

Comment PH-05

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

PUBLIC HEARING
June 6, 2007

San Juan College
IT Building, Room 7103
5001 College Boulevard
Farmington, New Mexico

5PH

REPORTED BY:
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MEMBERS OF THE PANEL

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

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

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

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

Michael Benson, Navajo Nation, Department of Water
Resources

Joanna Austin-Manygoats, Interpreter

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1 WEDNESDAY, JUNE 6, 2007, 6:15 P.M.

2 MR. BENSON: Good evening, Ladies and Gentlemen.

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

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

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

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

23 In a few minutes the process, the procedure for
24 hearings will be explained to you. I'd like to introduce
25 to you the hearing panel. Carol DeAngelis, Bureau of

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1 Reclamation, Area Manager of the Western Colorado Area
2 Office, Grand Junction, Colorado. Rege Leach, Bureau of
3 Reclamation, Team Leader, Western Colorado Area Office,
4 Durango, Colorado. Bernadette Tsosie, regional
5 hydrologist with the Bureau of Indian Affairs, Navajo Area
6 Office, Gallup, New Mexico.

7 And the Hearing Officer is John Bezdek, Deputy
8 Director and Chief Counsel with the Secretary of the
9 Interior, Indian Water Rights Office, Washington, D.C.
10 The interpreter -- there will be interpretation tonight
11 into Navajo and back and forth. The interpreter is Joanna
12 Manygoats. Our court reporter tonight is Tanya Nims.

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

14 THE HEARING OFFICER: Good evening and welcome to
15 the open house and public meeting on the proposed Navajo-
16 Gallup Water Supply Project and the Draft Environmental
17 Impact Statement. I would also like to have a very
18 special welcome to President Shirley. Thank you very much
19 for joining us here this evening.

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

25 We had an open house last night and some speakers

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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

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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.

05-01

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

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1 others, relatives and friends, yá'át'éeéh.

2 I'm Dr. Joe Shirley, Jr., President of the Navajo
3 Nation.

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

9 The Navajo people have long needed the more
10 reliable water supply. The project won't bring instant
11 relief, but it's an important first step towards solving
12 the drinking water supply problem of the Navajo Nation.
13 The Navajo Nation and I, as President, strongly support
14 the San Juan River PNM Alternative.

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

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

24 The project is a component of the Northwest New
25 Mexico Rural Water Projects Act. This act was

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1 reintroduced into Congress less than two months ago on
2 April 18, 2007. The act would authorize and secure the
3 funding needed for the construction of this much needed
4 project.

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

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

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

24 Regarding the need for the project: The Navajo
25 Nation population is approximately over 250,000 and is

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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 The population of the service area for the
5 Navajo-Gallup Water Supply Project is projected to be
6 250,000 in 2040. The project is important to the Navajo
7 Nation and the people in the area. Many still have to
8 haul water for drinking and cooking. The cost of hauling
9 water in pickup trucks can exceed \$20,000 acre-foot. The
10 cost of hauling water will rise with the rise in gas
11 prices.

12 Although construction of the project will not
13 necessarily eliminate all water hauling on the Navajo
14 Nation, the project will allow the Indian Health Service
15 to expand distribution systems to provide potable water
16 delivery to our homes.

17 Regarding economic development: The project will
18 create growth forwards for the Navajo Nation, for our
19 future communities can be built with ready access to
20 roads, electricity, and potable water. The stagnation of
21 economic development and the lack of water infrastructure
22 in Navajo country has forced many Navajo families to move
23 to far away cities to find their livelihood.

24 Regarding the cost of the project: As of May
25 2005, the project has an appraisal net worth cost of

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1 \$720 million. The Navajo Nation's share of the cost is
2 estimated to be \$567 million of the \$720 million. The
3 feasibility of those costs will be produced in the Final
4 Environmental Impact Statement.

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

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

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

25 THE HEARING OFFICER: Our next speaker this

05-01-01

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1 evening will be Mr. Jay Burnham, representing the City of
2 Farmington.

3 STATEMENT BY JAY BURNHAM

05-02

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

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

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

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

25 I want to present to the Hearing Officer a

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1 certified copy of Resolution No. 20051132 adopted by the
2 City of Farmington City Council on February 8th of 2005.

3 The resolution -- I won't read all the whereas
4 paragraphs, but the "now therefore" paragraph says, "Now
5 therefore be it resolved by the City of Farmington that
6 the City endorses and supports the proposed settlement
7 between the state of New Mexico and the Navajo Nation
8 concerning the Navajo Nation's claims to water rights in
9 the San Juan River Basin in New Mexico as set forth in
10 documents issued by the Office of the State Engineer and
11 the Interstate Stream Commission on December 10, 2004.

12 "Be it further resolved that the City staff is
13 directed to distribute copies of this resolution to the
14 appropriate officials from the State and the Navajo Nation
15 and to all members of New Mexico's congressional
16 delegation. Passed, approved, signed, and adopted this
17 8th day of February 2005."

18 That concludes my remarks, Mr. Hearing Officer.

19 THE HEARING OFFICER: Thank you. Our next
20 speaker this evening is Chee Smith.

21 And we'd also ask when you make your statement if
22 you're representing a community or a chapter house to
23 please put that into the record as well. Thank you.

24 STATEMENT BY CHEE SMITH, JR.

05-03

25 MR. SMITH: Good evening. Ladies and gentlemen,

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1 guests, and our Honorable President Dr. Joe Shirley, Jr.
2 My name is Chee Smith, Jr. I introduce myself by clan,
3 Naakai, Tx'áásh Chí'í, Ta'neeszahnii, and Bit'ahnii. I'm
4 a former chapter President for Whitehorse Lake chapter,
5 served in that capacity for six years.

6 And this evening we travel a long ways because we
7 need the water and we want the water. We brought a load
8 of senior citizens to this meeting. Our senior center
9 manager is up there, Roberta Tilly, and also our elderlies
10 because they want to see this project go through.

11 As you know Whitehorse Lake is about 95 miles
12 northeast -- south of here. And so we have a long drive
13 back after this public hearing. And even though we have
14 "Lake" in our chapter name, we don't have no water. Our
15 people have to travel 35 miles one way to haul water from
16 Crownpoint. It takes a toll on vehicles and money.

17 Our people haul water everyday for cooking food,
18 for doing their laundry, and for their livestock. We
19 still feel that we're -- we're part as a third-world
20 country. With no water, we have no economic development.
21 We don't even have a store in the community.

22 We don't have -- we can't get housing to our
23 people. We don't have access to hospitals or clinics. We
24 don't have access to police. When a crime occurs, it
25 takes the police well over two hours or more for them to

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1 come out. Or sometimes they don't come out at all.

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

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

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

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

20 STATEMENT BY GEORGE WHITEHORSE, SR.

21 MR. WHITEHORSE: (Through the Interpreter)
22 Hello. My name is George Whitehorse, Sr. Welcome. I'd
23 like to welcome everybody that's here. We came on the bus
24 with Chee Smith from Pueblo Pintado and Whitehorse Lake to
25 the gathering here in Farmington. I've read about the

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1 public hearing here in the paper. And the issue is very
2 complex and very needed.

3 Some of my grandchildren live here in town in
4 Farmington. I just wanted to thank you. And I wanted to
5 thank you, Mr. Shirley, for coming out tonight. He is
6 remembering his people living at the edge of the
7 Reservation on the eastern portion of the Navajo Nation.

8 We are in need of water. I am 76 years old.
9 When I was younger, I was able to do anything, but the age
10 has taken a toll on me. It's harder on me to do a lot of
11 work, a lot of heavy-duty work. I can't even lift 10
12 pounds.

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

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

23 Will you all remember me, this pitiful little
24 human soul that came before you that asked for your
25 assistance in bringing the water? I want to thank the

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1 Jicarilla Apache for their participation in bringing this
2 most precious water to our Reservation.

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

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

10 STATEMENT BY MARTHA CHARLIE

05-05

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

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

25 And yesterday we were -- we had a health board

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1 President for Counselor Chapter, Counselor, New Mexico,
2 which is approximately 70 miles southeast from here on
3 Highway 550. Counselor Chapter, the community, fully
4 supports the Navajo-Gallup Water Supply Project because it
5 will have a great impact on my community members.

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

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

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

21 My community members at times have to travel 5 to
22 28 miles one way to haul water. They have containers,
23 5-gallon containers to 55-gallon drums. They do this at
24 least two to three times a week. And it isn't just for
25 cooking and drinking water, for human consumption.

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1 Chuska Mountains and in our Eastern Agency.

2 Water is a building component for both community
3 as well as economic development that will be -- include
4 housing development, business development, medical and
5 educational facility support, government support
6 facilities and in other areas.

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

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

17 Also we're looking at those communities of the
18 Eastern Agency and Fort Defiance which are south of
19 Gallup: Manuelito, Breadsprings, Red Rock, Chichiltah.
20 So, again, this whole aspect has been a partnership
21 looking at a regional system that would begin to bring
22 water to areas that hunger for development.

23 We are beginning to develop those stages within
24 our nation in order to address that needed development,
25 not just an economic -- on an economic basis, but also on

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1 a community basis. Because, again, looking at a long-
2 range goal looking at water, we're looking at that
3 possibility of finding ways to bring our young people back
4 onto the Reservation.

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

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

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

24 So this is but the first stage. And so, again, I
25 put my full support behind the project noted in the EIS.

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1 And with that, would ask for your support too, so that we
2 may continue in the development both of our communities,
3 our economy and -- as was spoken earlier -- for the
4 improvement of the quality of life for both our community
5 people and our communities as a whole. Thank you very
6 much.

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

9 STATEMENT BY FRANK WILLETTO

05-08

10 MR. WILLETTO: (Through the Interpreter) I want
11 to thank all of you for coming out tonight. You must have
12 great concerns about the water issue. I'm very thankful
13 that you are all gathered here tonight.

14 And then he goes into his traditional clans,
15 which I will not talk about right now.

16 I just have a brief statement to make, and I want
17 my comments to reflect that I am a Navajo Code Talker of
18 the United States Marine Corps. My language was a
19 language used that won the war. I'm one of the Navajo
20 Code Talkers.

21 I'm from the Pueblo Pintado community, which is
22 71 miles southeast from here. The reason I'm here is
23 there's a great need for water in my community and in the
24 Eastern Navajo Agency.

25 I want to let you know and share some information

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1 with you about Pueblo Pintado. We have a high school
2 there. We have a Bureau of Indian Affairs K-8 school
3 there. We have a chapter house. We have a senior
4 citizens center, a headstart school, a small clinic that
5 operates during the day. And we have a small convenient
6 store.

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

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

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

23 We just have enough water for a few structures.
24 Many of us, like I said, do not have indoor plumbing.
25 There are a few homes that have electricity, a few homes

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1 that have running water. We are way behind in the
2 development.

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

10 My people tell me to come to these meetings and
11 speak on their behalf about the Cutter Lateral pipeline
12 construction to bring water to Eastern Navajo Agency.
13 Again, I want to thank you. And I also want to thank the
14 interpreter for the interpretation tonight. Thank you.

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

17 STATEMENT BY RAY GILMORE

05-09

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

25 As you know by now there was a study that came

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1 from different parts of the United States -- branch of the
2 United States Government. Many homes on the Navajo Nation
3 lack indoor plumbing. More than 50 percent of the Navajo
4 Nation homes lack a complete kitchen. And between 30 and
5 40 percent of the Navajo households rely solely on water
6 hauling to meet daily water needs.

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

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

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

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

25 So, ladies and gentlemen of the panel, we ask

05-09-01

Comment PH-05 – continued

28

1 speaking on behalf of the Navajo Nation Water Rights
2 Commission and the Navajo Nation, supporting what our
3 President said and also in addition to -- I have three
4 other Navajo Nation Water Rights Commission members
5 present supporting this project. Two happen to be
6 representing the Northern Navajo and Eastern Navajo. They
7 are here. And also from Fort Defiance Agency, went from
8 way the other end of Western Navajo Agency, Tuba City,
9 Arizona.

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

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

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

20 STATEMENT BY JACKSON GIBSON

05-10

21 MR. GIBSON: Good evening.

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

24 MR. GIBSON: My name is Jackson Gibson. I reside
25 in Thoreau, New Mexico, a mile and a half north of the

Comment PH-05 – continued

29

1 chapter, against the red mesas. I'm a retired person.
2 During my retirement since December, I had a chance to
3 visit a lot of my Navajo relatives in the Baca, Mariano
4 Lake, and Smith Lake communities.

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

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

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

22 At the beginning of this meeting, I heard the
23 word "equal." I guess they were talking about equal
24 time. You know, I want to say, "Please, treat us
25 equally." Although I'm a very proud and patriotic

Comment PH-05 – continued

30

1 American, I see the federal government has not treated the
2 Navajo people equally as they have treated our neighboring
3 water town population.

4 I served two tours of duty in Vietnam beginning
5 in July of 1966. My oldest son served with the 17th
6 Infantry Division when they invaded Panama and also during
7 Operation Iraqi Freedom. My youngest son, 20 years old,
8 is in Iraq right now, one hour north of Baghdad with the
9 82nd Airborne.

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

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

24 And I also want to make this comment, that shame
25 on those people what would oppose this very important

Comment PH-05 – continued

31

1 project. It will benefit the Navajo people.

2 I thank you for listening to my comments.

3 THE HEARING OFFICER: I think we're going to take
4 a five-minute break to allow Joanna, our interpreter, a
5 chance to rest her voice. And we will -- it's almost 8
6 o'clock. We'll come back at about five after. Thank you.

7 (Break held from 7:59 until 8:12 p.m.)

8 THE HEARING OFFICER: Ladies and gentlemen, can
9 we come back into session, please? We still have a number
10 of folks who have signed up to speak, and we definitely
11 want to hear everybody. And so can we come back and
12 work?

13 The only other comment is I'd also ask -- I'm
14 concerned about Joanna. She's doing a very difficult task
15 up here, and I do want everybody to have an opportunity to
16 speak. So to the extent possible, I know we've asked for
17 five minutes; but if you can keep your comments shorter
18 than that so we that don't wear her out, that would be
19 great. Thanks.

20 The next person up to speak is Rachel Billy.

21 STATEMENT BY RACHEL BILLY

05-11

22 BY MS. BILLY: Good evening.

23 (At this time, Ms. Billy spoke briefly in
24 Navajo.)

25 BY MS. BILLY: First, I want to thank you for

Comment PH-05 – continued

32

1 allowing me to make my comments. My name is Rachel
2 Billy. I am a mother of a 11-year-old child. I work at
3 Smith Lake Chapter 100 miles south of here. I reside in
4 Standing Rock community.

5 As you might have heard in previous hearings,
6 water is life. This is very true in the Standing Rock and
7 Smith Lake communities. Everyday I see Navajo people
8 hauling water for home use to cook, to bathe, and other
9 home use. This is especially true in Smith Lake where our
10 water has been ruined by uranium mining companies.

11 Our water at Smith Lake has -- is very bad water
12 and is very corrosive to fixtures. What you have heard at
13 these public meetings from our Navajo people about their
14 need for water for our future generation is very true. I
15 agree and support their comments.

16 Please make every effort to let our leaders at
17 the national level hear about our need for water. Thank
18 you very much.

19 THE HEARING OFFICER: Our next speaker this
20 evening is Laverna Ahkeah.

21 STATEMENT BY LAVERNA AHKEAH

05-12

22 BY MS. AHKEAH: My name is Laverna Ahkeah. I'm
23 Shiprock -- well, west of Shiprock and near the four
24 corners area.

25 (At this time, Ms. Ahkeah spoke in Navajo.)

Comment PH-05 – continued

33

1 BY MS. AHKEAH: I'm very much in favor of it. It
2 goes way back in my family -- well, it's my husband Robert
3 Ahkeah's family. His father, Sam Ahkeah, if you all
4 remember, was one of the leaders. And he -- with the
5 Navajo Lawyer Counsel Norman Littell, the two worked very
6 hard to get during Mr. Ahkeah's chairman -- chairman days
7 worked very hard to get the Navajo Dam Lake constructed.

8 And along with it, this was in the '40s, early
9 '40s, he wanted -- Mr. Ahkeah wanted the Navajos along
10 highway at that time 666, now it's 491. All those Navajos
11 in that -- with their chapters, he wanted those all under
12 agriculture. And he wanted the people down in around
13 Gallup, the Navajo chapters to have water from the San
14 Juan River when the Navajo Dam was constructed. He wanted
15 that river water put there.

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

25 So, with that -- also I see that this project,

05-12-01

Comment PH-05 – continued

34

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

35

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

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

5 STATEMENT BY ISABEL BETONI

05-13

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

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

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

22 Our President was here to speak up for us also,
23 and I'm thankful to him. We need water for -- to build
24 housing projects, housing projects built by the Navajo
25 Housing Authority and HUD. We don't have a housing

Comment PH-05 – continued

36

1 project at Whitehorse Lake because there's no water
2 supply.

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

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

12 STATEMENT BY TONY PADILLA

05-14

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

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

18 MR. PADILLA: First of all, I'd like to say my
19 community from Lake Valley and -- we're all supportive of
20 this project. And also I'm going to have the resolution
21 here to present to you and some pictures that was made by
22 the school -- from the school. Here are some of the
23 pictures that was given to me from the school, the Lake
24 Valley school. I sure hope that you give Mr. President
25 Bush so he can understand that we're still hauling water.

Comment PH-05 – continued

37

1 I just want to read the first heading on this
2 resolution. It says, "Lake Valley Supporting the San Juan
3 PNM Alternative of the Navajo-Gallup Water Projects
4 Planning Report and Draft Environmental Statement."

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

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

13 We used to have a lot of rain back in the early
14 '50s and the '60s. And I don't know what's going on.
15 Maybe it's because of the ozone layer going on that we
16 don't have no rains out there no more. All we've got is
17 wind. I'm sure you guys noticed that today. There's a
18 lot of wind blowing across New Mexico, so.

19 And when I used to herd sheep out there, I used
20 to drink that water from the earth dam when I was about
21 12, 13 years old. And I'm lucky I'm still alive, so.
22 Like I said, I lived there for about 18 years. Then I
23 went on to the service, and then I came in to a job out
24 here in the Four Corners area. And I live in luxury. I
25 had showers, everything else that was there for me.

Comment PH-05 – continued

38

1 But the people look upon me and they said, "Come
2 on home. Help us. Maybe you can help us out there." I
3 didn't realize that there was no water out there. And it
4 is a real tough issue, and it's a hard task to fight out
5 there.

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

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

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

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

25 THE HEARING OFFICER: Our next speaker this

Comment PH-05 – continued

39

1 evening is Lorenzo Bates.

2 STATEMENT BY LORENZO BATES

05-15

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

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

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

19 It's also about the present in terms of the
20 Navajo Nation realizing that the Nation as a people is
21 growing. And given the situation as it exists on Navajo,
22 given that water is a source for economic development and
23 growth, the Nation move forward with a water settlement.
24 But it also realize that even though the Nation would have
25 preferred to take all the water, reality is that we had to

Comment PH-05 – continued

40

1 make a compromise. And that compromise allowed the water
2 settlement to move forward in Congress as it is today.

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

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

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

24 It's also about a reliable source of water. As
25 you probably are well aware, the community members out

Comment PH-05 – continued

41

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

05-16

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

Comment PH-05 – continued

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1 many of the elders have gone before us without having to
2 see quality water development to their homes, but we've
3 waited a lifetime. And we are glad for the current plans,
4 especially the Cutter Lateral diversion.

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

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

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

25 Without water, there's no socioeconomic

Comment PH-05 – continued

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1 development. When we built the high school over at Pueblo
2 Pintado that Mr. Willetto talked about, we barely got
3 approval for this. And it was on the verge of being
4 denied because of the lack of water. Now, there's an
5 elementary school being planned and a clinic being
6 planned. And these are also in trouble because of the
7 lack of water.

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

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

24 And the U.S. is the trustee -- the federal
25 government is the trustee of the Native American citizens

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1 now. And it would help tremendously in their efforts to
2 support and fund this project. And it would be a
3 dishonorable thing for the federal government and those
4 who are opposing to deny this project.

5 We talked about the cost of hauling water. Judge
6 Becenti, Tom Becenti, a Navajo judge, testified at one of
7 the hearings that he had been hauling water for 30 years.
8 If you multiply hauling water for 30 years, 2 times a week
9 for that length of time, you would have hauled water
10 57,600 times. And that's how many times Judge Becenti and
11 his family haul water. That's just one family.

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

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

22 This is also a grazing and a farming community in
23 areas, and their livestock need water. Many of these
24 Navajo families are inseparable from their livestock and
25 so their life depends on their livestock. And so they

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Comment PH-05 – continued

45

1 need water too and that's what they haul water for. And
2 hence it's just not two times a week, but sometimes two
3 times a day that these people haul water because they have
4 to have their livestock survive.

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

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

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

23 We are here -- Native Americans were here before
24 Albuquerque. And Albuquerque is already receiving San
25 Juan water. Despite the unfairness of that, we appreciate

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1 the planning for this project because it will make amends
2 for the historical wrongs.

3 Much cost and energy has been invested in this
4 project. People are cooperating. We are already working
5 on this project. We are already gathering moneys for it.
6 And the reason why is we have faith. We have faith that
7 this will be approved because we believe in democracy.

8 More than a majority of the people have expressed
9 their need. And I'm hoping that the federal government,
10 the state government, and others will listen. What you
11 heard tonight too is people are happy. That happiness is
12 written in our Declaration of Independence, the pursuit of
13 happiness. This water represents that.

14 As I've indicated earlier, we cannot go
15 elsewhere. We will be here. And we hope you will support
16 this project. And we ask also that you recommend the
17 removal of bureaucratic and unnecessary barriers to this
18 project in your report and to prioritize the building of
19 the Navajo portion. Thank you very much.

20 THE HEARING OFFICER: Our next speaker this
21 evening is Andrew Robertson.

22 STATEMENT BY ANDREW ROBERTSON

05-17

23 MR. ROBERTSON: I'm a civil engineer, and I've
24 been working on water projects with various chapters in
25 the Eastern Navajo Agency for about seven years. And so

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1 I've seen a lot of the needs up close. You've heard from
2 many of the people here who experience the burden of
3 hauling water firsthand, so there's no need for me repeat
4 their stories.

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

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

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

25 The Indian Health Service has got numerous

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1 projects on their sanitary deficiency system list that
2 would serve literally thousands of people. However, these
3 water line extensions cannot be built because there's not
4 enough water to build the pipes. If they built them, the
5 pipes would be filled with air instead of water.

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

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

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

22 And also Council Delegate Dave Rico from Torreon,
23 representing Torreon, Pueblo Pintado, Whitehorse, he
24 wanted to express his support. He had a family emergency
25 and was not able to attend, but they did ask me to convey

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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

05-18

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

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1 in support of the project. So thank you very much.

2 THE HEARING OFFICER: Our next speaker is Jay
3 McCollum.

4 STATEMENT BY JAY MCCOLLUM

05-19

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

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

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

24 And I would hope that the people of this country
25 would see the great need that this geographical region

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1 needs; and that's water, which is a source of life. Thank
2 you for your patience and listening to us this evening.

3 THE HEARING OFFICER: Thank you. Next speaker is
4 Michael House.

5 MR. HOUSE: I thought it was a sign-in sheet.

6 THE HEARING OFFICER: Do you have anything to
7 say?

8 MR. HOUSE: No.

9 THE HEARING OFFICER: Our next speaker is
10 J.C. Begay.

11 STATEMENT BY J.C. BEGAY

05-20

12 BY MR. BEGAY: (Through the Interpreter)
13 Mr. J.C. Begay, Red Valley, Arizona. Greetings, people in
14 the audience, panel. I would like to have my comment
15 interpreted.

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

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

24 There are a lot of people that vote in New Mexico
25 from my area. And since our chapter borders the state

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1 line, we feel that we've been excluded from the proposed
2 pipeline. And I plead with you to consider my people up
3 in the Red Valley, Cove area.

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

11 We will continue to plan towards being included.
12 We have a high school built in the community, which will
13 open in the school year '08, that needs water. Our
14 water -- our groundwaters were contaminated by the uranium
15 mining in the '50s. We have poor quality groundwater;
16 therefore, we really need the quality water that's being
17 piped through 491.

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

24 THE HEARING OFFICER: Wilson Ray is next.

25 STATEMENT BY WILSON RAY

05-20-01

05-21

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

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

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

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

25 Thank you. And I'm very thankful for you -- for

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1 the panel to accept our comments as worthy and having
2 merits.

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

5 STATEMENT BY GILBERT ROGER

05-22

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

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

17 In the laws -- he says that in the laws we know
18 that we have been included in some respect based on our
19 position. Our water wells have been dropping for many
20 years, and we are proposing to drill a deep well. And we
21 have the proposal in requesting funding for this project.

22 This will parallel the project from the Cutter
23 Lateral, as well as the San Juan route. Due to the
24 salinity of the water, many of my people haul water 30 and
25 60 miles round trip from Farmington and Crownpoint. We

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1 know the hardship of hauling water; therefore, we are in
2 support of the proposed project of the Navajo-Gallup Water
3 Supply Project.

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

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

9 STATEMENT BY DOROTHY REDHORSE

05-23

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

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

21 So we see that the water supply is really
22 important. And it's been discussed at numerous meetings
23 the past three or four years, simply because Desert Rock
24 Proposed Project, which is a coal fire power plant that's
25 been proposed, and they -- the developer initially had

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1 approached our community to withdraw 4500 acre-feet of the
2 groundwater supply for the plant, but our community
3 opposed it.

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

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

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

23 So what I'd like to see is that some of the pipe
24 water to be allocated for agricultural purposes. I'd like
25 to have a small garden in my backyard.

05-23-01

05-23-02

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1 At this time or this day and age, it's very
2 difficult to do dry land farming in my community, despite
3 that we live at the foot of the mountain because the
4 snowmelt runoff from the Chuska Mountains ceases around
5 late February or early March. So there is interest in
6 having a small garden that has been expressed by community
7 members, but personally I would like to be able to do
8 that.

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

16 And also we're aware of the fact that one acre-
17 foot of water is enough for one family of four to use the
18 water for one year. And for that reason we're trying to
19 plan for our community, its future needs for our drinking
20 water supply. And I know that our community are far more
21 conservative, as far as consuming the water. The ratio is
22 much less than what an average user, which is 2,000
23 gallons per month. So we would be much less than that.

24 And in addition -- and finally, water is life.
25 Water is precious. And the human body is made up of 75

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1 percent of water. Therefore, this is really an important
2 project and, therefore, our communities supports this
3 project. Thank you.

4 THE HEARING OFFICER: Our next speaker is Lucy
5 Cayatineto.

6 STATEMENT BY LUCY CAYATINETO

05-24

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

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

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

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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

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1 Pass area by Smith Lake where the water is so bad that the
2 high sulfur content is given to these kids. And we're
3 trying to treat it as much as possible, but it's not
4 working. I mean, we're trying to treat it to keep it at
5 EPA level.

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

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

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

18 STATEMENT BY STEVE CONE

05-25

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

24 Hydrologic determination. Last June the Upper
25 Colorado River Commission passed a resolution in support

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1 of the Bureau's proposed draft, hydrologic determination;
2 that the amount of water needed for the Navajo-Gallup
3 Water Supply Project, the centerpiece of the proposed
4 Navajo water rights settlement on the San Juan, is now
5 available, has been found, as it were, by factoring in
6 reduced evaporation rates due to our most recent drought.

7 Since less water is evaporating, the logic goes,
8 more must be available. No. It does not take a rocket
9 scientist, as the Bureau folks and their customers know,
10 to recognize that less is more. So presto, chango,
11 abracadabra, we have new water. And the Secretary of the
12 Interior must duly consider these magical numbers.

13 I must say that he would have to have his head
14 examined if he were to concur with his Bureau's proposed
15 hydrologic determination because while smoke and mirrors
16 may work in the short run, at the end of the day, you
17 can't drink them.

18 Water rights. According to the Winters Doctrine,
19 as upheld in the Arizona v. California case by the Supreme
20 Court, a tribe has a right to enough water to irrigate all
21 of the practicably irrigatable acreage, the PIA, on its
22 Reservation lands.

23 The Supreme Court in Arizona v. California ruled
24 that using the PIA standard is the only, quote, feasible
25 and fair way by which reserved water rights for a tribe

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1 can be measured.

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

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

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

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

23 We know the cost overruns for the Bureau projects
24 typically run two and three times what the initial
25 estimates have been. And we also know that we have not

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1 been told in this EIS or this planning document what the
2 cost of the project will be. And we are being asked to
3 comment on it without knowing what the costs may be.

4 So if the Navajo Nation wants to send its NIIP
5 irrigation water to Gallup, so be it. But if we are to
6 deal honestly, federal tax payers should not be required
7 to support any part of the Navajo-Gallup Water Supply
8 Project that is unworkable or uneconomic.

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

11 STATEMENT BY SHIRLEE MANUELITO

05-26

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

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

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

25 My family and our heart is tied to this area and

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1 to this land. Long ago the federal government allocated
2 land to my grandfather when he was 19 years old.

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

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

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

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

24 I wanted to say thank you to the panel for
25 listening and coming. And to thank all for speaking for

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1 the Navajo people, especially the children who want clean
2 water. Thank you.

3 THE HEARING OFFICER: Our next speaker is Alice
4 Benally.

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

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

8 STATEMENT BY STERLING MANUELITO

05-27

9 BY MR. MANUELITO: (Through the Interpreter)
10 Greetings to the panel and the audience. Thank you for
11 coming. Mr. Sterling Manuelito. He is representing the
12 people, the two-legged, like the animals, the insects, the
13 four-legged mammals and reptile. On their behalf, I want
14 to speak here at this public hearing.

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

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

22 Let's not take this issue as something to use as
23 greed, not to overindulge because we have education, not
24 to say, "I conquered you, therefore, you have to buy back
25 the spoils from me."

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1 Water is a sacred element. This is a sacred
2 element that we're talking about here today. "It's our
3 water." We can't say it's our water.

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

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

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

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

22 We want to see the pipeline constructed. And
23 somebody said that there was a -- he believes that there's
24 80 percent of water in the earth, but somebody else said
25 there was 75 percent of water in a human body.

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1 Crownpoint has more or less been identified with Navajo
2 communities that's been working with the federal
3 governments and also the state and the county. That's
4 where it's needed, mostly heavily populated by Native
5 Americans, Navajos; that has identified communities up
6 there.

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

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

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

22 This here is a resolution of Eastern Navajo
23 Health Board. Whereas, number one, Eastern Navajo Health
24 Board was established by Navajo Health -- Indian Health
25 Service to promote the involvement, participation, and

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1 consultation in the Indian Health Service by the Indian
2 people in partnership to promote the advancement of health
3 and welfare of Native Americans on the Navajo
4 Reservation.

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

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

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

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

22 And here it says, now, therefore be resolved
23 that, one, the Eastern Navajo Agency Health Board approves
24 the Preferred Alternative of the Navajo-Gallup Water
25 Supply/Cutter Lateral request, which will really improve

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1 the public health of our communities by helping to prevent
2 health problems in part due to safe and healthy water
3 supply.

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

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

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

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

23 THE HEARING OFFICER: Our public hearing is
24 closed. Thank you for coming. Please drive home safely.

25 (The hearing adjourned at 10:52 p.m.)

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

2

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

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

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

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