Comment PH-05

SAN JUAN COLLEGE
IT Building, Room 7103
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Farmington, New Mexico

5PH

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### SPEAKER INDEX

<table>
<thead>
<tr>
<th></th>
<th>NAME</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Dr. Joe Shirely, Jr.</td>
<td>5 PH-01 8</td>
</tr>
<tr>
<td>4</td>
<td>Jay Burnham</td>
<td>5 PH-02 13</td>
</tr>
<tr>
<td>5</td>
<td>Chee Smith, Jr.</td>
<td>5 PH-03 14</td>
</tr>
<tr>
<td>6</td>
<td>George Whitehorse, Sr.</td>
<td>5 PH-04 16</td>
</tr>
<tr>
<td>7</td>
<td>Martha Charlie</td>
<td>5 PH-05 18</td>
</tr>
<tr>
<td>8</td>
<td>Sam Sage</td>
<td>5 PH-06 19</td>
</tr>
<tr>
<td>9</td>
<td>Arvin Trujillo</td>
<td>5 PH-07 21</td>
</tr>
<tr>
<td>10</td>
<td>Frank Willetto</td>
<td>5 PH-08 24</td>
</tr>
<tr>
<td>11</td>
<td>Ray Gilmore</td>
<td>5 PH-09 26</td>
</tr>
<tr>
<td>12</td>
<td>Jackson Gibson</td>
<td>5 PH-10 28</td>
</tr>
<tr>
<td>13</td>
<td>Rachel Billy</td>
<td>5 PH-11 31</td>
</tr>
<tr>
<td>14</td>
<td>Laverna Ahkeah</td>
<td>5 PH-12 32</td>
</tr>
<tr>
<td>15</td>
<td>Isabel Betoni</td>
<td>5 PH-13 35</td>
</tr>
<tr>
<td>16</td>
<td>Tony Padilla</td>
<td>5 PH-14 36</td>
</tr>
<tr>
<td>17</td>
<td>Lorenzo Bates</td>
<td>5 PH-15 39</td>
</tr>
<tr>
<td>18</td>
<td>Leonard Tsosie</td>
<td>5 PH-16 41</td>
</tr>
<tr>
<td>19</td>
<td>Andrew Robertson</td>
<td>5 PH-17 46</td>
</tr>
<tr>
<td>20</td>
<td>Dale Buser</td>
<td>5 PH-18 49</td>
</tr>
<tr>
<td>21</td>
<td>Jay McCollum</td>
<td>5 PH-19 50</td>
</tr>
<tr>
<td>22</td>
<td>J.C. Begay</td>
<td>5 PH-20 51</td>
</tr>
<tr>
<td>23</td>
<td>Wilson Ray</td>
<td>5 PH-21 53</td>
</tr>
<tr>
<td>24</td>
<td>Gilbert Roger</td>
<td>5 PH-22 54</td>
</tr>
<tr>
<td>25</td>
<td>Dorothy Redhorse</td>
<td>5 PH-23 55</td>
</tr>
</tbody>
</table>
## SPEAKER INDEX CONTINUED

<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Lucy Cayatineto</td>
<td>5 PH-24</td>
</tr>
<tr>
<td>4</td>
<td>Steve Cone</td>
<td>5 PH-25</td>
</tr>
<tr>
<td>5</td>
<td>Shirlee Manuelito</td>
<td>5 PH-26</td>
</tr>
<tr>
<td>6</td>
<td>Sterling Manuelito</td>
<td>5 PH-27</td>
</tr>
<tr>
<td>7</td>
<td>Tommy McDonald</td>
<td>5 PH-28</td>
</tr>
</tbody>
</table>
MR. BENSON: Good evening, Ladies and Gentlemen.

Thank you for being here tonight at this, the public hearings on the Draft Environmental Impact Statement on the Navajo-Gallup Water Supply Project.

My name is Michael Benson. I work with the Navajo Nation Department of Water Resources. And I have a very tiny part in these hearings. I do the introduction and I'm the one that will hold up the cards when you're running out of time. And that process will be explained to you shortly by the hearing officer.

These hearings are required by law. Whenever there is a commitment of federal funds, an Environmental Impact Statement is required. And the process for developing the Environmental Impact Statement on the Gallup water supply project began in 2001.

There were scoping meetings held in this room. And some of you may have been here. And the public was invited then to make comments and to have their input. And now that there is a Draft Environmental Impact Statement, your comments and your views are again being solicited tonight.

In a few minutes the process, the procedure for hearings will be explained to you. I'd like to introduce to you the hearing panel. Carol DeAngelis, Bureau of
THE HEARING OFFICER: Good evening and welcome to the open house and public meeting on the proposed Navajo-Gallup Water Supply Project and the Draft Environmental Impact Statement. I would also like to have a very special welcome to President Shirley. Thank you very much for joining us here this evening.

We have a person available to interpret in Navajo for those of you who do not understand English, and I think it's my sense that we do want her to translate everything this evening. In light of that, we're going to seek and ask you to limit your comments to five minutes.

We had an open house last night and some speakers
1  went beyond 10 minutes and it made it very difficult for
2  Joanna. So that everybody can speak and so that everybody
3  can understand exactly what is going on, we ask that you
4  limit your comments to five minutes this evening.
5  The public meeting and open house is being
6  conducted pursuant to National Environmental Policy Act.
7  The purpose of this open house is to hear your comments,
8  thoughts, and views on the proposed project.
9  The representatives of the federal government
10  here today are prepared to take your comments and thoughts
11  back to the decision-makers for this project. And while
12  we're prepared to answer your questions with regards to
13  factual matters, we are here to listen. We are not here
14  to engage in discussions about the relative merits of this
15  project or its alternatives as discussed in the NEPA
16  documents.
17  Whether you choose to make your comments orally
18  or provide us your comments in writing, they will both be
19  considered equally. We will address all comments as part
20  of the Final Environment Impact Statement process.
21  We are aware that there is a connection between
22  the project that is the subject of tonight's meeting and
23  the overall settlement of the Nation's water rights claims
24  on the San Juan River. We are also aware that there has
25  been legislation introduced by Senators Bingaman and
Comment PH-05 – continued

1 Domenici that would resolve the water rights settlement in
2 part by authorizing the construction of this project.
3 As of this time, the administration has not taken
4 a position with regards to the overall settlement.
5 Because this open house is about the project and not about
6 the settlement, we do ask that keep your comments to the
7 project.
8 If you have concerns or thoughts about the
9 overall settlement, we think the most appropriate place to
10 raise those comments is with your elected officials.
11 For the last several weeks we've been trying to
12 end the meetings around 9 o'clock to allow folks to get
13 home at a reasonable hour, but we will stay here as long
14 as it takes to allow everybody to have a say.
15 As I said earlier, please try to keep your
16 comments to five minutes so that our interpreter can have
17 a chance to translate everything so everybody can
18 understand what's going on.
19 So thank you very much and welcome.
20 THE HEARING OFFICER: Our first speaker this
21 evening will be President Shirley.
22 STATEMENT BY DR. JOE SHIRLEY, JR.
23 DR. SHIRLEY, JR.: Thank you very much.
24 The Honorable Representatives of the U.S.
25 Government, Mr. Bezdek, Ms. DeAngelis, Mr. Leach, and
I'm Dr. Joe Shirley, Jr., President of the Navajo Nation.

First, let me say that I'm in support of the Navajo-Gallup Water Supply Project. And I am very thankful and appreciative of all the hard work that you've already done on the project. I'm looking forward to more work on the positive side on the project.

The Navajo people have long needed the more reliable water supply. The project won't bring instant relief, but it's an important first step towards solving the drinking water supply problem of the Navajo Nation.

The Navajo Nation and I, as President, strongly support the San Juan River PNM Alternative.

The Navajo people of the Eastern Navajo Agency have waited decades for the promise of a reliable water supply to be fulfilled.

Regarding the agreement: The Navajo Nation has reached a historic agreement with the State of New Mexico. And Governor Bill Richardson supports it. The City of Gallup supports it. The Jicarilla Apache Nation supports it. And now we seek the support of the U.S. Congress.

The project is a component of the Northwest New Mexico Rural Water Projects Act. This act was
reintroduced into Congress less than two months ago on April 18, 2007. The act would authorize and secure the funding needed for the construction of this much needed project.

The act would approve the historic Settlement Agreement as secured by the Navajo Nation and the State of New Mexico in April 2005. The Navajo Nation has agreed to limit its water rights to the San Juan River in exchange for construction of the proposed project.

The Navajo Nation has worked in cooperation with the City of Gallup and the Jicarilla Apache Nation to investigate all of the viable alternative project configurations. We have worked together to resolve short-term and long-term issues affecting the implementation of this proposed project.

Regarding the preferred alternative: It is not surprising that the San Juan River PNM Alternative is the preferred alternative. The San Juan River PNM Alternative will provide a long-term supply of water, water treatment facilities, and the transmission of municipal and industrial water. Water will be delivered to the eastern part of the Navajo Nation, to the Jicarilla Apache Nation, and to the city of Gallup.

Regarding the need for the project: The Navajo Nation population is approximately over 250,000 and is
Comment PH-05 – continued

11

1 expected to increase to nearly 500,000 by the year 2040.
2 There are about 80,000 Navajo men, women, and children who
3 live in the project area today.
4
5 The population of the service area for the
6 Navajo-Gallup Water Supply Project is projected to be
7 250,000 in 2040. The project is important to the Navajo
8 Nation and the people in the area. Many still have to
9 haul water for drinking and cooking. The cost of hauling
10 water in pickup trucks can exceed $20,000 acre-foot. The
11 cost of hauling water will rise with the rise in gas
12 prices.
13
14 Although construction of the project will not
15 necessarily eliminate all water hauling on the Navajo
16 Nation, the project will allow the Indian Health Service
17 to expand distribution systems to provide potable water
18 delivery to our homes.
19
20 Regarding economic development: The project will
21 create growth forwards for the Navajo Nation, for our
22 future communities can be built with ready access to
23 roads, electricity, and potable water. The stagnation of
24 economic development and the lack of water infrastructure
25 in Navajo country has forced many Navajo families to move
26 to far away cities to find their livelihood.
27
28 Regarding the cost of the project: As of May
29 2005, the project has an appraisal net worth cost of
$720 million. The Navajo Nation's share of the cost is estimated to be $567 million of the $720 million. The feasibility of those costs will be produced in the Final Environmental Impact Statement.

The cost is a huge investment by any standard, but it must be compared with the returns. The economic development will improve the per capita income gap between the Navajo Nation and the United States. Closing the average per capita income gap between the Navajo Nation and the United States by only 1 percent would over 40 years generate $800 million in direct benefits to the Navajo Nation and indirect benefits to the federal government.

In conclusion, the project is critical to providing a secure and permanent homeland for the Navajo people. Without the project, Navajo families will continue to haul water and economic growth will be discouraged. With the project, most Navajo families will finally have potable drinking water in their homes in the Eastern Navajo Agency.

Again, Ladies and Gentlemen, the Navajo Nation and I, as its President, are in support of the Navajo-Gallup Water Supply Project. And thank you for listening. Ahéhee'.

THE HEARING OFFICER: Our next speaker this
STATEMENT BY JAY BURNHAM

MR. BURNHAM: On behalf of the City of Farmington, my name is Jay Burnham, the City's attorney. And I want to welcome everyone who has traveled from their homes to Farmington to purchase gas and food and help our gross receipts tax.

Welcome to representatives from the Bureau of Reclamation, Mr. Bezdek, Ms. DeAngelis, Mr. Leach, and other representatives of the Bureau. Welcome to the members of the Navajo Nation, President Shirley. Welcome to members of the Interstate Streams Commission staff and the State Engineers's Office.

I'm going to make a very brief statement. The purpose of this statement is to enter into the record a resolution adopted by the City of Farmington. The resolution supports the Navajo water rights settlement.

And I do not know enough to speak as to specific alternatives being considered by this Environmental Impact Statement, but I do know that the City of Farmington supports the settlement and that this Navajo-Gallup Water Supply Project is a key element to the Navajo water rights settlement, which the City of Farmington has endorsed.

I want to present to the Hearing Officer a
certified copy of Resolution No. 20051132 adopted by the
City of Farmington City Council on February 8th of 2005.
The resolution -- I won't read all the whereas
paragraphs, but the "now therefore" paragraph says, "Now
therefore be it resolved by the City of Farmington that
the City endorses and supports the proposed settlement
between the state of New Mexico and the Navajo Nation
concerning the Navajo Nation's claims to water rights in
the San Juan River Basin in New Mexico as set forth in
documents issued by the Office of the State Engineer and
the Interstate Stream Commission on December 10, 2004.
"Be it further resolved that the City staff is
directed to distribute copies of this resolution to the
appropriate officials from the State and the Navajo Nation
and to all members of New Mexico's congressional
delegation. Passed, approved, signed, and adopted this
8th day of February 2005."
That concludes my remarks, Mr. Hearing Officer.
THE HEARING OFFICER: Thank you. Our next
speaker this evening is Chee Smith.
And we'd also ask when you make your statement if
you're representing a community or a chapter house to
please put that into the record as well. Thank you.
STATEMENT BY CHEE SMITH, JR.
MR. SMITH: Good evening. Ladies and gentlemen,
My name is Chee Smith, Jr. I introduce myself by clan,
Naakai, Tx'áásh Chí'i, Ta'neeszhahnii, and Bit'ahnii. I'm
a former chapter President for Whitehorse Lake chapter,
served in that capacity for six years.
   And this evening we travel a long ways because we
need the water and we want the water. We brought a load
of senior citizens to this meeting. Our senior center
manager is up there, Roberta Tilly, and also our elderlies
because they want to see this project go through.
   As you know Whitehorse Lake is about 95 miles
northeast -- south of here. And so we have a long drive
back after this public hearing. And even though we have
"Lake" in our chapter name, we don't have no water. Our
people have to travel 35 miles one way to haul water from
Crownpoint. It takes a toll on vehicles and money.
   Our people haul water everyday for cooking food,
for doing their laundry, and for their livestock. We
still feel that we're -- we're part as a third-world
country. With no water, we have no economic development.
We don't even have a store in the community.
   We don't have -- we can't get housing to our
people. We don't have access to hospitals or clinics. We
don't have access to police. When a crime occurs, it
takes the police well over two hours or more for them to
come out. Or sometimes they don't come out at all.

When a person gets injured, to call for an ambulance, it takes that long also. And most of the time our people don't make it. So we're kind of opposite from what you city folks enjoy here.

So, I testified at the May 23rd public hearing at Crownpoint Chapter. And at that time I was concerned because looking at the brochures, the media, that Whitehorse Lake wasn't -- I didn't see the chapter name on the plan; that's why I came to the public hearing to make sure Whitehorse gets the water.

The only place that will need technical help will be down to Tucker Cat, the canyon down between Pueblo Pintado and Whitehorse Lake. When you get water to us, we will be able to wash our cars, maybe put up a golf course or even a swimming pool. So we're 100 percent behind this project, and we thank you very much.

THE HEARING OFFICER: Our next speaker this evening is George Whitehorse.

STATEMENT BY GEORGE WHITEHORSE, SR.

MR. WHITEHORSE: (Through the Interpreter) Hello. My name is George Whitehorse, Sr. Welcome. I'd like to welcome everybody that's here. We came on the bus with Chee Smith from Pueblo Pintado and Whitehorse Lake to the gathering here in Farmington. I've read about the
public hearing here in the paper. And the issue is very complex and very needed.

Some of my grandchildren live here in town in Farmington. I just wanted to thank you. And I wanted to thank you, Mr. Shirley, for coming out tonight. He is remembering his people living at the edge of the Reservation on the eastern portion of the Navajo Nation. We are in need of water. I am 76 years old. When I was younger, I was able to do anything, but the age has taken a toll on me. It's harder on me to do a lot of work, a lot of heavy-duty work. I can't even lift 10 pounds.

But I continue to care for myself because my children are at work, and they only come back to my house on weekends. My livestock are in need of water and care, so I do these types of chores.

I want to thank the panel up here for considering our people and I really appreciate people that are involved from the State of New Mexico and Washington. And the federal agencies that are helping us to bring forth this water project to the reservation. Thank you again. I know it will happen.

Will you all remember me, this pitiful little human soul that came before you that asked for your assistance in bringing the water? I want to thank the
Jicarilla Apache for their participation in bringing this most precious water to our Reservation.

Yes, we have water but they are of poor quality. Crownpoint is probably the center pivot for water, the much needed water that is taken out to our homes. I'm very most thankful to the leadership that are involved in this water project. Thank you.

THE HEARING OFFICER: Our next speaker this evening is Mrs. Charlie.

STATEMENT BY MARTHA CHARLIE

BY MS. CHARLIE: Thank you. It's nice to see everybody and I really do feel like home because I noticed there's two people that are from Colorado. And I used to live in Colorado, and that is a beautiful country. And, you know, why I'm back over here I have no idea. And I guess it was my husband's big idea to return. And here I am hauling water, so.

But my name is Martha Charlie, and I live in Rincon Marquez. And I'm on the health board that represents Whitehorse Lake. And Whitehorse Chapter is a chapter that also represent Sand Springs. And that's where George is from and some of the people that are here. And also Rincon is about 30 miles east of there. And there's some Rincon that are here also.

And yesterday we were -- we had a health board
Comment PH-05 – continued

meeting, and there we passed a resolution so I do have that for you to give you. And the health board totally support this water project because it is really needed. And there's a lot of health problems due to unsafe water and, therefore, a lot of people do have to, you know, travel a long ways to just to get drinking water.

And then -- and then some of us still do go to like a windmill or a pond or collect rainwater for other uses because water is really, really a necessity out there. So with this water project, wow, it's going to be wonderful. We will be able to, you know, load up our dishes. We don't have to do dishes even by hands anymore. I think that's what I miss.

And be able to load up your washing machines out here. In order to do your laundry, you have to load up all this laundry, and it's an all-day affair. And it's not very nice. And able to take a shower, wow.

So, I really think we do need this water and thank you for allowing me to talk to you and thank you for everyone coming.

HEARING OFFICER: Our next speaker this evening is Sam Sage.

STATEMENT BY SAM SAGE

MR. SAGE: Good evening, Ladies and Gentlemen of our panel. My name is Sam Sage. I'm the Chapter
President for Counselor Chapter, Counselor, New Mexico, which is approximately 70 miles southeast from here on Highway 550. Counselor Chapter, the community, fully supports the Navajo-Gallup Water Supply Project because it will have a great impact on my community members.

My community consists of approximately a thousand-plus community members. It fluctuates during different seasons because a lot of my community members leave for seasonal jobs and then they return again.

Out of the thousand, approximately one-third of my community members still do haul water. We have four to five natural springs. During rainy season, there's plenty of water. When it's dry, maybe one or two of those springs will have enough water. We had one windmill, but that's broken. And it's going to take quite a long time for it to be repaired.

So sometimes my community members have to go to other communities to try to get drinking water and haul water. They are not always welcomed during those times because we're intruding on their water too.

My community members at times have to travel 5 to 28 miles one way to haul water. They have containers, 5-gallon containers to 55-gallon drums. They do this at least two to three times a week. And it isn't just for cooking and drinking water, for human consumption.
With the Navajo-Gallup Water Supply Project being completed and when the water project is completed in our community, this will greatly improve the quality of life and health for my community members, especially young children.

Because some of these springs, they are not treated. It's natural water. And so we're not really sure how clean they are. There are other springs but they are pretty much at times contaminated because we do have a lot of drilling, gas drilling in the area too.

And, again, I'd like to say that my community -- Counselor Chapter, my community members fully support this Navajo-Gallup Water Supply Project. Thank you.

THE HEARING OFFICER: Our next speaker this evening will be Mr. Arvin Trujillo.

STATEMENT BY ARVIN TRUJILLO

MR. TRUJILLO: Good evening. My name is Arvin Trujillo. I'm the Executive Director for the Division of Natural Resources for the Navajo Nation. To begin my statement, I'd like to say that in my capacity as the Executive Director, I am in full support of the Preferred Alternative of the Draft EIS.

Currently the Navajo Nation is in need of a reliable water supply system to provide municipal and industrial water to communities along the front range of
Chuska Mountains and in our Eastern Agency. Water is a building component for both community as well as economic development that will be -- include housing development, business development, medical and educational facility support, government support facilities and in other areas.

Right now the division is focused on promoting worthwhile development through its ability to provide land, water, power and by doing so encouraging and improving the quality of life of our communities and of members within those communities.

Again, this project will greatly affect the eastern and northeastern portions of the Reservation. We're looking at positive aspects for both Northern Agency, Fort Defiance Agency, as well as the Eastern Agency of our Reservation.

Also we're looking at those communities of the Eastern Agency and Fort Defiance which are south of Gallup: Manuelito, Breadsprings, Red Rock, Chichiltah.

So, again, this whole aspect has been a partnership looking at a regional system that would begin to bring water to areas that hunger for development.

We are beginning to develop those stages within our nation in order to address that needed development, not just an economic -- on an economic basis, but also on
a community basis. Because, again, looking at a long-ange goal looking at water, we're looking at that
possibility of finding ways to bring our young people back
onto the Reservation.

And so, again, the Preferred Alternative answers
many of those questions. The staff who were involved in
the development of that impact statement have looked at
those alternatives, have weighed the options, have looked
at ways to mitigate impacts. And, again, answers have
been found.

I've been a part of this process since 1999. And
when we begin to develop that -- this process, one
question came up: "Where are you going to get the
water?" That -- the answer to that question has -- is now
available from the San Juan River.

We have a settlement agreement that we are in
agreement with the State of New Mexico. It is now before
Congress, and it has been introduced this past April. So
those wheels are moving. And so the aspects of looking at
the Draft EIS and how it will affect our communities and
how this major infrastructure project will develop itself
over the next years in order to be able to provide water
into the year 2040 is very important to us.

So this is but the first stage. And so, again, I
put my full support behind the project noted in the EIS.
And with that, would ask for your support too, so that we may continue in the development both of our communities, our economy and -- as was spoken earlier -- for the improvement of the quality of life for both our community people and our communities as a whole. Thank you very much.

THE HEARING OFFICER: Our next speaker this evening is Frank Willetto.

STATEMENT BY FRANK WILLETTO

MR. WILLETTO: (Through the Interpreter) I want to thank all of you for coming out tonight. You must have great concerns about the water issue. I'm very thankful that you are all gathered here tonight. And then he goes into his traditional clans, which I will not talk about right now. I just have a brief statement to make, and I want my comments to reflect that I am a Navajo Code Talker of the United States Marine Corps. My language was a language used that won the war. I'm one of the Navajo Code Talkers.

I'm from the Pueblo Pintado community, which is 71 miles southeast from here. The reason I'm here is there's a great need for water in my community and in the Eastern Navajo Agency.

I want to let you know and share some information
with you about Pueblo Pintado. We have a high school there. We have a Bureau of Indian Affairs K-8 school there. We have a chapter house. We have a senior citizens center, a Headstart school, a small clinic that operates during the day. And we have a small convenient store.

There is a lot of development that are needed at Pueblo Pintado, but we strive through many hardships because we do not have any water. That's why we're in support of the water -- of the Navajo-Gallup Water Supply Project. It is the infrastructure that we want to develop once we receive the water in the Pueblo Pintado area.

Many of us elderlies still haul water. What would happen if our driver's license expire because of our age, would we be restricted? Who would then haul the water for us?

Water is life. We cannot live without water. We have to receive the water within that community and within the Eastern Navajo Agency to better our health, to provide indoor plumbing for our youth, for our elderlies. These are my great concerns for my people. We want these areas to be developed.

We just have enough water for a few structures. Many of us, like I said, do not have indoor plumbing. There are a few homes that have electricity, a few homes
that have running water. We are way behind in the
development.

I want to thank the federal representatives from
here and the legislatures in Washington. I want to thank
these leadership for their funding, for thinking of us
down here, for giving us consideration in the great state
of New Mexico. They've given us funding assistance for
many years. For that reason, I want to be able to support
the project at a regional level.

My people tell me to come to these meetings and
speak on their behalf about the Cutter Lateral pipeline
construction to bring water to Eastern Navajo Agency.

Again, I want to thank you. And I also want to thank the
interpreter for the interpretation tonight. Thank you.

THE HEARING OFFICER: Our next speaker this
evening will be Ray Gilmore.

STATEMENT BY RAY GILMORE

MR. GILMORE: Good evening. A few words. A few
weeks ago you were in Gallup, New Mexico, Saint Michaels,
Arizona. We welcomed you there. We also welcome you
here. My name is Ray Gilmore, Chairman, Navajo Nation
Water Rights Commission. I want to speak with you about
the health effects that we face due to the limited
availability of potable water on the Navajo Nation.

As you know by now there was a study that came
from different parts of the United States -- branch of the United States Government. Many homes on the Navajo Nation lack indoor plumbing. More than 50 percent of the Navajo Nation homes lack a complete kitchen. And between 30 and 40 percent of the Navajo households rely solely on water hauling to meet daily water needs.

Safe water, safe drinking water is necessary for health promotion and disease prevention. The lack of clean, safe water results in the higher incidence of disease, poor health, and reduced fire protection.

In 1996, President Bill Clinton noted that a number of health problems in the developing world is the absence of clean, safe water. Without access to safe drinking water, people are faced through a revolving door of expensive medical treatment and unhealthy conditions.

In a report to Congress it was noted that 75 percent of families seeking Indian Health Service care, healthcare came from homes with unsatisfactory environmental conditions. Biological contaminates can only be controlled by proper water source protection, treatment, and distribution systems.

Our children and our elders who are living in homes without access to safe, affordable, and dependable drinking water are especially vulnerable.

So, ladies and gentlemen of the panel, we ask
speaking on behalf of the Navajo Nation Water Rights Commission and the Navajo Nation, supporting what our President said and also in addition to -- I have three other Navajo Nation Water Rights Commission members present supporting this project. Two happen to be representing the Northern Navajo and Eastern Navajo. They are here. And also from Fort Defiance Agency, went from way the other end of Western Navajo Agency, Tuba City, Arizona.

This project is about the future of the Navajo Nation. This project will help the basic health standards of the Navajo people improve. This is on top of all other benefits that the Navajo people will enjoy from the project.

Thank you very much for holding these hearings and visiting us again, the Navajo Nation and the city of Farmington. Have a good evening.

THE HEARING OFFICER: Our next speaker this evening is Jackson Gibson.

STATEMENT BY JACKSON GIBSON

MR. GIBSON: Good evening.

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

MR. GIBSON: My name is Jackson Gibson. I reside in Thoreau, New Mexico, a mile and a half north of the
chapter, against the red mesas. I'm a retired person.

During my retirement since December, I had a chance to visit a lot of my Navajo relatives in the Baca, Mariano Lake, and Smith Lake communities.

And during these visits, I witnessed their situation. I had the opportunity to talk to a lot of these elderly folks. I know that water is their No. 1 need. They talk about this. The other topic that they bring up all the time is the price of gasoline and food.

Many of these elderly people are under medical care that requires running water. And what I've seen during these visits, it saddens me how they live. A lot of these folks, these elderly people, when they wash their hands in a washpan, they don't dump it out right there. They reuse it again because of the problems associated with hauling it to their homes.

The last two days I was involved in hauling water. I don't like that job. It's very, very hard on these folks. I participated in water hauling these past two days and it's not what I want to do. And these are elderly people that are hauling water.

At the beginning of this meeting, I heard the word "equal." I guess they were talking about equal time. You know, I want to say, "Please, treat us equally." Although I'm a very proud and patriotic
American, I see the federal government has not treated the Navajo people equally as they have treated our neighboring water town population.

I served two tours of duty in Vietnam beginning in July of 1966. My oldest son served with the 17th Infantry Division when they invaded Panama and also during Operation Iraqi Freedom. My youngest son, 20 years old, is in Iraq right now, one hour north of Baghdad with the 82nd Airborne.

When I say "getting equal treatment," our BA benefits, we can't use it. When we try to get a home loan, one of the requirements is that we have a fire hydrant nearby. My dad was a World War II veteran. He passed on. He didn't use any of his benefits. We have many Code Talkers besides what Mr. Frank Willetto said. We have many of our Navajo men and women who volunteered to serve in the military.

Because of our -- the federal regulations, I know that they will not be able to purchase a home or get a home loan on the Navajo because of water issues. We need this water for many reasons. And I would appreciate it if this panel would go back to the superior supervisors and say that this is the what the Navajo people are saying.

And I also want to make this comment, that shame on those people what would oppose this very important
Comment PH-05 – continued

project. It will benefit the Navajo people.
1 2 I thank you for listening to my comments.
3 4 THE HEARING OFFICER: I think we're going to take
5 a five-minute break to allow Joanna, our interpreter, a
6 chance to rest her voice. And we will -- it's almost 8
7 o'clock. We'll come back at about five after. Thank you.
8 (Break held from 7:59 until 8:12 p.m.)
9 10 THE HEARING OFFICER: Ladies and gentlemen, can
11 we come back into session, please? We still have a number
12 of folks who have signed up to speak, and we definitely
13 want to hear everybody. And so can we come back and
14 work?
15 16 The only other comment is I'd also ask -- I'm
17 concerned about Joanna. She's doing a very difficult task
18 up here, and I do want everybody to have an opportunity to
19 speak. So to the extent possible, I know we've asked for
20 five minutes; but if you can keep your comments shorter
21 than that so we that don't wear her out, that would be
22 great. Thanks.
23 24 The next person up to speak is Rachel Billy.
25 STATEMENT BY RACHEL BILLY
05-11
26 BY MS. BILLY: Good evening.
27 (At this time, Ms. Billy spoke briefly in
28 Navajo.)
29 BY MS. BILLY: First, I want to thank you for
allowing me to make my comments. My name is Rachel
Billy. I am a mother of a 11-year-old child. I work at
Smith Lake Chapter 100 miles south of here. I reside in
Standing Rock community.
As you might have heard in previous hearings,
water is life. This is very true in the Standing Rock and
Smith Lake communities. Everyday I see Navajo people
hauling water for home use to cook, to bathe, and other
home use. This is especially true in Smith Lake where our
water has been ruined by uranium mining companies.
Our water at Smith Lake has -- is very bad water
and is very corrosive to fixtures. What you have heard at
these public meetings from our Navajo people about their
need for water for our future generation is very true. I
agree and support their comments.
Please make every effort to let our leaders at
the national level hear about our need for water. Thank
you very much.
THE HEARING OFFICER: Our next speaker this
evening is Laverna Ahkeah.
STATEMENT BY LAVERNA AHKEAH
BY MS. AHKEAH: My name is Laverna Ahkeah. I'm
Shiprock -- well, west of Shiprock and near the four
corners area.
(At this time, Ms. Ahkeah spoke in Navajo.)
BY MS. AHKEAH: I'm very much in favor of it. It goes way back in my family -- well, it's my husband Robert Ahkeah's family. His father, Sam Ahkeah, if you all remember, was one of the leaders. And he -- with the Navajo Lawyer Counsel Norman Littell, the two worked very hard to get during Mr. Ahkeah's chairman -- chairman days worked very hard to get the Navajo Dam Lake constructed. And along with it, this was in the '40s, early '40s, he wanted -- Mr. Ahkeah wanted the Navajos along highway at that time 666, now it's 491. All those Navajos in that -- with their chapters, he wanted those all under agriculture. And he wanted the people down in around Gallup, the Navajo chapters to have water from the San Juan River when the Navajo Dam was constructed. He wanted that river water put there.

So that's the reason why I'm very much in support of this. And it says that the -- at this time it's talking about municipal and industrial use. I'm hoping that industrial means -- includes agriculture because the late Mr. Ahkeah had -- his interest was that the Navajos would all be in agriculture. They can have farms and they would be self-sustaining again instead of being dependant on the federal government for a handout. He knew that the Navajo is a very independent person.

So, with that -- also I see that this project,
1 Gallup project, would not materialize where we could
2 actually see the results. It's not going to be until the
3 year 2040. Right now we're in 2007. And this is --
4 Mr. Ahkeah was talking about this back in 1930, '40s --
5 1940's. So it's going to be nearly a hundred years since
6 he started to visualize what he wanted for his Navajo
7 people in New Mexico.
8 And I see that Bureau of Reclamation, that's the
9 federal government, is study -- making a study of this
10 water for Gallup and surrounding areas since under Public
11 Law 92199 and also Reclamation Act of 1902. So, I'm very
12 thankful for those laws making it possible, moneys from
13 that to make a study of this magnitude surrounding our San
14 Juan River in New Mexico. And this is a lot of work
15 involved here over the years, a hundred years.
16 And it's -- I know that the Navajo Reservation is
17 a wide area, probably 60 to 70 percent, you know, probably
18 80 percent is in the State of Arizona. So there's a lot
19 of Navajos back there that are also in need of water.
20 But we need leaders like Mr. Ahkeah back from the
21 past who can harness water for their Indian people, Navajo
22 people in Arizona, water that's like the Green River
23 that's made into Lake Powell and -- for the Navajos, that
24 they can easier have the agriculture and domestic water
25 also. And so it's just -- so that it's just not New
Comment PH-05 – continued

Mexico Navajos, but also the rest of them. I thank you very much.

THE HEARING OFFICER: Our next speaker this evening is Isabel Betoni.

STATEMENT BY ISABEL BETONI

BY MS. BETONI: (Through the Interpreter) This is for Isabel Betoni spoke to you. She said hello, thank you for the interpretation. It's good for our people that need this interpretation. I am from Whitehorse Lake where we need water. And I want to say thank you for this project.

And I want to -- I'm thankful that our children help to work on this project. I agree with the statements that have been made here. I'm from the Sand Springs area of Whitehorse Lake Chapter on the eastern edge of the Navajo Nation.

We need water. And I'm thankful for the plans that are being made. And I'm thankful for our leaders who are here. Water hauling is hard work. And you can injure yourself hauling water. Our leaders that have spoken here have traveled here and spent money on gas to be here.

Our President was here to speak up for us also, and I'm thankful to him. We need water for -- to build housing projects, housing projects built by the Navajo Housing Authority and HUD. We don't have a housing
project at Whitehorse Lake because there's no water supply.

Our kids need housing so they can come back. And there's no jobs because there's not enough water. I want to end by saying God Bless you and travel safely back to Washington and take our message back to Washington. All Navajos need water throughout the Navajo Nation. And Navajos need to speak up and not just depend on their leaders. Thank you.

THE HEARING OFFICER: Our next speaker this evening is Tony Padilla.

STATEMENT BY TONY PADILLA

BY MR. PADILLA: Good evening. I'd like to say good evening to the panel that are here with us tonight and also the audience.

(At this time, Mr. Padilla spoke briefly in Navajo.)

MR. PADILLA: First of all, I'd like to say my community from Lake Valley and -- we're all supportive of this project. And also I'm going to have the resolution here to present to you and some pictures that was made by the school -- from the school. Here are some of the pictures that was given to me from the school, the Lake Valley school. I sure hope that you give Mr. President Bush so he can understand that we're still hauling water.
I just want to read the first heading on this resolution. It says, "Lake Valley Supporting the San Juan PNM Alternative of the Navajo-Gallup Water Projects Planning Report and Draft Environmental Statement."

And also I want to put a little bit of what I went through from my early age. Like I said, I used to live out in Lake Valley right in the middle, right there where all the water is going on, the water projects.

And out there I used to herd sheep many years ago and some of them when I was 9 years old. We used to have a lot of earth dams with waters. Nowadays there's no water in the earth dams. We have no rain.

We used to have a lot of rain back in the early '50s and the '60s. And I don't know what's going on. Maybe it's because of the ozone layer going on that we don't have no rains out there no more. All we've got is wind. I'm sure you guys noticed that today. There's a lot of wind blowing across New Mexico, so.

And when I used to herd sheep out there, I used to drink that water from the earth dam when I was about 12, 13 years old. And I'm lucky I'm still alive, so.

Like I said, I lived there for about 18 years. Then I went on to the service, and then I came in to a job out here in the Four Corners area. And I live in luxury. I had showers, everything else that was there for me.
But the people look upon me and they said, "Come on home. Help us. Maybe you can help us out there." I didn't realize that there was no water out there. And it is a real tough issue, and it's a hard task to fight out there.

And we have no water, no -- no water lines. They are gone. And we don't have no power line. Our roads are all washboarded out, and there's a lot of issues that is going on out there.

So I hope this will open some people's eyes out there to where other projects can move on faster too. And this is what I want to bring here today.

And I have some of my Lake Valley community members here. The elderlies, they are here. They still haul water here, there, and -- like everything else says, our gas is getting really high and we don't know what's going to happen here in the next 15 or maybe 5 years even.

We might not even have no vehicles around here. We'd have to go back to horse and wagon, so. And this is all I want to say. And I hope that you people on the panel take this back to the federal government and really hustle for us out there to where we can have some water.

Thank you.

THE HEARING OFFICER: Our next speaker this
STATEMENT BY LORENZO BATES

MR. BATES: Good evening, members of the hearing body and folks out in the gallery here. My name is Lorenzo Bates. I'm a community member from Upper Fruitland Chapter. I also am a Navajo Nation Council Delegate representing that chapter.

This project as we have been talking about is about the past, the present, and the future. And when I reference the past, talking of decades of water flowing past the Navajo Nation into Lake Powell and being able to supply water to the folks, our neighbors to the west of us.

As we look to that, it is obvious that those folks would be opponents. They would not support the project because of that, of taking for granted that this water that flows in the San Juan comes from the western slope will be there for the taking forever.

It's also about the present in terms of the Navajo Nation realizing that the Nation as a people is growing. And given the situation as it exists on Navajo, given that water is a source for economic development and growth, the Nation move forward with a water settlement.

But it also realize that even though the Nation would have preferred to take all the water, reality is that we had to
make a compromise. And that compromise allowed the water
settlement to move forward in Congress as it is today.

It's about the future. That future is the growth
of the Navajo Nation. But in doing that, in moving
forward for the future, it also required certain things to
take place.

And one of those that in 2000 -- the year 2000,
the commissioner of the Bureau of Reclamation listed
several issues that needed to be undertaken: the
hydraulic determination of the water availability, the
Endangered Species Act compliance for the water contracts
for the Navajo Reservoir, resolution at the county water
board to Arizona and New Mexico, and congressional
approval authorizing the construction of long-term water
contracts. Those issues that were presented and to be
fulfilled is what the Navajo Nation is doing today.

So included in that compromise is the fact that
the Nation is addressing these concerns. That's how
serious the Nation is about getting this project
fulfilled. And so I ask how much of the issues have been
contributed by our opponents? I would say none at this
point. It's Navajo Nation that has moved on this
project.

It's also about a reliable source of water. As
you probably are well aware, the community members out
Comment PH-05 – continued

1 there, is that all of this area that we are talking, the
2 Eastern -- particularly the Eastern Agency depends
3 entirely on groundwater, a reliable source of water. And
4 that groundwater is not guaranteed to be a renewable
5 source of water.
6 So that limits the growth not only in those
7 areas, but for the nation, the chapters that rely on
8 groundwater. So this project brings forth that reliable
9 water, that quality of water that the people need.
10 So with that I close. And I thank you very much
11 for allowing me to talk in support of this project. Thank
12 you.
13 THE HEARING OFFICER: Thank you. Our next
14 speaker is former Senator Leonard Tsosie.
15 STATEMENT BY LEONARD TSOSIE
16 MR. TSOSIE: Thank you, Hearing Officer and
17 members of the panel, members of the audience. First, I
18 want to thank the audience member for their eloquent talk
19 to all of you about their plights in having to deal with
20 water.
21 (At this time, Mr. Tsosie spoke briefly in
22 Navajo.)
23 MR. TSOSIE: I agree that water is a priority.
24 Many of us -- in fact, I would venture to say that all of
25 us have waited a lifetime for a project like this. And so
many of the elders have gone before us without having to see quality water development to their homes, but we've waited a lifetime. And we are glad for the current plans, especially the Cutter Lateral diversion. 

When I was coming in, I saw grass and flowers, cut grass and flowers outside. We never are able to afford those amenities near our homes because of the lack of water. And then also, as mentioned in other testimonies, that we do not even have a single swimming pool in the Chaco Basin area. And this is all because of the lack of water.

And so, Mr. Hearing Officer, as you and your workers begin to put this together, imagine and think about our Navajo people that have no running water and that have to have haul water. Ms. Betoni said that not only do you haul water, but she also said you hurt yourself from it, just from having to carry the bucket of water inside.

But, nonetheless, this is a matter of survival for our people and our community. If you look at the Chaco Canyon history, the Anasazis left. It is not our intention to leave. And instead our intent is to develop water so that we will have a sustainable community into the future.

Without water, there's no socioeconomic
development. When we built the high school over at Pueblo Pintado that Mr. Willetto talked about, we barely got approval for this. And it was on the verge of being denied because of the lack of water. Now, there's an elementary school being planned and a clinic being planned. And these are also in trouble because of the lack of water.

Denial of this project, therefore, goes beyond the water issue. It impacts socioeconomic development, which means jobs. Jobs mean less attrition from our community and a return to our communities from our young ones. Even the roads need water out there. Without water we cannot develop roads out there. Hence, you heard testimony about the rutted roads.

This project also signifies a benefit to the first Americans in a direct way, that is Native Americans. If you look at the history of the United States, you will see that Native Americans were removed from the rivers and the watershed areas. And this is no example -- and this is no exception in the northwest New Mexico area. And historically this is wrong. But this is also a way to make amends for the historical wrongs that occurred.

And the U.S. is the trustee -- the federal government is the trustee of the Native American citizens
now. And it would help tremendously in their efforts to support and fund this project. And it would be a dishonorable thing for the federal government and those who are opposing to deny this project.

We talked about the cost of hauling water. Judge Becenti, Tom Becenti, a Navajo judge, testified at one of the hearings that he had been hauling water for 30 years. If you multiply hauling water for 30 years, 2 times a week for that length of time, you would have hauled water 57,600 times. And that's how many times Judge Becenti and his family haul water. That's just one family.

So you multiply that by 5,000 families and you go into the millions of times that these people have hauled water. You compare the costs of water $120 per 110 gallons. Ms. Betoni testified that they use 55 gallons. So you compare this to $3.30 per 1,000 gallons in Albuquerque and similarly in Farmington.

So here what you heard from people today is that they pay the highest water bill in the United States, this area of the Chaco Basin area and other Navajo community areas.

This is also a grazing and a farming community in areas, and their livestock need water. Many of these Navajo families are inseparable from their livestock and so their life depends on their livestock. And so they
need water too and that's what they haul water for. And hence it's just not two times a week, but sometimes two times a day that these people haul water because they have to have their livestock survive.

One thing that this has done also is that this project has promoted intercommunity and interethnic cooperation. Thanks to Governor Richardson and the state legislature, this project became a priority. And it's also a priority for the Navajo Nation as President Shirley attested to.

If this project is denied, it will be a travesty and it will also push back this intercooperation. We've worked too hard to let that happen. Intercooperation of this is a move -- is causing this project to move fast. And there are now water rights settlement talks between New Mexico, Navajo Nation, U.S., and Gallup. This will help in resolving the water rights issue that Council Delegate Bates talked about.

Again, denial of this project will only encourage litigation and bitter feelings again. And so this is just not water. This is also how people live out here and how we get along.

We are here -- Native Americans were here before Albuquerque. And Albuquerque is already receiving San Juan water. Despite the unfairness of that, we appreciate
the planning for this project because it will make amends for the historical wrongs. Much cost and energy has been invested in this project. People are cooperating. We are already working on this project. We are already gathering moneys for it. And the reason why is we have faith. We have faith that this will be approved because we believe in democracy. More than a majority of the people have expressed their need. And I'm hoping that the federal government, the state government, and others will listen. What you heard tonight too is people are happy. That happiness is written in our Declaration of Independence, the pursuit of happiness. This water represents that. As I've indicated earlier, we cannot go elsewhere. We will be here. And we hope you will support this project. And we ask also that you recommend the removal of bureaucratic and unnecessary barriers to this project in your report and to prioritize the building of the Navajo portion. Thank you very much. THE HEARING OFFICER: Our next speaker this evening is Andrew Robertson.

STATEMENT BY ANDREW ROBERTSON

MR. ROBERTSON: I'm a civil engineer, and I've been working on water projects with various chapters in the Eastern Navajo Agency for about seven years. And so
I've seen a lot of the needs up close. You've heard from many of the people here who experience the burden of hauling water firsthand, so there's no need for me to repeat their stories.

I would just like to say briefly, in the interest of time, that this need is urgent. It is very real, and it's widespread. There are chapters especially in Eastern along the Cutter Lateral alignment but throughout the project area where the wells are dropping. The water quality is unacceptable. The State of New Mexico has declared public health emergencies because of the failing water wells.

There are schools that have been denied in Pueblo Pintado -- there is a -- as Mr. Willetto pointed out and Councilman Tsosie, that there's a new school that's been built, but they had to abandon an older school because there's not enough water for both. So they have this very nice school facility that they wanted to use for other educational uses, and they had to abandon it because there's not enough water.

There are housing developments that have been denied, businesses that have been denied -- that means jobs and economic development -- as a result of the lack of water.

The Indian Health Service has got numerous
projects on their sanitary deficiency system list that would serve literally thousands of people. However, these water line extensions cannot be built because there's not enough water to build the pipes. If they built them, the pipes would be filled with air instead of water.

So these are the problems that we've been working with in Eastern for, in my experience, seven -- only seven years; but there are people who have been working on this for decades. And we've always, you know -- the problem has always come back to adequate water supply.

Having looked at the -- done some analysis on this, I can tell you that from my perspective as the third-party engineer, this alignment, this alternative that's being proposed is the best way -- in fact, I would go so far as to say the only way to solve the water problems facing Eastern Navajo chapters in any sort of long-term, sustainable way.

Finally, I'd like to close by saying -- also mention support on behalf of Torreon Chapter. Joe Calpodito, the Chapter President was here earlier. He had to leave early because of family commitments.

And also Council Delegate Dave Rico from Torreon, representing Torreon, Pueblo Pintado, Whitehorse, he wanted to express his support. He had a family emergency and was not able to attend, but they did ask me to convey
Comment PH-05 – continued

1 Torreon Chapter's wholehearted support for this project
2 and my own support as well.
3 THE HEARING OFFICER: Our next speaker is Dale
4 Buser.
5 STATEMENT BY DALE BUSER
6 BY MR. BUSER: Good evening. I'm Dale Buser.
7 And I'm representing myself personally, not really
8 representing any organization. I'm from Gallup, New
9 Mexico. And I just drove all the way up here this evening
10 to show my support. And I knew -- I do know -- I am a
11 small business owner in Gallup, so I'm very concerned
12 about the issue.
13 You start at a young age to invest for your
14 future, invest for your retirement, and -- which I have
15 done in Gallup. I've been there over eight years now. I
16 actually came from this community, Farmington.
17 And I have a young family. And I would hate to
18 see everything that I've invested in be relinquished due
19 to an issue that is very needed on the Reservation by many
20 of my clients, as well as the community of Gallup.
21 And I just want to express that to all of you,
22 you do have a partner in the community of Gallup. I have
23 not ever talked to one person in the community of Gallup
24 that did not support this project.
25 And in the essence of time, as you can see, I'm
in support of the project. So thank you very much.

THE HEARING OFFICER: Our next speaker is Jay McCollum.

STATEMENT BY JAY MCCOLLUM

BY MR. MCCOLLUM: I'm Jay McCollum, and I live in Gallup, New Mexico. And something I viewed has always stuck in my mind concerning how government can help its people. In the former Soviet Union, there were massive semitrucks stuck in the muddy road with food stuffs in its cargo base not able to get to market because the roads were not available to them to be able to get their food to the market.

We're at that same kind of crossroads in this geographical region of the country where there is a water source that needs to be brought to the people. And if government could help us with the money and resources needed to bring water to its people, that would be a great assistance for all of us.

I'm pastor of the First Baptist Church in Gallup, New Mexico. We have 1,058 members. And we're in support of this water project because it allows people to exist in their life and their livelihood. If you deny water to its people, you deny their right to exist.

And I would hope that the people of this country would see the great need that this geographical region
Mr. J.C. Begay, Red Valley, Arizona. Greetings, people in the audience, panel. I would like to have my comment interpreted.

Many times over I've attended several public hearings, and we had several resolutions that came in; but I never saw my comment or my resolution in the comment part of the EIS.

According to the map, Red Valley Chapter is not within the boundaries of the proposed pipeline. I'm representing the people from Red Valley. I'm the Chapter President.

There are a lot of people that vote in New Mexico from my area. And since our chapter borders the state.
line, we feel that we've been excluded from the proposed
pipeline. And I plead with you to consider my people up
in the Red Valley, Cove area.

I know that there's a 90-days EIS federal
registry publication when there's a public hearing. And
there's another period for comments. And we want to have
our comments included in the proposed route. Why is Saint
Michaels and Window Rock, who's in the state of Arizona,
included in the proposed pipeline and the Red Valley
Chapter not included in the pipeline proposal?

We will continue to plan towards being included.

We have a high school built in the community, which will
open in the school year '08, that needs water. Our
water -- our groundwaters were contaminated by the uranium
mining in the '50s. We have poor quality groundwater;
therefore, we really need the quality water that's being
piped through 491.

And we will have other resolution coming in as
written comments. My purpose for saying this is that we
have our young generation upcoming. We won't see this in
our lifetime, but our young generation is what would be at
stake in getting the reliable water sources to them.

Thank you.

THE HEARING OFFICER: Wilson Ray is next.
Comment PH-05 – continued

BY MR. RAY: (Through the Interpreter) This is Mr. Wilson Ray from Huerfano Chapter. He's greeting all of you here that are attending the public hearing. He says there are many comments that have been made thus far in the public hearing. I will not reiterate many of the things that I was hoping to say.

The main point is that there is going to be a construction of the San Juan River -- from the San Juan River to many of the communities in the area along the 491 and the Cutter Lateral, which I'm very thankful for. We should also be thankful for the Creator who made the water, who made the moisture.

The only thing that causes conflict is regulations and laws. It causes conflicts among different ethnic groups, different groups, but the basic need is the same. The needs will remain the same no matter whether we're in support of it or opposing the proposal. That's why we're here talking about it, water uses, developments, and plans.

I'm from the Huerfano Chapter. I'm the President of that chapter, and we're very supportive of the proposal. There are approximately nine chapters that support this proposal, the proposal to construct the pipeline.

Thank you. And I'm very thankful for you -- for
the panel to accept our comments as worthy and having
merits.

THE HEARING OFFICER: The next speaker this
evening is Gilbert Roger.

STATEMENT BY GILBERT ROGER

BY MR. ROGER: (Through the Interpreter) This is
Gilbert Roger from White Rock Chapter House. He's
greeting everybody in the audience. He wants to speak the
Navajo language to make his comment. He will be
submitting a resolution illustrating the position of the
chapter that he's working with.

He's in support of the public -- the pipeline,
San Juan and Cutter Lateral as it is indicated on the
map. He knows that his chapter has been excluded in the
route from the Cutter Lateral, but he is in support of the
project.

In the laws -- he says that in the laws we know
that we have been included in some respect based on our
position. Our water wells have been dropping for many
years, and we are proposing to drill a deep well. And we
have the proposal in requesting funding for this project.
This will parallel the project from the Cutter
Lateral, as well as the San Juan route. Due to the
salinity of the water, many of my people haul water 30 and
60 miles round trip from Farmington and Crownpoint. We
know the hardship of hauling water; therefore, we are in support of the proposed project of the Navajo-Gallup Water Supply Project.

I am a chapter administrator. I'm the manager, and I will be submitting a resolution on behalf of my chapter. Thank you.

THE HEARING OFFICER: Our next speaker this evening is Dorothy Redhorse.

STATEMENT BY DOROTHY REDHORSE

BY MS. REDHORSE: Good evening, everyone, audience, and the panel. My name is Dorothy Redhorse, and I'm a resident of Littlewater, New Mexico. And also I am the chapter Vice President for the Sanostee Chapter.

And water has been one topic that's been very important to all of the community members. Anyhow, our community has been impacted by industrial development in which we lost one well that supplies our drinking water supply. And we have about half a dozen wells that supply our drinking water for our community. And there are several thousand community members.

So we see that the water supply is really important. And it's been discussed at numerous meetings the past three or four years, simply because Desert Rock Proposed Project, which is a coal fire power plant that's been proposed, and they -- the developer initially had
approached our community to withdraw 4500 acre-feet of the groundwater supply for the plant, but our community opposed it.

And so far we have been discussing our groundwater supply. And based on the discussions that were made and the resolutions that were sent out, the project has been moved further to the east. But yet this power plant will also be drawing water from the same aquifer that we're using for our community drinking water supply, which is the Morrison Formation. So it is important.

And one of the position we had as a community is that the -- if this project goes forth, that our community would be one of those to receive the water, as the map shows, that Sanostee is one of the communities along the line. So, therefore, there is support for this Navajo-Gallup Water Supply Project.

Then personally speaking, the -- our current water supply of about over 90 percent of our community members do have a domestic -- or a drinking water supply supplied by a utility company. However, we're limited to as the amount that we use. It's restricted to domestic.

So what I'd like to see is that some of the pipe water to be allocated for agricultural purposes. I'd like to have a small garden in my backyard.
At this time or this day and age, it's very difficult to do dry land farming in my community, despite that we live at the foot of the mountain because the snowmelt runoff from the Chuska Mountains ceases around late February or early March. So there is interest in having a small garden that has been expressed by community members, but personally I would like to be able to do that.

The other part is that one of -- like I said, one of our wells has been impacted by oil and gas extractions, so that's no longer in use. So the -- so we know that the -- being we're in competition for our water supply with the proposed power plant, so we've been addressing different ways to keep our community, maintain its water supply.

And also we're aware of the fact that one acre-foot of water is enough for one family of four to use the water for one year. And for that reason we're trying to plan for our community, its future needs for our drinking water supply. And I know that our community are far more conservative, as far as consuming the water. The ratio is much less than what an average user, which is 2,000 gallons per month. So we would be much less than that. And in addition -- and finally, water is life. Water is precious. And the human body is made up of 75
percent of water. Therefore, this is really an important project and, therefore, our communities supports this project. Thank you.

THE HEARING OFFICER: Our next speaker is Lucy Cayatineto.

STATEMENT BY LUCY CAYATINETO

BY MS. CAYATINETO: Good evening, everyone. I know we're all tired. We have a three-hour drive home. So first of all, my name is Lucy Cayatineto. I work with the Navajo Tribal Utility Authority, and I fully support this Cutter Lateral program. We have many chapters out there that I go visit, and the people out there are asking for help. They are asking for water. A lot of them are hauling the water.

Right now we have a couple of watering points. We have three, actually, total on our side where they were hauling about 300,000 gallons a month. Now, they are down to 80,000. And that's a lot of water for these people to haul. And the trucks are breaking down. The roads are bad. There's muddy -- I mean, the area where we have it is just, you know, outrageous.

And for the last four years, we've been in a drought -- or more than four years, actually. But we've been in a drought. So what's happening is in the area of Pueblo Pintado we had to deny a clinic because we have no
Comment PH-05 – continued

1 water in that area.
2 A lot of people are getting ill due to the water
3 shortages in that area. There's a lot of diabetes, a lot
4 of kidney problems. And these people have to drive about
5 a hundred miles to get water -- or to the hospital. I'm
6 sorry. But they go round trip about a hundred miles each
7 time.
8 We have new businesses that were denied due to no
9 water. And like they were saying, there's a school that's
10 kindergarten through eighth grade that we told them they
11 have to be replaced by another school in order for the new
12 school to be open. The new high school was almost denied
13 because we didn't have enough in that area.
14 In Ojo Encino we have two wells. And the wells
15 are running 14 hours a day on overload most of the time.
16 And what's happening is it's only giving us 150 gallons
17 per minute. Whitehorse Lake is giving us 15 gallons per
18 minute. It takes us 24 hours to refill that tank. And
19 when we have a water outage there, it is horrible.
20 We have four wells serving the Torreon area. But
21 all four wells total is just 150 gallons per minute with
22 all the people that live there. This is really needed.
23 A lot of people are saying NTUA is giving us bad
24 water, but it's not that. What it is is the groundwater
25 is getting contaminated. We have a school in the Borrego
Pass area by Smith Lake where the water is so bad that the high sulfur content is given to these kids. And we're trying to treat it as much as possible, but it's not working. I mean, we're trying to treat it to keep it at EPA level.

We say children are our future. How are we doing this to our children when, you know, they are supposed to be our future? They say water is life and without water we're nothing. I've seen everyone here drinking water tonight. I see everybody else drinking water up here. And we really need to support this program.

So please I ask you on behalf of NTUA to help us with our water lines out there, to support, to get better gallons per minute, to have better water pressure, and to have better water to serve to our people. Thank you.

THE HEARING OFFICER: Our next speaker this evening is Steve Cone.

STATEMENT BY STEVE CONE

BY MR. CONE: Well, now, I must ask you, what's a picnic without a skunk or two? But then again I believe it was that distinguished man of honor and integrity Colin Powell who once said, "If everyone is thinking the same, somebody is not thinking."

Hydrologic determination. Last June the Upper Colorado River Commission passed a resolution in support
of the Bureau's proposed draft, hydrologic determination;
that the amount of water needed for the Navajo-Gallup
Water Supply Project, the centerpiece of the proposed
Navajo water rights settlement on the San Juan, is now
available, has been found, as it were, by factoring in
reduced evaporation rates due to our most recent drought.
Since less water is evaporating, the logic goes,
more must be available. No. It does not take a rocket
scientist, as the Bureau folks and their customers know,
to recognize that less is more. So presto, chango,
abracadabra, we have new water. And the Secretary of the
Interior must duly consider these magical numbers.
I must say that he would have to have his head
examined if he were to concur with his Bureau's proposed
hydrologic determination because while smoke and mirrors
may work in the short run, at the end of the day, you
can't drink them.

Water rights. According to the Winters Doctrine,
as upheld in the Arizona v. California case by the Supreme
Court, a tribe has a right to enough water to irrigate all
of the practicably irrigable acreage, the PIA, on its
Reservation lands.
The Supreme Court in Arizona v. California ruled
that using the PIA standard is the only, quote, feasible
and fair way by which reserved water rights for a tribe
can be measured.

So the only feasible and fair way to quantify the Navajo right on the San Juan and the first and foremost task is to measure the PIA of the Navajo Reservation lands in the San Juan Basin. This must be done as a matter of fairness and accuracy to determine the Navajo tribal water right.

In this process certain issues must be addressed and certain questions answered. Is NIIP, the Navajo Indian Irrigation Project, economically feasible? Do the economic benefits of irrigation exceed the costs of irrigation? How could it be so, given NIIP has eventually lost millions upon millions of dollars each year?

City of Gallup. How are the city of Gallup's interests pertinent to the settlement of Navajo claims on the San Juan? The Navajo claims have nothing to do with the city of Gallup. Why is Gallup being shoe horned into this project and the settlement? They can't afford it.

And they are not entitled or eligible for the massive federal government subsidies this multibillion dollar project would require. Yes, billions. We are talking about the Bureau after all.

We know the cost overruns for the Bureau projects typically run two and three times what the initial estimates have been. And we also know that we have not
been told in this EIS or this planning document what the cost of the project will be. And we are being asked to comment on it without knowing what the costs may be. So if the Navajo Nation wants to send its NIIP irrigation water to Gallup, so be it. But if we are to deal honestly, federal tax payers should not be required to support any part of the Navajo-Gallup Water Supply Project that is unworkable or uneconomic.

THE HEARING OFFICER: Our next speaker this evening is Shirlee Manuelito.

STATEMENT BY SHIRLEE MANUELITO

MS. MANUELITO: I just wanted to say a few words here. I'm a full-time mom, wife. I help care for my parents. The little two-year-old running around in her terrible 2's is mine. My father, he is disabled veteran who served his country for 24 years.

We have a hogan where we live, and it's located in the Lake Valley area along 371 Highway, 56 miles south of Farmington. I was married in this hogan in a traditional Navajo wedding several years ago.

And before my little one was born, we had a blessing way ceremony in this hogan, so that she could be born healthy and safely; and that when I had my daughter that I would be safe.

My family and our heart is tied to this area and
to this land. Long ago the federal government allocated 
land to my grandfather when he was 19 years old. 

When you look through our eyes, it is easy to see 
the need for water in our communities. For my family, we 
live in a hogan; and it's difficult at times, especially 
during the winter and difficult weather it's hard to haul 
water.

My family wants the pleasure of turning the 
faucet on to shower before work, to bathe my daughter, to 
cook our meals freely without having to worry that the 
water is getting too low.

I'm a master's student at New Mexico Highlands 
University in social work. My husband is working on his 
master's degree in special education. My daughter, my 
little one, Madison, she's two; and pretty soon she'll be 
entering kindergarten.

And some day, you know, we hope to build a bigger 
house in this area. These experiences that I'm speaking 
of are similar to the community members -- are similar to 
my community members. I don't want another generation to 
go without water again. I'm 28 years old. And I hope by 
the time I'm 50 I can see water coming out of our sink in 
our hogan.

I wanted to say thank you to the panel for 
listening and coming. And to thank all for speaking for
the Navajo people, especially the children who want clean water. Thank you.

THE HEARING OFFICER: Our next speaker is Alice Benally.

(At this time, Alice Benally did not appear.)

THE HEARING OFFICER: Mr. Manuelito, you're up next, sir.

STATEMENT BY STERLING MANUELITO

BY MR. MANUELITO: (Through the Interpreter)

Greetings to the panel and the audience. Thank you for coming. Mr. Sterling Manuelito. He is representing the people, the two-legged, like the animals, the insects, the four-legged mammals and reptile. On their behalf, I want to speak here at this public hearing.

I also want to acknowledge that 63 years to date people of different races, partnership -- I believe that was a war, England -- and he said some other country.

He was one year old -- one year and four months old when this was happening in the South Pacific. And the Code Talkers were there, and they were in partnership with other -- other people, other military personnel.

Let's not take this issue as something to use as greed, not to overindulge because we have education, not to say, "I conquered you, therefore, you have to buy back the spoils from me."
Water is a sacred element. This is a sacred element that we're talking about here today. "It's our water." We can't say it's our water.

The cost is very high. We need to volunteer. We need to work on the cost to help each other, to make meaningful contribution to the society. For example, during the horse and wagon days -- and that's when the sign fell down. He said that the holy people were angry because we were talking about such sacred element here.

During the horse and wagon days, we used to take the wooden barrels to standing water. And take our Blue Bird flour bags and filter the waters. We can't do that today. We find raw sewage in our water. We can't eat the fish because they are contaminated with elements.

I think we should partner together and not let this story about the coyote overwhelm us and cause us to lose sight of this pipeline construction. We need each other to strive to obtain the water for our children.

Whoever is in opposition has the same basic needs. Therefore, it is better to have the partnership in place in getting the much-needed water to our children.

We want to see the pipeline constructed. And somebody said that there was a -- he believes that there's 80 percent of water in the earth, but somebody else said there was 75 percent of water in a human body.
Comment PH-05 – continued

1 For example, he says that the river represents
2 our vein in our bodies. And if we tap into the water from
3 the San Juan River to the outskirts of the community here,
4 we are actually sharing water transfusion style to the
5 people of Gallup where they will need of the much needed
6 water.
7 Again, he says do not use the term, "I conquer
8 you and therefore you have to buy the spoils back from
9 me." The Creator made the water.
10 So he wants us to share the water and to be in
11 support of the proposed project, both the Navajo-Gallup
12 and the Cutter Lateral. Sometime in the future, it will
13 be looped together somewhere along the way. This is for
14 our children and for our people. Thank you.
15 THE HEARING OFFICER: Our last speaker this
16 evening is Tommy McDonald.
17 STATEMENT BY TOMMY MCDONALD
18 MR. MCDONALD: Good evening, everyone, to the
19 panelists here, also to the audience. Let me introduce
20 myself. My name is Tom McDonald. I represent Crownpoint,
21 New Mexico. We have an organization out there that we're
22 comprised of dealing with health issues. We have an
23 organization that's named Eastern Navajo Health Board.
24 This organization is comprised of 16 chapters out
25 there in the region of Crownpoint. And normally
Crownpoint has more or less been identified with Navajo communities that's been working with the federal governments and also the state and the county. That's where it's needed, mostly heavily populated by Native Americans, Navajos; that has identified communities up there.

And what this Navajo -- Eastern Navajo Health Board does is to advocate and promote a lot of the health issues that as either to prevent and advocate for the wellness of all of our folks, whether they are young or either they are old.

So I just wanted to just recite some of the resolutions that we had presented to the -- that was presented to our organization there in Crownpoint when we had our meeting.

So I want this read into the record. And so then we'll move on. The resolution states is that it does support this projects of the Navajo-Gallup Water Supply Project and also this Cutter Lateral Project here. So I'll just go ahead and briefly read over what the resolution is stating.

This here is a resolution of Eastern Navajo Health Board. Whereas, number one, Eastern Navajo Health Board was established by Navajo Health -- Indian Health Service to promote the involvement, participation, and
consultation in the Indian Health Service by the Indian
people in partnership to promote the advancement of health
and welfare of Native Americans on the Navajo
Reservation.

And, two, the most urgent and serious public
health problems facing our communities are due in large
part to lack of clean, safe, water supply and adequate
sanitation.

And, three, many of our community members suffer
from various health afflicted by illnesses, which require
health promotion and prevention.

And item number four, the Indian Health Service
and the Office of Environmental Health has a proposed
water line extension project to serve thousands of people
in various chapters where running water is lacking.

And due to the short supply of adequate water,
these projects cannot be built to service the needy
families and prevent major problems, thus forcing
community members to travel over a hundred miles round
trip to Crownpoint Indian Health Service facilities to
receive healthcare services.

And here it says, now, therefore be resolved
that, one, the Eastern Navajo Agency Health Board approves
the Preferred Alternative of the Navajo-Gallup Water
Supply/Cutter Lateral request, which will really improve
the public health of our communities by helping to prevent
health problems in part due to safe and healthy water
supply.

Two, the Eastern Navajo Agency Health Board
further finds that the adequate water supply provided by
the Navajo-Gallup Water Supply/Cutter Lateral Project is a
necessary prerequisite in order for new kinds of
healthcare facilities can be constructed in Eastern Navajo
Agency communities.

Three, Eastern Navajo Agency approves -- Eastern
Navajo Health Board approves the Navajo-Gallup Water
Supply/Cutter Lateral Project and requests that this
project be completed as soon as possible.

And this is certified as of June the 5th, 2007,
at a duly called meeting. There was 13 favors, zero
opposed, and one extension, which was our chairperson in
case of a tie. That's always parliamentary procedure, and
that's when the chair does cast a vote.

So I present you this resolution. And hopefully
this will be one of the documents that will actually be
brought forth as one of the items in support of this
projects. Thank you.

THE HEARING OFFICER: Our public hearing is
closed. Thank you for coming. Please drive home safely.
(The hearing adjourned at 10:52 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 6, 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.

____________________________
TANYA M. NIMS, RPR
Certified Court Reporter #168
License Expires: 12/31/07