you know?  
8 Those people have the benefits of this water pipeline.

9           So I think it's only timely and I think it's only  
10 right. I think it's, you know, opportunistic for us to  
11 have our pipeline from the San Juan River being piped down  
12 to Gallup.

13           So just seeing all these major pipeline proposals  
14 for other states -- and in other states, I think that, you  
15 know, as far as some of these -- somebody said something  
16 about equity issues. This pipeline will, you know, we can  
17 benefit from this pipeline. It will increase our  
18 population. It will increase our economic growth.

19           So I know my thoughts are kind of scattered. I  
20 was also ready to speak up in Farmington. But my thoughts  
21 are kind of scattered, but I hope I brought out a couple  
22 of points, those points being that our -- it will stop the  
23 migration rate of our young people off the Reservation.

24           Because the pipeline is, you know, it's just  
25 great timing that it's happening now. Also the water

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1 quality of our groundwater is bad and we need to  
2 supplement it with surface water.

3           And then also that this is an opportunity for us  
4 to have this pipeline so that we can build our communities  
5 and build our homes and build our permanent homes here  
6 and, you know, and be able to stay home and be home.  
7 That's -- that's what I'd like to share.

8           And like I said, my thoughts are kind of  
9 scattered, but I hope that -- I hope that I put across a  
10 couple of points that I have wanted to share with you  
11 folks.

12           So my last word is just that this pipeline will  
13 empower us, and I think we can empower ourselves. Thanks  
14 for your time. Thanks for coming out. And you've seen  
15 firsthand the stories of our elders. You've seen  
16 firsthand some of the small water projects. And I'm  
17 really thankful. Thank you.

18           THE HEARING OFFICER: Thank you, Ms. Gilbert.

19           STATEMENT BY KENNETH BEGAY

03-12

20           MR. BEGAY: I too decided to go ahead and speak  
21 here because I feel it's appropriate to do so here. My  
22 name is Kenneth Begay. I'm 100 percent Navajo. A gut  
23 eater, I guess you can say. I told a friend one time in  
24 Colorado that Navajos, they consume the entire sheep. He  
25 looked at me. He said, "Everything?"

## Comment PH-03 – continued

52

1           "Yeah. Everything that I can cook and digest,  
2 yes." So, anyway.

3           I guess I am speaking as a Navajo citizen, tribal  
4 member, and also as an employee of the Navajo Tribal  
5 Utility Board. I came about in the Four Corners area  
6 around Tees Nos Pos. And I've lived here, schooled here,  
7 worked here all my 50-plus years on Navajo. I'm very  
8 happy to be here on Navajo.

9           And I myself as a child had to carry buckets of  
10 water so we can fill our water barrel up in the Four  
11 Corner area when I was young. And just imagine the hot  
12 weather and the cold weather that we had to carry buckets  
13 of water two miles from the well back to the house.

14           I was about 22 years old before my dear mother  
15 was able to enjoy the convenient of running water in her  
16 house. And then basically the question, why is this? And  
17 there's probably people along your project, this project  
18 here, that still years and years without running water at  
19 their home. And, basically, why the hardship for our  
20 people?

21           And basically we call the United States the land  
22 of opportunity, and yet we don't have this convenient for  
23 some of our Navajo people. I was somewhat a inlaw in  
24 Burnham one time, and I remember we used to have a -- we  
25 had a water line there. And it was ran by a chapter there

## Comment PH-03 – continued

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1 up on the hill there.

2 I remember that water was really bitter. I guess  
3 it had a lot of sodium in it or something. And basically  
4 we would consume it because it was there. And one time I  
5 was over visiting my doctor and he asked me, "Why do you  
6 have this scar here?"

7 "Well, I took my gallstone out."

8 And he says, "How old were you?"

9 And I says, "I was about 22."

10 And he said, "Gosh, that's really young, too  
11 young to have a gallstone removed."

12 I kind of speak back -- back to those times.  
13 Right now I'm being treated for high blood pressure. And  
14 I don't mean to speak of my illness on everyone, but  
15 perhaps these are causes of our illness and health issues  
16 because of the quality of the water we don't have.

17 In my young days, I remember water was pretty  
18 plentiful. I remember a time when we went planting this  
19 time of the year while -- the harvest time. It was a  
20 joyful time, a time when I used to herd sheep in Red Mesa  
21 area. Basically, we had the livestock dams were  
22 overflowing after a very hard rain. And to this day we  
23 just don't have those no more. And you can see the need  
24 for water. Water is life.

25 I've been down around Phoenix and part of the

## Comment PH-03 – continued

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1 Colorado -- not Colorado, either way along the Colorado  
2 River that -- between Arizona and California. And every  
3 time we drive by there you see the agriculture down there  
4 as far as abundance, I guess.

5           And yet some of this water is coming off the  
6 Navajo. And yet when we come back here, we don't have  
7 that water. And I think this nation, at least the Navajo  
8 Nation, and I speak for Gallup because, you know, Gallup  
9 helped me to live a life. And I appreciate that. And I  
10 think it's deserving to bring the project in.

11           Of course as an employee of the NTUA, I guess I  
12 speak as an employee, maybe for my employees, and perhaps  
13 for my customers. I don't know if you've ever seen the  
14 movie The Good, the Bad, and the Ugly where the movie  
15 started with a kid on a donkey going around in circles,  
16 you know, trying to get water to come out of the well and  
17 move to I guess a pipeline.

18           Last night I was coming back from Crownpoint and  
19 I says, "How would I tell what our system looks like."  
20 And I says, "Gosh, this is how it is." And then, "It's  
21 not fair. I really don't think that's fair." I'd sure  
22 like to get rid of that donkey and put a big motor on it  
23 and move the water; that's what I'd like to see. I think  
24 our customer would appreciate that.

25           You know, the other district up in Shiprock area,

### Comment PH-03 – continued

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1 they are very fortunate because they buy water from City  
2 of Farmington. And I'd like to serve my people up here in  
3 the same -- in the same way. Good quality water. And I  
4 think in my opinion the project is certainly bringing a  
5 lot of opportunity for everybody, not only the Navajo  
6 Nation but everybody that's surrounding the Navajo Nation,  
7 at least on this side.

8           So I really encourage you to keep on top of this  
9 and keep the project moving forward.

10           One other issue that sort of bothers me a lot is  
11 a lot of our wells are shutting down because either we're  
12 at that point in the water level where we're beginning to  
13 see some contaminates in our water system. And basically  
14 that's -- that's a big concern.

15           And we have to spend more money just to filter  
16 them out or we just have to shut them down and have work  
17 one or two of our wells as far as maybe 24 hours a day, 7  
18 days a week, you know. So these are some of the issues  
19 that I'd like to at least present here.

20           I can go on and on, but I think you've heard  
21 quite a bit the last two evenings and of course this  
22 evening. You know, I don't think elders should suffer  
23 having to haul water. Period.

24           You know, just looking back at my mom, you know,  
25 she was probably getting into her 50's before she had even

## Comment PH-03 – continued

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1 enjoyed a convenient of running water. And, again, it's  
2 just probably sooner along with the project.

3           And I think one gentleman also indicated last  
4 night that we would like to enjoy the convenience as  
5 people do off Navajo. The green lawn, I think that's sort  
6 of what we relate to. I'd like to see that.

7           A guy says, "I live two miles from Crownpoint,  
8 and I don't even have a connected water system -- or  
9 connected to a water system." And a lot of economic  
10 development can be happening also.

11           But yet we have to tell either the Nation or the  
12 project sponsor that we don't have enough to serve your  
13 project, it shouldn't be. It shouldn't be. We need to  
14 progress as a nation, the whole nation and surrounding  
15 neighbors.

16           Contamination, it's happening. We've got so many  
17 regulations hitting us left and right. And we struggle to  
18 maintain within those limits. But if you -- if your water  
19 is down to the level where there's no way you can filter  
20 those contaminates, we have no choice but to shut it  
21 down.

22           So this project hopefully can replace some of  
23 those wells. Maybe we can start using those wells to  
24 start doing our planning for our livestock, and then  
25 that's an idea.

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1           Last, I want to speak -- I'd like to say that I  
2 think a majority of the people that came up here spoke  
3 from the heart. You know, this is what we struggle with.  
4 We need to be treated as people too.

5           You know, the United States Government promises.  
6 And sometimes we kind of I guess in a way have ill  
7 feelings when Native Americans sort of speak the fact  
8 that, "Here's the treaty. Please honor as you promised."  
9 I feel the same too. And, again, in the land of  
10 opportunity, why is our Navajo people suffering in this  
11 manner?

12           And last, as I was saying, we spoke from the  
13 heart. Please, deliver our message and our concern from  
14 your heart to the United States Government. Thank you.

15           THE HEARING OFFICER: Thank you, Mr. Begay.

16                           STATEMENT BY TERESA SHOWE

03-13

17           MS. SHOWE: My name is Teresa Showe, and I work  
18 for the Navajo Department of Water Resources. And I guess  
19 I'd like to tell you about my experiences living here in  
20 the Navajo Nation.

21           Actually, I grew up with a faucet. I grew up in  
22 Los Angeles, California. My parents relocated from the  
23 Navajo Reservation in the '50s to Los Angeles. I came  
24 back as a teenager to the Navajo Reservation in Ganado,  
25 Arizona.

## Comment PH-03 – continued

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1           But now I haul water. I've been hauling water  
2 because we moved to a location in Fort Defiance where my  
3 husband lives. And I just promised us a water line ever  
4 since we moved there. The water line is in, but the water  
5 is not in the pipe yet.

6           I tell my kids many, many times we live in the  
7 best place in the world. We have no tornados. We have no  
8 tsunamis. We don't have major floods. But we just don't  
9 have no water. We don't even have smog here.

10           My dad and -- I've met many retirees. They like  
11 to come home. But there's no infrastructure. There's no  
12 water for them. So, you know, I think the water line will  
13 benefit many, many Navajo people. You know, I haul water  
14 for many years.

15           I have relatives who are poor because maybe of  
16 alcoholism or other circumstances. You know, so they  
17 don't get their water from a tap. They get it to the  
18 nearest livestock well. And on those livestock wells it  
19 says, "Do not haul water for domestic purposes."

20           But they are poor. And with the price of  
21 gasoline nowadays, they have to go to the nearest source.  
22 So we may see an increase in health problems.

23           One of my friends and I are farmers down in  
24 Ganado. We have a -- we used to have a harvest festival  
25 there, and it was pretty wholesome. And, you know, it

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1 concluded a couple years ago. But he and I -- we invested  
2 in a water dunker.

3           We haven't brought it out of the shed because  
4 people -- it's been a drought year; people say, "You're  
5 going to waste water." So we can't even bring that water  
6 dunker out. I mean, it's a fun time of the year during  
7 harvest, but it's just parked in the garage there.

8           I think, you know, for -- there's not many of us  
9 urban Indians, so to speak, that come home; but there are  
10 a few of us. And we do live with different hardships  
11 because we did not grow up here like our relatives did.

12           And we aren't looked upon differently in some  
13 cases. Some cases they think we're more educated. But we  
14 share just the same hardship as they do at a different  
15 time frame.

16           As a farmer, you know, I just do it because I  
17 can't speak the language. So one of my -- I guess my  
18 contributions to the Navajo Nation is growing corn,  
19 traditional corn. So it's not that, you know -- so  
20 because corn is very important to the culture along with  
21 the other crops. You see it on the Navajo Nation flag and  
22 other areas. So that's my contribution.

23           And, of course, the corn here doesn't use as much  
24 water but it does need water. And, you know, I try to  
25 continue proliferating that particular piece of the

Comment PH-03 – continued

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1 culture. It's not a hobby. You know, I think it's part  
2 of us. It's who we are.

3 And I think this water line I know, as Mr. Kiely  
4 has said, it's not for agriculture. But I think a lot of  
5 small gardens, home gardens will be sprouting up behind  
6 people's yards just to keep the culture alive. Thank you.

7 THE HEARING OFFICER: Thank you, Ms. Showe.  
8 Anyone else that would like to speak? Yes, please come.

9 FURTHER STATEMENT BY ALFRED BARNEY

10 MR. BARNEY: Thank you for giving me the  
11 privilege again. Like I said before, my name is Alfred  
12 Barney. And since this is a public hearing on the  
13 Environmental Draft Impact Statement, I would like to -- I  
14 was going through your book here. And I had a concern on  
15 it. And the thing is like I said before, I'll support the  
16 project.

17 And when these two are completed in 2040, where  
18 it says it's going to serve 250,000 people along the  
19 pipeline, and with the way your estimate cost is, there's  
20 always a good and a bad to everything. And most of the  
21 things you see here is the good side.

22 I would like to see something on the negative  
23 side. All it says it will impact the habitats, the  
24 wildlife and the plants. But looking through your --  
25 looking at the project costs and constructionwise, all it

03-13-01

03-14

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1 says is the treatment plant and so many miles of  
2 pipeline. And it doesn't say if it's going to be  
3 underground or above ground, in the air, you know.

4           And I would like to stress that more safety  
5 precautions are put into the planning. See, you're going  
6 to be serving 250,000 maybe up to 300,000 people. And if  
7 this water line, the pipeline, isn't secure or safety  
8 precaution from the bad people, you're going to close  
9 300,000 people.

10           So we'd like to see all the safety devices that  
11 can be implanted into this system. And we don't know what  
12 size the pipeline is going to be and regulators going to  
13 be installed. Or maybe you might have some substation in  
14 it.

15           But, you know, I would like to stress that more  
16 safety elements are put into the system to protect  
17 everyone that's going to be utilizing the system. And as  
18 the Hearing Officer, Commissioners, I would like to  
19 appreciate and express, you know -- request to the  
20 Department of the Interior Secretary to push on this  
21 project, support our projects.

22           And I think it would be better -- it would help  
23 too if our Water Commissioners from here can do a petition  
24 drive where we can send it to our leaders, governors or  
25 legislatures, senators, and everything. So that will be

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1 to get more support on this project.

2 (Mr. Barney spoke briefly in Navajo at this  
3 time.)

4 THE HEARING OFFICER: Thank you, Mr. Barney.  
5 Would anyone else like an opportunity to give us their  
6 comments? We'll turn the time back to Mr. Benson for a  
7 moment.

8 MR. BENSON: No. I would like to say something.

9 THE HEARING OFFICER: Oh, you'd like to speak.  
10 So, I'm going to give Mr. Benson the floor to speak, then.

11 STATEMENT BY MICHAEL BENSON

03-15

12 MR. BENSON: I'm going to give myself all the  
13 time I need.

14 Michael Benson is my name. I am a voter at Two  
15 Grey Hills Chapter, one of the chapters to be served by  
16 this project. And I fully agree that this project is  
17 needed. But I wanted to take this opportunity to practice  
18 answering some of the racist ideas that will come up in  
19 the Farmington area.

20 One of the things that those people will say and  
21 that they are saying is that even if we build those large  
22 pipelines, it won't do much good for the Navajos because  
23 there's no local water lines to take water to the homes.

24 I guess if you're a racist, you don't think  
25 rationally. What do they think? Do they think that when

Comment PH-03 – continued

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1 those pipelines come, the Navajos are just going to sit  
2 there and look at them? No. We're going to use water  
3 like everybody else does. When they see water, when water  
4 is available, we'll use it.

5           You heard at the hearings last night at  
6 Crownpoint, people from, oh, three, four chapters saying  
7 that if there was a water supply, they would get a housing  
8 project from HUD. That tells you that if the water was  
9 there, there would be homes built with plumbing and water  
10 coming out of faucets to keep people healthy, to live in a  
11 modern way.

12           And the Navajo people want to live that way.  
13 They like living rurally, but then you heard them say they  
14 want these housing projects. Maybe they'll have their  
15 ranches, but they'll have these houses with modern  
16 conveniences that they'll live in as well.

17           There's a project that was built right across the  
18 road called Karigan Estates, and I understand that it  
19 filled up right away. And now there's a waiting list. So  
20 Navajos will come from their rural areas. And they don't  
21 mind living close to each other where there's water  
22 systems.

23           So if the pipe -- the big pipelines are built,  
24 there will be more housing projects built by HUD. And  
25 Navajos are smart. They'll do things with that water.

## Comment PH-03 – continued

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1 The Navajo Nation is using its own money to build water  
2 lines now.

3           Recently, the Navajo Nation Council funded a long  
4 water line to Navajo Mountain in Arizona and Utah. And  
5 that's going to cost \$1.5 million. That shows the resolve  
6 of the Navajo Government, to take water to where Navajos  
7 live.

8           So if these big pipelines full of water come,  
9 we'll know what to do with it. And if these people around  
10 Farmington weren't racists, they would see that we're just  
11 like them. We think. We can do things. And when this  
12 water comes, we'll use it. We'll build our economy.  
13 We'll build homes with running water. And our people will  
14 be healthier.

15           I've been asking people that I work with, I say,  
16 "We need to sit down and talk back -- figure out a way to  
17 talk back to these people that are saying that we don't  
18 need these water lines." And we haven't done it. And  
19 just tonight I came up with some of these thoughts.

20           And it's racism. You know, what do they think?  
21 They think we are not like them. They think that if  
22 there's water in a big pipeline we won't know what to do  
23 with it.

24           Yet you've been hearing all these NTUA  
25 personnel. Last night, you heard like three or four of

Comment PH-03 – continued

65

1 them. You notice how technical they were. They know what  
2 to do with water. So don't believe those racists in  
3 Farmington.

4 THE HEARING OFFICER: Thank you, Mr. Benson.  
5 Well, it appears we've heard from everybody here who would  
6 like to speak, but is there anybody else? Please come up.

7 STATEMENT BY EFFIE ASHLEY

03-16

8 MS. ASHLEY: Good evening, Panel. Thank you for  
9 coming here. My name is Effie Ashley. I'm a  
10 representative of this chapter, Secretary/Treasurer. And  
11 I'm thankful that you all came here tonight for this  
12 public hearing regarding the water line. And we'll be  
13 appreciative if you could help us bring the water line to  
14 here and first of my brother's place, Alfred Barney.

15 And I have great concern for the other  
16 communities if they can't get the water line as well as we  
17 do. So I'm in support -- what I'm saying is I'm just in  
18 support of this project. So on behalf of my people, I've  
19 been thanking you for making the connection with whoever  
20 that will be working on this, so -- worked very hard.

21 And then it's been going on -- I hear about this  
22 topic for some time. It's on again, on again, you know.  
23 And so I was kind of concerned about it, but I was very  
24 happy the fact that you came here and you've come here,  
25 so.

## Comment PH-03 – continued

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1           I just want to tell you about my background, my  
2 story as a young girl, how hard a hardship it was to have  
3 to haul water, even just to do laundry. Where a young  
4 girl, we -- my cousins and I, we -- they are on the  
5 southwest of -- at Navajo Nation fairgrounds. That's  
6 where my mother's homestead is and my grandfather and my  
7 other relatives.

8           And so my cousin and I used to build a fire  
9 and -- right along the wash and then after the rain, we  
10 would get the water from the wash and beat it up and then  
11 boil water and then do our laundry there and put our  
12 clothes there on the -- on the fence and then to dry. So  
13 I remember this very well.

14           And at the time I was -- I didn't consider it as  
15 a hardship because I was a young girl, and I enjoyed being  
16 with my relatives and sharing chores at that time.

17           As I got older, it was such a hardship how my  
18 grandfather and I had to get on the wagon to go a long  
19 ways from -- it's about two or three miles through Saint  
20 Michaels over here, mission. There is an old windmill --  
21 or where we used to get water there, just my grandfather  
22 and I.

23           So I remembered those times that I spent with my  
24 grandfather, which was a joyous time but then at the same  
25 time as a hardship though.

## Comment PH-03 – continued

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1           And I went off the Reservation to a boarding  
2 school up in Utah and -- where -- where I took showers and  
3 slept in a warm bed. That was a -- really a treat, and  
4 that was life. So, I stayed there. Well, I went there,  
5 completed my primary program is what they called it in  
6 Utah at the time.

7           And I got married there and start having  
8 children. I have six kids now, but they are all grown  
9 now. I have grandchildren, great grandchildren, so. And  
10 when my six children left, they were older. I decided to  
11 come back. My intention was always to come back because  
12 my Mabel was buried here.

13           And my ex-husband didn't want to come and move  
14 back here because he said there was nothing. No water, no  
15 jobs, no nothing. But my desire was to come back. Like I  
16 said, my Mabel was buried here, and I'm from here. Even  
17 though there was nothing here. Just nothing but dirt and  
18 weeds and no water. Nothing here. I still wanted to come  
19 back, so I did.

20           After 25 years, I came back here and got a job in  
21 Fort Defiance and went there and worked for General  
22 Dynamic for several years. 1998 there was a big layoff,  
23 so I was one of them and by that time I got my homesite  
24 there, my late father's homestead.

25           So, my spouse and I build a hogan. And we had to

## Comment PH-03 – continued

68

1 haul water from over here in the mission from the well.  
2 We didn't mind. That was life for me. I didn't have to  
3 mind hauling water but because only I didn't have to do  
4 it; he had to do it. He didn't mind. He didn't  
5 complain.

6           And but we wanted to build a house, and so we  
7 could have running water. So which we did. And then of  
8 course to build this house it took us a long time, just  
9 when money was available to buy materials to buy things  
10 for the house and finish building it.

11           After 10 years maybe we finally got it completed,  
12 but right along after we got our hogan built, we -- I  
13 started working with IHS. I keep -- I keep going over  
14 there and trying to move fast and bring the water line to  
15 us. But they said that we had to have a house. So which  
16 we had to work on it, you know, to start building.

17           Finally, at two years ago, they brought the water  
18 line to us. So we completed the house recently and then  
19 about a year ago, but since then, we haven't actually  
20 moved in there because the winter was still here and it  
21 was cold. And we just stayed in the hogan.

22           But whenever I go into the house, take a shower,  
23 you know how you first turn on the water, the water is  
24 cold? So I try to preserve that cold running water first  
25 until the hot water comes on, and I save that water.

## Comment PH-03 – continued

69

1 That's how conservative I am. Water is so precious to  
2 me.

3           And as far as for the hogan, he's there, goes and  
4 get the water from the well. And then there's, of course,  
5 there's the price issue with the NTUA where they cost so  
6 much where it's just cheaper to get the water from the  
7 well. So we still haul water.

8           And then -- but now there's the gas issue, the  
9 price of it. So but we still haul water, you know, to  
10 water our trees and stuff like that. But we won't dare  
11 and waste our house water on such thing. We even put a  
12 washing machine in the house, but I have never turned it  
13 on. I still take my laundry to the laundromat.

14           So I'm just making a point of how precious water  
15 is here. So, just grateful for that. It's now finally  
16 going to become a reality that you actually will bring it  
17 to Saint Michaels here. So I'm very proud. And then  
18 hopefully that we'll be able to share with other  
19 communities from there.

20           And this is that I just share my life stories of  
21 this hardship of having -- not having any water. Of  
22 course, my children -- I have five still living in Ogden,  
23 Utah. And then one in Fort Pierce, Florida, where there's  
24 a lot of water right next door, the beach.

25           And then every time I go to Utah to visit my

Comment PH-03 – continued

70

1 children, my grandchildren will be playing on the lawn or  
2 spraying water on each other; and I kind of kidded  
3 jokingly and say to them, "Don't waste water. You waste  
4 water here and I don't get any down in Arizona." So they  
5 just laugh.

6           And I'm just trying to make the point that my  
7 people will appreciate it. You know, they all have a hard  
8 time. Some people don't even have a bathroom addition.  
9 That is another problem here with our communities.  
10 Because there's no bathroom addition, then you can't bring  
11 the water line to their homes. So there's one thing after  
12 another.

13           They are talking about infrastructures, the water  
14 line, and stuff like that, but we have to get the fundings  
15 first. If there's no funding, we can't work on these  
16 projects.

17           (At this time, Ms. Ashley spoke in Navajo.)

18           MS. ASHLEY: This is all I wanted to share with  
19 you, my short story on my life as a young girl hauling  
20 water. Water is very precious for us. It's going to be a  
21 reality. And I thank you again tonight.

22           THE HEARING OFFICER: Thank you, Ms. Ashley.  
23 Anyone else who would like to speak?

24           FURTHER STATEMENT BY KEE IKE YAZZIE

03-17

25           MR. YAZZIE: Again, my name is Kee Ike Yazzie.

### Comment PH-03 – continued

71

1 I'm a member of this chapter. And I went to school here  
2 at Saint Michaels Catholic School. I live here and I work  
3 here. And I'm over 50 years old.

4 And I would like to say ditto to everything that  
5 the people said. Two gentleman alluded to the Treaty of  
6 1868. To me, that 1868 is a reality today. It's still a  
7 reality, even though the Treaty of 1868 was signed between  
8 the Navajo Nation and the government, 140 years almost.  
9 It will be 2008 next year.

10 As a college-educated person, as a professional  
11 person, that's still a reality today. I have relatives  
12 that still haul water, that still live in a rural area.  
13 When the census takers came to take a census -- if you  
14 look at a census paper, it said in there, do you have  
15 indoor plumbing; do you have a rest room; do you have a  
16 garage; do you have a cell phone; do you have a computer?

17 They use those concepts to say that we were  
18 living in poverty. We weren't up to standards. My  
19 grandmother, my relatives to this day, if you go to their  
20 hogan with the earth and floor, built out of logs with a  
21 dirt roof, with a wood stove, her house is clean.

22 Her dishes are clean. Her bedding in the west  
23 side is clean. Her blankets are clean. She doesn't have  
24 mice infestations. She doesn't have bugs. We have people  
25 still living in that condition, but we are not poverty

## Comment PH-03 – continued

72

1 stricken.

2           But the reality of 1868 within our own country  
3 still prevails. All what the people have said tonight,  
4 it's a reality. And yet this power line goes down to  
5 Tucson, Phoenix, to California, Nevada, Las Vegas. Now  
6 the people of Texas want our water.

7           They have a water commission within the state of  
8 Arizona -- I don't think the Navajo Nation is a part of  
9 that commission -- to sell the San Juan, the Colorado  
10 River water to all these states.

11           The Treaty of 1868 is still a reality today. We  
12 do not have roads. We do not have a infrastructure. We  
13 want to build our own Navajo Nation, but we can't because  
14 the infrastructure is missing.

15           We do not have roads for the bus transportation  
16 for our children. They miss school. They miss out on  
17 homework. They miss out on the opportunities of  
18 education. Yet they say our children are ignorant.

19           We just do not have the opportunities that the  
20 outside society have. They have access to libraries, to  
21 water, to parks, to restaurants, swimming pools,  
22 libraries. That's the reality of the Navajo Nation. But  
23 we still live it today.

24           Water is a luxury to us. In the wintertime we  
25 used to melt the snow to heat it, to bathe ourselves, to

Comment PH-03 – continued

73

1 wash our dishes. Haul the water to drink. We still do  
2 that today.

3           When the thunderstorms come in the summertime, we  
4 get the shampoo, the soap, and the wash rag; and we would  
5 shower under the thunderstorms outside on the porch.  
6 That's how we live. But yet I believe that our culture  
7 has sustained us.

8           The prayers and songs of our people who went to  
9 Ft. Sumner in 1864 to 1868, marched a 300-mile trek, a  
10 forced march by United States Government to our people.  
11 We said our prayers and our songs. Even our headman went  
12 to Washington, D.C. He said, "Do not take us anywhere  
13 else, like the Indians of Oklahoma and Florida." With  
14 that, we were given back our homeland.

15           So it is very, very important that the non-Indian  
16 people understand that. We're not different. You cut  
17 your hand. I cut my hand. My blood is red. I use the  
18 rest room. I eat. I need to nourish myself. We're just  
19 unique as Indian people, and we didn't ask to be that  
20 way. We didn't ask to be put on Reservations.

21           We were asked to fight for everything we have.  
22 And we're still fighting to this day. We have to sue the  
23 BIA because they were doing restructuring. They wanted to  
24 move the offices to the border towns. We have the most  
25 schools run by the BIA on the Navajo Nation.

## Comment PH-03 – continued

74

1           The Yankton Sioux Tribe, the Pueblos of New  
2 Mexico sued the BIA because they did not consult the  
3 people, and that's in the Treaty of 1868. They promise a  
4 teacher for every 30 students. They promise us  
5 livestock. They promise us water.

6           To this day we are still fighting for the basic  
7 needs that the non-Indian people enjoy today, and that's  
8 the reality. And I believe this water project, it is a  
9 partnership, for we share that water with non-Indian  
10 people.

11           And I believe Mr. Benson alluded to that racism.  
12 We have our professionals. We have teachers and lawyers,  
13 scientists, and electricians. We have NTUA people. We  
14 know what to do. All we ask is for that opportunity. The  
15 government wrote the laws, the policies, the regulations.  
16 They have the court system. They interpret the law, the  
17 rules the way they want to.

18           Yet we have to get the money that could go for  
19 helping our people in education, social services, the law  
20 enforcement. Yet we have to pay for lawyers to fight for  
21 what is rightfully ours as Navajo people. We are still  
22 fighting to this day. And that's the reality.

23           The Treaty of 1868, yes, it was 130 years ago,  
24 but it's still a reality today. And I want you folks to  
25 understand that. We need this water project. We need

Comment PH-03 – continued

75

1 each other. We're all human beings who want to enjoy the  
2 fruits of what America has to offer. And we are still  
3 fighting to this day. Thank you.

4 THE HEARING OFFICER: Thank you, Mr. Yazzie.

5 Is there anyone else who would like to make any  
6 comments here? Okay. We'll stick around for a little bit  
7 longer. We have a lot of information in the back, if you  
8 haven't seen that yet, and probably still some  
9 refreshments back there.

10 We appreciate you very much for coming tonight  
11 and giving us your comments. We're really grateful to  
12 have had this opportunity to be here and we wish you all a  
13 safe journey home. Thanks.

14 (The hearing adjourned at 8:37 p.m.)

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## Comment PH-03 – continued

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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 24,  
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.

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TANYA M. NIMS, RPR  
Certified Court Reporter #168  
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