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1 Public Hearing on
2 Energy Policy Act-Section 368
3 Energy Corridors in the West:
4 Draft Programmatic Environmental Impact Statement

5 Speakers who asked that their name and address or just their address be
6 withheld from the public record have that information replaced by xxxxx's.

7 Window Rock, Arizona, January 23, 2008, 2:00 p.m.-4:00 p.m.

8
9 LAVERNE KYRISS: Well, good afternoon. I have
10 that it's about two o'clock. Good afternoon. I would like
11 to thank you for joining us for a public hearing on
12 the Draft Programmatic Environmental Impact Statement
13 on Designating Energy Corridors on Federal Lands in
14 the West. I am LaVerne Kyriss from the Department of
15 Energy, and I will serve as today's hearing officer.
16 Before we begin the formal hearing, Joel Farrell, who
17 is the assistant district manager for BLM's
18 Farmington office, will make a brief opening statement.

19 But first, if you have not signed in or let
20 us know that you want to speak at this meeting, you
21 can do so right now at the registration table right
22 here. We also have some handout material at the
23 table. We have a fax sheet on the project, and we
24 have a map that gives you an example of our sitting
25 process. Restrooms are located out in the lobby just
26 across the hall. In the event of a fire or other
27 alarm, we ask you to please take your personal
28 belongings with you and evacuate the building as
29 quickly and quietly and safely as possible. You can
30 see our emergency exits are right here.

31 With us today representing the federal

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1 interagency team managing this work are Kate Winthrop,
2 Ron Montagna, and Jerry Cordova from the
3 BLM and Marsha Butterfield back here from the Forest
4 Service. After we are finished taking your comments
5 today, we will stay around to informally discuss the
6 Draft PEIS with you.

7 Now we are planning to do this hearing in
8 English, but we do have a translator available here,
9 and so we have a short presentation, and before we do
10 that, I would like to know if translation is
11 something that we need, if we need to do a sequential
12 translation for the presentation. Is there a need
13 for that today? I'm not seeing anybody say, yes, we
14 need to do translation of the presentation.

15 In that case, I would like to turn the mike
16 over to Joel.

17 JOEL FARRELL: I'll make my speech real
18 short. Welcome to the meeting. I'm Joel Farrell.
19 As LaVerne was saying, I am from Farmington. I have
20 been there for almost 20 years now, so I kind of know
21 about a few of these things. It was great to be
22 outside. It was nice and warm out there in the sun.
23 It looks like you have got some snow, so maybe you
24 will have a nice wet, green spring. So with that,
25 I'll turn the meeting over and we can get started.

26 LAVERNE KYRISS: Thank you. They want me to

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1 use the microphone. Okay, I'll get it up.

2 We are here today to receive your oral
3 comments on the Draft PEIS. You can also submit
4 comments via the project website, by fax, or by mail.
5 This hearing isn't being web cast, but it is being
6 transcribed, so speakers are asked to speak clearly
7 and distinctly into the microphone. If you are
8 having trouble hearing a speaker in the room, please
9 signal me, and I will advise the speaker accordingly.

10 Just a note about the web cast, most of our
11 other hearings are being web cast and you can go to
12 our project website--those hearings are archived--and
13 you can listen to the testimony of those hearings or
14 you can listen to them live while they are being
15 conducted.

16 After everyone who wishes to comment has
17 spoken, I will close the hearing. So far we have
18 four people who requested to speak to this issue
19 today. Each of you will have an initial five minutes
20 to make your presentation. When you have 30 seconds
21 remaining, I will notify you so you can wrap up.

22 This hearing is to take comments on a Draft
23 Programmatic EIS prepared in response to direction
24 given by Congress to five federal agencies: Energy,
25 Agriculture, Interior, Commerce, and Defense.

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1 Section 368 of the Energy Policy Act directs the
2 secretaries to designate corridors for oil, gas, and
3 hydrogen pipeline and electric transmission lines on
4 federal land in the 11 Western states. To perform
5 the necessary environmental reviews, partly because
6 of this requirement, we decided to prepare the Draft
7 PEIS that's the subject of this hearing, and to
8 incorporate these designations into land use, land
9 management, or equivalent plans.

10 A separate and distinct public process is
11 expected to begin later this year to identify
12 corridors in the other 39 states. The statute
13 requires that when the secretaries designate these
14 corridors, they must specify the corridor centerline,
15 the corridor width, and the corridor compatible uses.
16 Congress also directed the secretaries to take into
17 account the need for electric transmission facilities
18 to improve reliability, relieve congestion, and
19 enhance the capacity of the national grid to deliver
20 electricity.

21 The Draft PEIS proposes designating more
22 than 6,000 miles of corridors. Sixty-two percent
23 would incorporate existing locally designated
24 corridors and/or rights-of-way. Eighty-six percent
25 would be on BLM land and 11 percent on Forest Service

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1 land. The Draft PEIS identifies 166 proposed
2 corridor segments in all 11 Western states. If all
3 are included in the follow on decisions, this would
4 involve amending 165 land use or equivalent plans.

5 Previously designated corridors are
6 outlined in yellow on the project maps. Some of
7 these are proposed for upgrade only. In the case of
8 existing previously designated utility corridors,
9 amendments to land use plans designating these as 368
10 corridors would subject these corridors to the
11 interagency coordination processes described in the
12 PEIS, and they would be assigned Section 368
13 criteria, in effect, the centerline, width, and
14 compatible purposes. Using existing corridors alone
15 would not meet the requirements of Section 368, so we
16 have identified an additional 2,300 miles of proposed
17 corridors.

18 Proposed corridors also vary in width. We
19 used a 3,500 foot starting point to provide
20 flexibility for siting multiple rights-of-way. An
21 energy corridor is defined as a parcel of land,
22 identified through a land use planning process, as a
23 preferred location for existing and future
24 rights-of-way that is suitable to accommodate one or
25 more rights-of-way which are similar, identical, or

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1 compatible. Corridor designations assist in
2 minimizing adverse impacts and the proliferation of
3 separate rights-of-way.

4 A right-of-way is a specific land use
5 authorization, not a change in ownership, granted to
6 allow construction and operation of a specific
7 project that's often linear in character, such as a
8 utility line or a roadway. Right-of-way permits
9 include requirements for compatible land use and are
10 not granted until the project applicant has complied
11 with all relevant requirements, including appropriate
12 environmental review.

13 In November 2007, we published the Draft
14 PEIS. Comments are due February 14th. We will
15 analyze and respond to the comments and complete the
16 tasks necessary to prepare a Final PEIS. We expect
17 to have this ready sometime in mid-2008. The land
18 management agencies will be able to sign records of
19 decision to designate corridors through amendments to
20 land use plans no sooner than 30 days after the Final
21 PEIS is issued.

22 The Draft PEIS analyzed two alternatives --
23 taking no action and the proposed alternative.
24 Choosing to adopt the no action alternative would
25 result in continuing ad hoc, uncoordinated

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1 development as is done now. The proposed action is
2 the result of a three-step corridor siting process
3 described in detail in Chapter Two of the Draft PEIS.
4 The first step was to incorporate comments provided
5 by the public during scoping and after the draft map
6 was released in 2006. Then the agencies worked
7 closely with local federal land managers to
8 accommodate local land use priorities, incorporate
9 local knowledge of areas, and avoid areas known to be
10 incompatible with future development.

11 A handout summarizing this process for
12 determining where the proposed corridors would be
13 located is on the information table, and examples of
14 specific corridors are also available on the project
15 website. We believe that the analysis of these
16 alternatives meets NEPA's requirement for a hard
17 look. Because the proposed action does not involve
18 any site specific ground disturbing activities, site
19 specific NEPA review will be required to support all
20 proposed projects in a 368 designated corridor. And
21 today, we don't know when and where any projects will
22 be proposed by applicants seeking to site pipelines
23 and/or transmission lines. As a result of this
24 uncertainty, the environmental effects described in
25 Chapter Three of the Draft PEIS are necessarily more

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1 general than a site specific analysis for a known
2 project would be.

3 Comments will be most useful if they are
4 specific, include suggested changes or methodologies,
5 provide a rationale for your suggestions, and refer
6 to the specific section or page number of the Draft
7 PEIS. Finally, we encourage you to submit your
8 comments via the project website. It's easy for you,
9 it speeds our ability to get comments into the
10 database for analysis and up on the website for
11 public review, and doesn't require stamps or
12 envelopes.

13 Now, for today's hearing process, I will
14 call on speakers in the order in which you
15 registered. We ask you to please step up to this
16 microphone and clearly state your name and
17 organization, if you are representing an
18 organization, before making your comment. Please
19 limit your oral comments to five minutes so that
20 everyone who wants to speak today may have a chance
21 to be heard. I will advise you when you have 30
22 seconds left, so you can wrap up.

23 Now I'm going to call people who have
24 preregistered first, then I will call people who
25 registered here, and then I will call on people in

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1 the room. And as we go through that process, if
2 people want to make additional statements, we will go
3 through that process until everyone is heard. And
4 this is what I will show you if you are getting near
5 the end of your time.

6 After everyone has had a chance to speak,
7 we will close the hearing and remind you of when
8 comments are due and how to submit them. If you are
9 speaking from a prepared statement, we would also ask
10 you to please leave a copy with us at the
11 registration desk, and if you are not able to do
12 that, if you would send it to us via the project
13 website, we would appreciate that.

14 Now, agency representatives won't be
15 answering questions during the hearing, but we will
16 stay afterward to discuss the Draft PEIS with you.
17 Are there any questions on the process we are going
18 to use today to take comments? Oh, yes. Again, we
19 do have a translator, so if you want to speak in
20 Navajo that's fine. We will have a translator so
21 that our court reporter can get that comment down on
22 the record.

23 Are there any questions? Yes, ma'am?

24 JENNIFER TALIMAN: Yes. Do you have
25 maps of where you are proposing or-

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1 LAVERNE KYRISS: Yes. We have a big map here.
2 We have a computer where we have the GIS database, so
3 we can call up specific maps. We have the example of
4 our siting process in the back at the registration
5 desk, and on the CDs that are at the registration
6 desk, that has all the maps on it as well.

7 FREIDA WHITE: What about copies of the
8 outline you spoke of that you have behind that
9 podium?

10 LAVERNE KYRISS: The siting process?

11 FREIDA WHITE: Yes.

12 LAVERNE KYRISS: That's at the registration
13 desk. Copies of that, ma'am, are available at the
14 registration desk. This shows you how we got from
15 the conceptual network to the actual corridors.

16 FREIDA WHITE: You brought two items out.

17 LAVERNE KYRISS: The other item is our one-page
18 project handout, and it has our overall map on the
19 back, just so you know. I just didn't want them to
20 fall on the floor.

21 Are there any other questions on the
22 process we are going to use to take comments today?
23 If there are no comments on the process we will use
24 today, we will now begin to take your comments. We
25 had some preregistered folks, and I don't know if

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1 they have checked in yet. So is Alfred Bennett here?
2 Is Ambrose-and I do not know how to say your last
3 name, so I'm going to spell it-
4 T-E-A-S-Y-A-T-W-H-O. Is Ambrose here? We will come
5 back and call on them later.
6 What about Elouise Brown? None of those
7 folks are here yet, which is just fine.
8 Jennifer Taliman? Jennifer, the microphone
9 is yours.
10 JENNIFER TALIMAN: Hi, my name is Jennifer
11 Taliman and I am just a member of the tribe. And,
12 you know, I was really concerned about this when I
13 first heard of this. And first of all, I think that
14 a lot of federal officials don't understand this,
15 that this, you know, our nation is very rich. And as
16 you all know that, that we supply a lot of coal,
17 which are high quality coal, to different areas. We
18 are already helping cities and states, many states
19 with energy, and as you know, a lot of them are not
20 being compensated.
21 And with the El Paso Natural Gas Company, I
22 have elders, talked to elders who the pipeline goes
23 right through their land, and for almost
24 approximately 15 years, they were never compensated.
25 When they were finally found, they gave them a hard

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1 time. I even took them there, took one, or one
2 person there, and they would not give her any
3 benefits. And then just, I think, six months ago,
4 approximately six months ago, she got something in
5 the mail and it was only for \$400.

6 And, you know, I don't know how all this is
7 going to be compensated or how everything is working,
8 and I am fairly new at this. You know, I really feel
9 that the people should get what is due to them. And
10 first of all, this is actually a trust land, and like
11 you see JFK, the JFK trust, whenever there is a
12 lawsuit, JFK is responsible, if their liability lies
13 on them, and he has a manager, and the Department of
14 Energy and the Department of Interior and the BIA are
15 only managers. And one day I hope and I pray to God
16 that the tribe will no longer need the manager.

17 And as you guys might know, in the Bible it
18 does say that if you just take land and take it again
19 and again, you know, there is a curse that is set.
20 And no longer—you know, we prayed about this—
21 and no longer is this land just going to be taken, no
22 longer is this tribe going to be taken advantage of.
23 And I hope that Dick Cheney understands that, you
24 know, these are trust lands, and the Department of
25 Interior and the department which is also known as

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1 the department of war is just a manager.
2 And I hope, like 50 percent of our people
3 here have utility service, maybe even less. You
4 know, I know a family who has a house right
5 underneath the power plant in Page, and they don't
6 even have running water. They haul their water. I
7 mean, they don't have running water. They don't have
8 electricity, and yet the plant is sitting on their
9 grazing. And even with the grazing, grazing permits,
10 you know, it's constantly being taken away from us,
11 and that should not be happening.

12 And I know that God is going to protect
13 this land, and I hope that you guys understand that
14 these are not federal lands. You guys are only the
15 managers, so treat my people right. Give them their
16 fair share amount. And even the El Paso Natural Gas
17 Company, you know, they say they offer jobs and
18 whatnot, but they are all run by generators now, that
19 there's only very few people that work there, because
20 I know, because my relatives work there.

21 But you can no longer take advantage of
22 this land, and I hope Dick Cheney understands that,
23 and a lot of people don't understand that. Whenever
24 a lawsuit comes, the lawsuit is against the Navajo
25 Nation. It's not against the federal or the

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(cont.)

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1 Department of Interior. We are the owners of this
2 land, and you are only the managers. And one day I
3 hope that we can fire the managers and bring in
4 qualified people into this area to manage this land.
5 You know, and it's always a joke about it, that we
6 can bring the OPEC Nation in or the UN and see, you
7 know, what-you know, I joke about that and I know
8 that can't happen. But we will some day bring in our
9 own manager, and that one day we are going to be
10 recognized as a nation like the Jewish people.

11 And we have been through so much. I have a
12 brochure that, you know, it brought me back to the
13 long walk, a general, James Carlton. He believed, he
14 knew how rich this area was. And a lot of the
15 generals back then, or one of the generals was a
16 geologist, and they knew what existed on this land,
17 and that's why they established a military post here.
18 And they were hoping to take everything that was
19 here, but I know that God did not allow that.

20 And, you know, I really believe that this
21 time, that God is on our side, and he is going to
22 protect this land. So I hope you guys aren't here to
23 take advantage, and that you are fair, and I put this
24 in God's hand. Whatever he does, it's going to be in
25 his hand, and I hope you guys understand that. And,

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1 you know, I pray, and like I said, if the Navajo
2 Nation stands, once they stand, they roar. They are
3 going to shake the nations, and, you know, I think-
4 I don't know where the attorney general is here. He
5 should have been here, but we need to stand as a
6 nation, and roar and shake everybody. I mean, a lot
7 of the gas that's coming through here is supplying
8 Tucson and Phoenix, and no longer can they take
9 advantage.

10 So you guys have to go to Dick Cheney and
11 tell him, hey, you know, this is a nation within a
12 nation, and you have to look at these issues again,
13 because this could no longer happen. Thank you.

14 LAVERNE KYRISS: Thank you, Ms. Taliman.

15 Before I take comments from the other folks
16 in the audience, I would like to ask if Alfred
17 Bennett is here or if Ambrose is here or if Elouise
18 Brown is here.

19 All right. They are not here yet, so now
20 what I would like to do is open to the rest of the
21 audience, if someone would like to make comments, we
22 would welcome your comments. We ask you to come to
23 the microphone to give us your name, if you are
24 representing an organization, please tell us that
25 organization, and then make your comments. Are there

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1 folks who would like to make comments now?
2 Yes, sir.
3 Can you stand and give us your name?
4 xxxxx: My name is xxxxx.
5 LAVERNE KYRISS: Can you spell that for us?
6 xxxxx: xxxxx. I just
7 want to kind of ask some questions for clarification.
8 LAVERNE KYRISS: How about if you come up and
9 use the microphone?
10 xxxxx: All right. Just to kind of
11 get to know a little bit more about the draft hearing
12 and kind of how it affects Navajo land, I don't know
13 if anybody else in the audience is really familiar
14 with the Draft here, because I just kind of heard
15 about it, and would like to know more on where these
16 pipelines or electricity lines are going to be
17 running through land, and if they are, are they going
18 to be crossing onto Navajo land at all and where if
19 so. I just am not very clear on that right now.
20 Maybe other people aren't either.
21 LAVERNE KYRISS: Okay. What we are moving into
22 is a question and answer period, and we certainly
23 want to do that. So what we want to do is take a
24 break from our formal hearing, so we are going to
25 temporarily close the hearing. So that means our

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1 transcriber can stop recording, and then when people
2 want to make formal comments, we will go back on the
3 record, if that's okay with everyone in the room.

4 (A discussion was held off the record.)

5 LAVERNE KYRISS: I would like us to go back on
6 the record. Sir, if you can give us your name and
7 who you are representing again.

8 ELROY DRAKE: Good afternoon. My name
9 is Elroy Drake. I work as a special projects person
10 for the Division of Natural Resources, and we have
11 been working on a project that we call the Narbona
12 Growth Fund, and the concept here is to develop our
13 own resources to benefit the Navajo Nation, and it's
14 modeled after the southern Utes in which they have
15 developed their own resources. And so we have been
16 working with the southern Utes closely, but on the
17 other hand, we have also customized it so that it
18 fits our situation on the Navajo lands.

19 The way I am looking at this map, it's like
20 an invite for the Navajo Nation to participate in the
21 delivery of energy sources, and I think this is an
22 opportunity for the Navajo Nation to develop
23 renewable energy and have a way to transfer this --
24 transmit this power to where the people are willing
25 to pay for it, and primarily I am saying California

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1 and Phoenix, maybe other communities. This kind of
2 fits in with what we would like to do. So we are
3 looking at, like I said, wind farms and solar farms
4 and developing natural, our own natural gas
5 resources, and having a way to transport it out of
6 here, if not utilize it right on our reservation.
7 Thank you.

8 LAVERNE KYRISS: Thank you, Mr. Drake.
9 We are still on the record. Are there
10 other people who would like to offer comments at this
11 time?

12 ANNA MARIE FRAZIER: Yes, ma'am.

13 LAVERNE KYRISS: Please come up and tell us who
14 you are.

15 ANNA MARIE FRAZIER: Yah-te-hey. My name is Anna
16 Marie Frazier from XXXXX, Arizona, Dilkon chapter
17 area. I work for Diné Citizens Against Ruining Our
18 Environment, Diné Care. I think it was in 2005,
19 there was an energy meeting-hearings in-Indian
20 energy hearings in Albuquerque, and we were there,
21 and at that time is when they brought up this energy
22 corridor. And during that time is when the people
23 said that this corridor is going to go through the
24 Navajo Nation, and it's going to be-well, that's
25 the reason why I asked how wide is this corridor

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(cont.)

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1 going to be. And at that time is when they said it
2 was going to be 25 miles wide.

3 And I don't know where that stands now.
4 This is just something that they said over there in
5 Albuquerque. And so I came here thinking the plan
6 was still the same, and the way that I see this is,
7 it's a little bit different than what the corridor
8 map that I saw back then, you know, in 2005.

9 My reason for being here is that I live in
10 Dilkon, west of Dilkon on the Navajo Reservation, and
11 I live like about less than a fourth of a mile from
12 the El Paso Natural Gas pipeline, and I don't wish
13 that kind of home site to anybody on the Navajo
14 Reservation, because sometimes, you know, the noise
15 gets very loud when they release the air or whatever
16 they do, and then also sometimes it will smell as
17 well.

18 So this land where I live is handed down to
19 me by my ancestors, my grandfather, my grandmother,
20 even before them, back from the early 1800s or
21 somewhere back there, so there is no place else for
22 me to move if there should happen to be a widening of
23 this corridor. And I think that there is Navajo
24 Nation, government staff people here, and they should
25 hear that from us, too, that it's not really fair to

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1 us residents on the Navajo Reservation, where we have
2 to be victimized by--well, it all starts with
3 Washington, from the plans that they have for energy.
4 It really victimizes our people, and for the pipe to
5 increase the corridor of what's already existing now,
6 it's even going to be more--it's going to be more
7 impact on the people. Just kind of wonder, because
8 anything that is coming down from the government not
9 only from the US government but from the Navajo
10 tribal government, our people don't know about it.

11 Like this one here, this hearing today, the
12 people in--I went to the chapter house this morning
13 to Dilkon and asked if they had gotten any
14 information about this public hearing today. They
15 said, nothing, no, they didn't get anything. And I
16 think it's only fair for our people to be educated
17 about things like that that's going to affect their
18 lives, their way of life, their livelihood, and their
19 homes, because we all know the history of relocation,
20 Relocates that have been impacted and that have been
21 traumatized. Their social way of life has been
22 deeply, deeply traumatized.

23 So these kind of things affect our people,
24 and to come in and to remove them, all because
25 somebody else somewhere in the big cities are going

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(cont.)

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1 to be using the energy. And I don't think that's
2 right to do that. So that is my concern, is that we
3 need truth, to be told truth, the truth about these
4 kinds of things. What is coming down to us, what
5 does this mean for us, for the Navajo people, so I
6 would like to hear from the Navajo Tribe.

7 And I would like to also request that this
8 hearing be extended, so that more people on the
9 Navajo reservation will hear about it, and I don't
10 like this, you know, where the energy corridor just
11 kind of stops right there at the boundary line of the
12 Navajo reservation, and we don't know what's all
13 planned for inside our reservation. What does that
14 all mean? You know, so I think that our people need
15 to know about this. So I want to request that to
16 have the hearing extended and also to educate our
17 people, bilingual, Navajo, in the Navajo language,
18 over the radio or whatever. Thank you.

19 LAVERNE KYRISS: Thank you, Ms. Frazier.

20 I do believe that Elouise Brown is now
21 here, and wanted to make a statement.

22 ELUISE BROWN: Ya-ta-hey. My name is
23 Elouise Brown, I am with an organization called No
24 Desert Rock, and Ms. Anna Frazier pretty much covered
25 what I was going to say. I would like to request an

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(cont.)

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1 extension, more hearings on the Navajo reservation,
2 because as I look through here, I hardly see any
3 people from the Navajo reservation. So we need
4 to-well, I am requesting more hearings to be done on
5 this energy corridor.

6 And just like Anna said, I went to talk to
7 a lot of people on the reservation, and they have no
8 clue about this hearing today or tomorrow in
9 Albuquerque. And I tried to get as many people as I
10 could here, but everybody has things to do, and if
11 they are not aware of it, they are not going to be
12 here.

13 And also on the maps, there is nothing,
14 there is no picture of anything, of any of the energy
15 transmission lines on the Navajo reservation.
16 Everything stops before you get into the reservation,
17 and then it continues on, on the other side, and we
18 like to know what is going on. We need more details.
19 And that's what I really would like to request, is a
20 more detailed map. Let us know what's going on, and
21 really, you know, get the information out there, and
22 let the Navajo people know what's going on so that
23 they can come attend the hearings. Thank you.

24 LAVERNE KYRISS: Thank you, Ms. Brown.

25 Are there other folks who would like to

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(cont.)

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1 speak? Yes, sir.

2 JIMSON JOE: My name is Jimson Joe with
3 the Department of Emergency Management for the Navajo
4 Nation. I have several questions. The map shows
5 that the-it doesn't show all of the Navajo Nation
6 lands extending beyond the land that's occupied on
7 the checkerboard area that you are discussing of the
8 proposed corridor on the eastern border.

9 The Navajo Nation Department of Emergency
10 Management tries to provide for all the communities
11 on the Navajo Nation. The corridor indicates that it
12 goes to the Four Corners, and I have a map here of a
13 pipeline that extends out of that particular area in
14 Farmington, Bloomfield, coming down through the
15 McKinley County, down to Gallup, and traversing
16 across to the west, through the Apache County, Navajo
17 County, and down to Phoenix. And I guess that
18 project is called the Phoenix Extension Project. I
19 am wondering why all of the pipelines that are coming
20 off of this corridor are not included in this to show
21 the entire picture that impacts the Navajo Nation.

22 The other one is, in looking on the
23 internet with your website, there is an indication
24 that you have an emergency plan for or-is it just
25 for the corridor, or is it for all of the pipelines?

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1 I would like to see if I can get a chance to review
2 it. I couldn't download it, because it was a 40
3 megabyte document. And then you also have a
4 community information document on there, and I need
5 to see if we can get an opportunity to see those
6 reports or information. So I'm wondering if we can
7 be able to have you guys provide that.

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(cont.)

8 I do have a letter here requesting that the
9 Department of Emergency Management review that
10 Comprehensive Emergency Response Plan on this
11 project. I am aware that we have an Environmental
12 Impact Statement that is also part of this project,
13 and it's been authorized, so I really want to ensure
14 that the Navajo people have their own people to
15 ensure their safety with this project, because it's
16 an economic venture, and I think that economic
17 venture is not benefiting the Navajo people as well.
18 Thank you.

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19 LAVERNE KYRISS: Thank you, sir.

20 KATE WINTHROP: Let's explain the map.

21 Can we go off the record for a minute?

22 LAVERNE KYRISS: Can we go off the record so we
23 can talk about what's on the map?

24 We have had a request that our comments be
25 on the record, so we will go ahead and stay on the

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1 record, but who's going to explain the map?

2 IHOR HLOHOWSKYJ: I'm going to explain
3 from here. The lines that you see up here show the
4 existing transmission of pipelines going through this
5 area. The blue lines are all gas pipelines, or some
6 sort of gas or oil pipelines, and the purple are
7 transmission lines. These are all existing.

8 The proposed corridors, none of them are
9 proposing projects. They are proposing locations
10 where future projects could be located. Companies
11 who want to propose a pipeline or transmission line
12 could still go elsewhere, the same way they do now,
13 to get a right-of-way authorization, but the
14 corridors we tried to locate and we tried to match
15 where there is already an existing transmission line.
16 That land along that existing transmission line has
17 already been disturbed. If we can put a corridor,
18 site additional projects along that, we are hoping
19 that would cause less environmental impacts and
20 impacts to cultural and natural resources. There is
21 already something there.

22 So some of these right-of-ways we are
23 talking about paralleling interstates, railroad
24 lines, existing transmission lines, but there are no
25 projects right now associated with any of these

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1 corridors, and there is no requirement for any
2 companies to site their future project in these
3 corridors. But the hope is, by going in there, they
4 wouldn't be all spread out all over the landscape and
5 fragment all sorts of areas and habitats and
6 resources.

7 RON MONTAGNA: We have to stress that
8 the maps show these facilities on the tribal lands,
9 but we are not in any way in this effort designating
10 the corridors on any property except federal land. I
11 mean, in this area you have public land. So
12 overlooking the map where the biggest piece is of the
13 Navajo Tribe, none of these corridors are being
14 designated on those tribal lands.

15 LAVERNE KYRISS: That we are proposing to
16 designate.

17 RON MONTAGNA: That we are proposing to
18 designate.

19 KATHY HELMS: Can you overlay-

20 LAVERNE KYRISS: Can you give us your name,
21 please?

22 KATHY HELMS: Kathy Helms, Gallup
23 Independent. Like with the map you had up there, can
24 you overlay where the corridor goes with all the
25 existing lines there?

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1 IHOR HLOHOWSKYJ: It gets buried, because
2 there is so much existing. So here's the proposed
3 corridor. There is one segment here.

4 LAVERNE KYRISS: You see one over here.

5 IHOR HLOHOWSKYJ: There's one up here.
6 There's this one here. Okay. Now, when we overlay
7 what's already on the ground, either as pipelines or
8 transmission lines, so it looks like this proposed
9 corridor that's through here, we have tried to locate
10 following already existing facilities where there's
11 already been impacts. So we are not going somewhere
12 completely new, so future projects hopefully would
13 have less impact.

14 KATE WINTHROP: And also would reduce, we
15 hope, if industries actually use the corridors, we
16 are hoping it would reduce some of the sort of
17 proliferation of lines that you see here. It might
18 kind of bring them into the corridors in the future
19 instead of having them all over the place. That's
20 really the intent behind this designation, although,
21 of course, we are not doing it on tribal lands.

22 You can see in the upper right-hand corner
23 where there is just so much, if there is any future
24 development, is it a better idea to keep it in a
25 corridor or just let it go the way it has? That's

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1 kind of the issue of how we are thinking about it.

2 JOHN KRUMMEL: You can notice that the
3 corridors that we show are only on land administered
4 by the Bureau of Land Management and the US Forest
5 Service, and those two agencies are part of the
6 federal partnership for this, but again, the
7 corridors are only designated on lands administered
8 by BLM and US Forest Service. So that's why they
9 look like dotted lines, and that's why they end and
10 start up again. We only have authority to do this on
11 federal lands under the jurisdiction of the Forest
12 Service, Interior, and Department of Defense in some
13 cases.

14 LAVERNE KYRISS: Do you have another question?

15 KATHY HELMS: Yes, one more thing. How is
16 It-included in this is changing-

17 LAVERNE KYRISS: Can you speak up so the court
18 reporter can hear you, please?

19 KATHY HELMS: Included in this is changing
20 the land management plans for BLM, Forest Service,
21 and how will that impact? Will that open up more
22 land for development or will it give the government
23 like opportunity to close lands off?

24 LAVERNE KYRISS: The question is related to
25 designating corridors by changing land management

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1 plans. And would somebody from either Forest Service
2 or BLM want to answer that question and explain to us
3 what that means when you are changing that land
4 management plan.

5 RON MONTAGNA: When BLM gets to that point
6 at the end of the Environmental Impact Statement
7 development, we issue a record of decision. The
8 record of decision for this effort will amend those
9 land use plans which the EIS has identified as being
10 appropriate for the designation of these corridors.
11 Those plans will be--those plan amendments will be
12 specific to the designation of the corridor, and it
13 will, as I believe we mentioned in the opening
14 statement, identify the width, identify the
15 centerline of the corridor, and the width. We will
16 also amend the plan to include the compatible uses in
17 that corridor. So we may have a decision which
18 states corridor, you know, 001 is 3,000 feet wide and
19 can accommodate gas pipelines and electric
20 transmission lines.

21 The amendment will not address any other
22 land uses in that corridor. It will not address
23 grazing, will not address mining, will not address,
24 you know, future oil and gas development. The plan
25 amendment will be specific to the designation of the

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1 corridor and those compatible uses.

2 We have also, in the document, have IOPs,
3 Interagency Operating Principles which will be
4 stipulations, so to speak. Other documents call them
5 best management practices or stipulations, and those
6 will be identified--those stipulations that are
7 appropriate to that corridor will be identified in
8 that amendment to that specific land use plan. So
9 these are very specific amendments.

10 KATE WINTHROP: Just to add, that when a
11 land use plan is amended to designate these
12 corridors, what that does is to tell the public and
13 to tell future project proponents, people who might
14 want to put a pipeline or transmission line in there,
15 that if they come to the BLM and they say they want
16 to do this, we are going to tell them this is where
17 we really want you to put it, this is our preferred
18 location for you to locate your project, and it's a
19 fairly strong management tool actually.

20 LAVERNE KYRISS: Did that answer your question?

21 KATHY HELMS: Yes. But if it's a preferred
22 location, does that mean they have to put it there or
23 can they put it where they want to? Because it's
24 preferred that doesn't mean they have to put it there
25 or have some kind of mandate.

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1 RON MONTAGNA: It will--the designation
2 is a preferred location. This will not prevent a
3 proponent of a project from applying to locate a
4 facility somewhere else. However, it is--and we
5 can't prejudge projects in the future. However,
6 using our existing management procedures in BLM, it
7 would be difficult to approve--not impossible--
8 but difficult to approve a facility that is located
9 outside of the corridor, because we have already gone
10 through the land use planning effort that identified
11 it as the preferred location. We would then, if we
12 look, we would then have to reamend the land use
13 plans to approve the new location.

14 A project that is proposed outside a
15 corridor will probably receive lower priority for
16 processing because it will not be in conformance with
17 the land use plan. Again, neither the Energy Policy
18 Act or even the traditional BLM planning tool, the
19 Federal Land Policy Management Act, prohibits
20 nonconforming applications, but both, but the flip
21 part on planning rules make it difficult to have
22 approval for nonconforming proposals.

23 LAVERNE KYRISS: Thank you, Ron. Better for
24 the BLM to explain its own land uses than for the
25 Department of Energy to do that.

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1 Other folks who would like to make comments
2 today or have questions? Okay, here. Please come to
3 the microphone and tell us who you are.

4 ARVIN TRUJILLO: Good afternoon. I'm
5 Arvin Trujillo. I am the executive director for the
6 Division of Natural Resources for the Navajo Nation,
7 and I would like to take this opportunity to first
8 welcome those representatives from their cooperating
9 agencies to Window Rock to hear these public comments
10 concerning the West-wide Energy Corridor Draft
11 Programmatic EIS or Environmental Impact Statement.
12 To introduce myself also to those here who are
13 Navajo-

14 (Comments in Navajo.)

15 I call home Nunza. That's where I grew up.
16 My mother is from the Choodii area. My dad is from
17 the Nageezi area.

18 The Division of Natural Resources consists
19 of 11 departments focused on the management,
20 protection, and development of the nation's natural
21 resources. Some of the departments within the
22 division include agriculture, water resources, fish
23 and wildlife, historic preservation, land and
24 forestry. The comments I am providing today are
25 general in nature concerning observations as well as

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1 general concerns. The division will be following up
2 this oral presentation with written comments
3 concerning the actual Draft Programmatic EIS.

4 In reviewing the proposed locations of
5 these energy corridors on federal lands outside of
6 the boundaries of the Navajo Nation, it is apparent
7 that in order to connect the initial placement of
8 these corridors, pathways through the Navajo Nation
9 will be needed. The Navajo Nation is providing
10 comments on this assumption, because no pathways are
11 identified that would go around the nation. The
12 Navajo Nation currently has existing oil and gas
13 pipelines and alleged quote transmission lines
14 crossing the reservation.

15 Through negotiations and following the
16 nation's rights-of-way process, additional requests
17 for new pipelines and transmission lines could be
18 accommodated, but only after following the prescribed
19 processes in place with the nation. The designation
20 of the corridors on federal lands that border the
21 exterior boundaries of the nation places an undue
22 burden on the nation to designate similar corridors
23 to accommodate federally designated corridors.

24 The review of the Draft EIS indicates that
25 tribes are not a part of the EIS nor is land under

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1 the tribal jurisdiction being considered for any
2 corridors, but the nation wants to make it clear that
3 in order to connect the lines developed through this
4 process, the federal government and future developers
5 must work through the nation through its right-of-way
6 process. This process takes into account the
7 necessary environmental and cultural resources
8 reviews, threatened, endangered, and sensitive
9 species including the possible impacts to fish and
10 wildlife, issues concerning land use and compensation
11 to land permittees for surface damage on grazing
12 areas, impacts and mitigation efforts on forested and
13 woodland areas, and compensation to the nation for
14 utilization of land being considered.

15 The EIS indicates that the federal agencies
16 are considering a corridor width averaging
17 3,500 feet, which is a little less than
18 three-quarters of a mile. What the federal agencies
19 choose to do outside the boundaries of the Navajo
20 Nation is their decision, but do not expect the
21 Navajo Nation to accommodate a corridor this wide
22 across its nation. As noted before, the Navajo
23 Nation has a right-of-way process in place, and land
24 use issues are addressed in this process. The
25 different factors involving the construction,

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(cont.)

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1 operation, and maintenance of a new pipeline or
2 transmission line are taken into consideration when
3 the width of the right-of-way is negotiated.

4 Given the multi-use aspects of the lands on
5 the nation, which would include sensitive areas,
6 environmental, scenic, and wildlife protection,
7 cultural and sacred sites, livestock, grazing,
8 hunting, housing locations, and recreational
9 activities, to name a few, establishing a corridor
10 that would average--and again, average--3,500
11 feet would be very difficult to put in place, and the
12 nation would not consider such an effort as being in
13 the best interests of the nation.

14 The division is in agreement with the
15 observations made in the Draft Programmatic EIS, that
16 areas identified outside the nation could have
17 significant cultural and traditional meaning or
18 threaten plant or wildlife important to the nation or
19 to the Navajo people. Consultation on a government
20 to government basis would be in order to address
21 possible impacts to locating new infrastructure in
22 designating corridors outside of the nation's
23 boundaries. There are lands that hold significant
24 meaning to the Navajo people and to disturb these
25 areas would not be in the best interests of the

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(cont.)

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1 Navajo Nation.

2 The Navajo Nation is a sovereign nation,
3 with laws and regulations in place to address
4 rights-of-way that would cross the nation, land use
5 issues resulting from the development of new
6 infrastructure within the boundaries of the nation,
7 and compensation issues that would result from
8 surface damage and land rental. The land to be
9 crossed should not be condemned, nor should the
10 amount of rental be considered to be at condemnation
11 rates.

12 It was shown in Section 1813 study,
13 authorized under the Energy Policy Act of 2005, "The
14 rental rate for right-of-ways across Indian country
15 are fair, and the federal government should continue
16 to support tribal efforts to negotiate with future
17 developers for the use of tribal lands. Should areas
18 be identified that are of concern to the federal
19 government, consultation procedures should be
20 initiated to resolve these issues."

21 In closing, the Division understands the
22 needs required producing and transmitting electrical
23 energy to meet the growing needs of the United
24 States, in particular, the Southwestern portion of
25 the United States. The Navajo Nation is not against

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(cont.)

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1 this development or planning for future development,
2 but the Navajo Nation must insist that as plans are
3 developed, that the nation be included in the
4 planning process, and if land within the nation is
5 being considered, that current regulations and
6 procedures be followed.

7 Again, written statements will be provided
8 in the near future on the more detailed aspects of
9 looking at the Programmatic EIS. Thank you.

10 LAVERNE KYRISS: Thank you, Mr. Trujillo.

11 Are there other folks who would like to
12 make a comment? Please come to the microphone.

13 LARRY RODGERS: Thank you. I want to
14 start off with a cynical comment, I guess.

15 LAVERNE KYRISS: Can I get your name?

16 LARRY RODGERS: Yes, ma'am. My name is Larry
17 Rodgers. I work with the Eastern Navajo Land
18 Commission as the executive director for the office.
19 I also have with us this afternoon, Mr. Charles
20 Damon, who serves as chairman of our Eastern Navajo
21 Land Commission. He may want to say something as
22 well, too.

23 What is proposed, you know, you got to
24 understand that it's a southern point that is taking
25 business away from the Navajo Nation. And it's a

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(cont.)

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1 result of--first of all, let's look at it as-it
2 has something to do with our own doing as the Navajo
3 Nation. When the Navajo Nation wanted to negotiate
4 for higher rates for the El Paso gas line, as you
5 recall, that took a long time before certain resolves
6 were made. So as you can see, from the outside,
7 especially companies saw this as an adverse step
8 against what they do, which is to make money.

9 And so companies then, of course, didn't
10 want to deal--do not want to deal with Indian
11 nations, because it's very cumbersome to deal with
12 Navajo Nation, for example, to negotiate a contract
13 to build a pipeline. So companies then go to
14 Washington DC and lobby with the Congress. They want
15 Congress to do something. It's like, "You going to
16 let those little Indians down on them there
17 reservations tell you what to do?"

18 It's not like the 18th century, like the
19 1800s when the federal government, Congress wants to
20 do whatever it wants to do, and be able to condemn
21 lands and use Indian lands for certain purposes that
22 could advance the West, the western American
23 movement. You are familiar with all of that. You
24 know, as time went on, of course, we started losing,
25 as Indians, we lost a lot of land because of the

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1 western movement and the idea of occupying land here
2 and so forth. And so we see ourselves with an
3 eastern agency how the land is so checkerboarded,
4 because of the Dawes Act and so forth, and at one
5 time for four years, from 1907 to 1911, a good
6 portion of the eastern Navajo was reservation land,
7 and you still see on the flag today. This area right
8 here.

9 Then if you can move--can we zoom away a
10 little bit on this? Thank you. Okay. Right through
11 here, then about right here. This area was
12 reservation land for four years, and then ranchers,
13 Mexicans, shepherds, and white ranchers, they made a
14 big stink in Washington, DC and asked Congress to
15 change the position, because, you know, they were
16 interested in the use of the forest and so forth. So
17 anyway, it got restored to public domain.

18 In the meantime, Congress says, Navajos
19 should have a right to some of the land that they are
20 already living on, so they can apply for allotments,
21 and so the allotment process took place as a result.
22 That, of course, started with the Dawes Act about
23 1887, but up until about 1920s, that was in practice.
24 Not all Navajos were able to get in line in time to
25 get an allotment, so the process was cut off.

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1 So we find ourselves in eastern Navajo with
2 checkerboarded lands, that it's really a nightmare
3 from a jurisdictional viewpoint. Police services, as
4 Jimson pointed out for other services, as emergency,
5 police protections, social services, and so forth,
6 there is a lot of jurisdictional issues. But
7 hopefully, we moved towards some compromise working
8 with the BLM in the area of land issue, which I am
9 not here to address, but it is something that we are
10 looking forward to in terms of hoping we come away
11 with some good resolve and getting some of these
12 lands restored back to Navajo.

13 And, of course, some of you are probably
14 familiar with this part of this area that is Danedka,
15 and those lands, we don't even have access to that
16 anymore, but of course we would like to have that
17 protected as much as possible, because there are
18 traces of our history there and so forth.

19 And, you know, somebody was talking, you
20 know, about leaving it up to God.

21 (Comments in Navajo.)

22 In practicality we deal with it, an
23 environment of laws and so forth, when we have to
24 deal with the federal government when it comes to
25 land resources. So anyway, so much for that spiel.

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AZW08

1 If you look at a lot of issues that are
2 currently happening—Iraq, the 9/11 incident, and
3 so forth, it's really making America rethink of who
4 it is, and I think this is a response to that.
5 Internal energy needs of the United States, the
6 United States government is trying to better
7 accommodate the delivery of energy. And so this is
8 the mechanism that I believe that is what they are
9 looking at to do that. So in a larger process, the
10 idea is, if you can create these throughways, you can
11 be able to channel the delivery of energy only
12 through these not only, but most of it would be
13 through these areas, especially all future
14 development, that's what we are hearing today.

15 It really is a good idea. You got to hand
16 it -- you have to think about it from the point of
17 futuristic thinking, it really is a good idea. It's
18 better to control new development in this fashion
19 than to allow it to occur as it has been going all
20 along. Now you have a, let's say, a stream, a
21 system, a network of delivery systems, but yet for
22 local uses, subregional uses, and so forth, you can
23 still see power lines, gas lines, oil lines, still
24 coming out. You think about it, you think about it
25 from the perspective of the human anatomy.

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1 (Comments in Navajo.)

2 There are main veins. They get smaller and
3 smaller right down to the fingertips. These systems
4 work like that. So the better there is a plan, the
5 better the whole thing can operate. Anyway, that's
6 how I see it. In terms of an idea, I think it's a
7 splendid idea and it's probably something that's
8 maybe a little bit overdue. And so my understanding
9 of the EIS is either you do nothing about it, or you
10 do something about it, and that's the comparison that
11 they made in the EIS. If you do nothing about it,
12 then what happens? The development is going to
13 continue to occur haphazardly. If you address it
14 through designations, at least they are controlled.
15 They are in some sense controlled.

16 Now, where I said about this is taking
17 business away from Navajo, it's essentially doing it
18 because companies don't want to deal with Navajo
19 Nation because of El Paso. Now, I was going to say
20 earlier, I wish that we as Navajo Nation had our act
21 together, but I had Leroy, Elroy, and then the
22 executive director make a point about it, that there
23 is something, some thinking going into it, which is
24 good. I mean, definitely these lines are going to
25 end there. You know, they are going to have to go

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(cont.)

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1 across the Navajo Nation one way or another, and
2 there are existing systems, and perhaps they just
3 need to be better studied so that development does
4 occur where it's more controlled rather than, you
5 know, taking new areas. So that's the idea of the
6 concept of corridors.

7 I guess in a way, I guess you could see it
8 as some type of future, kind of future, super
9 right-of-ways. I know that they don't like to--
10 they don't like the idea of the word right-of-ways,
11 so that's why they call it corridors. It's within
12 the corridors, it's within the corridors that
13 companies have to negotiate a right-of-way. So you
14 can have a gas line right-of-way within the corridor,
15 you can have a transmission right-of-way within the
16 corridor, and so forth, perhaps even a land
17 transportation, or perhaps even fiber lines and
18 fiber optic lines and so forth that could be utilized.
19 So perhaps maybe it's not really just energy. It
20 could relate to other needs of the future.

21 But in internally, I appreciate Elroy's
22 comments regarding that there is interest now, and I
23 believe the--is it southern, the Utes, Ignacio,
24 southern Colorado Ute tribe that is really premier in
25 terms of energy development among Indian countries.

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(cont.)

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1 So, you know, if you are following that model, they
2 are a winner already as it is, so it's probably a
3 good idea.

4 I was surprised to hear about that 25 mile
5 wide corridor, that would be something else. And the
6 plan on the average is what, about three/fifths of a
7 mile, and understandably from Mr. Trujillo, on the
8 Navajo Nation that might be hard to do because of
9 livestock use and so forth. But I think in the same
10 token, that the Navajo Nation really does need to
11 concentrate on developing its own internal plans for
12 internal corridors for Navajo Nation, so that this
13 type of development is better controlled. I think
14 overall my comment is positive in terms of why it's
15 needed and so forth.

16 How it impacts eastern Navajo is, again,
17 the map shows, and these guys, they have had a little
18 public hearing at Red Rock State Park-I'm sorry-
19 Red Rock Chapter, and they showed the same map, and
20 we were just as curious as to why these are
21 segmented, and of course there's explanation here.
22 The dark areas that you see here of the corridor,
23 these are just BLM lands. So right here, this void
24 area, for example, that could be private lands, trust
25 land, allotment lands, and so forth. Of course, as

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1 you know, all this area right here is eastern Navajo.
2 For the delegation from Washington, DC, I
3 really want you to understand that eastern Navajo is
4 part of the Navajo Nation. When we say Navajo
5 Nation, we mean eastern Navajo as well, too. If you
6 can please lift this up this way, move the map in
7 that direction. So when we talk Navajo Nation, we
8 are talking eastern Navajo, and that also includes
9 three satellite reservations.

10 We have--okay--could you move it up a
11 little bit more, please? Okay. So this is Ramah
12 right here. Okay. Ramah right there. Canoncito is
13 right here, and then little itty-bitty Alamo right
14 here. Those satellite reservations make up eastern
15 Navajo, along with the main eastern Navajo area that
16 is checkerboarded through here. So when it comes to
17 maps, that's why we want to make sure that the proper
18 education is brought across, because what's going to
19 happen is when the energy companies want to do a
20 right-of-way in the prescribed area, they are going
21 to have to know perhaps how many individual allottees
22 they might have to deal with or even have to get
23 approval from in those voided areas.

24 So the Albuquerque BLM, it did a really
25 good job. When we had this concern, they ran us a

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1 map. And I wish we had that available to show here,
2 because it showed pretty much the full corridor. So
3 when you would look at that map, it shows possible
4 allotment and trust land areas that would be
5 impacted. So I think, you know, that type of concern
6 is better addressed when you show maps like this,
7 especially in the public setting. If you were in
8 eastern Navajo, you would get a lot of questions on
9 that.

10 There are four chapters there that are
11 affected by the proposed plan, starting with
12 Huerfano. That's this chapter area up here. Then
13 Nageezi right through hear. Ojo Encino, and then
14 ending with Torreon-four chapters affected. But
15 in terms of recommendation, I think that's what needs
16 to be shown, is that you show other tribal controlled
17 lands like allotment lands, trust lands, and there is
18 such a thing as what is referred to as tribal fee
19 lands, that is private lands owned by the Navajo
20 Nation. When you add all that up, and if you showed
21 a different color for eastern agency lands, it would
22 sure provide convincing evidence that the
23 northeastern part of eastern Navajo would be
24 impacted.

25 Yes, ma'am.

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1 JENNIFER TALIMAN: They are talking about these
2 corridors not coming on to the reservation, but you
3 are talking about the corridors, and I don't
4 understand why you are talking about these corridors,
5 and they said they have nothing to do with the Navajo
6 Nation.

7 LARRY RODGERS: Well, I am trying to convince
8 them that this corridor, this particular corridor
9 between Bernalillo and Farmington or between
10 Bernalillo and Bloomfield, it will impact eastern
11 Navajo. It would impact eastern Navajo. That's my
12 point. So my point, then, also is that, you know, in
13 order to better educate, you know, the public, it
14 would be good to show other Navajo controlled areas.
15 Like, for example, this big white blotch right here,
16 this is NAPI right here. That's NAPI, so, you know,
17 that shows there is quite a bit of Navajo land
18 nearby, at least in that instance.

19 But along the other way, along the route,
20 of course it's impacting allotment as well as tribal
21 trust lands and fee lands that Navajo Nation
22 controls. So I think the Navajo Nation is going to
23 have a great deal of a role, as that's what I guess
24 Mr. Trujillo was trying to say, that, you know, they
25 would like to sit at the table when these are

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1 actually hammered out in terms of negotiations,
2 perhaps, and so forth. But individual allottees are
3 dealt with on an individual basis, not as a nation.
4 They are just as powerful, one allottee is just as
5 powerful as the entire Navajo nation when it comes to
6 land use. You can't go across their land unless
7 people that own that land all agree. So it really
8 is--so it's quite--it's going to be quite a
9 burden, I think, for energy companies to try and run
10 right-of-way agreements through the corridors once
11 they leave the federal areas.

12 Yes, so in our mind, the way--I guess
13 people are a little upset because they see segments
14 missing, and that's really not the case. And if you
15 saw the map that was made for us, because we had
16 similar concerns, the Albuquerque office made us a
17 map where you can see pretty much the entire route.

18 I'm sorry I carried on so long. I
19 apologize. Thank you very much, though.

20 LAVERNE KYRISS: No problem, Mr. Rodgers. I do
21 want to clarify --

22 LARRY RODGERS: Can I have a little time?

23 LAVERNE KYRISS: You certainly can.

24 LARRY RODGERS: One more comment. The map
25 that you have that was handed out, this, I mean talk

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(cont.)

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1 about making mistakes about maps, this map is Hobbs
2 area. Why are they distributed here in northwest New
3 Mexico? We got the wrong maps to begin with. These
4 are—we are at a public hearing we are talking
5 about some close-up. These are nice maps to look at
6 up close. This is Hobbs, this is southeast New
7 Mexico. So sorry, but you have to apologize about
8 that, not me.

9 LAVERNE KYRISS: We did one example map per
10 state to show how we got from concept to final
11 corridor. Sorry it wasn't a good example for you.

12 I do want to clarify that our proposed
13 action, again, is only to propose designating
14 corridors on federal lands. What a future project—
15 what a future developer would do on state lands, on
16 tribal lands, on trust lands is not part of our
17 project. So we don't know how they would go through
18 other lands. On federal lands we are saying, here's
19 the route for future development that we think is the
20 best route. How they would go on other lands is,
21 again, through those processes. As we heard, that
22 Navajo has a siting process for rights-of-way, and
23 developers would go through that process, and the
24 state has a process, et cetera.

25 Other folks who want to make a comment? I

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1 know that xxxxx is here, so xxxxx has
2 requested to make a comment. So we will let you, and
3 then we will go to you, ma'am.
4 xxxxx: Yah-ta-hey.
5 (Comments in Navajo.)
6 xxxxx: I am from xxxxx, New Mexico,
7 and I had to literally race over here to make it to
8 this meeting, and I think that speaks to how these
9 energy corridor meetings and the analysis of putting
10 these corridors and right-of-ways through the Navajo
11 Nation requires more public meetings to be held
12 outside the times that most people work. Most people
13 work from 8:00 to 5:00 p.m., and that these energy
14 corridor meetings should take place in the evening
15 times and in communities that are most impacted, so
16 we need to have more meetings across the Navajo
17 Nation.
18 The gentleman who was just up here talked
19 about controlled land use, and I question where the
20 individuals are who will be directly impacted? Where
21 are they? Where are these energy corridors at? This
22 map is a little vague. There was no information that
23 came out to grassroots individuals. If these
24 corridors will directly impact a lot of Navajo Nation
25 individuals, then we have a right to know, and we

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1 should have a right to know. The transparency of
2 this process and its implications, they should be
3 translated into Navajo so each person can understand
4 what's going on.

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(cont.)

5 In addition to controlled land use, he
6 talked about controlled development. What is the
7 full story? That's what I want to know. If these
8 energy corridors will be accelerating development on
9 the Navajo Nation, what are those projects, and what
10 do they entail, and who does it benefit? And he also
11 talked about energy needs? Whose energy needs? Does
12 the Navajo Nation need more energy? If we are
13 talking about transmission lines, is this what this
14 entails, decentralized transmission lines, or will
15 these energy corridors just cut right through our
16 land and we won't benefit from any of it.

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17 The gentleman who also spoke in front of me
18 said small public hearings in eastern Navajo. This
19 meeting was poorly advertised, I think, according to
20 Executive Order 12898, Environmental Justice, that
21 each minority population has a right to know what
22 goes on, and should have the ability to access
23 information. He also spoke of proper education, and
24 this means that the information presented here needs
25 to be presented to people at the grassroots and to

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1 local chapters across the reservation.
2 All in all, because I am from Burnham, the
3 area where development is to occur with the Desert
4 Rock Energy Project, I oppose this western energy
5 corridor as it stands, given that it's premature, and
6 the further analysis that any type of corridors
7 require additional meetings and allottees who should
8 have a say in this, so that way when they are
9 approached at their homes and don't have any kind of
10 translation, they won't be exploited. They need to
11 be properly informed of this. That's all I have.
12 Thanks.

13 LAVERNE KYRISS: Thank you, Mr. Long.
14 Ma'am, I believe you had something you
15 wanted to say.

16 FREIDA WHITE: Thank you. Hi, my name is
17 Freida White. I work for the Navajo EPA. I work as
18 a senior environmental specialist. I have a serious
19 concern with respect to how the government is
20 currently using public domain, and this is a
21 procedure in which the government can declare a piece
22 of land to be used by the government only. They have
23 been doing this in local states and also cities. So
24 when you consider the energy needs across the United
25 States, especially in the Southwest, and knowing the

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(cont.)

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1 fact that these transmission lines and gas lines go
2 right through the reservation, it just seems like,
3 with the fact that attorneys say, well, whatever
4 regulation is made, they will always make comments
5 like, well, it remains to be tested. So when you
6 think about that, it's like, you know, there could be
7 some sort of public domain declaration, and that's
8 not what we want. And I don't know if there are
9 officials here from Washington, DC, but that needs to
10 be stated, as we do not want that to be utilized on
11 the Navajo Nation.

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(cont.)

12 Secondly, this is a general EIS procedure.
13 It's not site specific, so I would like it to be more
14 site specific, because chemical contamination has no
15 borders, especially with air. It will cross, it will
16 go wherever it needs. Where the wind blows, it will
17 go. So we have had it with mine sites, where there
18 was denial by the government that there was no
19 contamination, but yet when testing occurred, there
20 was contamination found, and to this day, a lot of
21 our Indian people have suffered from it, some are
22 currently suffering. Their families are suffering
23 from it now.

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24 As far as the transmission lines, I know
25 that there is electromagnetic contamination coming

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1 from these transmission lines still yet to be
2 studied, and I believe the government is working on
3 that. And when you were talking about the
4 centerline, the borders on each side, I think that it
5 should be wider. If you are going to take into
6 consideration this lady here that's sitting right up
7 front, she made mention of the fact that she is right
8 next to a gas line. I know there are residences out
9 there that are right next to a transmission line. In
10 these years, they have been exposed to it, and
11 electromagnetic contamination they say causes cancer,
12 because they found it in animals. Of course, they
13 are not going to test the human population. They
14 will usually resort to the animal.

15 In the public comments that were provided
16 today, I would like to ask that they be taken into
17 consideration and each one addressed. Usually when
18 there are public comments provided at a hearing, not
19 every comment or question is responded to. So thank
20 you.

21 LAVERNE KYRISS: Thank you, Ms. White. Your
22 notebook, ma'am. Thank you, again, for your
23 comments.

24 Are there other folks who would like to
25 make a comment or ask a question? Yes, ma'am.

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(cont.)

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1 ANNA MARIE FRAZIER: Could I add another thing?

2 LAVERNE KYRISS: Absolutely, come back, yes.

3 The floor is yours. Tell us your name again.

4 ANNA MARIE FRAZIER: My name is Anna Frazier.

5 (Comments in Navajo.)

6 ANNA MARIE FRAZIER: We have been working with
7 community people in the eastern Navajo, with Pueblo
8 Pintado, Huerfano, and Nageezi. We have been working
9 with them for several years now, and those people
10 there in that area, I guess you notice the other map
11 that was there, and all those squiggly lines all over
12 this whole area up here, you probably noticed it like
13 a bunch of spiderwebs—it's a spiderweb. That's
14 all oil-oil lines, gas lines. You see that up
15 there? Now, those people are tired of living—a
16 lot of them complain about what has happened to their
17 land. And the roads, the companies come in and they
18 widen the roads, and they are not even respectful of
19 the people that live in the area.

20 And there's a lot of sacred sites in that
21 area. There is where they used to gather eaglets,
22 and then there are places where they had old battle
23 grounds that happened way back, and then there is a
24 lot of burial grounds. There is Anasazi and there's
25 a lot of places where they have offerings and stuff

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(cont.)**

1 like that, and herbal gatherings, and a lot of it,
2 the herbs are really no longer there. And it's
3 because of the people that come in from outside that
4 destroy the land, making all kinds of roads and a lot
5 of pollution from the oil, oil wells and whatnot,
6 that has affected the way of life of the people. So
7 they are not really living like they used to way in
8 the past. So Huerfano and Nageezi and Pueblo Pintado
9 and Counselor Chapter, they have filed a lawsuit
10 against BLM from Farmington, the resource management
11 plan back in 2005. And we are a part of that
12 lawsuit, too, because of that, the devastation that
13 has been put upon, the impact the people are, you
14 know, suffering from today. They can't really herd
15 their sheep like they used to.

16 And then another thing is that they want --
17 the people that live, the Navajo people that live on
18 BLM land, they cannot really upgrade their homes,
19 because the BLM does not want them to bring in power
20 lines or water lines or whatever. So there is a big
21 fight usually against BLM, the federal people, and
22 the people that live in the allotted lands. And so
23 these are some problems in that area. So I think
24 that they are the ones that need to be, you know, at
25 the hearings. They need to be told what is coming

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1 down, you know, this big old energy corridor. I
2 think that's what needs to happen. Thank you.
3 LAVERNE KYRISS: Thank you, Ms. Frazier.
4 Yes, ma'am. Give us your name again.
5 JENNIFER TALIMAN: My name is Jennifer Taliman,
6 and I spoke earlier. Yes, I have a lot of friends
7 and family that work for El Paso Natural Gas Company,
8 and with these pipelines, they need transmissions to
9 push the gas down or push them down, and a lot of
10 these--so, you know, like if you see something like
11 here, they have a big plant to push the gas down, and
12 so you will see the plants. Like there is one in
13 Window Rock, there is one in Ganado, there is one in
14 Dilkon, all the way down across. So these
15 transmission lines are not just going to go down by
16 itself. They need these plants to push them down.
17 And they say that they bring a lot of jobs,
18 but they don't. None of my family members now are
19 working. And we have to be careful of companies that
20 come in and say they represent the Navajo, they are
21 being used as puppets. And, you know, we have got to
22 really think about how much natural resources we have
23 here, you know. The gentleman here said that we
24 have, you know, like this is a good opportunity to
25 take advantage of the energy here but, you know, we

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(cont.)

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1 have been taken advantage of so many times, that
2 50 percent of our people don't have utility and
3 electricity lines.

4 You know, if you look at this map, you
5 know, and you look at the United States and you
6 wonder--and I was always, when I was younger and
7 living at the El Paso station, I used to think, well,
8 you know, a lot of the energy is coming from Texas,
9 but we know that's not true. And we see the
10 compressor stations, a lot of them have drills inside
11 of those compressor stations, because I have seen
12 pictures when I was little, and, you know, you don't
13 know what is being taken in these corridors. I mean,
14 there is so much technology now, you only need a
15 certain portion of land to take a lot more up here,
16 and if we, you know, like I said, I put this in God's
17 hands, that the Navajo Nation will no longer be taken
18 advantage of, and I know that God is going to restore
19 everything, you know, to restore things back as like
20 the Jewish people.

21 And if you look at it, a lot of the
22 resources are here. The coal, we supply electricity
23 to so many states. It's probably about 12 states
24 now. And our water, everything, because God has
25 blessed us. You know, they thought they had taken

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(cont.)**

1 everything from us, but we are sitting on a blessing.
2 So, you know, you see the palm of the hand here
3 reaching out. We are that energy, we are, and we
4 have got to see that. We cannot pretend like, oh,
5 they are just passing through, and, you know, we are
6 just the bystander. It's not true. So, you know,
7 like I said, and I asked and I prayed about this,
8 God, if this is—if this is You, then, you know,
9 put Your hand in it.

10 But we are no longer going to be taken
11 advantage of, and to the tribal executives,
12 directors, and whatnot, I am surprised I don't see
13 the president here. I am surprised that I do not
14 see, you know—and I respect the attorney general,
15 and he is very honest and very open, but I am
16 surprised I don't see him here. And there is
17 something in my spirit, that I know there is
18 something not being told, and these maps are not, you
19 know, updated, or they just don't, you know, have
20 pretty much everything on there.

21 But, you know, like I said, and I want to
22 stress this again, that when, you know, we didn't
23 have a formal introduction. I really don't know who
24 all these people are who are from Washington, DC.
25 But like I said, you guys have to go back to Dick

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1 Cheney and tell him that we are no longer going to be
2 taken advantage of. And I know you guys said that.
3 It's just not—it stops at the border lines, and
4 there are future plans. And I know that Dick Cheney
5 is from Texas, and a lot of the gas is. It's so
6 ironic how you look at the United States, and why
7 would they come through our little reservation? Why,
8 you know, go the other route or go the other route.
9 You know, why our little reservation would this
10 corridor come through. And I just want them to know,
11 and I know that President Bush believes in God, too,
12 and I know there's more plans to come, and I hope
13 they understand that, you know, we are a nation
14 within a nation, and God is going to restore us, like
15 I said earlier, as the Jewish people are being
16 restored, and I hope that they respect that.
17 And I just want to say that there is a lot
18 more to this corridor than there is, you know,
19 because I was raised on that pipeline. I lost my
20 mother, she died of cancer. I lost my little sister.
21 She died of cancer. Those transmission lines are
22 going to take a lot more power to be pushed down, and
23 they are not going to use manpower. They are going
24 to use generators. So don't think that these
25 companies are bringing manpower or bringing jobs.

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1 It's a lie. It's a lie. You know, they may be
2 bringing few, but not much. And it's not worth the
3 population of our Navajo people.

4 This is the future. We need to—I know
5 that we do need to start looking at the Navajo
6 Nation, the future of, you know, because God is
7 bringing back a lot of it. I come back from Phoenix,
8 and I know that he is bringing back, a lot of us back
9 to the Navajo Nation, and I know we need to think
10 about the electricity and what we have, but we have
11 to ask God for the wisdom and understanding so that
12 we will be able to manage it. I just want to say
13 thank you.

14 LAVERNE KYRISS: Thank you.

15 Yes, sir, did you want to make a comment?
16 Does anyone else want to make another comment, too?

17 DAILIN LONG: Does the Department of Energy
18 plan to respond to these comments?

19 LAVERNE KYRISS: The agencies will take all of
20 the comments that we receive on the Draft EIS, and we
21 will respond to them in the Final EIS, and all the
22 comments, all the transcripts will be posted on the
23 project website.

24 DAILIN LONG: And what is the methodology for
25 responding to these comments? Because I think for

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1 most Navajo residents, it's more of an emotional
2 issue than a technical issue, and there is a
3 discrepancy between Navajo tribal political bodies
4 compared to Navajo tribal members.

5 LAVERNE KYRISS: The comments and responses
6 will be published in the Final Programmatic EIS. Is
7 that what you are asking?

8 DAILIN LONG: No. The methodology for
9 evaluating these comments, because most Navajo
10 grassroots people who don't understand the technical
11 document because it's not translated into Navajo,
12 don't understand the substance of it. Therefore,
13 their response will be more emotional than technical,
14 so how are those comments weighted in Department of
15 Energy's decision.

16 LAVERNE KYRISS: John, do you want to give us
17 some technical help here? John is from Argonne who
18 is helping us.

19 JOHN KRUMMEL: This is a public meeting, and
20 all comments will be treated equally, from all the
21 public, all the US citizens and organizations that
22 comment.

23 LAVERNE KYRISS: Whether they are citizens or
24 not, if we get a comment, we get a comment.

25 JOHN KRUMMEL: So they will be published,

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1 and next to that comment will be the agency's written
2 response to that comment. So it will be a written
3 response in English language document. That's the
4 process.

5 LAVERNE KYRISS: I can tell you that we did
6 send the Draft EIS to all the chapters. We also sent
7 a letter saying that we were having this specific
8 meeting to all of the chapters. Now, it was written
9 in English, I admit that, but we did notify them.

10 ELOUISE BROWN: How long ago did you send those
11 out to the chapters?

12 JOHN KRUMMEL: It would be three weeks or a
13 month ago.

14 LAVERNE KYRISS: Yes. The letters went out, I
15 think, about a month ago. The Draft EIS, well, we
16 sent notice in October that they were publishing the
17 Draft EIS. We sent the Draft EIS out in November.

18 ELOUISE BROWN: So you sent the notice and
19 another notice, one in October-

20 LAVERNE KYRISS: One in November, and then-

21 ELOUISE BROWN: To each chapter house?

22 LAVERNE KYRISS: Yes, ma'am.

23 DAILIN LONG: Did the DOE make efforts to
24 publicize this meeting over the local media? For
25 example, KTNN, which is the largest Navajo radio

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1 station, and KIndian, and also the local newspaper,
2 Gallup Independent, Navajo Times, and some other
3 local papers?

4 LAVERNE KYRISS: I will have to find out if we
5 did radio news releases. I do know that we both
6 bought paid advertising in the media in Farmington,
7 in Gallup, in the Navajo Times, and we sent news
8 releases to those publications, and I know there was
9 a story in today's Farmington paper about this
10 meeting and it also mentioned the Albuquerque
11 meeting.

12 IHOR HLOHOSKYJ: This meeting, I believe,
13 was advertised in the Albuquerque paper.

14 LAVERNE KYRISS: Yes, as well.
15 Comment over here or I saw a hand over
16 here.

17 Kate, did you want to say something?

18 KATE WINTHROP: I just wanted to say in
19 response to this gentleman, that the public comment
20 forum, of course, is not the only place that tribes
21 can engage with us. We have a strong government to
22 government relationship as federal agencies with
23 tribes, and that avenue is always open. And for
24 tribes or chapters or tribal members who are having
25 difficulty accessing this or accessing this project,

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1 that might be a worthwhile forum for further
2 discussion and explanation.

3 LAVERNE KYRISS: Yes, ma'am.

4 ELOUISE BROWN: And the radio spots that you
5 guys paid for, were they explained in Navajo or in
6 English?

7 LAVERNE KYRISS: I don't know. I'm going to
8 have to send an email to somebody to find out if we
9 sent news releases to the radio stations. I do know
10 that we did advertise in the newspapers.

11 ELOUISE BROWN: Yes, but not all Navajos can
12 read. That's, you know, the problem that we have,
13 and there's so many of us, and when you get something
14 to the chapter house, you know, a month is not, you
15 know, enough time to get the information out to the
16 people.

17 LAVERNE KYRISS: A question here and then a
18 question here or comment.

19 DAILIN LONG: The lady mentioned a worthwhile
20 forum as far as hearing these comments in a public
21 forum, does that mean that the DOE will make more
22 efforts to have more meetings across the reservation?

23 LAVERNE KYRISS: The agencies doing this, not
24 just Department of Energy. We also have Interior,
25 Agriculture. BLM is part of Interior. Forest

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1 Service is part of Agriculture. We are engaging in
2 government to government consultations as the tribes
3 desire, and we are doing that on an ongoing basis.

4 KATHY HELMS: Kathy Helms, Gallup
5 Independent. I know you sent me a notice I think
6 last week sometime.

7 LAVERNE KYRISS: A news release last week, yes.

8 KATHY HELMS: Stating that the meeting
9 location had been changed. Was that notice sent to
10 the chapters as well or to the other media?

11 LAVERNE KYRISS: Yes, it was.

12 Yes, sir.

13 JIMSON JOE: Disclosing your information on
14 this proposed project, as we discussed the layout of
15 your plan, and then plotting the different projects
16 that have already been put in place, and then
17 isolating your proposed corridor, it seems like if we
18 were to overlay what is out there as far as
19 transmission lines, small pipelines, roads, houses,
20 rivers, you would see that there are so many complex
21 issues involved with this whole project, that to just
22 talk about the corridor kind of belittles the entire
23 impact of the Navajo citizens.

24 The Department of Emergency Management sees
25 all those things right there as potential hazard at

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1 any time, anywhere, and the recurring questions that
2 I hear from some of these people here is that not
3 enough notification. No matter how much notification
4 you put out to our society, the language factor and
5 the communication factor involved with the language,
6 not having enough people here or to hear any
7 participants, it's amazing to me that all those
8 things up there on the wall show that that's a good
9 reason for the Navajo Nation to try to justify how we
10 need to be prepared for a hazard on Navajo at any
11 time.

12 And I think this is one area that needs to
13 be addressed, and I commented earlier that you do
14 have an emergency plan, a comprehensive plan that is
15 associated with this corridor plan, corridor project.
16 So I think there is a great deal of concern that we
17 need to look at to ensure the safety of the public.
18 Whether it's just on the east side of the Navajo
19 Nation or anywhere on the Navajo Nation, it's going
20 to impact like a chain reaction on Navajo. And so I
21 think that's a concern that I think a lot of these
22 people have, and I think we need to put the whole
23 picture right on there, so that we can try to
24 understand the entire complex issue involved with
25 this.

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1 LAVERNE KYRISS: Thank you. Can I get your
2 name again, sir?
3 JIMSON JOE: Jimson Joe.
4 LAVERNE KYRISS: Jimson Joe, thank you.
5 Are there other folks who would like to
6 make a comment or a question?
7 LARRY RODGERS: I have a question.
8 LAVERNE KYRISS: Okay. A question and then a
9 comment, yes, sir.
10 LARRY RODGERS: Could one of the-Larry
11 Rodgers--could one of the presenters explain what
12 it means, the term that's shown on one of the maps
13 that says, "desired flow constraint."
14 LAVERNE KYRISS: Is that related to gas flows,
15 I am thinking.
16 LARRY RODGERS: It's on one of the western
17 regional maps. It shows some red lines, arrows going
18 this way.
19 LAVERNE KYRISS: Oh, those are electricity
20 constraints, I think.
21 JOHN KRUMMEL: That's from the DOE
22 congestion.
23 LAVERNE KYRISS: All right, now that I know
24 what we're talking about--
25 LARRY RODGERS: Thank you.

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1 LAVERNE KYRISS: What you are talking about is,
2 when we were putting together this Draft EIS, we used
3 a lot of data from other sources, and one of them was
4 the Department of Energy electricity congestion
5 study. DOE took data from the utility industry and
6 said, where are the electricity lines congested?
7 Here is an example. This means that there are
8 transmission lines in place, but there is not enough
9 capacity on those transmission lines, so you could
10 push more energy.

11 So in New Mexico, if you wanted to site
12 solar power, for instance, because this is a good
13 solar area—I am enjoying the sun here—there is
14 no space on the available transmission lines to put
15 more electricity. What that means is you have to
16 build more transmission to transmit that power to the
17 markets where people need it, and so those points of
18 congestion were shown as red bars on the map. And
19 they are congested in one direction or the other.

20 Electricity flows multiple ways, but
21 because of the physical nature of the system,
22 sometimes a line might be going north-south, and it's
23 only congested one way or the other. Does that help
24 explain it in sort of English?

25 LARRY RODGERS: It does.

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1 LAVERNE KYRISS: Okay.
2 Somebody else over here? Yes, sir.
3 CHARLES DAMON: Charles Damon. I am on
4 the committee for Eastern Navajo Land Development and
5 so forth. So what was suggested by Arvin Trujillo to
6 negotiate those proposed lines, I guess they are
7 still proposed lines?
8 LAVERNE KYRISS: We are proposing corridors.
9 We are not proposing any specific projects. That
10 would be at a later state by developers, be they
11 utilities or independent developers if they want to
12 put new infrastructure in place.
13 CHARLES DAMON: I am talking about this black
14 line.
15 LAVERNE KYRISS: That's corridor. There are
16 No-unless BLM knows that they have applicants who
17 said we want to put infrastructure here, we are not
18 aware of a developer saying we want to put a pipeline
19 or we want to put a transmission line here at the
20 moment. There are people who are interested.
21 CHARLES DAMON: Well, those projects that you
22 are talking about, end the corridors, where it starts
23 and where it ends in between there, the federal land
24 you are talking about, I'm not aware that we had
25 meetings with the feds to sponsor those to the public

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1 hearings, and I would like to, as a member of the
2 commission, Eastern Land Commission, to respond to
3 those and see how many people are being affected at
4 the end of each one of those, because there is a land
5 exchange that we are working on, and it will probably
6 affect those in the near future, the very near
7 future.

8 So I think that we should meet, negotiate
9 where these corridors are going to be. They may not
10 be the corridor that you have on the map right now.
11 I would like to suggest that we meet on it to see if
12 we as a commission can approve that or recommend for
13 it to be approved.

14 LAVERNE KYRISS: So are you asking a question
15 that you want to meet with the federal agencies or
16 independently your commission wants to meet? I'm
17 sorry, I'm not clear.

18 CHARLES DAMON: I'm asking if the commission
19 can meet with you to negotiate those lines since they
20 are temporary, those corridors.

21 LAVERNE KYRISS: I think we'll talk to anybody.
22 I will talk to anybody. We will be happy to set up a
23 meeting to talk with you all, absolutely, at your
24 convenience. We can talk afterward and set up the
25 specifics, absolutely.

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1 Other questions?

2 CHARLES DAMON: A meeting after this meeting,

3 say today?

4 LAVERNE KYRISS: Sure, we are here.

5 CHARLES DAMON: Will it change those

6 corridors? It will take time to study those

7 recommended corridors that you have.

8 LAVERNE KYRISS: We are getting comments from

9 people saying, change this, change this, and

10 absolutely we are looking at all of those comments,

11 absolutely.

12 CHARLES DAMON: I would like to look at those

13 with you.

14 LAVERNE KYRISS: They are on our website.

15 CHARLES DAMON: Thank you.

16 JENNIFER TALIMAN: Excuse me. This is a nation,

17 so these are trusts, and so whatever he negotiates

18 will affect me. So these small entities or small

19 departments cannot negotiate without-whatever they

20 negotiate will affect me and my family and my future

21 generation and everybody else in this land. So, you

22 know, you cannot go to one person or one commission

23 or one department and make those negotiations,

24 because if it's going to affect me, then I'm going to

25 be right there, so we got to think about this, and

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1 the Navajo Nation needs to stand and they need to go
2 with their attorneys and stand up and be that
3 strength. We cannot separate.

4 LAVERNE KYRISS: Well, let me apologize if I
5 misspoke, if I said I was going to enter into
6 negotiations. Number one, I'm not authorized to
7 enter into negotiations.

8 JENNIFER TALIMAN: Then you need to clarify
9 that.

10 LAVERNE KYRISS: I'm sorry if I misspoke, if I
11 suggested that, but we are certainly open to hearing
12 what people's concerns are and what their comments
13 are, and we are open to anyone that has that concern.
14 And if the Navajo Nation wants to enter into
15 government to government consultations, we are happy
16 to do that as well.

17 Yes, ma'am.

18 FREIDA WHITE: You mentioned you had a team
19 here, who is your team?

20 LAVERNE KYRISS: Myself, I am LaVerne Kyriss
21 from Department of Energy. I am the project manager.
22 Kate Winthrop from Bureau of Land Management is the
23 BLM project manager. Ron Montagna is also from BLM.
24 He is the realty chief or something like that in BLM.
25 Jerry Cordova is the tribal liaison from BLM. Marsha

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1 Butterfield-
2 Marsha, I don't know what your title is.
3 MARSHA BUTTERFIELD: Tribal liaison from
4 Forest Service.
5 LAVERNE KYRISS: Tribal liaison from Forest
6 Services. We are the federal team charged with this
7 project.
8 Supporting us, we have John Krummel from
9 Argonne National Lab, and Ihor Hlohowskyj--did I
10 get it close?
11 IHOR HLOHOWSKYJ: Close enough.
12 LAVERNE KYRISS: --from Argonne. They are
13 supporting us. We also have MaryLee Black-
14 I'm getting your name wrong.
15 MARYLEE BLACKWOOD: --wood.
16 LAVERNE KYRISS: Blackwood, thank you. From
17 Energetics helping us with logistics. Then we have
18 some local BLM folks that maybe I am going to let
19 them introduce themselves, so you know who they are.
20 JOEL FARRELL: I am Joel Farrell. I am the
21 assistant field manager in Farmington. I have
22 Maureen Joe here from the MMS Office in Farmington.
23 Then in the back is Virginia Barber from Farmington
24 as well. Then Signa Larralde and Tom Gow is the-
25 TOMMY GOW: I am Tommy Gow and I am the

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1 field manager for the Rio Puerco field office out of
2 Albuquerque. Signa Larraide is my archeologist who
3 works in my office.

4 LAVERNE KYRISS: We have another person from
5 Forest Service.

6 ED ARMENTA: Yes. My name is Ed
7 Armenta. I am the acting forest supervisor on the
8 Kaibab National Forest at Anabito.

9 LAVERNE KYRISS: Who did we miss?

10 ADRIAN GARCIA: Adrian Garcia with the
11 Santa Fe office of BLM.

12 KEN KESSLER: My name is Ken Kessler
13 with the US Forest Service with Marsha.

14 LAVERNE KYRISS: Okay. Yes, sir, then yes,
15 sir.

16 DAILIN LONG: I just had another question.
17 You said these corridors, even though they don't
18 actually introduce the type of infrastructure at the
19 moment, you said that it is for utilities and
20 industry who want to develop and can transmit power
21 to those different regions. So I think it's fair to
22 say that these corridors and the proposal of them and
23 the DOE's initiation of the project is in the
24 interests of industry and not the Navajo people, and
25 I think for most of us at the grassroots, I think it

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1 would be beneficial if you could put into context:
2 Where do the people need the power? Where are you
3 getting these numbers, and what evidence do you have
4 to support that?

5 LAVERNE KYRISS: One of the pieces of data we
6 used was the congestion study that I mentioned
7 earlier, and nationwide we looked at all the data
8 where energy is produced and where energy could be
9 produced, and we call those resource areas and where
10 we need energy, and that's both electricity, gas, and
11 oil. And we said, okay, here is where it's currently
12 being produced, and here is where it could be
13 produced. And it could be mostly relates to
14 renewable resources. We don't have a lot of
15 renewables in place right now, but we have some areas
16 of the West that would be good areas to produce
17 renewables.

18 And then we drew straight lines from where
19 those resource areas were or where there is energy
20 producing already, to where people are, to where
21 population centers are, because that's where we need
22 energy. That was our first step in looking at
23 corridors, because Congress said, you have to
24 increase reliability. You have to improve the
25 system, improve the grid.

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1 Then we did some screening-also on
2 federal land. So we screened out all the non-federal
3 land. That includes tribal land, state land, other
4 land. We screened down a number of special areas-
5 national parks, national monuments, areas that are
6 not compatible for this kind of future development.
7 Then we worked with local land managers to say based
8 on what your current land use and future land use
9 plans are, if you were to going to site a corridor or
10 you already had a corridor-because a lot of places
11 have corridors sited already. Those are the yellow
12 lines on our map-where is a good place, and we
13 worked in detail to try to put those corridors in the
14 best locations that would cause the least impacts.
15 Conceptually that's the process we went through.
16 CHARLES DAMON: Are you going to have another
17 public hearing-
18 LAVERNE KYRISS: We have a hearing-
19 CHARLES DAMON: -in this area?
20 LAVERNE KYRISS: We have a hearing tomorrow
21 scheduled in Albuquerque. We have hearings next week
22 scheduled in Cheyenne, Wyoming; in Helena, Montana on
23 Tuesday; and then on Thursday in Boise, Idaho, and
24 Denver, Colorado. The following week on Tuesday we
25 have one scheduled in Elko, Nevada, and Washington,

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1 DC. Those are the rest of the hearings that we have
2 scheduled right now.

3 You had a comment?

4 CHARLES DAMON: The reason why I am asking
5 around here, I wanted to recommend how to do the
6 advertisement of your meetings. I see only six
7 people that are local. The rest are our officials.
8 It's sad how it's been advertised. I know that this
9 happens many a time here on Navajo, but the best
10 thing to do when you have a public hearing is to
11 contact the three branches of Navajo government.
12 Then they relay the information down. That's the
13 only way you can get people to be at these public
14 meetings. Otherwise, if you do it on your own, it's
15 just another faction coming on the reservation to
16 take advantage of you. That's how they feel.

17 LAVERNE KYRISS: We did contact the government,
18 sir.

19 CHARLES DAMON: Why aren't they here?

20 LAVERNE KYRISS: Sir, I can't tell you. I
21 don't have anything to do with—I mean, you know,
22 they don't work for me.

23 CHARLES DAMON: I know other public hearings,
24 when they sponsor something like this, then a lot of
25 people show up. One way or another, it wasn't done

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1 right.
2 LAVERNE KYRISS: Thank you, sir.
3 Yes, ma'am.
4 ELOUISE BROWN: Could you show us the yellow
5 lines that you were just talking about?
6 LAVERNE KYRISS: Can you show us that?
7 IHOR HLOHowsKYJ: Yes.
8 LAVERNE KYRISS: I think you have to show all
9 the corridors.
10 IHOR HLOHowsKYJ: Let's see. Trying to get
11 a spot where it really shows up. Here, on this
12 proposed corridor, the yellow section is right here,
13 and it doesn't show that well on the screen being
14 projected. But from about this location here that we
15 put the ownership on. So from about this location
16 here down to, all the way to here, this corridor is
17 locally designated in existing management plans.
18 LAVERNE KYRISS: So that means that existing-
19 and this is BLM land, if I am correct?
20 IHOR HLOHowsKYJ: Yes.
21 LAVERNE KYRISS: So in that land management
22 plan, they have already said here is a utility
23 corridor. They have already gone through that public
24 process to do that, and so we are adopting that in
25 our proposal.

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1 LARRY RODGERS: Are there any other locally
2 recommended that is not BLM?
3 LAVERNE KYRISS: There are locally designated
4 corridors on Forest Service lands as well, yes, sir.
5 If you look at the eight and a half by 11 handout on
6 the back side of that map, there is yellow on that
7 map that shows all the locally designated corridors.
8 About two-thirds of our corridors are already a
9 locally designated corridor.
10 LARRY RODGERS: Counties--
11 LAVERNE KYRISS: We are only dealing with
12 federal land. This is federal land.
13 Okay. We had another comment here. Yes,
14 ma'am.
15 KATHY HELMS: Kathy Helms. In follow-up on
16 what Mr. Damon was saying, it also would be helpful
17 if the meetings were held after folks got off work
18 instead of the middle of the day when they are all
19 working. Also you were talking about a transmission
20 and congestion study, and you showed the red bars
21 there. Is that the study that Western Law Center is
22 suing DOE over right now?
23 LAVERNE KYRISS: No, that's a totally different
24 project. That's the national interest electricity
25 corridors. The energy congestion study was done a

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1 couple of years ago, also in response to the Energy
2 Policy Act.

3 KATHY HELMS: Did it designate on Navajo,
4 like WAPA, whatever that is?

5 LAVERNE KYRISS: The constraints in the
6 congestion study are not--they are irrespective of
7 any land, because they are just saying we have
8 transmission lines, and we have got a constraint in
9 this area. So it wasn't on any particular land--
10 federal, state, private, tribal. It's just that we
11 know there is a constraint in this transmission
12 system.

13 KATHY HELMS: Is there any reason why it
14 wasn't part of that transmission thing that you guys
15 put out in October? The transmission--

16 LAVERNE KYRISS: The National Interest
17 Corridors?

18 KATHY HELMS: Yes.

19 LAVERNE KYRISS: That's a separate process done
20 under a separate whole procedure. They did use that
21 same congestion study as part of the input for their
22 process, but we really can't talk about what they did
23 and how they did it, since none of us worked on that.

24 RON MONTAGNA: I think we should make a
25 note that in addition to the afternoon sessions, we

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1 do have sessions every-in the evening. We have
2 one from 6:00 to 8:00 this evening.
3 LAVERNE KYRISS: No, actually we don't.
4 RON MONTAGNA: Oh, we don't here?
5 LAVERNE KYRISS: No. Local folks told us to
6 only come in the afternoon, so we apologize for that.
7 KATHY HELMS: What local folks?
8 LAVERNE KYRISS: We worked with a local BLM
9 office to set up this meeting, and that's what they
10 told us would meet the needs, so we apologize.
11 Yes, sir.
12 JIMSON JOE: How long is this corridor good
13 for? Is it different from other right-of-ways?
14 Since this is a corridor, is the term for the use of
15 this corridor different?
16 LAVERNE KYRISS: We are proposing to designate
17 changes to the land use plans. So when those land
18 use plans are updated, there could be future changes
19 to them, and I think it depends on-you know, some
20 land use plans get updated more frequently than
21 others.
22 JIMSON JOE: My question is, how long is this
23 corridor going to be used for a corridor? Is there
24 an expiration or a time in the future where you will
25 renegotiate? That's the question.

Comment [MM1]: From here on, all incidences of "Jimson Joe" were originally "Mr. Jim" in this transcript. There is no one with the surname of Jim listed, nor does the fellow introduce himself, so Energetics assumes the transcriber simply made a mistake and has changed all "Mr. Jims" to "Jimson Joe" from this point forward.

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1 LAVERNE KYRISS: Let me let a BLM expert talk.

2 RON MONTAGNA: I'm not sure I'm an expert

3 but I am with BLM. The corridor designations are
4 part of the land use plans. Land use plans
5 themselves are reviewed periodically, and when a
6 situation arises that-land use plans are reviewed
7 periodically, and at some point when the situation on
8 the ground changes to a certain-to a significant
9 extent, then the BLM will consider redoing the land
10 use plans. Okay, there is no set time limit for any
11 particular land use plan. Individual right-of-ways,
12 which are located in a corridor, or individual
13 facilities, a particular pipeline or a transmission
14 line, is authorized at a very specific term. And for
15 oil and gas pipelines, the Mineral Leasing Act limits
16 the term of that grant to 25-to 25 years for oil.

17 For power lines, for electric transmission
18 lines, the term of the grant will be determined
19 generally using three criteria: The investment, the
20 time it takes to amortize that investment, and the
21 projected life of the project. That will be
22 specified, that will be stated in the analysis
23 conducted for that particular project, and then the
24 grant is issued pursuant to that decision.

25 So the corridors have a life expectancy

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1 concurrent with the particular land use plan, and the
2 right-of-ways are determined, either in terms of the
3 Mineral Leasing Act or analysis conducted for the
4 specific project.
5 JIMSON JOE: Another question. Are there any
6 provisions in that time frame that could abrogate the
7 length-the life of that corridor use?
8 RON MONTAGNA: Generally if the holder is
9 conducting operations in conformance with the terms
10 and conditions of the grant, the grant stays in
11 effect until the term.
12 LAVERNE KYRISS: Yes, ma'am.
13 ELOUISE BROWN: When you said the local BLM,
14 which BLM are you talking about?
15 LAVERNE KYRISS: You know, I don't know, and
16 our other two BLM folks just left the room, so when
17 they come back, I will find out, because I don't know
18 who at BLM advised them this is what we should do.
19 ELOUISE BROWN: You don't know who you talked
20 to?
21 LAVERNE KYRISS: I didn't talk to them. Our
22 BLM folks talked to the local folks. BLM requested
23 that we have a hearing here.
24 Do you know the answer to that?
25 RON MONTAGNA: The protocol for this

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1 meeting we can say was negotiated between my office,
2 the Washington office, and the BLM state office, and,
3 you know, that's the way we do business. And how
4 that negotiation was conducted locally was between-
5 was a consensus developed between the two field
6 offices involved, which is Farmington and
7 Albuquerque, Rio Puerco.

8 Sir.

9 CHARLES DAMON: When will these comments be
10 published?

11 LAVERNE KYRISS: It will take us a couple of
12 weeks to get the transcript, am I right? So we will
13 get the transcript, we will check it for spelling,
14 and then we will post it on the website as quickly as
15 we can do that.

16 CHARLES DAMON: I am talking about all the
17 hearings that you are going to conduct throughout the
18 United States, when will we know that this is solid?

19 LAVERNE KYRISS: We are putting the comments up
20 from each hearing as we get them. And I have been on
21 the road, so I can't tell you how many are up there
22 now.

23 JOHN KRUMMEL: I believe they are going
24 Up-the ones that are web cast, they are going up
25 about three days after the meeting.

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1 LAVERNE KYRISS: So the web cast ones are about
2 three days after.

3 JOHN KRUMMEL: The archive.

4 LAVERNE KYRISS: The archive of the web cast,
5 and we are getting those transcripts transcribed and
6 we will get them up.

7 IHOR HLOHOWSKYJ: People who submit comments
8 via the website, if you submit a comment, you will
9 get an email notification back within hours probably
10 giving your comment a specific tracking number, and
11 then your comment completely is posted on the
12 website. Anyone can go look at anyone's comments
13 that have been posted--any state, any location.

14 LAVERNE KYRISS: And you can sort by lots of
15 things.

16 IHOR HLOHOWSKYJ: You can sort by state, by
17 location, by last name, however you want. Those go
18 up almost immediately.

19 JIMSON JOE: Other questions: What other side
20 benefits will that benefit the Navajo society along
21 the corridor? Has there been any discussion on that?

22 LAVERNE KYRISS: Since we are not proposing
23 corridors on the Navajo Nation, I don't know that we
24 have looked at specific benefits to the nation. I'm
25 looking at my team to see if we have looked at that.

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1 Okay, we had another comment here, and then
2 I will get to you, ma'am.
3 xxxxx: xxxxx, Navajo Times. I
4 can't help but look at the map and see the corridors
5 proposed. They are not project proposed, correct,
6 they are just spaces of land that are good for what?
7 LAVERNE KYRISS: For future development. There
8 is no current infrastructure proposed, that is
9 correct.
10 xxxxx: Right, but do not deal with
11 the Navajo reservation land. But I can't help but
12 thinking in looking at the lines, they are connected
13 on either side, it looks to me. And so it seems as
14 though those lines kind of help dictate where the
15 Navajo Nation is going to have to put lines there.
16 Is that the way it looks? Is that the way it is?
17 LAVERNE KYRISS: We are not telling the Navajo
18 Nation what it needs to do or what it can do.
19 CHARLES DAMON: Yes, you do.
20 xxxxx: These corridors are going to
21 be where the power lines or oil lines are going to be
22 most apt to be put because they are going to be easy
23 to put there.
24 LAVERNE KYRISS: If people want to site on
25 federal land, we are saying that these are the areas

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1 that we believe have the least impact. People don't
2 have to site future infrastructure there. They could
3 go to a different part of the country and site new
4 infrastructure.
5 Yes, ma'am.
6 ELOUISE BROWN: He asked the same question I
7 was going to ask.
8 LAVERNE KYRISS: So have I answered it?
9 ELOUISE BROWN: No, I don't think you answered
10 it. You know, I know they are just proposed, but
11 what are you guys going to do where it stops before
12 the reservation and then it starts again on the other
13 side of the reservation? It's not going to go up
14 into air, it's not going to go underground, so it's
15 going to have to go through the reservation.
16 CHARLES DAMON: So you are dictating.
17 RON MONTAGNA: We have cut it. We have
18 discussed how we are designating these on the federal
19 lands. The fact of the matter is, if, in fact,
20 Navajo Tribe, through their processes, do not want a
21 facility placed on Navajo lands, that will negate the
22 corridors on either side. So there is just as much a
23 chance that the corridors on either side of the
24 reservation will become less useful to the public if
25 the Navajos decide they don't want the facilities

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1 going through the reservation, as there is the chance
2 that the corridors will funnel facilities into the
3 reservation.

4 It works both ways. If the tribe, through
5 their own process, prohibits additional facilities,
6 they won't be placed in the corridors on the entrance
7 or exit points to the tribal lands. It works both
8 ways.

9 JIMSON JOE: What is the annual profit
10 projection for having it there?

11 LAVERNE KYRISS: There is no profit projection,
12 because a corridor designation says that this is a
13 potential land use. Until there is a real project,
14 there's no money, there's no project, there's no
15 nothing. So we don't know which of the corridors are
16 going to get used and we don't know what kind of
17 projects are going to be built.

18 JIMSON JOE: So what's the proposed economic
19 value behind it?

20 LAVERNE KYRISS: I don't believe we have any
21 significant data that would tell you, if we put
22 infrastructure in, it will save X amount of dollars
23 or improve—I don't know that we have that kind of
24 analysis.

25 JOHN KRUMMEL: There is more a resource

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1 management decision to manage the land that BLM
2 administers. It's not, you know, encouragement or
3 discouragement for applicants to come in. It is so
4 we-that land is made available for projects, but
5 we have no idea if the projects will come there or
6 what applicants will do. So there is no basis to
7 make any economic projections at this time. We don't
8 have the data to do that.

9 LAVERNE KYRISS: Yes, ma'am.

10 ELOUISE BROWN: Can I make a request to have
11 you notify whoever you notified before this public
12 hearing, notify them again, after this hearing and
13 Albuquerque hearing, and let them know that they can
14 still send in their comments up until the 14th of
15 February, is that correct?

16 LAVERNE KYRISS: Absolutely.

17 ELOUISE BROWN: So could you do that, please?

18 LAVERNE KYRISS: Certainly we will be happy to
19 notify. We can talk about who you want us to
20 specifically notify.

21 ELOUISE BROWN: Well, whoever you send it to.
22 You said you send it to all the chapter houses, the
23 three branches, and the BLM and so forth.

24 LAVERNE KYRISS: Okay. I just want to make
25 sure I understood so we were clear on that.

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1 Yes, sir.

2 DAILIN LONG: I think that what Mr. Farrell
3 spoke to as far as these energy corridors, how they
4 can be mitigated by the Navajo Nation's decision, I
5 think that statement needs to be conveyed more
6 clearly to the Navajo Nation and its tribal members.
7 Given the fact that this map puts the Navajo Nation
8 in a position where it seems as though it must choose
9 to approve it or not, given that these corridors are
10 outlined the way they are. So it needs to be
11 conveyed to the Navajo Nation, that the Navajo Nation
12 is free to choose and without feeling constrained to
13 have to approve these energy corridors.

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14 But my question was more related to the
15 publication of the comments. For a lot of
16 individuals who live on the reservation, we don't
17 have internet access, and that these publication of
18 comments should be placed in public areas, published
19 and placed in public areas. Given that the
20 Department of Energy and other agencies who you guys
21 are cooperating with consult with the Navajo Tribe on
22 a government to government basis, we would like to
23 know what our tribal political leaders are saying
24 about this project, so we should therefore have these
25 comments published and put in public areas.

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1 LAVERNE KYRISS: Okay. We will work on how we
2 can meet that need.

3 Yes, ma'am.

4 JUDY WILLETO: Hello. I'm Judy
5 Willetto, and I'm a bit confused here when you talk
6 about federal lands, because when you read the CFR,
7 it's referred there, our Navajo Nation is referred as
8 federal lands assigned to the Department of Interior,
9 and then they are retitled trust lands. So when you
10 talk about this is only going to happen on federal
11 land, you know, we are considered federal land when
12 you read our grazing regulations. So I don't-you
13 know, I am kind of leery about you guys saying, well,
14 this is only going to take place on federal land.
15 And down the road, you are going to say, well, the
16 Navajo Nation is federal land so, you know, this
17 includes them.

18 Also about the notification to the Navajo
19 public, I was assigned to work with Mary Lou, and we
20 only had one article in the paper and that was two
21 days ago informing people of this meeting. There was
22 no other articles in the Gallup Independent or the
23 Navajo Times, just the one article, and there was no
24 radio spots for KTNN, and if you put it at
25 Farmington, we don't get the Farmington station over

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1 here. We are out of range, so, you know, the people
2 were not informed. And then last week we received
3 information that the location was changed to Quality
4 Inn. Before it had been at the education center, we
5 were to have it at the museum, so we were kind of
6 hustling around trying to make things work, and we
7 finally got out information to our division, Natural
8 Resources, Friday, and I had to put together a flyer
9 based on, you know, what we received and send that
10 out to our division, and we have 11 departments. So,
11 yes, there was a poor job in advertising this
12 meeting, because we didn't receive the information
13 until last week of, you know, the changes. So I just
14 want to clarify that for the record and for, you
15 know, these people here that took time to come out to
16 this meeting today.

17 LAVERNE KYRISS: Yes. I was going to say the
18 land. There is a definition that Congress told us.

19 RON MONTAGNA: With respect to this effort,
20 we define federal lands pursuant to two acts. And
21 with regard to electric transmission lines, they are
22 authorized on BLM lands pursuant to Federal Land
23 Policy and Management Act. The definition of public
24 lands in FLPMA is such: "The term public land means
25 any lands and interest in land owned by the United

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(cont.)

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1 States within the several states and administered by
2 the Secretary of Interior through the Bureau of Land
3 Management without regards to how the lands were
4 acquired, except lands located on the outer
5 continental shelf and lands held for the benefit of
6 Indians, Aleuts, and Eskimos." So that addressed-that
7 provided the definition for how to define which
8 lands to designate for transmission, electric
9 transmission lines.

10 With regard to oil and gas pipe lines, we
11 used a definition for federal land found in the
12 Mineral Leasing Act, and the definition: "For the
13 purposes of this section federal lands means all
14 lands owned by the United States, except lands in the
15 National Park systems, lands held in trust for an
16 Indian or an Indian tribe, and lands on the outer
17 continental shelf." So combining the definitions-using
18 the definitions provided in the two acts, which
19 will authorize the facilities that will potentially
20 be constructed, we did not include lands held in
21 trust for Indians or Indian tribes or continental
22 shelf properties.

23 DAILIN LONG: So could you speak to how
24 eminent domain plays in the interests of national
25 energy security and how this plays into the context

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1 of this?

2 RON MONTAGNA: This exercise, you know,
3 pursuant to this exercise, we are not here to discuss
4 eminent domain issues. That's not part of this, you
5 know, part of this subject, part of this issue. And
6 then, again, with regard to energy security, the Act,
7 the Energy Policy Act, tells us to designate
8 corridors using the following considerations: For
9 improved reliability of the grid, to relieve
10 congestion, and to enhance the capacity of the
11 national grid to deliver electricity. Those were the
12 considerations we used when identifying these
13 preferred routes on the federal lands.

14 DAILIN LONG: Thank you.

15 LAVERNE KYRISS: Yes, ma'am.

16 JENNIFER TALIMAN: Yes. Jennifer Taliman. I
17 was just going to say, I was going to after—I lost
18 my train of thought now. You know, I don't even know
19 where the local BML office is, and I know that the
20 Navajo Nation is not federal land. Like I said, it's
21 a trust, and I want the people here, the Navajo
22 people and the departments out there to know that,
23 and again, I want to tell you again that it's a
24 trust. It's like if you look at the JFK trust, you
25 know, the liabilities are on the Navajo Nation. It's

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1 not on the managers, and the Interior and the Bureau
2 of Indian Affairs are only the managers, and they are
3 supposed to ask the Navajo Tribe if it's okay. Is
4 this in the best interests of the tribe, and that's,
5 you know, in the future, I am hoping that we will not
6 have to have that manager. And I just want to
7 reemphasize that, and I am glad that those are very
8 specific, saying that it's not, the Navajo Nation is
9 not federal land.

10 Oh, the main issue that I was going to say
11 is, you know, in the energy policy where there is
12 congestion, energy congestion, well, you know what,
13 this is a very remote area, so it's such a remote
14 area, you know, it shouldn't be congested, because
15 there are very, very few people that live here
16 compared to people in Phoenix. And I know that these
17 will benefit the metropolitan areas and not just the
18 Navajo Nation, and so this corridor should not even
19 affect the Navajo Nation, because it's in an area
20 where, you know, like I said, a remote area.

21 I don't even know why the topics are coming
22 through here, but I would just like to know where the
23 local BML office is to-

24 LAVERNE KYRISS: Can you tell us where your
25 local offices are?

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1 JOEL FARRELL: We are in Farmington at 1235
2 Ampada Highway. You know, it's right, as you are
3 coming into Farmington, as you drop in out of
4 Kirkland, the first light that you come to at the
5 bottom of the hill, if you take a left and go a
6 quarter of a mile, you can't miss our office. It's
7 on a big rock pile.

8 LAVERNE KYRISS: State office?

9 TOMMY GOW: No, not state office, Rio Puerco
10 field office. It's in Albuquerque, right off of
11 Interstate 25 on the Montanyo, Montgomery exit. Easy
12 to get to, easy access, and the problem that Joel and
13 I were having with coming out and doing the
14 consultations is that our offices, the administrative
15 boundary split chapters. So when I am consulting
16 with Torreon and Ojo Encino, I cannot cross that
17 administrative boundary into Farmington to consult
18 with Nageezi or Huerfano, but we did make a concerted
19 effort, we did, to consult with Torreon, Ojo Encino.
20 We met with Canoncito. We tried Baca Prewitt.

21 And we started this a year ago, February of
22 2007, and we met with the same issues that this
23 gentleman is saying here, the grassroots people not
24 being notified, that's why we made the concerted
25 effort to meet with the chapters to make sure that

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1 the grassroots people got the information. I am
2 still seeing that's an issue. So we are going to
3 just have to do better. That's the best I can tell
4 you, we will have to do better.

5 Now, we could not cross the line into
6 Arizona. That's a totally different BLM state
7 administration. So we couldn't go into Arizona
8 either. However, requests were made could we do that,
9 I said no, but that did not prohibit Navajo Nation
10 from inviting those Arizona people to Torreon chapter
11 and let's talk there. So we are trying. We just
12 have to do better.

13 LAVERNE KYRISS: Yes, ma'am.

14 ANNA MARIE FRAZIER: Anna Frazier. I just want to
15 be on the record, that Deneta, which was pointed out
16 a little earlier, Deneta, which is all the way up to
17 Navajo Lake, Navajo Dam, up all the way up to Hickory
18 Apache, that is Navajo land. That's our ancestral
19 land, and to say that that belongs to BLM and all
20 those other white spots there. It's, we claim it as
21 our land. There might be people, you know,
22 non-native people, non-Navajo people living in those
23 areas, but still we claim that still as our land, and
24 one day it will be ours again, because that was our
25 land within the four sacred mountains--Colorado,

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1 Mt. Taylor, San Francisco Peak and Hesperus Mountain,
2 so within that area, we claim that as our land.
3 So that corridor through there, I think
4 that Mr. Farrell knows about the situation there, how
5 it gets very complicated to work with the government
6 and the local people. There is a lot of lack of
7 communication between the two. I can understand what
8 this gentleman is saying with his problem, you know,
9 lack of communication and whatnot. But it's only
10 fair that the Navajo people should hear, you know,
11 what is going on and how they are going to be
12 affected, how they are going to be impacted and all.
13 And the people in the checkerboard area, the BLM
14 land, they should be given all the respect and
15 consideration in, you know, their way of life to be
16 respected in that way.
17 LAVERNE KYRISS: Thank you.
18 Yes, ma'am. You wanted to say something?
19 Does anyone else want to make a comment?
20 I do want to thank all of you for your
21 time. I know it's a supreme effort, and I appreciate
22 that you have taken the time to come and share your
23 thoughts with us, to ask us questions. We really do
24 appreciate your input into the process.
25 So if there are no other speakers this

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1 afternoon, I am now going to close the hearing. I
2 would like to thank you again for joining us today to
3 provide oral comments on the Draft Programmatic
4 Environmental Impact Statement proposing to Designate
5 Energy Corridors on Federal Lands in the West. I
6 want to remind you that comments on the Draft PEIS
7 are due February 14th, and may be submitted on line
8 via the project website, by mail, or by fax. All
9 comments received by February 14th will be considered
10 in preparing the Final PEIS. Comments submitted
11 after February 14th will be considered to the degree
12 possible.

13 Again, thank you for your attention, and we
14 will continue to stay around to informally discuss
15 the Draft PEIS with you.

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1
2 REPORTER'S CERTIFICATE
3 I, Sally Peters, RPR, CCR #57, Certified
4 Court Reporter in the State of New Mexico, do hereby
5 certify that the foregoing pages constitute a true
6 transcript of proceedings had in the matter herein
7 stated.

8 In testimony whereof, I have hereunto set
9 my hand on January 31, 2008.
10
11
12

13 SALLY PETERS, RPR, CCR #57
14 License Expires: 12/31/08
15 500 Marquette, NW, Suite 280
16 Albuquerque, New Mexico 87102
17
18
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**West-Wide Energy Corridor Draft Programmatic EIS
Oral Testimony by
Arvin S. Trujillo, Executive Director
Navajo Nation Division of Natural Resources
January 23, 2008**

Good afternoon. My name is Arvin Trujillo and I am the Executive Director of the Navajo Nation's Division of Natural Resources. I would like to take this opportunity to welcome representatives of the cooperating agencies to Window Rock, AZ to hear public comments concerning the West-Wide Energy Corridor Draft Programmatic EIS.

The Division of Natural Resources consists of eleven (11) departments focused on the management, protection, and development of the Nation's natural resources. Some of the departments within the Division include Agriculture, Water Resources, Fish & Wildlife, Historic Preservation, Land, and Forestry. The comments I am providing today are general observations and concerns. The Division will be following up this oral presentation with written comments concerning the draft Programmatic EIS.

Location of Corridor

In reviewing the proposed locations of these energy corridors on federal lands outside of the boundaries of the Navajo Nation, it is apparent that in order to connect the initial placement of these corridors, pathways through the Navajo Nation will be needed. The Navajo Nation is providing comments on this assumption because no pathways are identified that would go around the Nation. The Navajo Nation currently has existing oil and gas pipelines and electrical transmission lines crossing the reservation. Through negotiations and following the Nation's rights-of-way process, additional request for new pipelines and transmission lines could be accommodated, but only after following the prescribed processes in place with the Nation. The designation of the corridors on federal lands that border the exterior boundaries of the Nation places an undue burden on the Nation to designate similar corridors to accommodate federally designated corridors. The review of the draft EIS indicates that Tribes are not a part of the EIS nor is land under Tribal jurisdiction being considered for energy corridors, but the Nation wants to make it clear that in order to connect lines developed through this process, the federal

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government and future developers must work with the Nation through its ROW process.

This process takes into account:

- The necessary environmental and cultural resource reviews;
- Threaten, endangered, and sensitive species including the possible impacts to fish and wildlife;
- Issues concerning land use and compensation to land permittees for surface damage to grazing areas;
- Impacts and mitigation efforts on forested and woodland areas; and
- Compensation to the Nation for utilization of the land being considered.

Width of the Corridor

The EIS indicates that the federal agencies are considering a corridor width averaging 3,500 ft, which is a little less than $\frac{3}{4}$ of a mile. What the federal agencies choose to do outside of the boundaries of the Navajo Nation is their decision, but do not expect the Navajo Nation to accommodate a corridor this wide across the Nation. As noted before, the Navajo Nation has a ROW process in place and land use issues are addressed in the process. The different factors involving the construction and operation/maintenance of a new pipeline or transmission line are taken into consideration when the width of the ROW is negotiated. Given the multi-use aspects of lands on the Nation, which would include sensitive areas for environmental, scenic, and wildlife protection, cultural and sacred sites, livestock grazing, hunting, housing locations, and recreational activities, to name a few, establishing a corridor that would average 3,500 ft. would be very difficult to put in place and the Nation would not consider such an effort as being in the best interest of the Nation.

Impact to land outside of the Nation

The Division is in agreement with the observations made in the draft Programmatic EIS that areas identified outside the Nation could have significant cultural and traditional meaning or threaten plant or wildlife important to the Nation or the Navajo people. Consultation on a government-to-government basis would be in order to address possible impacts to locating new infrastructure in designated corridors outside of the Nation's

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boundaries. There are lands that hold significant meaning to the Navajo people and to disturb these areas would not be in the best interest of the Navajo Nation.

Sovereignty of the Navajo Nation

The Navajo Nation is a sovereign nation with laws and regulations in place to address:

- rights-of-ways that would cross the Nation;
- land use issues resulting from the development of new infrastructure within the boundaries of the Nation; and
- compensation issues that would result from surface damage and land rental.

The land to be crossed should not be condemned nor should the amount of rental be considered to be at condemnation rates. As was shown in the Section 1813 study, authorized under the Energy Policy Act of 2005, the rental rate for ROW's across Indian country are fair and the federal government should continue to support Tribal efforts to negotiate with future developers for the use of Tribal lands. Should areas be identified that are of concern to the federal government, consultation procedures should be initiated to resolve these issues.

In closing, the Division understands the needs required producing and transmitting electrical energy to meet the growing needs of the United States and in particular the Southwestern portion of the United States. The Navajo Nation is not against this development or planning for future development, but the Nation must insist that as plans are developed, that the Nation be included in the planning process and if land within the Nation is being considered that current regulations and procedures be followed. Again, written comments will be provided in the near future. Thank you.