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CLARK, LINCOLN, AND WHITE PINE COUNTIES
GROUNDWATER DEVELOPMENT PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
SCOPING MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

On Tuesday, August 9, 2011

At 12:00 p.m.

At the Tribal Headquarters - Ely Shoshone Tribe
400 B Newe View
Ely, Nevada

Reported by: Deborah Ann Hines, CCR #473, RPR

1 MAURICE FRANK-CHURCHILL: 511 Duckwater
2 Falls Road, Duckwater, Nevada 89314. I'm making
3 comments on behalf of the Duckwater Shoshone Tribe.
4 One of the things that we have questions on was like
5 the 50-year forecast by the University of Nevada, Las
6 Vegas, on the water according to population needs.
7 So that was our concern, and we believe that Southern
8 Nevada Water Authority should reevaluate their
9 projection.

10 One of the questions we had is where does
11 the federal slash tribal water rights fall into this
12 picture with the State of Nevada where they issue the
13 water rights?

14 Changing subjects on you, we'll jump to the
15 archeological clearances. In reviewing the
16 documents, we see that there's no class three
17 archeological clearance. That has not been
18 completed. All of these have to be done prior to
19 anything going on, and that was one of our concerns.

20 And this is on a similar thing. On the
21 ethnographic assessment, we would like a copy of the
22 tribal consultation information on how they got to
23 where they got to to do their ethnographic work, you
24 know, like the date, time and place, who wrote the
25 documents, because what we're seeing is there's very

1 limited release, you know, the informant released in
2 the ethnographic assessment.

3 In viewing the EIS there's a special status
4 for species like the Pahrump poolfish, the Big
5 Springs Spinedace, the Ute ladies'-tresses, the
6 Yellow Billed Cuckoo, the Southwestern Willow
7 Flycatcher, the White River springfish, the Pigmy
8 rabbit and the Greater Sage Grouse. Our concern is
9 how are they going to address these special status
10 species of plants, fish and animals.

11 In the report it mentions 77 tribal
12 culturally significant sites. Now our question is
13 what happened to the other 300-plus cultural sites
14 that were identified in the project? What's going to
15 happen to them? I mean, the BLM, how did they
16 evaluate the other remaining 300-plus, is our
17 question.

18 Another one that we talked about was the
19 Indian allotments. How is the BLM going to address
20 this issue, because there's Indian allotments there
21 in Spring Valley.

22 Also in reading the EIS it says the Bureau
23 of Indian Affairs signed off on the programmatic
24 agreement, so what gave them the authority that
25 they're signing off on behalf of the tribes, because

1 the tribes should sign off on their own.

2 In the socioeconomics and environmental
3 justice, we see in Iron County and a few others that
4 a few key tribes were left off, like Cedar City, the
5 Shivwits and the Kaibab, they were left out of the
6 report. They're Southern Paiute tribes is what they
7 are.

8 The mitigation on sacred sites, how are they
9 going to do that, because our belief is you can't
10 mitigate sacred sites.

11 The tribes believe that the state BLM office
12 should continue with ongoing interviews, ethnographic
13 interviews, rather than hand it off to the Ely
14 District. And also the tribes should be the one to
15 do the ethnographic interviews rather than BLM. We'd
16 like to have them there, if they so choose while we
17 do the interviews, but the tribes should be the one
18 to do, to conduct one-on-one systematic structured
19 interviews, not windshield interviews like they've
20 done.

21 CINDY MARQUES: The first thing is on the
22 ethnographic studies, they should be more in depth
23 and more interviews, the Southern Nevada Water, and
24 it should be I believe a Native American who does the
25 interviews. Ethnographic studies, there's no

1 structure and no follow-up interviews.

2 We also wanted to know about cultural
3 monitors, if they decided if they're going to have
4 them or not, and we believe that they should, or I
5 should say I believe that they should.

6 And what are they going to do about
7 mitigation, the project along the pipeline, do they
8 have a plan for that, plan for mitigation yet,
9 because we didn't find anything in the EIS.

10 I'd like to know how can it be determined
11 what is spiritual and what is cultural, how you guys
12 have determined what is spiritual and what is
13 cultural to Native Americans.

14 And the other thing we discussed was the
15 increased and decreased population, how can it be
16 forecasted and how has it been forecasted? Does the
17 study still fit their population needs change from
18 study? Was there a decrease in the population,
19 that's what we'd like to know, in Vegas, because they
20 did, what, a forecast for how many years? But it
21 seemed that it slowed down with the population now.
22 And how are they going to determine what the needs of
23 White Pine County and the Native American here, the
24 Shoshones, how are they determining that with the
25 water? Are we going to have enough water once they

1 start this? And what will the future impacts be?

2 We would like more information on the
3 involvement with the BIA, if they can get us that.

4 This is back to mitigation, how can they
5 protect cultural sites? No mitigation plan has been
6 started. And tribes want to be involved with that,
7 at the beginning and after. And we want to know
8 where in the programmatic agreement, where is it at.

9 M. MARQUES: One, what are the management
10 objectives for the proposed development area? Two,
11 what are the classes for these areas, and I'm talking
12 about the visual resources. Three, has there been an
13 analysis to determine whether the potential visual
14 impacts from the proposed surface disturbing
15 activities would meet the management objectives
16 established for the area? Endangered species and the
17 status of the pygmy rabbit and sage grouse too.

18 RICK SPILSBURY: P.O. Box 1055, McGill,
19 Nevada 89318. I'd like to start off on the schedule
20 over here that I see on this first particular poster.
21 It says Pipeline Construction Timeline. It doesn't
22 seem to be very clear in the fact that it shows
23 construction times that don't correlate with what
24 would be expected completion times.

25 Initially the first section of construction

1 shows them being completed around 2014, and the
2 pipeline doesn't seem to be finished until around
3 2017 to 2027. And it appears to me that at least
4 three years in there that water treatment plant will
5 be just sitting idle, which gives me the impression
6 that the timeline is not accurate.

7 The second thing I'd like to talk about is
8 the stipulated agreements that the federal
9 organizations agreed to. I just found out that this
10 happened over a period of time rather than instantly.
11 I was under the impression that all this happened the
12 day before the first state trials, water trials, and
13 we didn't know about it until then so there was no
14 way for us to respond to it.

15 One of the organizations was the Bureau of
16 Indian Affairs. They never consulted with one
17 Indian. Also there was the BLM, and obviously they
18 never consulted with one citizen when they agreed to
19 these stipulated agreements.

20 And apparently now there are meetings that
21 the BLM is having with the State to discuss
22 monitoring and mitigation. We have no access to the
23 transcripts of those meetings. We have no access to
24 participate in those meetings. Basically all this is
25 being done behind our back, essentially secret. And,

1 one, I don't appreciate that; two, these people are
2 supposed to represent us, not take over. They're
3 working for us and not for government agencies.
4 They're obviously working for government agencies but
5 those government agencies are being paid by us. And
6 the whole monitoring and mitigation process is
7 sketchy at best.

8 Also, I was looking at the drawdown maps,
9 and Southern Nevada Water Authority claims that if
10 water is drawn down too much in a certain particular
11 area, they'll stop pumping and pump someplace else,
12 playing a shell game, kind of like a little shell
13 game. If too much water gets pulled out of one
14 place, they'll just suck it out of some other place.
15 Well, from the looks on the map, that's going to have
16 to be over 200 feet of drawdown.

17 So saying that they'll just move their
18 pumping stations someplace else is not clear as to
19 when they're going to move those pumping stations,
20 which means basically nothing. When you look at the
21 drawdown maps, basically they're planning on drawing
22 down as much as they possibly can. And too much is
23 too much in whose eyes? Theirs, not ours, because we
24 think any is too much.

25 So consequently the whole concept of them

1 playing this shell game with the pumping is, I think
2 it's a lie, because it doesn't really -- because if
3 they define how much is too much, then there's no,
4 there's essentially no definition.

5 I was also looking at the other economic
6 factors, and the way it reads is, Uncertain water
7 supply may discourage retirement lifestyle migration,
8 second home investment, and economic development in
9 rural areas. It sounds very technical but basically
10 what it means is whatever is in this area is all that
11 will ever be in this area. There will be no more
12 growth. There will be no more growth in the rural
13 areas. They're shoving rural Nevada under the bus so
14 that Las Vegas can grow.

15 I'm looking at the DEIS, Appendix C,
16 Stipulation for Withdrawal of Protests. This was the
17 stipulated agreement between the Department of
18 Interior organizations and the State of Nevada.
19 Number 13 says, This stipulation shall be governed in
20 accordance with the laws of the State of Nevada to
21 the extent not inconsistent with federal law.

22 The federal government has made a number of
23 agreements with the Western Shoshone, primarily the
24 Treaty of Ruby Valley, which is being totally
25 ignored. Within the Treaty it says that the Western

1 Shoshone would get plenty of water to support, to be
2 supported to live here, reproduce, multiply, whatever
3 you want to call it. This limits that.

4 And also there was as Winters Doctrine,
5 which the Supreme Court ruled on I believe in 1908,
6 that said that the natives are legally bound -- the
7 federal government is legally bound not to allow
8 water to be taken away from tribal lands.

9 And at the same time the federal government,
10 under the laws that we're living with, they have
11 delegated the responsibility of water to the State,
12 who's giving away water because they don't have any
13 responsibility to the natives. So what I see here is
14 that the federal government is ignoring their
15 responsibility, and it says so right here in the
16 stipulated agreement.

17 DELAINE SPILSBURY: P.O. Box 1055, McGill,
18 Nevada 89318. In 1908 there was a case of Winters
19 versus the United States, which is commonly known now
20 as the Winters Doctrine, and that was judged in favor
21 of the doctrine, the Supreme Court judged against the
22 U.S., and that gave, quote, an Indian reservation may
23 reserve water for future use in an amount necessary
24 to fulfill the purpose of the reservation.

25 However, that reservation use has not been

1 recognized by SNWA, Southern Nevada Water Authority,
2 and neither does the Water Authority recognize plant
3 and animal life, which are very sacred to us native
4 people. And there's nothing in it that gives
5 reservation for arrangements for the next seven
6 generations, which is also a native belief that
7 everything we do is going to affect the next seven
8 generations. And none of those things have been
9 recognized. None of those tribal things have been
10 recognized in the DEIS.

11 I'm on the Board of Directors for the Great
12 Basin Water Network. I, and many others, are very
13 concerned about this BLM right-of-way application.
14 We're totally opposed to the fact that we're being
15 asked to approve a right-of-way when the water rights
16 haven't even been designated. We don't know what the
17 actual plan is. We don't know what the cost is going
18 to be. All that particular type of information
19 should all be set forth before we even consider a
20 right-of-way.

21 RICK SPILSBURY: I've noticed what looks to
22 me like a flaw in the maps here that show the impacts
23 on Spring Valley. One of the maps that's in the
24 document shows wells all the way up the east and west
25 side of Spring Valley, but on the maps that show the

1 impact, there is essentially a big hole where there
2 isn't going to be a drawdown and there isn't going to
3 be any impact on life there. And if you overlay the
4 two maps, it shows no impact in areas where there are
5 going to be wells, and that doesn't make sense. It
6 gives me the impression that the impact maps don't
7 reflect the well maps. I think that somebody screwed
8 up.

9 (Thereupon the proceedings
10 were concluded at 1:39 p.m.)

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CERTIFICATE OF REPORTER

STATE OF NEVADA)

SS:

COUNTY OF NYE)

I, Deborah Ann Hines, certified court reporter, do hereby certify that I took down in shorthand (Stenotype) all of the proceedings had in the before-entitled matter at the time and place indicated; and that thereafter said shorthand notes were transcribed into typewriting at and under my direction and supervision and the foregoing transcript constitutes a full, true and accurate record of the proceedings had.

IN WITNESS WHEREOF, I have hereunto affixed my hand this 14th day of September, 2011.

Deborah Ann Hines, CCR #473, RPR