

Comment PH-04

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NAVAJO-GALLUP WATER SUPPLY PROJECT
PLANNING REPORT
AND
DRAFT ENVIRONMENTAL IMPACT STATEMENT

PUBLIC HEARING
June 5, 2007

Shiprock Chapter House
Shiprock, New Mexico

REPORTED BY:
Tanya M. Nims, CCR #168
TRATTEL COURT REPORTING & VIDEOGRAPHY
P.O. Box 36297
Albuquerque, New Mexico 87110

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1 MEMBERS OF THE PANEL

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John Bezdek, Hearing Officer, Deputy Director and
Chief Counsel, Secretary of the Interior, Indian
Water Rights Office, Washington, D.C.

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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

Michael Benson, Navajo Nation, Department of Water
Resources

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Joanna Austin-Manygoats, Interpreter

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1 TUESDAY, JUNE 5, 2007, 6:30 P.M.

2 (At this time, Mr. Benson gave an introduction in
3 Navajo and proceeded as follows in English:)

4 MR. BENSON: I briefly talked about the reason
5 for the meeting here tonight.

6 There were scoping meetings on the Navajo-Gallup
7 Water Supply Project back in 2001. So then at that point
8 began a study of how water might be brought to this area
9 in blue, the Navajo Nation chapters in the New Mexico
10 area.

11 And there was a Draft Environmental Impact
12 Statement that is completed. And tonight's meeting is to
13 give you an opportunity to comment on that if you've read
14 it, or if you just want to comment based on what you know
15 about the -- about what you've heard about the project.
16 That's fine.

17 The Navajo-Gallup Water Supply Project. This is
18 the Preferred Alternative. There were 12 different
19 alternatives that were examined for costs, all kinds of
20 feasibility. And this was determined to be the best, the
21 preferred.

22 And there's two pipelines, all part of one
23 project. There's one pipeline, as I told you, taking
24 water from the PNM intake at Kirtland, and that pipeline
25 would run along the river towards Shiprock and then it

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1 would go along Highway 491 to Gallup. There will be a
2 major lateral to Nahodishgish.

3 And the reason it's to Nahodishgish is that
4 there's already a water line that goes to Crownpoint. So
5 there's already a pipeline that goes from Crownpoint to
6 Nahodishgish, and that's why the pipeline goes to
7 Nahodishgish. There's already a regional system right
8 now. Littlewater, Crownpoint, Nahodishgish, Becenti,
9 Standing Rock, that's all going to be one regional
10 system.

11 And there will be a spear to Gallup, and through
12 Gallup there's right now construction of lines to take
13 water through Gallup to the chapters surrounding Gallup.
14 And this project won't deliver water until 2022, but
15 there's other plans to meet people's needs in the
16 interim.

17 For example, the Cutter Lateral is already being
18 built. The State of New Mexico gave us \$17 million this
19 year to connect the systems from Huerfano to Nageezi,
20 Counselor, Ojo Encino, Pueblo Pintado to Whitehorse Lake.

21 And there's a lot of water at Huerfano and
22 Nageezi, so we can take that water and put it into the
23 system here. And it will deliver water to Whitehorse
24 Lake, Pueblo Pintado, Torreon.

25 There was recently a high school built at Pueblo

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1 Pintado, and there wasn't enough water for it. There's
2 problems with water pressure and all of that. But they
3 will be solved once the 17 million is spent on connecting
4 all these water systems and drilling more wells here to
5 put in there for the interim.

6 In the Gallup area, we can't wait until 2022.
7 Manuelito is out of water. We've gotten 6 million from
8 the State of New Mexico to build an interchange through
9 Gallup.

10 Within a year we hope to begin delivering water
11 from Twin Lakes to Manuelito and eventually to other
12 chapters, Red Rock, Breadsprings, Chichiltah, Iyanbito,
13 Church Rock -- well, within a year, it will be possible to
14 take water to Church Rock as well.

15 In the Shiprock area, what do you do before
16 2022? The Animas-La Plata Project made available 4600
17 acre-feet of water. And it included the construction of a
18 bigger pipeline from Farmington to Shiprock.

19 Some of you may already note there's already a
20 small pipeline that was built I believe in the early '70s
21 from Farmington to Shiprock. And that pipeline is being
22 enlarged. And they'll serve the communities along the
23 river and Shiprock while we're waiting for this project to
24 happen.

25 With that introduction, I'll turn it over to

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1 Mr. Bezdek to tell you the rules of the hearing here.

2 THE HEARING OFFICER: Good evening and welcome to
3 the open house and public meeting on the proposed Navajo-
4 Gallup Water Supply Project.

5 Actually, I'm going to turn that off. Can
6 everybody hear me?

7 Thank you for allowing us to be here. As Michael
8 has said, we do have somebody here to interpret in
9 Navajo. And so I'm going to talk a little bit and stop
10 and let her interpret kind of what we said. So when
11 speakers come up, I would ask that they do the same thing.

12 This public meeting and the open house that we're
13 having here tonight is being conducted pursuant to the
14 National Environmental Policy Act, which Michael talked
15 about earlier. The purpose of this open house is to hear
16 your comments, thoughts, and views on the proposed
17 project.

18 Representatives of the federal government here
19 today are prepared to take your comments and thoughts back
20 to the decision-makers of this project. And while we're
21 prepared to answer your questions with regards to factual
22 matters, because no decisions have been made, we are not
23 here to engage in discussions about the relative merits of
24 this project or its alternatives that have been discussed
25 in the NEPA documents.

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1 We are here to listen to you. Whether you choose
2 to make your comments orally or you provide your comments
3 in writing, they will both be considered equally. We will
4 address all comments as part of the Final Environmental
5 Impact Statement process.

6 We are all aware that there is a connection
7 between the project that is the subject of this
8 Environmental Impact Statement and the overall settlement
9 of the Nation's water rights claims on the San Juan
10 River. We are also aware that there has been legislation
11 introduced in the congress by Senators Bingaman and
12 Domenici that would resolve the water rights settlement of
13 the Navajo Nation on the San Juan River in part by
14 authorizing the construction of this project.

15 As of this time, the administration has taken no
16 position with regards to the settlement. Because this is
17 an open house about the project and not about the
18 settlement, we please ask that you direct your comments
19 and concerns about the overall settlement to your elected
20 officials. We are here tonight to talk about the EIS
21 project.

22 We have scheduled the meeting to end around 9
23 o'clock this evening in order to allow folks to get home
24 at a reasonable hour. Right now we have four individuals
25 who have signed up to speak. And for the time being,

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1 that are doing their jobs regarding the water rights
2 issues.

3 On the map you can see that my chapter is
4 excluded because we sit on the borderlines of Arizona and
5 New Mexico state lines. I think that equity of the
6 distribution of water should be a fair allocation to the
7 communities.

8 I had spoken at the Farmington and the Bloomfield
9 public hearing in the past. It seems like there's nothing
10 that I've said that was included in the Draft EIS. I
11 don't think it's fair. My main reasons for stating this
12 is because our water has been contaminated by the uranium
13 mining activities. Our groundwater is contaminated.

14 We need the pipeline to be extended to the Red
15 Valley area as well as to the Cove area. If you're going
16 to be serving the Window Rock/Saint Michaels area, why not
17 also serve our community as well, and not so much emphasis
18 on the Gallup community.

19 We are the Navajo people that need the water, and
20 it's not fair to all the chapters not to be included.
21 We'll have a written comment forthcoming from our chapter,
22 and I'll want to come back up to speak a little more about
23 this project.

24 MR. BENSON: Lena Fowler, Navajo Nation Water
25 Right Commissioner, Tuba City. Katie Gilbert, Navajo

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1 Nation Water Rights Commissioner, Fort Defiance Agency.
2 Ray Benally, Director of the Navajo Nation Department of
3 Water Resources. Peter Desmond, Chapter Coordinator,
4 Shiprock Chapter. Jeff Kiely, Northwest New Mexico
5 Council of Governments, Deputy Director.

6 THE HEARING OFFICER: Our next speaker this
7 evening will be Charley P. Joe.

8 STATEMENT BY CHARLEY P. JOE

04-02

9 MR. JOE: (Through the Interpreter) Did I use up
10 my 10 minutes already? Hello to the Panel, to the water
11 resource staff. Welcome everybody here. Our leaders, our
12 Chapter Officials, Water Rights Committee, good evening.
13 This is what we call the respectful way of addressing our
14 people in the Navajo lifestyle. I don't see this
15 happening with the Anglos.

16 Water is sacred. It has a name. It has a sacred
17 name in the Navajo way. And to speak to the issue of
18 water to this sacred element is very difficult and
19 complex. To take this water from these routes, the
20 intention is actually for our children.

21 I have three grandchildren. By the time the
22 water is implemented or installed, they would be 18, 16,
23 and 15 years old. And I like the idea because it will be
24 distributed among our community people.

25 This proposal is not for our use. It is for our

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1 published. But many of us haven't been to all the
2 meetings.

3 Someone mentions here that we're going stop this
4 meeting by 9:00 because we have different places to go
5 to. And I just came from Twin Lakes, New Mexico, which is
6 about 113 miles one way. And I understood there was going
7 to be a meeting this morning here. So I understood that
8 it was going to be in Farmington. So I went to
9 Farmington. And that was on my way home when I found out
10 you were having a meeting here. So I stopped by.

11 Mainly, it seems like there are two issues here.
12 One issue is the San Juan River to go to Gallup, New
13 Mexico. The last time -- I'm not exactly sure when it was
14 in, I think 2002, that I attended a Gallup meeting and
15 they mentioned they only had about 15 years of water left
16 underground. And I wonder about that time.

17 Why would such intelligent people who have Ph.D.s
18 and law degrees and so on and so forth want to build a
19 city in the desert? And they have to get water from
20 somewhere else. Why don't they move closer to Gallup -- I
21 mean, closer to where there's water.

22 I understand that because of global warming some
23 of the places are going to be flooded, maybe Los Angeles
24 and so on and so forth. That you don't have to get water
25 by the way it is now.

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14

1 The reason why the other one that I've heard was
2 that Twin Lakes underground water and that Mr. -- Michael
3 mentioned that the water from Twin Lakes is going to be
4 pumped out and is going to be pumped to -- or to
5 Manuelito, New Mexico. That sounds odd to me.

6 And if people are talking about it being for our
7 future, it's not for us. And if it's going to be for the
8 future, why are you talking about it now? It's not going
9 to be a concern to you.

10 I'm saying it concerns me because I live in Twin
11 Lakes. I don't have running water. I have no access to
12 the roads. I have power, but it's what I have now. And
13 that has been coming for a long, long time now.

14 My great grandmother was in a concentration camp
15 in Ft. Sumner. And many of the people were held as slaves
16 by the Mexicans under New Mexico 1990 Section, state
17 statute. And the process was to eliminate all the Indians
18 in the United States. And that was very similar to what
19 the Nazis did in Europe.

20 I know this because I'm an ex-GI. I served in
21 the Far East and I served in Munich, Germany. So if
22 anyone can speak in Deutsche.... I can translate into
23 Deutsche, too. But that's besides the point.

24 And so, therefore, we're not really -- I guess I
25 should have been living the life of a good life with good

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1 houses, with running water. My kids would be educated,
2 and they would be doctors or teachers or engineers and so
3 on, so forth.

4 How many of your kids are going to school like
5 that? How many of your kids are getting the best
6 education and so on and so forth? I would say none or
7 zero.

8 And so we're talking about water, which is
9 necessary, a necessity of life. And that's why Gallup
10 wants it. And Domenici wants to, as all politicians do,
11 the senators and so on, so forth -- all those guys, they
12 want to pay off their constituents -- their donators. And
13 I think that's what has been going on.

14 But all I'm saying is instead of getting written
15 papers to the people say, "Please respond to this," we
16 don't have any access to those materials. And that's my
17 concern. And I wish, you know, that you don't combine
18 Twin Lakes aquifer with the San Juan and Gallup water
19 line. That should be a separate issue. That should be
20 fully discussed.

21 And I'm the one from -- who lives in Twin Lakes.
22 I should be the first one you should contact. Don't
23 get -- contact people from Arizona to agree to what goes
24 on in Twin Lakes. And like people -- a lot of people who
25 are all on Navajo water lines and making decisions are

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16

1 from Arizona. It doesn't affect them. They can make any
2 kind of decision they want because they don't get hurt.

3 I'm the one, my kids are the one who is going to
4 get hurt, if there are going to be injury. If there's
5 going to be benefit, let the benefit -- not let any money
6 that's going to go somewhere go to Window Rock and where
7 the people can go to Las Vegas and watch the show girls.
8 Thank you.

9 MR. BENSON: I have two more introductions. Our
10 host tonight, the Chapter President from Shiprock Chapter
11 Chili Yazzie. The Honorable Chapter Vice President Donald
12 Benally from Shiprock Chapter.

13 THE HEARING OFFICER: Our next speaker this
14 evening is Wilson Ray.

15 STATEMENT BY WILSON RAY

04-04

16 MR. RAY: (Through the Interpreter) This is
17 Wilson Ray, President, Huerfano Chapter. Greetings to all
18 my people here, the distinguished leaders, chapters,
19 distinguished individuals from Gallup. I welcome you to
20 the public hearing. The main reason that we are here I
21 think is that there's a main issue that we need to talk
22 about at this setting.

23 We talk about the past and we bring other
24 elements into the public hearing. We need to talk about
25 the main issue of water as it is with us today. The

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1 federal government has prepared the draft environmental
2 protection and asking us to give our input, to state our
3 opinions, to state our views.

4 We are talking specifically to the construction
5 of the water line, the two routes that are proposed.
6 We're not talking about the issues on the legislative
7 water rights issues. This issue has been going on for a
8 very long time. It seems to me that we're just sabotaging
9 our opportunity to have the water brought to us and our
10 community.

11 We are speaking specifically to the reality of
12 life, to our survival, to the uses, the many uses of
13 water. I'm not being argumentative. I'm just looking at it
14 in terms of an organized, well-prepared plan. We need to
15 be able to rally together all the chapters on these
16 routes.

17 We can attain our dreams, our goals. For
18 example, the water line from Shiprock to Gallup, those
19 chapters need to rally together to determine how to use
20 these waters, how to make use of these waters in terms of
21 recreation, farming, agricultural activities.

22 Same with the Eastern Navajo Agency. There's no
23 water out there. The main issue here is to talk about how
24 to distribute the water line from the existing lines and
25 tap into the large pipeline that's being proposed.

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18

1 Certainly, it is for our children, for their use.

2 I'm from Huerfano. I'm very determined to attain
3 the goals that I ever pursue. Any goal that I pursue is
4 through the reality of my people, through the life that
5 they -- that they have an opportunity to benefit from.
6 These are real issues, as I stated before.

7 We have a real need for water, our livelihood.
8 We need to use the water in a way that is beneficial to
9 our people to consume the water. Look at the people down
10 in the California. I realize that the groundwater levels
11 are dropping. There's not enough snow melt that's going
12 into the Navajo Dam these days.

13 I took a flight out to Las Vegas one time. I saw
14 Hoover Dam. There are so many uses of Hoover Dam water
15 that just bypasses us. Phoenix has the full use of it,
16 California, and other places. And I'm very sincere about
17 how we should approach this to attain the goal that we're
18 looking at, our dreams. Thank you.

19 THE HEARING OFFICER: John Casuse.

20 STATEMENT BY JOHN CASUSE

04-05

21 MR. CASUSE: (Through the Interpreter) John
22 Casuse from Standing Rock Chapter. Welcome everybody here
23 at the public meeting. The main concern is in the area of
24 the -- the medium between the two pipeline routes is what
25 I'm going to be speaking to.

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1 If there were long-range planning that took place
2 in the past to be prepared for this construction of the
3 pipeline, we would have been able to better receive the
4 water. For example, Whitehorse Lake out of nowhere just
5 planned to build a high school, and it's built now. And
6 it needs water.

7 We need to start developing the infrastructure
8 that will enable the water to be used in such a way that
9 is beneficial to our people. For example, the chapters
10 that are in-between the two pipelines have to get together
11 to develop the supportive organized effort for the
12 distribution of water to their chapters. That's my main
13 concern about this construction of the pipelines.

14 People tend to build homes in isolated areas
15 where there is no water. This is an example, a good
16 example of why we need to be prepared and to do better
17 planning. There are many people in the area that seem to
18 be left out of the whole system between the pipelines.
19 For example, the Becenti Chapter lies here.

20 And he pointed that out on the map.

21 And the rest is a large Reservation of trust
22 land. I think that's all I want to say right now.

23 THE HEARING OFFICER: Our next speaker is Stanley
24 Hardy.

25

04-05-01

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1 STATEMENT BY STANLEY HARDY

04-06

2 MR. HARDY: (Through the Interpreter) Greetings,
3 my relatives, all those present at this public hearing.
4 Water is a spiritual element as we know it to be. They
5 are the leaders. They are the elements that provide the
6 moisture to our souls and to our land.

7 The pipeline constructions to Gallup has been
8 ongoing for many years, many years in coming. I'm the
9 president of Two Grey Hills Chapter, and my suggestion, my
10 observation, my opinion, the Shiprock-Gallup water line,
11 I'm hearing that there's going to be a pump station near
12 the Gallup vicinity.

13 I'm wondering how much of that water Gallup will
14 siphon off of the distribution that are being installed.
15 And these insulation of distribution system will be costly
16 as well if it is brought, if they are installed.

17 And I am told that this water is mainly for human
18 consumption, not for livestock use or for agricultural
19 irrigation. It's largely for the human consumption.

04-06-01

20 And I'm not clear, people are not explaining it
21 clear enough to us. So I'm not sure. The NTUA
22 distribution installation will cost more. Our costs will
23 increase.

24 We hear about groundwater levels dropping. Who
25 knows? Who really knows that these water levels are

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1 dropping. We hear about the glacial melting from the
2 Alaska to the coastline and then we hear the water --
3 water rising along the coastline. I'm not sure who to
4 believe.

5 But in the checkerboard areas, there's always an
6 obstacle regarding routes. If you were just to put the
7 pipeline route along the 371 Highway, I think that's the
8 most feasible. And there are a lot of people within the
9 Eastern Navajo Agency, many communities that will have
10 direct uses of the water.

11 And then somebody came up here and said there are
12 ways of doing things, the ways of planning. The person
13 from Huerfano versus the person from Red Valley. We all
14 are different. We have different levels of thinking. We
15 differ in the way we plan.

16 And my observation is none of us will really --
17 some of the communities will not support the project and
18 there will be other communities that are going to be
19 supportive of the project. That is one example of being
20 different. Our religious preferences are examples of
21 being varied in the way we think about certain elements,
22 certain factors in our lives. So I kind of disagree with
23 that.

24 The proposed construction of pipeline is ready to
25 go. Who's going to take the responsibility for the

04-06-02

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22

1 maintenance and repairs of the pipeline? And the
2 vandalism. Who's going to take charge of those types of
3 things?

04-06-03

4 We are being told that the water will be
5 treated. This will be good quality water for our
6 community to consume. Another thing is we kept bringing
7 up Shiprock. It's not going to come from Shiprock. It's
8 going to start where -- and he pointed to the map up
9 there -- and bypass Shiprock down to Gallup. And it's
10 going to go through Gallup to the Navajo homes on the
11 other side of Gallup.

12 So we're forgetting people in some of these areas
13 in my perspective, in my observation. So I believe that
14 people that have water that are contaminated should also
15 be considered in this proposal. And some of us believe
16 that we will see the pipeline. We will make use of some
17 of the waters that are being proposed. That's about the
18 size of it.

19 THE HEARING OFFICER: Our next speaker this
20 evening is Lorenzo Bates, the Navajo Nation Delegate from
21 the Upper Fruitland Chapter.

22 STATEMENT BY LORENZO BATES

04-07

23 MR. BATES: Good evening. I'm Lorenzo Bates from
24 Upper Fruitland. And as you all probably realized, I was
25 a very strong supporter in the water settlement as it

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1 moved through the process. So I'm still a very strong
2 supporter of what's being proposed here.

3 Given what I know thus far starting, including
4 Shiprock and the Eastern Agencies down that way, water is
5 very much of a concern in terms of a reliable source. A
6 reliable source of water. Of quality water is a concern.

7 Right now those areas don't have a reliable
8 source. A lot of it is wells, okay? So with what this
9 water line -- proposed water line will do, it will provide
10 a reliable source of water to those communities.

11 Within these areas down here (indicating), NTUA
12 has existing lines. So this water will not -- will go
13 into those existing lines, which means in the long run
14 they will preserve those wells that exist today. It will
15 be NTUA, the Navajo Nation's responsibility to extend off
16 of those lines to those individuals that don't have
17 water.

18 The reason it's not done now is, again, because
19 there is not a reliable source of water. If they were to
20 extend on what water is available, there's no guarantee
21 that those individuals that don't have water will continue
22 to have water, which goes back to what I said earlier, a
23 reliable source of water.

24 The misconception out there is that it's going to
25 use -- that Gallup is going to use Navajo water. When you

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1 look at those surrounding communities that are Navajo --
2 an article came up just recently where a family that was
3 within eyeshot of Gallup, within hearing of Gallup weren't
4 able to get water. Again, Gallup doesn't have the
5 available water too.

6 So we'd be using their existing lines to get
7 water out to those communities surrounding Gallup. So I
8 support this initiative. And it's a long time coming
9 now. What's the possibility of it? Well, if you as
10 community members that support this stand up and say, "We
11 want this."

12 This funding request that totals into the
13 millions of dollars can be achieved because you're talking
14 a lot of dollars. But it's important for you as community
15 members to stand up and say, "This is what we want." I
16 guarantee you tomorrow in the public hearing that's going
17 to be held in Farmington, there will be opposition to
18 doing this. There was opposition to the settlement.
19 There will be opposition to this.

20 So I support this, okay? And I'll continue to
21 support it simply because it is a long time coming. And
22 it's something that we as the Navajo Nation need in terms
23 of the fact that can we say today what the Nation actually
24 owns? The land, we don't. Government holds that.
25 Anything that has to do with what we want to do in terms

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25

1 of a residence or business, we still have to go through
2 the government, the governmental process.

3 The water, we don't own. We may have -- we have
4 a right to it, but we don't own it. So with the water
5 settlement we can say now that it's ours. And we can move
6 on this initiative.

7 So with that, folks, you need to support this
8 wholeheartedly all the way because there will be
9 opposition every step in the way in moving on this. So
10 thank you very much.

11 THE HEARING OFFICER: Mr. Ken Atcitty, the Navajo
12 Nation Council Delegate of Shiprock has joined us as
13 well.

14 We've reached the end of folks who have signed up
15 to come and provide us their views and comments. And so I
16 want to ask if there is anybody else who hasn't signed up?

17 Yes, sir, I know that you want to come back up
18 and finish. Thank you.

19 FURTHER STATEMENT BY J.C. BEGAY

04-08

20 MR. BEGAY: It's very clear the route that the
21 Gallup -- the Shiprock-Gallup line is very clear. I just
22 need to say that we are excluded from that route.

23 If we could all get together, Sanostee, Two Grey
24 Hills, Burnham, and other chapters that have been excluded
25 along these routes -- we need to get together and really

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1 plan to install the distribution system to the other
2 chapters that have been excluded. Then I will support
3 it.

4 And for that reason I'm not really in support of
5 the project. But if we get together to extend those water
6 lines, I am supportive of it.

7 STATEMENT BY MEL R. BEGAY

04-09

8 MR. BEGAY: Good evening, community of Shiprock,
9 New Mexico and also the leaders that have come to be
10 participants of this water rights discussion for the water
11 line project. Leaders of the Navajo Nation, good
12 evening.

13 I know the community members are very thankful
14 for your presence and making your contributions and in a
15 way of how you're thinking about this water line project.
16 Also the panel that is here in our midst in observing the
17 discussions where the thoughts of the Navajo Nation is
18 being shared here.

19 My name is Mel R. Begay. I am from Coyote
20 Canyon. I represent that community as a Council Delegate,
21 also with the Mexican Springs community. And I am also
22 serving on the NTUA board.

23 What we're witnessing here tonight is very
24 important to me. And the reason that I say it is
25 important to me is because of my people of that -- of

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1 those two communities have said so.

2 And in some of these words that are being uttered
3 of how the water is important to the Navajos, there's a
4 fact, there's a truth to it because my people back home
5 speak those -- those words. In addition to those and
6 through the lives and through the life that they walk
7 through in those communities, they understand that there
8 is a need.

9 And they also understand that the potential of
10 what the water can do for the community and not only of
11 those two communities. I think the potential is there if
12 we bring water to the community of the Navajo Nation. I
13 envision that this will bring prosperity for the nation
14 through economic development, also through the community
15 development.

16 As we see and as we notice of our surroundings,
17 we don't have much. And I hope you as a panel as you make
18 a report, I would like for you to make a contribution
19 through your observation in what community that we live
20 in. We are in a poverty. We are in a poverty where our
21 job is lacking, where our families have to depend on the
22 communities such as Gallup, such as Farmington to make a
23 decent living.

24 We have people that have to travel miles to
25 endure those things, but we have some disadvantaged

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1 families that are not able to go there to benefit from
2 these. And I think those are the opportunities that we
3 can come about through this venture here.

4 And through your eyes I would like for you to see
5 that. How many of our people are longing to see this
6 opportunity? Especially our young ones. Through this
7 past year and through this school season, we have close
8 to -- I wouldn't even put a number on it; thousands --
9 thousands of school that have released students with a
10 high school diploma; and we don't have jobs for them.

11 We don't have that opportunity for them. And we
12 have witnessed in the past that these school has released
13 these students two, three years down the road. We have
14 people that are very affected by alcoholism. Our death
15 rate is high through suicide, through alcoholism, liver
16 disease, and anything and everything that comes along with
17 poverty. And there are statistics that are out there that
18 I'd like for you to incorporate into this report.

19 And so I think it's something that we need to
20 look forward. Certainly, we don't know and -- we're aware
21 that it's not going to change this -- our society over
22 night; but in the long term, we'd like to see that
23 change. We'd like to see those changes.

24 So I think it's important. I support this
25 because of the life that I live, is the people that are

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1 living it, that life here within the Nation. We'd like to
2 have those opportunities within the midst of our community
3 where the economic development would be initiated and
4 implemented.

5 So as we grow, we'd like to plan for it. We'd
6 like to see more of it. Certainly other communities, as
7 we hear tonight, "Oh, it's not going to benefit," but in
8 the initial -- in the initials, that benefit is not going
9 to be there. But as we plan, as we grow, that is going to
10 be there.

11 That is going to be there, that growth. And the
12 other community members that are not going to benefit from
13 the onset, they are going to be -- in the future they are
14 going to be part of it. That's the way I see it.

15 So, like Mr. Bates says, this is important to
16 us. This is important to the nation. So I support it as
17 my community has asked me to support this initiative
18 because it's going to bring us the dream and the
19 prosperity that we owe to our children and to ourselves.

20 And so I think that's the way that we should look
21 at it and the way what water is. Certainly, water is
22 life. So that is my interpretation of the water. And so
23 I thank you for the people that have coordinated this
24 meeting tonight and for the panel to witness our interests
25 and how much we support this initiative.

Comment PH-04 – continued

30

1 So that's just the short statement I want to
2 share with you this evening. And I thank you for this
3 opportunity.

4 THE HEARING OFFICER: Our next speaker will be
5 Lena Fowler of the Navajo Nation Water Rights Commission
6 and will be followed then by Tony Bowman.

7 STATEMENT BY LENA FOWLER

04-10

8 MS. FOWLER: Thank you. Thank you, Panel, for
9 your presence here, listening to us again. And you had
10 several of these meetings and you've been very patient. I
11 appreciate that. Thank you.

12 (AT this time, Ms. Fowler spoke briefly in
13 Navajo.)

14 MS. FOWLER: So, thank you. This Navajo-Gallup
15 Water Supply Project, we have two pipelines. It will
16 greatly benefit the Navajo Nation. It will secure the
17 Navajo homeland in accordance with the 1868 Treaty.

18 I tend to go back and forth between Navajo and
19 English. So, anyway, 1868 Treaty. In that treaty, with
20 that treaty as our foundation, we have a right to the San
21 Juan River. And most of the water has already, as you all
22 know, already been distributed and allocated throughout
23 the western states.

24 Navajo Nation and other Indian tribes are just
25 barely trying to get their share of the water. And we

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1 have a great political battle that is before us. And this
2 water pipeline will really enhance our lives. It will
3 bring reliable water to our communities.

4 Each region today throughout Navajo Nation and
5 Shiprock and this region, we haul water. Navajo people
6 haul water. The other day I met a man who was putting
7 groceries in his truck in Window Rock. And I asked him
8 what happened. They were elderly couple.

9 He said he was hauling water and he slipped and
10 he fell. Now he just watches his wife do all the work.
11 And so he has a hard time. His children have graduated.
12 And he has -- and they are no longer at home. So they are
13 taking care of themselves.

14 Their children are not at home because they need
15 jobs. One has a doctorate degree, can't come home and
16 hold a professional position. So we have a brain drain
17 that is happening here because we don't have the economic
18 development that we need.

19 Water will -- we don't have economic development
20 because we don't have the infrastructure. We can talk
21 about jobs all we want, but if we don't have water in our
22 communities it's not going to happen.

23 Forty-three communities will benefit. Over 100
24 schools will benefit. Yes, NTUA delivers water to
25 communities today, but we're mining water. Some of those

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1 NTUA wells are drying up now. The other portion that NTUA
2 that struggles with -- what they struggle with is with the
3 quality of water.

4 We have -- through our -- we're challenged in
5 every way. Throughout history, we've always had a lot of
6 traumas and in our history in our dealings with the
7 federal government. And so this will be a way to help us
8 help ourselves.

9 We're in a state -- because of these traumas that
10 we have gone through with our relationship with the
11 federal government, we're basically in a state of
12 helplessness, and water will help us to climb out of our
13 situation because it will help us -- it will bring
14 sustainable, reliable water. It will bring economic
15 development. It will better our health care.

16 We have major healthcare illness. And a lot of
17 it has to do with just a simple thing as getting water and
18 keeping ourselves clean. And it also really does impact
19 our religion because our Navajo way of life, we use corn
20 pollen. We grow corn. And this in a lot of sense with
21 the drought that is going on, we don't -- we can't even
22 collect our corn pollen. And certain years, sometimes
23 it's scarce.

24 So in all fashions, in all ways of life, when it
25 comes to Navajo, water is essential to us. And this water

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1 project will really enhance and really bring better
2 quality of life to the Navajo Nation. I appreciate you
3 being here, listening to me, and your patience.

4 THE HEARING OFFICER: Mr. Bowman.

5 FURTHER STATEMENT BY TONNY BOWMAN

04-11

6 (At this time, Mr. Bowman spoke in Navajo.)

7 MR. BOWMAN: You've given me the opportunity to
8 say my peace and you've given the people an opportunity to
9 say their peaces.

10 (At this time, Mr. Bowman resumed speaking in
11 Navajo.)

12 MR. BOWMAN: I don't like to be pressured,
13 whether it is from -- I spent my time in military service
14 where I used to say, "Yes, sir." Says, "Private Bowman."
15 "Yes, sir." "Move out." "Yes, sir. Yes, sir. Yes,
16 sir." By the time that we are through this "yes, sir"
17 stuff --

18 (At this time, Mr. Bowman resumed speaking in
19 Navajo.)

20 MR. BOWMAN: There are certain things. Land
21 status. Land status is important. That's the reason why
22 I'm saying Twin Lakes, New Mexico.

23 And Mr. -- I forget his name from the Red
24 Valley. He's talking about land status there. And a
25 person from Two Grey Hills talking about these are Navajo

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1 Reservation, solid Navajo Reservation. No allotments.

2 That's where I'm from.

3 Now, does the individual allotted land, are they
4 entitled to winter rights water status. Is it? I have
5 two questions about that. That's why Twin Lakes is Navajo
6 Reservation; we don't have individual allotment. That's
7 where the problem is.

8 I know that if any individual allotment, if they
9 get oil wells or whatever it is, it belongs to them. They
10 don't give me even a penny to say, "Hey, Mr. Bowman, go
11 get yourself a sucker," or something like that. It
12 belongs to them. Don't you think if this water belongs to
13 the Reservation, it should only go for Reservation land?

14 That's why I'm being pressured. We're being
15 pressured by people who live in checkerboard area who say,
16 "I will support you. I will support this because this is
17 the best thing." Yeah, it's maybe the best thing for
18 them, but they are forgetting about us who live on solid
19 Navajo Reservation.

20 The people in Arizona, they have their own
21 responsibilities over there too. Why are they coming over
22 and say, "You do this. You do this. We're going to agree
23 with the other people." This is a repeat of Manhattan \$24
24 trinkets. The people who were -- that sold Manhattan
25 Island were only visitors.

04-11-01

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1 regard water, the sanctity of it, the sacredness of it.
2 That has been reiterated here quite adequately already, so
3 I need not touch on those areas.

4 Some of the concern that we have that I expressed
5 here is -- you know, we look at the world, the world
6 population -- and some time ago, some months ago, I
7 clipped out an article from the newspaper that stated
8 that -- I forget what the percentage was of the world's
9 people who are already experiencing water shortage for
10 basic life necessity.

11 The reality of when a time will come that the --
12 the human need for water for very life sustenance outpaces
13 the availability of good water. Is that time going to
14 come when? It seems with the picture that we have today,
15 it seems like that is inevitable.

16 And that would be such a terrible day when we
17 realize that our human need for water outpaces what is
18 available.

19 Then I go on to talk about global warming, the
20 fact that the polar caps are melting and what appears to
21 be part of the water that's draining into the oceans.
22 Again, the reality of when in the future will the melting
23 of the polar be complete. Can we reverse this global
24 warming? Those are thoughts that we have.

25 We wonder if these are indeed the last days as

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04-12-01

1 predicted by our elders of old. And that leads me to
2 wonder with the supposed greatness and the indisputable
3 nature of science and technology, that why -- why cannot
4 technology find a way to expedite that desalination
5 process?

6 We have incredible bodies of water throughout the
7 world. If science is so great and technology is -- is
8 what it's supposed to be, why can't that happen? I talk
9 about these things as just for my own personal point of
10 reference, things that are, as I said, profound, things
11 that we are individually powerless to do anything about.
12 But, nevertheless, in the context of what we talk about
13 here, I offer those thoughts.

14 And the final end, I suggest that -- that the
15 agreements for this proposed Gallup pipeline have been
16 made years and years and years ago. And it seems almost
17 laughable or disrespectful that we would be asked what is
18 our opinion at this point, when the power-that-be know
19 already that these things are going to happen. We have
20 a -- an issue with that.

21 Senator Domenici in his magnanimity in wanting to
22 supply Gallup with water is -- a man must do what we needs
23 to do. I understand that Gallup's water source is
24 depleting. I understand the need to get them water.

25 And I suggest further that the Navajo people, the

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1 communities, Navajo communities that lie between here and
2 Gallup, perhaps as a matter of convenience, as a matter of
3 political expediency, as a matter of getting this project
4 from Point A to Point B, that Navajo communities are being
5 given these promises of water. That's my -- my comment in
6 the extreme critical end of the spectrum.

7 But, nevertheless, in the final end, we -- we
8 have to make a choice here as Navajo people that do we
9 want the water to just continue down river and supply the
10 fancy fountains of Las Vegas, the swimming pools of
11 Phoenix? Do we choose that or do we come to the
12 realization that we must share this water.

13 And I think that at least for myself I see that
14 we must share the water. So that is my thought. One
15 other thought that I didn't mention in my translation here
16 is the concern that -- that the -- we have with regard to
17 the water settlement. I don't know -- I cannot say for
18 certain that it's a settlement that is in our best
19 interest as we have been told.

20 There's no way for me to evaluate that. All I
21 can say on behalf of my constituents is that we put our
22 regard and confidence in the likes of Mr. Benson, the
23 Water Commission, other tribal leaders, notably Vice
24 President Dayish, who made deliberate effort to come to
25 some terms on the water settlement. That their effort

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1 does indeed speak to what we are told that it is done in
2 our best interests. That's all we can give our confidence
3 to.

4 I hope that it is in the best interest of our
5 people. But we're here and we just go forward. So all in
6 all, Ladies and Gentlemen, given all of these
7 consideration and realities, I must stand and say at least
8 51 percent of me says, "I support the Gallup water
9 project." Thank you.

10 THE HEARING OFFICER: We have two speakers left
11 this evening. Fannie Atcitty.

12 STATEMENT BY FANNIE ATCITY

04-13

13 MS. ATCITY: We were doing our yard work and
14 everything else, and we remembered about the hearing this
15 evening. So thank you members that are present here
16 working, allowing us to speak our thoughts in Navajo.

17 Mr. Yazzie, Chapter President, he explained
18 everything that I was going to say, so -- which was good.
19 Thank you, Mr. Yazzie.

20 Except there's just a thought. I was just
21 thinking about the city of Gallup, the town of Gallup. I
22 don't know how long ago that came into existence.
23 Therefore, through all those years, they have many, many
24 leaders that they were elected as mayor, city council
25 people; that they have the community -- our Navajo

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1 community leaders, such as council delegates, chapter
2 officials. And then now we have many -- we have some of
3 our Navajo people that serve in the -- in various capacity
4 at the City of Gallup.

5 My thinking was if they knew -- they knew that
6 water is so important to every human being -- every living
7 being, rather, why didn't they think whatever, maybe 100
8 years ago, why didn't they start planning? And the Gallup
9 area, they are higher elevation than we are. They get
10 more snow. They get more rain than we do. Why didn't
11 they build a reservoir or reservoirs for their people?

12 That way that should have been in place many
13 years ago. And here we are in 2007 we're talking about
14 extending the water line to Gallup. And I agree with
15 Mr. Yazzie. We need to think about our Navajo people
16 first. And I do have question about the water rights
17 settlement. Is it really in the best interest of our
18 Navajo people?

19 Yes, I do agree with Mr. Yazzie, too. Many of
20 these agreements that we're talking about tonight, I'm
21 sure they've been already agreed upon many years ago.
22 We're just -- it's just a formality. Many times I look at
23 things like this is as a formality. Just like, "Okay.
24 May 6th, 2007, there's a hearing in Shiprock."

25 Plus many of the past hearings that we've had, I

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41

1 see those to be formalities. We speak, but agreements
2 have already been made. Then, again, within our own
3 Navajo Nation, look at the water, the winter snow they
4 melt, the rain that we get. We've been having a lot of
5 rain for a while. It's just being flowing back into the
6 San Juan River.

7 We have many communities and all this water just
8 drains back into the river and many of our neighbors south
9 and to the west, they use that. Why can't we build dams
10 too?

11 And always -- and I believe that there's going to
12 come a time when -- we depend on Farmington for our
13 drinking water. There's going to come a time when the
14 City of Farmington, they are going to say, "No more,
15 Shiprock. We won't allow you to have any more drinking
16 water."

17 So we have to be prepared. We have to start
18 planning for many of those things. Those should have
19 already been in place. Why are we planning for it, now,
20 2007?

21 I have four grandchildren. They are little
22 ones. The oldest is 12 years old. I wonder what their
23 life is going to be like. And many of you that are here,
24 some of you have great grandchildren or great, great
25 grandchildren. Why are we just now talking about water

04-13-01

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1 lines being extended to Gallup?

2 Also another thing is, many -- we have a high
3 Navajo unemployment rate, 65 percent. If our Navajo
4 people get these water lines -- I don't know when it will
5 happen -- but where do they get their money to pay NTUA
6 for the usage of this quality water? It's expensive.

7 My relatives are always asking me, "May we borrow
8 some money from you so I can pay my utility bills?" I'm
9 sure many of you in the audience, you're always asked for
10 assistance from your family members. So I'm looking at
11 the cost of that water use. It's not free.

12 My mom understood that. My mom is a traditional
13 woman. She lives just south of here at Table Mesa. She
14 couldn't believe she was told, "Get electricity in your
15 home. Get running water in your home."

16 Boy, she says today, "I wish I never had that. I
17 used to live a very simple life." But now she can't
18 afford the utilities. She can't afford the water bills.
19 So there are those who have to consider that. How many of
20 our people are making -- do they have the money for that?

21 So I think we need to really consider many of the
22 problems that we face within our nation. So I -- overall
23 I agree with many of the things that Mr. Yazzie had
24 mentioned.

25 Also another thing with this water line. I think

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1 back in 2006, 2005, somewhere around there, it was
2 \$600,000 per mile to extend that water line. Just one
3 pipe for one mile. I wonder what it will cost us today.
4 And if so, I don't think it should be the Navajo Nation to
5 pay for such.

6 It should be the United States Government.
7 Because, you know, they -- according to the Treaty of
8 1868, they have many of the responsibilities that they
9 still have not only for the present, but also for our
10 children and the future. So, thank you.

11 THE HEARING OFFICER: Our last speaker of the
12 evening is Donald Benally.

13 STATEMENT BY DONALD BENALLY

04-14

14 MR. BENALLY: For the essence of time, I would
15 request the interpreter to perhaps summarize my short
16 statements that I want to try to make here.

17 (At this time, Mr. Benally spoke in Navajo.)

18 MR. BENALLY: (Through the Interpreter) Thank
19 you for all the people that are still in the audience.
20 Thank you for coming out to the meeting. Thank you,
21 Mr. Benson and the panel up here, distinguished guests
22 from the federal government, and those people that are
23 here observing and listening. I want to say my comment in
24 the Navajo language and have it interpreted into the
25 English language.

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1 This is a very complex and enormous issue that
2 we're undertaking this evening and many more years to
3 come. The council delegates have voted many years ago to
4 move forward with this issue as far as I can remember.

5 It was before us when I was in council 20 years
6 ago. Our elders, our leaders at that time had a
7 different -- were in a different position as they are
8 now. They wanted all the water. They wanted all the
9 quality water.

10 At the time, Mr. Peterson Zah, Chairman of the
11 Navajo Nation, it came before him, the City of Gallup came
12 to Mr. Zah asking for water. Even the attorneys at that
13 time had a different stance. Thereafter Mr. McDonald, he
14 had a different stance similar to what Mr. Souder and the
15 attorneys had.

16 Gallup at that time along with Mr. Domenici were
17 asking for this water. I remember this very well and what
18 happened thereafter. I thought, "Oh, my gosh, all these
19 people that used to have a lot of contribution, a lot of
20 decisions that were made."

21 Now at this time we're basically talking about
22 the same water, the same issues but in a different light.
23 Our elders in the past have always taken San Juan River to
24 heart. That's part of our -- our historical legend, our
25 traditional prayers and our songs. It's the male river of

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1 the Navajo Nation. It is considered a male.

2 Washington -- one of the leaders here said that
3 we should not consider the land and the water as our own.
4 Our elders held the land and the water close to their
5 traditions and their prayers. I ask myself, "Why are our
6 leaders saying that these days? Why do they want to
7 relinquish the water and the land to the federal
8 government?"

9 Our people have always held this very dear to
10 their hearts. The pipeline that you all are talking
11 about, this area here around the Hogback, the Cudei, the
12 upper part of the map he said was called Toohnii, which
13 means the Valley of the River People.

14 They have the instrument. They are the essence
15 of this valley. They are the essence of this water. And
16 they know the stories. My grandfather told me to never
17 talk about the river if I didn't know the stories or the
18 songs to discuss the indepth of how the water should be
19 used or who it should belong to.

20 Twenty years ago this place called the Hanging
21 Sheep Skin -- twenty years ago 18 members of our council
22 delegate brought this same issue before us. At that time
23 we agreed. We said if people do really need the water, we
24 will decide how the waters will be used.

25 But we said that it should be extended among all

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1 the communities in the area. I'm not talking about the
2 communities where the route lines now. I mean the people
3 within the Arizona portion and have them benefit from the
4 extension of the water as well.

5 This is all past history of what had happened and
6 what we had done in talking about the Navajo-Gallup Water
7 Supply.

8 It's costly as well. If the chapters do really
9 need the water, if Gallup really needs the water, and if
10 they are willing to share this water with the chapters,
11 and the chapters that are saying that they are excluded
12 from the route, it's going to be costly. They are going
13 to have to contribute something. Who's going to pay for
14 it. I think we should all contribute to pay for the water
15 line.

16 This Shiprock Chapter has not really taken an
17 official position on it yet, but it's a vital issue. It
18 is a real concern. And I'm thinking back to what my
19 elders have said, the water is the essence of a
20 community. We're excluding people up in the Aneth area.
21 There's people up there as well. We can't just hasten to
22 take the water out to the Gallup community.

23 We should reevaluate our position and decide what
24 our official position will be from these chapter areas
25 that I just mentioned. Thank you.

04-14-01

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1 THE HEARING OFFICER: I think that's all of our
2 speakers this evening. We have one more public meeting
3 tomorrow night at 6 o'clock. Yes, sir?

4 MR. BEGAY: I'd like to say something before
5 closing.

6 THE HEARING OFFICER: Sure.

7 FURTHER STATEMENT BY J.C. BEGAY

04-15

8 MR. BEGAY: (Through the Interpreter) I would
9 like to enter this comment on record. I know that the
10 Draft EIS according to the federal government is published
11 in the federal registry. After that 90 days is set aside
12 for a comment period and meetings where the comments are
13 compiled and entered into the Final EIS, I know this for a
14 fact.

15 The Red Valley community this year built a new
16 high school. But there's a water issue. We have an
17 elementary school at the Red Valley community, as well as
18 10 miles up Cove community has an elementary school.
19 There's a dire need for water. And I plead with you that
20 you consider our situation as well.

04-15-01

21 Also in accordance to what Mr. Donald Benally
22 said surrounding the elders, my grandfather Lee Tom was a
23 Council Delegate from the Red Valley/Cove area. He held
24 leadership positions in many variety of -- he held
25 leadership positions within the community. He was a

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1 revered elder.

2 He said to me when I was a youth, "One of the
3 these days when you are leader, I want you to carry on my
4 dreams to bring the water to the community." And for that
5 reason I'm asking this comment to be placed in and on the
6 record. I plead with you and I appeal to you to consider
7 my requests and my concern for the community of Red
8 Valley.

9 THE HEARING OFFICER: I think with that we're
10 going to call this evening to a close. We have one last
11 meeting tomorrow night in Farmington at San Juan College
12 from 6:00 to 9:00 in the IT Building, Room 7103.

13 And once again thank you for coming and thank you
14 for allowing us to come here and meet with you and also
15 thank you to Joanna for doing a lot of work tonight.
16 Thank you and good night. Drive safely.

17 (The hearing adjourned at 9:36 p.m.)

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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 June 5,
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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