Comment PH-04

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

PUBLIC HEARING
June 5, 2007

Shiprock Chapter House
Shiprock, New Mexico

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

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

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

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

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

That's fine.

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

And there's two pipelines, all part of one project. There's one pipeline, as I told you, taking water from the PNM intake at Kirtland, and that pipeline would run along the river towards Shiprock and then it
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
Pintado, and there wasn't enough water for it. There's problems with water pressure and all of that. But they will be solved once the 17 million is spent on connecting all these water systems and drilling more wells here to put in there for the interim.

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

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

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

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

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

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

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

We have scheduled the meeting to end around 9 o'clock this evening in order to allow folks to get home at a reasonable hour. Right now we have four individuals who have signed up to speak. And for the time being,
we’ll ask you to limit your presentation at 10 minutes if at all possible.

After we go through the list, if anybody else would like to stand up and make any statements, we would welcome them. Or those of you who are in the original four have any additional thoughts to say, we would ask that you go back and finish up your thoughts.

We have a timekeeper, Michael, to help us keep on track. We don’t have too many folks here tonight, but we would like to the extent possible to try and keep on track with our time.

The first person to sign up to speak tonight is Mr. J.C. Begay, please.

STATEMENT BY J.C. BEGAY

MR. BEGAY: (Through the Interpreter) Thank you for giving me the floor. And where are all the communities from this chapter and this part of the Navajo Reservation, the Northern Agency? Many of the supporters of the water rights issues are here. But I do appreciate me coming up before you to speak.

I’m from the Red Valley area. I’m the Chapter President. My main concern is the proposed water pipeline from the Shiprock to Gallup area. It seems like the emphasis is on Gallup. I know that the people from the Gallup area are voters, and they vote for the senators
that are doing their jobs regarding the water rights issues.

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

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

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

We are the Navajo people that need the water, and it's not fair to all the chapters not to be included.

We'll have a written comment forthcoming from our chapter, and I'll want to come back up to speak a little more about this project.

MR. BENSON: Lena Fowler, Navajo Nation Water Right Commissioner, Tuba City. Katie Gilbert, Navajo
The Hearing Officer: Our next speaker this evening will be Charley P. Joe.

Statement by Charley P. Joe

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

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

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

This proposal is not for our use. It is for our
future generations, for our livestock, and our land and anybody else that use the land and the water. Our grandchildren will need the water in the future, so we will not as member of the Navajo tribe have that much use in the future because it is mainly for our grandchildren. And that is why I really support this project.

The two routes will determine the amount of water that will go to our communities and how we use the water will also be established by the federal government as to the amount of water we use.

The native people have first priority to the water. I, myself, would like to support that, to support the proposal, since it is for the future generation of our relatives. We are all related. That's what we call stability and unity. Our relatives will be able to use the water in the future. And that is my comment. I am in support of this proposal.

THE HEARING OFFICER: Our next speaker this evening is Tonny Bowman.

STATEMENT BY TONNY BOWMAN

MR. BOWMAN: (At this time, Mr. Bowman spoke briefly in Navajo.)

What I have is what I've heard. At other times, that the -- you should speak to the issues that have been presented to you or those issues that are already
published. But many of us haven't been to all the
meetings.

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

Mainly, it seems like there are two issues here.

One issue is the San Juan River to go to Gallup, New
Mexico. The last time -- I'm not exactly sure when it was
in, I think 2002, that I attended a Gallup meeting and
they mentioned they only had about 15 years of water left
underground. And I wonder about that time.

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

I understand that because of global warming some
of the places are going to be flooded, maybe Los Angeles
and so on and so forth. That you don't have to get water
by the way it is now.
The reason why the other one that I've heard was that Twin Lakes underground water and that Mr. -- Michael mentioned that the water from Twin Lakes is going to be pumped out and is going to be pumped to -- or to Manuelito, New Mexico. That sounds odd to me.

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

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

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

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

And so, therefore, we're not really -- I guess I should have been living the life of a good life with good
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houses, with running water. My kids would be educated,
and they would be doctors or teachers or engineers and so
on, so forth.

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

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

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

And I'm the one from -- who lives in Twin Lakes.
I should be the first one you should contact. Don't
get -- contact people from Arizona to agree to what goes
on in Twin Lakes. And like people -- a lot of people who
are all on Navajo water lines and making decisions are
from Arizona. It doesn't affect them. They can make any kind of decision they want because they don't get hurt. I'm the one, my kids are the one who is going to get hurt, if there are going to be injury. If there's going to be benefit, let the benefit -- not let any money that's going to go somewhere go to Window Rock and where the people can go to Las Vegas and watch the show girls.

Thank you.

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

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

STATEMENT BY WILSON RAY

MR. RAY: (Through the Interpreter) This is Wilson Ray, President, Huerfano Chapter. Greetings to all my people here, the distinguished leaders, chapters, distinguished individuals from Gallup. I welcome you to the public hearing. The main reason that we are here I think is that there's a main issue that we need to talk about at this setting. We talk about the past and we bring other elements into the public hearing. We need to talk about 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
5 We are talking specifically to the construction
6 of the water line, the two routes that are proposed.
7 We're not talking about the issues on the legislative
8 water rights issues. This issue has been going on for a
9 very long time. It seems to me that we're just sabotaging
10 our opportunity to have the water brought to us and our
11 community.
12
13 We are speaking specifically to the reality of
14 life, to our survival, to the uses, the many uses of
15 water. I'm not being argumentive. I'm just looking at it
16 in terms of an organized, well-prepared plan. We need to
17 be able to rally together all the chapters on these
18 routes.
19
20 We can attain our dreams, our goals. For
21 example, the water line from Shiprock to Gallup, those
22 chapters need to rally together to determine how to use
23 these waters, how to make use of these waters in terms of
24 recreation, farming, agricultural activities.
25
26 Same with the Eastern Navajo Agency. There's no
27 water out there. The main issue here is to talk about how
28 to distribute the water line from the existing lines and
29 tap into the large pipeline that's being proposed.
Certainly, it is for our children, for their use.

I'm from Huerfano. I'm very determined to attain the goals that I ever pursue. Any goal that I pursue is through the reality of my people, through the life that they -- that they have an opportunity to benefit from.

These are real issues, as I stated before.

We have a real need for water, our livelihood.

We need to use the water in a way that is beneficial to our people to consume the water. Look at the people down in the California. I realize that the groundwater levels are dropping. There's not enough snow melt that's going into the Navajo Dam these days.

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

THE HEARING OFFICER: John Casuse.

STATEMENT BY JOHN CASUSE

MR. CASUSE: (Through the Interpreter) John Casuse from Standing Rock Chapter. Welcome everybody here at the public meeting. The main concern is in the area of the -- the medium between the two pipeline routes is what I'm going to be speaking to.
If there were long-range planning that took place in the past to be prepared for this construction of the pipeline, we would have been able to better receive the water. For example, Whitehorse Lake out of nowhere just planned to build a high school, and it's built now. And it needs water.

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

People tend to build homes in isolated areas where there is no water. This is an example, a good example of why we need to be prepared and to do better planning. There are many people in the area that seem to be left out of the whole system between the pipelines. For example, the Becenti Chapter lies here. And he pointed that out on the map. And the rest is a large Reservation of trust land. I think that's all I want to say right now.
STATEMENT BY STANLEY HARDY

MR. HARDY: (Through the Interpreter) Greetings, my relatives, all those present at this public hearing.

Water is a spiritual element as we know it to be. They are the leaders. They are the elements that provide the moisture to our souls and to our land.

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

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

And I am told that this water is mainly for human consumption, not for livestock use or for agricultural irrigation. It's largely for the human consumption. And I'm not clear, people are not explaining it clear enough to us. So I'm not sure. The NTUA distribution installation will cost more. Our costs will increase.

We hear about groundwater levels dropping. Who knows? Who really knows that these water levels are
dropping. We hear about the glacial melting from the Alaska to the coastline and then we hear the water -- water rising along the coastline. I'm not sure who to believe.

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

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

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

The proposed construction of pipeline is ready to go. Who's going to take the responsibility for the
maintenance and repairs of the pipeline? And the
vandalism. Who's going to take charge of those types of
things?

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

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

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

STATEMENT BY LORENZO BATES

MR. BATES: Good evening. I'm Lorenzo Bates from
Upper Fruitland. And as you all probably realized, I was
a very strong supporter in the water settlement as it
moved through the process. So I'm still a very strong
supporter of what's being proposed here.

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

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

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

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

The misconception out there is that it's going to
use -- that Gallup is going to use Navajo water. When you
look at those surrounding communities that are Navajo -- an article came up just recently where a family that was within eyeshot of Gallup, within hearing of Gallup weren't able to get water. Again, Gallup doesn't have the available water too.

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

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

There will be opposition to this.

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

Anything that has to do with what we want to do in terms
of a residence or business, we still have to go through
the government, the governmental process.

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

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

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

We've reached the end of folks who have signed up
to come and provide us their views and comments. And so I
want to ask if there is anybody else who hasn't signed up?
Yes, sir, I know that you want to come back up
and finish. Thank you.

FURTHER STATEMENT BY J.C. BEGAY

MR. BEGAY: It's very clear the route that the
Gallup -- the Shiprock-Gallup line is very clear. I just
need to say that we are excluded from that route.
If we could all get together, Sanostee, Two Grey
Hills, Burnham, and other chapters that have been excluded
along these routes -- we need to get together and really
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plan to install the distribution system to the other chapters that have been excluded. Then I will support it. And for that reason I'm not really in support of the project. But if we get together to extend those water lines, I am supportive of it.

STATEMENT BY MEL R. BEGAY

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

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

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

What we're witnessing here tonight is very important to me. And the reason that I say it is important to me is because of my people of that -- of
those two communities have said so.

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

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

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

We have people that have to travel miles to endure those things, but we have some disadvantaged
families that are not able to go there to benefit from these. And I think those are the opportunities that we can come about through this venture here.

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

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

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

So I think it's important. I support this because of the life that I live, is the people that are
living it, that life here within the Nation. We'd like to have those opportunities within the midst of our community where the economic development would be initiated and implemented.

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

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

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

And so I think that's the way that we should look at it and the way what water is. Certainly, water is life. So that is my interpretation of the water. And so I thank you for the people that have coordinated this meeting tonight and for the panel to witness our interests and how much we support this initiative.
So that's just the short statement I want to share with you this evening. And I thank you for this opportunity.

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

STATEMENT BY LENA FOWLER

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

(At this time, Ms. Fowler spoke briefly in Navajo.)

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

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

Navajo Nation and other Indian tribes are just barely trying to get their share of the water. And we
have a great political battle that is before us. And this water pipeline will really enhance our lives. It will bring reliable water to our communities.

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

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

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

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

Forty-three communities will benefit. Over 100 schools will benefit. Yes, NTUA delivers water to communities today, but we're mining water. Some of those
NTUA wells are drying up now. The other portion that NTUA that struggles with -- what they struggle with is with the quality of water.

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

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

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

So in all fashions, in all ways of life, when it comes to Navajo, water is essential to us. And this water
Comment PH-04 – continued

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
5 THE HEARING OFFICER: Mr. Bowman.

6 FURTHER STATEMENT BY TONNY BOWMAN

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

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

11 (At this time, Mr. Bowman resumed speaking in 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
19 (At this time, Mr. Bowman resumed speaking in 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
24 And Mr. -- I forget his name from the Red
25 Valley. He's talking about land status there. And a
26 person from Two Grey Hills talking about these are Navajo
Reservation, solid Navajo Reservation. No allotments.

That's where I'm from.

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

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

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

The people in Arizona, they have their own responsibilities over there too. Why are they coming over and say, "You do this. You do this. We're going to agree with the other people." This is a repeat of Manhattan $24 trinkets. The people who were -- that sold Manhattan Island were only visitors.
And the Dutch merchants, you know, bought that and gave them glasses and say, "Hey, see how you cheated them." But the people who are cheating are the people who own that land. I believe I am one of those people who has lived on the Reservation, and the people who live off the Reservation are trying to sell us stuff.

Thank you.

THE HEARING OFFICER: Our next speaker will be Chili Yazzie, the Shiprock Chapter President.

STATEMENT BY CHILI YAZZIE

(At this time, Mr. Yazzie spoke in Navajo.)

MR. YAZZIE: I'd like to restate what I stated in my second language. Ms. Joanna is doing a wonderful job up here. If I let her interpret, she might make me sound too good, so. I'll take a shot at it myself.

Greetings. Good evening, Ladies and Gentlemen that are conducting these public hearings, all of the officials that were here this evening, and community members.

I want to reiterate some of the -- what are profound realities that we are confronted with as the Navajo people, as five-fingered human beings in general. And some of these issues that I touched on is that -- not to re-emphasize some of the good statements that have been made here in terms of our native affinity of water, how we
regard water, the sanctity of it, the sacredness of it.

That has been reiterated here quite adequately already, so

I need not touch on those areas.

Some of the concern that we have that I expressed

here is -- you know, we look at the world, the world

population -- and some time ago, some months ago, I

clipped out an article from the newspaper that stated

that -- I forget what the percentage was of the world's

people who are already experiencing water shortage for

basic life necessity.

The reality of when a time will come that the --

the human need for water for very life sustenance outpaces

the availability of good water. Is that time going to

come when? It seems with the picture that we have today,

it seems like that is inevitable.

And that would be such a terrible day when we

realize that our human need for water outpaces what is

available.

Then I go on to talk about global warming, the

fact that the polar caps are melting and what appears to

be part of the water that's draining into the oceans.

Again, the reality of when in the future will the melting

of the polar be complete. Can we reverse this global

warming? Those are thoughts that we have.

We wonder if these are indeed the last days as
predicted by our elders of old. And that leads me to
wonder with the supposed greatness and the indisputable
nature of science and technology, that why -- why cannot
technology find a way to expedite that desalination
process?

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

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

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

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

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

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

There's no way for me to evaluate that. All I can say on behalf of my constituents is that we put our regard and confidence in the likes of Mr. Benson, the Water Commission, other tribal leaders, notably Vice President Dayish, who made deliberate effort to come to some terms on the water settlement. That their effort
does indeed speak to what we are told that it is done in
our best interests. That's all we can give our confidence
to.

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

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

STATEMENT BY FANNIE ATCITTY

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

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

Except there's just a thought. I was just
thinking about the city of Gallup, the town of Gallup. I
don't know how long ago that came into existence.
Therefore, through all those years, they have many, many
leaders that they were elected as mayor, city council
people; that they have the community -- our Navajo
community leaders, such as council delegates, chapter officials. And then now we have many -- we have some of our Navajo people that serve in the -- in various capacity at the City of Gallup. My thinking was if they knew -- they knew that water is so important to every human being -- every living being, rather, why didn't they think whatever, maybe 100 years ago, why didn't they start planning? And the Gallup area, they are higher elevation than we are. They get more snow. They get more rain than we do. Why didn't they build a reservoir or reservoirs for their people? That way that should have been in place many years ago. And here we are in 2007 we're talking about extending the water line to Gallup. And I agree with Mr. Yazzie. We need to think about our Navajo people first. And I do have question about the water rights settlement. Is it really in the best interest of our Navajo people? Yes, I do agree with Mr. Yazzie, too. Many of these agreements that we're talking about tonight, I'm sure they've been already agreed upon many years ago. We're just -- it's just a formality. Many times I look at things like this is as a formality. Just like, "Okay. May 6th, 2007, there's a hearing in Shiprock." Plus many of the past hearings that we've had, I
see those to be formalities. We speak, but agreements
have already been made. Then, again, within our own
Navajo Nation, look at the water, the winter snow they
melt, the rain that we get. We've been having a lot of
rain for a while. It's just being flowing back into the
San Juan River.

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

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

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

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

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

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

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

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

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

Also another thing with this water line. I think
back in 2006, 2005, somewhere around there, it was $600,000 per mile to extend that water line. Just one pipe for one mile. I wonder what it will cost us today. And if so, I don't think it should be the Navajo Nation to pay for such. It should be the United States Government. Because, you know, they -- according to the Treaty of 1868, they have many of the responsibilities that they still have not only for the present, but also for our children and the future. So, thank you.

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

STATEMENT BY DONALD BENALLY

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

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

MR. BENALLY: (Through the Interpreter) Thank you for all the people that are still in the audience. Thank you for coming out to the meeting. Thank you, Mr. Benson and the panel up here, distinguished guests from the federal government, and those people that are here observing and listening. I want to say my comment in the Navajo language and have it interpreted into the English language.
This is a very complex and enormous issue that we're undertaking this evening and many more years to come. The council delegates have voted many years ago to move forward with this issue as far as I can remember. It was before us when I was in council 20 years ago. Our elders, our leaders at that time had a different -- were in a different position as they are now. They wanted all the water. They wanted all the quality water.

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

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

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

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

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

They have the instrument. They are the essence of this valley. They are the essence of this water. And they know the stories. My grandfather told me to never talk about the river if I didn't know the stories or the songs to discuss the in-depth of how the water should be used or who it should belong to.

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

But we said that it should be extended among all
the communities in the area. I'm not talking about the communities where the route lines now. I mean the people within the Arizona portion and have them benefit from the extension of the water as well.

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

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

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

We should reevaluate our position and decide what our official position will be from these chapter areas that I just mentioned. Thank you.
THE HEARING OFFICER: I think that's all of our
speakers this evening. We have one more public meeting
tomorrow night at 6 o'clock. Yes, sir?
MR. BEGAY: I'd like to say something before
closing.
THE HEARING OFFICER: Sure.
FURTHER STATEMENT BY J.C. BEGAY
MR. BEGAY: (Through the Interpreter) I would
like to enter this comment on record. I know that the
Draft EIS according to the federal government is published
in the federal registry. After that 90 days is set aside
for a comment period and meetings where the comments are
compiled and entered into the Final EIS, I know this for a
fact.
The Red Valley community this year built a new
high school. But there's a water issue. We have an
elementary school at the Red Valley community, as well as
10 miles up Cove community has an elementary school.
There's a dire need for water. And I plead with you that
you consider our situation as well.
Also in accordance to what Mr. Donald Benally
said surrounding the elders, my grandfather Lee Tom was a
Council Delegate from the Red Valley/Cove area. He held
leadership positions in many variety of -- he held
leadership positions within the community. He was a
revered elder.

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

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

And once again thank you for coming and thank you for allowing us to come here and meet with you and also thank you to Joanna for doing a lot of work tonight.

Thank you and good night. Drive safely.

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

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

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

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