Public Hearing on
Energy Policy Act—Section 368
Energy Corridors in the West:
Draft Programmatic Environmental Impact Statement

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

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

LAVERNE KYRISS: Well, good afternoon. I have that it's about two o'clock. Good afternoon. I would like to thank you for joining us for a public hearing on the Draft Programmatic Environmental Impact Statement on Designating Energy Corridors on Federal Lands in the West. I am LaVerne Kyriss from the Department of Energy, and I will serve as today's hearing officer.

Before we begin the formal hearing, Joel Farrell, who is the assistant district manager for BLM's Farmington office, will make a brief opening statement.

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

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

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

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

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

LAVERNE KYRISS: Thank you. They want me to
use the microphone. Okay, I'll get it up.

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

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

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

This hearing is to take comments on a Draft Programmatic EIS prepared in response to direction given by Congress to five federal agencies: Energy, Agriculture, Interior, Commerce, and Defense.
Section 368 of the Energy Policy Act directs the secretaries to designate corridors for oil, gas, and hydrogen pipeline and electric transmission lines on federal land in the 11 Western states. To perform the necessary environmental reviews, partly because of this requirement, we decided to prepare the Draft PEIS that's the subject of this hearing, and to incorporate these designations into land use, land management, or equivalent plans.

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

The Draft PEIS proposes designating more than 6,000 miles of corridors. Sixty-two percent would incorporate existing locally designated corridors and/or rights-of-way. Eighty-six percent would be on BLM land and 11 percent on Forest Service
land. The Draft PEIS identifies 166 proposed corridor segments in all 11 Western states. If all are included in the follow on decisions, this would involve amending 165 land use or equivalent plans.

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

Proposed corridors also vary in width. We used a 3,500 foot starting point to provide flexibility for siting multiple rights-of-way. An energy corridor is defined as a parcel of land, identified through a land use planning process, as a preferred location for existing and future rights-of-way that is suitable to accommodate one or more rights-of-way which are similar, identical, or
compatible. Corridor designations assist in minimizing adverse impacts and the proliferation of separate rights-of-way.

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

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

The Draft PEIS analyzed two alternatives -- taking no action and the proposed alternative. Choosing to adopt the no action alternative would result in continuing ad hoc, uncoordinated
development as is done now. The proposed action is
the result of a three-step corridor siting process
described in detail in Chapter Two of the Draft PEIS.
The first step was to incorporate comments provided
by the public during scoping and after the draft map
was released in 2006. Then the agencies worked
closely with local federal land managers to
accommodate local land use priorities, incorporate
local knowledge of areas, and avoid areas known to be
incompatible with future development.

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

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

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

Now I'm going to call people who have
preregistered first, then I will call people who
registered here, and then I will call on people in
the room. And as we go through that process, if
people want to make additional statements, we will go
through that process until everyone is heard. And
this is what I will show you if you are getting near
the end of your time.

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

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

Are there any questions? Yes, ma'am?

JENNIFER TALIMAN: Yes. Do you have
maps of where you are proposing or—
LAVERNE KYRISS: Yes. We have a big map here. We have a computer where we have the GIS database, so we can call up specific maps. We have the example of our siting process in the back at the registration desk, and on the CDs that are at the registration desk, that has all the maps on it as well.

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

LAVERNE KYRISS: The siting process?

FREIDA WHITE: Yes.

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

FREIDA WHITE: You brought two items out.

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

Are there any other questions on the process we are going to use to take comments today? If there are no comments on the process we will use today, we will now begin to take your comments. We had some preregistered folks, and I don't know if
they have checked in yet. So is Alfred Bennett here?

Is Ambrose–and I do not know how to say your last
name, so I'm going to spell it-

back and call on them later.

What about Elouise Brown? None of those
folks are here yet, which is just fine.

Jennifer Taliman? Jennifer, the microphone
is yours.

JENNIFER TALIMAN: Hi, my name is Jennifer
Taliman and I am just a member of the tribe. And,
you know, I was really concerned about this when I
first heard of this. And first of all, I think that
a lot of federal officials don't understand this,
that this, you know, our nation is very rich. And as
you all know that, that we supply a lot of coal,
which are high quality coal, to different areas. We
are already helping cities and states, many states
with energy, and as you know, a lot of them are not
being compensated.

And with the El Paso Natural Gas Company, I
have elders, talked to elders who the pipeline goes
right through their land, and for almost
approximately 15 years, they were never compensated.

When they were finally found, they gave them a hard
time. I even took them there, took one, or one
person there, and they would not give her any
benefits. And then just, I think, six months ago,
approximately six months ago, she got something in
the mail and it was only for $400.

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

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

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

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

But you can no longer take advantage of this land, and I hope Dick Cheney understands that, and a lot of people don't understand that. Whenever a lawsuit comes, the lawsuit is against the Navajo Nation. It's not against the federal or the
Department of Interior. We are the owners of this land, and you are only the managers. And one day I hope that we can fire the managers and bring in qualified people into this area to manage this land. You know, and it's always a joke about it, that we can bring the OPEC Nation in or the UN and see, you know, what—you know, I joke about that and I know that can't happen. But we will some day bring in our own manager, and that one day we are going to be recognized as a nation like the Jewish people.

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

And, you know, I really believe that this time, that God is on our side, and he is going to protect this land. So I hope you guys aren't here to take advantage, and that you are fair, and I put this in God's hand. Whatever he does, it's going to be in his hand, and I hope you guys understand that. And,
you know, I pray, and like I said, if the Navajo
Nation stands, once they stand, they roar. They are
going to shake the nations, and, you know, I think—
I don't know where the attorney general is here. He
should have been here, but we need to stand as a
nation, and roar and shake everybody. I mean, a lot
of the gas that's coming through here is supplying
Tucson and Phoenix, and no longer can they take
advantage.

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

LAVERNE KYRISS: Thank you, Ms. Taliman.

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

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

Yes, sir.

Can you stand and give us your name?

xxxxx: My name is xxxxx.

LAVERNE KYRISS: Can you spell that for us?

xxxxx: xxxxx. I just want to kind of ask some questions for clarification.

LAVERNE KYRISS: How about if you come up and use the microphone?

xxxxx: All right. Just to kind of get to know a little bit more about the draft hearing and kind of how it affects Navajo land, I don't know if anybody else in the audience is really familiar with the Draft here, because I just kind of heard about it, and would like to know more on where these pipelines or electricity lines are going to be running through land, and if they are, are they going to be crossing onto Navajo land at all and where if so. I just am not very clear on that right now. Maybe other people aren't either.

LAVERNE KYRISS: Okay. What we are moving into is a question and answer period, and we certainly want to do that. So what we want to do is take a break from our formal hearing, so we are going to temporarily close the hearing. So that means our
transcriber can stop recording, and then when people
want to make formal comments, we will go back on the
record, if that's okay with everyone in the room.

(A discussion was held off the record.)

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

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

The way I am looking at this map, it's like
an invite for the Navajo Nation to participate in the
delivery of energy sources, and I think this is an
opportunity for the Navajo Nation to develop
renewable energy and have a way to transfer this --
transmit this power to where the people are willing
to pay for it, and primarily I am saying California
and Phoenix, maybe other communities. This kind of fits in with what we would like to do. So we are looking at, like I said, wind farms and solar farms and developing natural, our own natural gas resources, and having a way to transport it out of here, if not utilize it right on our reservation.

Thank you.

LAVERNE KYRISS: Thank you, Mr. Drake.

We are still on the record. Are there other people who would like to offer comments at this time?

ANNA MARIE FRAZIER: Yes, ma'am.

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

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

And I don't know where that stands now.

This is just something that they said over there in
Albuquerque. And so I came here thinking the plan
was still the same, and the way that I see this is,
it's a little bit different than what the corridor
map that I saw back then, you know, in 2005.

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

So this land where I live is handed down to
me by my ancestors, my grandfather, my grandmother,
even before them, back from the early 1800s or
somewhere back there, so there is no place else for
me to move if there should happen to be a widening of
this corridor. And I think that there is Navajo
Nation, government staff people here, and they should
hear that from us, too, that it's not really fair to
us residents on the Navajo Reservation, where we have
to be victimized by—well, it all starts with
Washington, from the plans that they have for energy.
It really victimizes our people, and for the pipe to
increase the corridor of what's already existing now,
it's even going to be more—it's going to be more
impact on the people. Just kind of wonder, because
anything that is coming down from the government not
only from the US government but from the Navajo
tribal government, our people don't know about it.

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

So these kind of things affect our people,
and to come in and to remove them, all because
somebody else somewhere in the big cities are going
to be using the energy. And I don't think that's
right to do that. So that is my concern, is that we
need truth, to be told truth, the truth about these
kinds of things. What is coming down to us, what
does this mean for us, for the Navajo people, so I
would like to hear from the Navajo Tribe.

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

LAVERNE KYRISS: Thank you, Ms. Frazier.

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

ELOUISE BROWN: Ya-ta-hey. My name is
Elouise Brown, I am with an organization called No
Desert Rock, and Ms. Anna Frazier pretty much covered
what I was going to say. I would like to request an
extension, more hearings on the Navajo reservation,
because as I look through here, I hardly see any
people from the Navajo reservation. So we need
to—well, I am requesting more hearings to be done on
this energy corridor.

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

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

LAVERNE KYRISS: Thank you, Ms. Brown.

Are there other folks who would like to
speak? Yes, sir.

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

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

The other one is, in looking on the internet with your website, there is an indication that you have an emergency plan for or—is it just for the corridor, or is it for all of the pipelines?
I would like to see if I can get a chance to review it. I couldn't download it, because it was a 40 megabyte document. And then you also have a community information document on there, and I need to see if we can get an opportunity to see those reports or information. So I'm wondering if we can be able to have you guys provide that.

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

Thank you.

LAVERNE KYRISS: Thank you, sir.

KATE WINTHROP: Let's explain the map.

Can we go off the record for a minute?

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

We have had a request that our comments be on the record, so we will go ahead and stay on the
record, but who's going to explain the map?

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

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

So some of these right-of-ways we are talking about paralleling interstates, railroad lines, existing transmission lines, but there are no projects right now associated with any of these
corridors, and there is no requirement for any companies to site their future project in these corridors. But the hope is, by going in there, they wouldn't be all spread out all over the landscape and fragment all sorts of areas and habitats and resources.

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

LAVERNE KYRISS: That we are proposing to designate.

RON MONTAGNA: That we are proposing to designate.

KATHY HELMS: Can you overlay—

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

KATHY HELMS: Kathy Helms, Gallup Independent. Like with the map you had up there, can you overlay where the corridor goes with all the existing lines there?
IHOR HLOHOSKYJ: It gets buried, because there is so much existing. So here's the proposed corridor. There is one segment here.

LAVERNE KYRISS: You see one over here.

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

KATE WINTHROP: And also would reduce, we hope, if industries actually use the corridors, we are hoping it would reduce some of the sort of proliferation of lines that you see here. It might kind of bring them into the corridors in the future instead of having them all over the place. That's really the intent behind this designation, although, of course, we are not doing it on tribal lands. You can see in the upper right-hand corner where there is just so much, if there is any future development, is it a better idea to keep it in a corridor or just let it go the way it has? That's
kind of the issue of how we are thinking about it.

JOHN KRUMMEL: You can notice that the

corridors that we show are only on land administered
by the Bureau of Land Management and the US Forest
Service, and those two agencies are part of the
federal partnership for this, but again, the
corridors are only designated on lands administered
by BLM and US Forest Service. So that's why they
look like dotted lines, and that's why they end and
start up again. We only have authority to do this on
federal lands under the jurisdiction of the Forest
Service, Interior, and Department of Defense in some
cases.

LAVERNE KYRISS: Do you have another question?

KATHY HELMS: Yes, one more thing. How is

It—included in this is changing—

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

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

LAVERNE KYRISS: The question is related to
designating corridors by changing land management
plans. And would somebody from either Forest Service
or BLM want to answer that question and explain to us
what that means when you are changing that land
management plan.

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

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

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

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

LAVERNE KYRISS: Did that answer your question?

KATHY HELMS: Yes. But if it's a preferred location, does that mean they have to put it there or can they put it where they want to? Because it's preferred that doesn't mean they have to put it there or have some kind of mandate.
RON MONTAGNA: It will—the designation is a preferred location. This will not prevent a proponent of a project from applying to locate a facility somewhere else. However, it is—and we can't prejudge projects in the future. However, using our existing management procedures in BLM, it would be difficult to approve—not impossible—but difficult to approve a facility that is located outside of the corridor, because we have already gone through the land use planning effort that identified it as the preferred location. We would then, if we look, we would then have to reamend the land use plans to approve the new location.

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

LAVERNE KYRISS: Thank you, Ron. Better for the BLM to explain its own land uses than for the Department of Energy to do that.
Other folks who would like to make comments today or have questions? Okay, here. Please come to the microphone and tell us who you are.

ARVIN TRUJILLO: Good afternoon. I'm Arvin Trujillo. I am the executive director for the Division of Natural Resources for the Navajo Nation, and I would like to take this opportunity to first welcome those representatives from their cooperating agencies to Window Rock to hear these public comments concerning the West-wide Energy Corridor Draft Programmatic EIS or Environmental Impact Statement.

To introduce myself also to those here who are Navajo—

(Comments in Navajo.)

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

The Division of Natural Resources consists of 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 and wildlife, historic preservation, land and forestry. The comments I am providing today are general in nature concerning observations as well as
general concerns. The division will be following up
this oral presentation with written comments
concerning the actual Draft Programmatic EIS.

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 alleged quote transmission lines
crossing the reservation.

Through negotiations and following the
nation's rights-of-way process, additional requests
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
the tribal jurisdiction being considered for any corridors, but the nation wants to make it clear that in order to connect the lines developed through this process, the federal government and future developers must work through the nation through its right-of-way process. This process takes into account the necessary environmental and cultural resources reviews, threatened, endangered, and sensitive species including the possible impacts to fish and wildlife, issues concerning land use and compensation to land permittees for surface damage on grazing areas, impacts and mitigation efforts on forested and woodland areas, and compensation to the nation for utilization of land being considered.

The EIS indicates that the federal agencies are considering a corridor width averaging 3,500 feet, which is a little less than three-quarters of a mile. What the federal agencies choose to do outside the boundaries of the Navajo Nation is their decision, but do not expect the Navajo Nation to accommodate a corridor this wide across its nation. As noted before, the Navajo Nation has a right-of-way process in place, and land use issues are addressed in this process. The different factors involving the construction,
operation, and maintenance of a new pipeline or transmission line are taken into consideration when the width of the right-of-way is negotiated.

Given the multi-use aspects of the lands on the nation, which would include sensitive areas, 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—and again, average—3,500 feet would be very difficult to put in place, and the nation would not consider such an effort as being in the best interests 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 to the Navajo people. Consultation on a government to government basis would be in order to address possible impacts to locating new infrastructure in designating corridors outside of the nation's boundaries. There are lands that hold significant meaning to the Navajo people and to disturb these areas would not be in the best interests of the
Navajo Nation.

The Navajo Nation is a sovereign nation, with laws and regulations in place to address rights-of-way 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.

It was shown in Section 1813 study, authorized under the Energy Policy Act of 2005, "The rental rate for right-of-ways 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, in particular, the Southwestern portion of the United States. The Navajo Nation is not against
this development or planning for future development,
but the Navajo 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 statements will be provided
in the near future on the more detailed aspects of
looking at the Programmatic EIS. Thank you.

LAVERNE KYRISS: Thank you, Mr. Trujillo.

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

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

LAVERNE KYRISS: Can I get your name?

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

What is proposed, you know, you got to
understand that it's a southern point that is taking
business away from the Navajo Nation. And it's a
result of—first of all, let's look at it as—
has something to do with our own doing as the Navajo
Nation. When the Navajo Nation wanted to negotiate
for higher rates for the El Paso gas line, as you
recall, that took a long time before certain resolves
were made. So as you can see, from the outside,
especially companies saw this as an adverse step
against what they do, which is to make money.

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

It's not like the 18th century, like the
1800s when the federal government, Congress wants to
do whatever it wants to do, and be able to condemn
lands and use Indian lands for certain purposes that
could advance the West, the western American
movement. You are familiar with all of that. You
know, as time went on, of course, we started losing,
as Indians, we lost a lot of land because of the
western movement and the idea of occupying land here
and so forth. And so we see ourselves with an
eastern agency how the land is so checkerboarded,
because of the Dawes Act and so forth, and at one
time for four years, from 1907 to 1911, a good
portion of the eastern Navajo was reservation land,
and you still see on the flag today. This area right
here.

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

In the meantime, Congress says, Navajos
should have a right to some of the land that they are
already living on, so they can apply for allotments,
and so the allotment process took place as a result.
That, of course, started with the Dawes Act about
1887, but up until about 1920s, that was in practice.
Not all Navajos were able to get in line in time to
get an allotment, so the process was cut off.
So we find ourselves in eastern Navajo with checkerboarded lands, that it's really a nightmare from a jurisdictional viewpoint. Police services, as Jimson pointed out for other services, as emergency, police protections, social services, and so forth, there is a lot of jurisdictional issues. But hopefully, we moved towards some compromise working with the BLM in the area of land issue, which I am not here to address, but it is something that we are looking forward to in terms of hoping we come away with some good resolve and getting some of these lands restored back to Navajo.

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

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

(Comments in Navajo.)

In practicality we deal with it, an environment of laws and so forth, when we have to deal with the federal government when it comes to land resources. So anyway, so much for that spiel.
If you look at a lot of issues that are currently happening—Iraq, the 9/11 incident, and so forth, it's really making America rethink of who it is, and I think this is a response to that. Internal energy needs of the United States, the United States government is trying to better accommodate the delivery of energy. And so this is the mechanism that I believe that is what they are looking at to do that. So in a larger process, the idea is, if you can create these throughways, you can be able to channel the delivery of energy only through these not only, but most of it would be through these areas, especially all future development, that's what we are hearing today.

It really is a good idea. You got to hand it -- you have to think about it from the point of futuristic thinking, it really is a good idea. It's better to control new development in this fashion than to allow it to occur as it has been going all along. Now you have a, let's say, a stream, a system, a network of delivery systems, but yet for local uses, subregional uses, and so forth, you can still see power lines, gas lines, oil lines, still coming out. You think about it, you think about it from the perspective of the human anatomy.
There are main veins. They get smaller and smaller right down to the fingertips. These systems work like that. So the better there is a plan, the better the whole thing can operate. Anyway, that's how I see it. In terms of an idea, I think it's a splendid idea and it's probably something that's maybe a little bit overdue. And so my understanding of the EIS is either you do nothing about it, or you do something about it, and that's the comparison that they made in the EIS. If you do nothing about it, then what happens? The development is going to continue to occur haphazardly. If you address it through designations, at least they are controlled. They are in some sense controlled.

Now, where I said about this is taking business away from Navajo, it's essentially doing it because companies don't want to deal with Navajo Nation because of El Paso. Now, I was going to say earlier, I wish that we as Navajo Nation had our act together, but I had Leroy, Elroy, and then the executive director make a point about it, that there is something, some thinking going into it, which is good. I mean, definitely these lines are going to end there. You know, they are going to have to go
across the Navajo Nation one way or another, and
there are existing systems, and perhaps they just
need to be better studied so that development does
occur where it's more controlled rather than, you
know, taking new areas. So that's the idea of the
concept of corridors.

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

But in internally, I appreciate Elroy's
comments regarding that there is interest now, and I
believe the—is it southern, the Utes, Ignacio,
southern Colorado Ute tribe that is really premier in
terms of energy development among Indian countries.
So, you know, if you are following that model, they
are a winner already as it is, so it's probably a
good idea.

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

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

For the delegation from Washington, DC, I really want you to understand that eastern Navajo is part of the Navajo Nation. When we say Navajo Nation, we mean eastern Navajo as well, too. If you can please lift this up this way, move the map in that direction. So when we talk Navajo Nation, we are talking eastern Navajo, and that also includes three satellite reservations.

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

So the Albuquerque BLM, it did a really good job. When we had this concern, they ran us a
map. And I wish we had that available to show here, because it showed pretty much the full corridor. So when you would look at that map, it shows possible allotment and trust land areas that would be impacted. So I think, you know, that type of concern is better addressed when you show maps like this, especially in the public setting. If you were in eastern Navajo, you would get a lot of questions on that.

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

Yes, ma'am.
JENNIFER TALIMAN: They are talking about these corridors not coming on to the reservation, but you are talking about the corridors, and I don't understand why you are talking about these corridors, and they said they have nothing to do with the Navajo Nation.

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

But along the other way, along the route, of course it's impacting allotment as well as tribal trust lands and fee lands that Navajo Nation controls. So I think the Navajo Nation is going to have a great deal of a role, as that's what I guess Mr. Trujillo was trying to say, that, you know, they would like to sit at the table when these are
actually hammered out in terms of negotiations, perhaps, and so forth. But individual allottees are dealt with on an individual basis, not as a nation. They are just as powerful, one allottee is just as powerful as the entire Navajo nation when it comes to land use. You can't go across their land unless people that own that land all agree. So it really is—so it's quite—it's going to be quite a burden, I think, for energy companies to try and run right-of-way agreements through the corridors once they leave the federal areas.

Yes, so in our mind, the way—I guess people are a little upset because they see segments missing, and that's really not the case. And if you saw the map that was made for us, because we had similar concerns, the Albuquerque office made us a map where you can see pretty much the entire route. I'm sorry I carried on so long. I apologize. Thank you very much, though.

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

LARRY RODGERS: Can I have a little time?

LAVERNE KYRISS: You certainly can.

LARRY RODGERS: One more comment. The map that you have that was handed out, this, I mean talk
about making mistakes about maps, this map is Hobbs area. Why are they distributed here in northwest New Mexico? We got the wrong maps to begin with. These are—we are at a public hearing we are talking about some close-up. These are nice maps to look at up close. This is Hobbs, this is southeast New Mexico. So sorry, but you have to apologize about that, not me.

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

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

Other folks who want to make a comment? I
know that xxxxx is here, so xxxxx has requested to make a comment. So we will let you, and then we will go to you, ma'am.

xxxxx: Yah-ta-hey.

(Comments in Navajo.)

xxxxx: I am from xxxxx, New Mexico, and I had to literally race over here to make it to this meeting, and I think that speaks to how these energy corridor meetings and the analysis of putting these corridors and right-of-ways through the Navajo Nation requires more public meetings to be held outside the times that most people work. Most people work from 8:00 to 5:00 p.m., and that these energy corridor meetings should take place in the evening times and in communities that are most impacted, so we need to have more meetings across the Navajo Nation.

The gentleman who was just up here talked about controlled land use, and I question where the individuals are who will be directly impacted? Where are they? Where are these energy corridors at? This map is a little vague. There was no information that came out to grassroots individuals. If these corridors will directly impact a lot of Navajo Nation individuals, then we have a right to know, and we
should have a right to know. The transparency of
this process and its implications, they should be
translated into Navajo so each person can understand
what's going on.

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

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

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

LAVERNE KYRISS: Thank you, Mr. Long.

Ma'am, I believe you had something you wanted to say.

FREIDA WHITE: Thank you. Hi, my name is Freida White. I work for the Navajo EPA. I work as a senior environmental specialist. I have a serious concern with respect to how the government is currently using public domain, and this is a procedure in which the government can declare a piece of land to be used by the government only. They have been doing this in local states and also cities. So when you consider the energy needs across the United States, especially in the Southwest, and knowing the
fact that these transmission lines and gas lines go
to right through the reservation, it just seems like,
with the fact that attorneys say, well, whatever
regulation is made, they will always make comments
like, well, it remains to be tested. So when you
think about that, it's like, you know, there could be
some sort of public domain declaration, and that's
not what we want. And I don't know if there are
officials here from Washington, DC, but that needs to
be stated, as we do not want that to be utilized on
the Navajo Nation.

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

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

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

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

Are there other folks who would like to make a comment or ask a question? Yes, ma'am.
ANNA MARIE FRAZIER: Could I add another thing?

LAVERNE KYRISS: Absolutely, come back, yes.

The floor is yours. Tell us your name again.

ANNA MARIE FRAZIER: My name is Anna Frazier.

(Comments in Navajo.)

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

And there's a lot of sacred sites in that area. There is where they used to gather eaglets, and then there are places where they had old battle grounds that happened way back, and then there is a lot of burial grounds. There is Anasazi and there's a lot of places where they have offerings and stuff
like that, and herbal gatherings, and a lot of it, 
the herbs are really no longer there. And it's 
because of the people that come in from outside that 
destroy the land, making all kinds of roads and a lot 
of pollution from the oil, oil wells and whatnot, 
that has affected the way of life of the people. So 
they are not really living like they used to way in 
the past. So Huerfano and Nageezi and Pueblo Pintado 
and Counselor Chapter, they have filed a lawsuit 
against BLM from Farmington, the resource management 
plan back in 2005. And we are a part of that 
lawsuit, too, because of that, the devastation that 
has been put upon, the impact the people are, you 
know, suffering from today. They can't really herd 
their sheep like they used to.

And then another thing is that they want -- 
the people that live, the Navajo people that live on 
BLM land, they cannot really upgrade their homes, 
because the BLM does not want them to bring in power 
lines or water lines or whatever. So there is a big 
fight usually against BLM, the federal people, and 
the people that live in the allotted lands. And so 
these are some problems in that area. So I think 
that they are the ones that need to be, you know, at 
the hearings. They need to be told what is coming
down, you know, this big old energy corridor. I
think that's what needs to happen. Thank you.

LAVERNE KYRISS: Thank you, Ms. Frazier.

Yes, ma'am. Give us your name again.

JENNIFER TALIMAN: My name is Jennifer Taliman,
and I spoke earlier. Yes, I have a lot of friends
and family that work for El Paso Natural Gas Company,
and with these pipelines, they need transmissions to
push the gas down or push them down, and a lot of
these—so, you know, like if you see something like
here, they have a big plant to push the gas down, and
so you will see the plants. Like there is one in
Window Rock, there is one in Ganado, there is one in
Dilkon, all the way down across. So these
transmission lines are not just going to go down by
itself. They need these plants to push them down.

And they say that they bring a lot of jobs,
but they don't. None of my family members now are
working. And we have to be careful of companies that
come in and say they represent the Navajo, they are
being used as puppets. And, you know, we have got to
really think about how much natural resources we have
here, you know. The gentleman here said that we
have, you know, like this is a good opportunity to
take advantage of the energy here but, you know, we
have been taken advantage of so many times, that
50 percent of our people don't have utility and
electricity lines.

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

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

So, you know, you see the palm of the hand here

reaching out. We are that energy, we are, and we

have got to see that. We cannot pretend like, oh,

they are just passing through, and, you know, we are

just the bystander. It's not true. So, you know,

like I said, and I asked and I prayed about this,

God, if this is—if this is You, then, you know,

put Your hand in it.

But we are no longer going to be taken

advantage of, and to the tribal executives,
directors, and whatnot, I am surprised I don't see
the president here. I am surprised that I do not
see, you know—and I respect the attorney general,
and he is very honest and very open, but I am
surprised I don't see him here. And there is
something in my spirit, that I know there is
something not being told, and these maps are not, you
know, updated, or they just don't, you know, have
pretty much everything on there.

But, you know, like I said, and I want to
stress this again, that when, you know, we didn't
have a formal introduction. I really don't know who
all these people are who are from Washington, DC.

But like I said, you guys have to go back to Dick
Cheney and tell him that we are no longer going to be
taken advantage of. And I know you guys said that.
It's just not—it stops at the border lines, and
there are future plans. And I know that Dick Cheney
is from Texas, and a lot of the gas is. It's so
ironic how you look at the United States, and why
would they come through our little reservation? Why,
you know, go the other route or go the other route.
You know, why our little reservation would this
corridor come through. And I just want them to know,
and I know that President Bush believes in God, too,
and I know there's more plans to come, and I hope
they understand that, you know, we are a nation
within a nation, and God is going to restore us, like
I said earlier, as the Jewish people are being
restored, and I hope that they respect that.
And I just want to say that there is a lot
more to this corridor than there is, you know,
because I was raised on that pipeline. I lost my
mother, she died of cancer. I lost my little sister.
She died of cancer. Those transmission lines are
going to take a lot more power to be pushed down, and
they are not going to use manpower. They are going
to use generators. So don't think that these
companies are bringing manpower or bringing jobs.
It's a lie. It's a lie. You know, they may be bringing few, but not much. And it's not worth the population of our Navajo people.

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

LAVERNE KYRISS: Thank you.

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

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

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

DAILIN LONG: And what is the methodology for responding to these comments? Because I think for
most Navajo residents, it's more of an emotional issue than a technical issue, and there is a discrepancy between Navajo tribal political bodies compared to Navajo tribal members.

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

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

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

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

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

JOHN KRUMMEL: So they will be published,
and next to that comment will be the agency's written
response to that comment. So it will be a written
response in English language document. That's the
process.

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

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

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

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

ELOUISE BROWN: So you sent the notice and
another notice, one in October—

LAVERNE KYRISS: One in November, and then—

ELOUISE BROWN: To each chapter house?

LAVERNE KYRISS: Yes, ma'am.

DAILIN LONG: Did the DOE make efforts to
publicize this meeting over the local media? For
example, KTNN, which is the largest Navajo radio
station, and KIndian, and also the local newspaper,
Gallup Independent, Navajo Times, and some other
local papers?

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

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

LAVERNE KYRISS: Yes, as well.

Comment over here or I saw a hand over
here.

Kate, did you want to say something?

KATE WINTHROP: I just wanted to say in
response to this gentleman, that the public comment
forum, of course, is not the only place that tribes
can engage with us. We have a strong government to
government relationship as federal agencies with
tribes, and that avenue is always open. And for
tribes or chapters or tribal members who are having
difficulty accessing this or accessing this project,
that might be a worthwhile forum for further discussion and explanation.

LAVERNE KYRISS: Yes, ma'am.

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

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

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

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

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

LAVERNE KYRISS: The agencies doing this, not just Department of Energy. We also have Interior, Agriculture. BLM is part of Interior. Forest
Service is part of Agriculture. We are engaging in
government to government consultations as the tribes
desire, and we are doing that on an ongoing basis.

KATHY HELMS:  Kathy Helms, Gallup

Independent. I know you sent me a notice I think
last week sometime.

LÄVERNE KYRISS:  A news release last week, yes.

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

LÄVERNE KYRISS:  Yes, it was.

Yes, sir.

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

The Department of Emergency Management sees
all those things right there as potential hazard at
any time, anywhere, and the recurring questions that
I hear from some of these people here is that not
enough notification. No matter how much notification
you put out to our society, the language factor and
the communication factor involved with the language,
not having enough people here or to hear any
participants, it's amazing to me that all those
things up there on the wall show that that's a good
reason for the Navajo Nation to try to justify how we
need to be prepared for a hazard on Navajo at any
time.

And I think this is one area that needs to
be addressed, and I commented earlier that you do
have an emergency plan, a comprehensive plan that is
associated with this corridor plan, corridor project.
So I think there is a great deal of concern that we
need to look at to ensure the safety of the public.
Whether it's just on the east side of the Navajo
Nation or anywhere on the Navajo Nation, it's going
to impact like a chain reaction on Navajo. And so I
think that's a concern that I think a lot of these
people have, and I think we need to put the whole
picture right on there, so that we can try to
understand the entire complex issue involved with
this.
LAVERNE KYRISS: Thank you. Can I get your name again, sir?

JIMSON JOE: Jimson Joe.

LAVERNE KYRISS: Jimson Joe, thank you.

Are there other folks who would like to make a comment or a question?

LARRY RODGERS: I have a question.

LAVERNE KYRISS: Okay. A question and then a comment, yes, sir.

LARRY RODGERS: Could one of the Larry Rodgers—could one of the presenters explain what it means, the term that's shown on one of the maps that says, "desired flow constraint."

LAVERNE KYRISS: Is that related to gas flows, I am thinking.

LARRY RODGERS: It's on one of the western regional maps. It shows some red lines, arrows going this way.

LAVERNE KYRISS: Oh, those are electricity constraints, I think.

JOHN KRUMMEL: That's from the DOE congestion.

LAVERNE KYRISS: All right, now that I know what we're talking about—

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

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

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

LARRY RODGERS: It does.
LAVERNE KYRISS: Okay.

Somebody else over here? Yes, sir.

CHARLES DAMON: Charles Damon. I am on the committee for Eastern Navajo Land Development and so forth. So what was suggested by Arvin Trujillo to negotiate those proposed lines, I guess they are still proposed lines?

LAVERNE KYRISS: We are proposing corridors. We are not proposing any specific projects. That would be at a later state by developers, be they utilities or independent developers if they want to put new infrastructure in place.

CHARLES DAMON: I am talking about this black line.

LAVERNE KYRISS: That's corridor. There are No—unless BLM knows that they have applicants who said we want to put infrastructure here, we are not aware of a developer saying we want to put a pipeline or we want to put a transmission line here at the moment. There are people who are interested.

CHARLES DAMON: Well, those projects that you are talking about, end the corridors, where it starts and where it ends in between there, the federal land you are talking about, I'm not aware that we had meetings with the feds to sponsor those to the public
hearings, and I would like to, as a member of the Eastern Land Commission, to respond to those and see how many people are being affected at the end of each one of those, because there is a land exchange that we are working on, and it will probably affect those in the near future, the very near future.

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

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

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

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

CHARLES DAMON: A meeting after this meeting, say today?

LAVERNE KYRISS: Sure, we are here.

CHARLES DAMON: Will it change those corridors? It will take time to study those recommended corridors that you have.

LAVERNE KYRISS: We are getting comments from people saying, change this, change this, and absolutely we are looking at all of those comments, absolutely.

CHARLES DAMON: I would like to look at those with you.

LAVERNE KYRISS: They are on our website.

CHARLES DAMON: Thank you.

JENNIFER TALIMAN: Excuse me. This is a nation, so these are trusts, and so whatever he negotiates will affect me. So these small entities or small departments cannot negotiate without whatever they negotiate will affect me and my family and my future generation and everybody else in this land. So, you know, you cannot go to one person or one commission or one department and make those negotiations, because if it's going to affect me, then I'm going to be right there, so we got to think about this, and
the Navajo Nation needs to stand and they need to go
with their attorneys and stand up and be that
strength. We cannot separate.

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

JENNIFER TALIMAN: Then you need to clarify
that.

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

Yes, ma'am.

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

LAVERNE KYRISS: Myself, I am LaVerne Kyriess
from Department of Energy. I am the project manager.
Kate Winthrop from Bureau of Land Management is the
BLM project manager. Ron Montagna is also from BLM.
He is the realty chief or something like that in BLM.
Jerry Cordova is the tribal liaison from BLM. Marsha
Butterfield—

Marsha, I don't know what your title is.

MARSHA BUTTERFIELD: Tribal liaison from Forest Service.

LAVERNE KYRISS: Tribal liaison from Forest Services. We are the federal team charged with this project.

Supporting us, we have John Krummel from Argonne National Lab, and Ihor Hlohowskyj—did I get it close?

IHOR HLOHOWSKYJ: Close enough.

LAVERNE KYRISS: —from Argonne. They are supporting us. We also have MaryLee Black—

I'm getting your name wrong.

MARYLEE BLACKWOOD: —wood.

LAVERNE KYRISS: Blackwood, thank you. From Energetics helping us with logistics. Then we have some local BLM folks that maybe I am going to let them introduce themselves, so you know who they are.

JOEL FARRELL: I am Joel Farrell. I am the assistant field manager in Farmington. I have Maureen Joe here from the MMS Office in Farmington. Then in the back is Virginia Barber from Farmington as well. Then Signa Larralde and Tom Gow is the—

TOMMY GOW: I am Tommy Gow and I am the
field manager for the Rio Puerco field office out of Albuquerque. Signa Larralde is my archeologist who works in my office.

LAVERNE KYRISS: We have another person from Forest Service.

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

LAVERNE KYRISS: Who did we miss?

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

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

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

DAILIN LONG: I just had another question. You said these corridors, even though they don't actually introduce the type of infrastructure at the moment, you said that it is for utilities and industry who want to develop and can transmit power to those different regions. So I think it's fair to say that these corridors and the proposal of them and the DOE's initiation of the project is in the interests of industry and not the Navajo people, and I think for most of us at the grassroots, I think it
would be beneficial if you could put into context: Where do the people need the power? Where are you getting these numbers, and what evidence do you have to support that?

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

And then we drew straight lines from where those resource areas were or where there is energy producing already, to where people are, to where population centers are, because that's where we need energy. That was our first step in looking at corridors, because Congress said, you have to increase reliability. You have to improve the system, improve the grid.
Then we did some screening—also on federal land. So we screened out all the non-federal land. That includes tribal land, state land, other land. We screened down a number of special areas—national parks, national monuments, areas that are not compatible for this kind of future development. Then we worked with local land managers to say based on what your current land use and future land use plans are, if you were to going to site a corridor or you already had a corridor—because a lot of places have corridors sited already. Those are the yellow lines on our map—where is a good place, and we worked in detail to try to put those corridors in the best locations that would cause the least impacts. Conceptually that's the process we went through.

CHARLES DAMON: Are you going to have another public hearing—

LAVERNE KYRISS: We have a hearing—

CHARLES DAMON: —in this area?

LAVERNE KYRISS: We have a hearing tomorrow scheduled in Albuquerque. We have hearings next week scheduled in Cheyenne, Wyoming; in Helena, Montana on Tuesday; and then on Thursday in Boise, Idaho, and Denver, Colorado. The following week on Tuesday we have one scheduled in Elko, Nevada, and Washington,
DC. Those are the rest of the hearings that we have scheduled right now.

You had a comment?

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

LAVERNE KYRISS: We did contact the government, sir.

CHARLES DAMON: Why aren't they here?

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

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

LAVERNE KYRISS: Thank you, sir.

Yes, ma'am.

ELOUISE BROWN: Could you show us the yellow

lines that you were just talking about?

LAVERNE KYRISS: Can you show us that?

IHOR HLOOWSKYJ: Yes.

LAVERNE KYRISS: I think you have to show all

the corridors.

IHOR HLOOWSKYJ: Let's see. Trying to get

a spot where it really shows up. Here, on this

proposed corridor, the yellow section is right here,

and it doesn't show that well on the screen being

projected. But from about this location here that we

put the ownership on. So from about this location

here down to, all the way to here, this corridor is

locally designated in existing management plans.

LAVERNE KYRISS: So that means that existing—

and this is BLM land, if I am correct?

IHOR HLOOWSKYJ: Yes.

LAVERNE KYRISS: So in that land management

plan, they have already said here is a utility

corridor. They have already gone through that public

process to do that, and so we are adopting that in

our proposal.
LARRY RODGERS: Are there any other locally recommended that is not BLM?

LAVERNE KYRISS: There are locally designated corridors on Forest Service lands as well, yes, sir. If you look at the eight and a half by 11 handout on the back side of that map, there is yellow on that map that shows all the locally designated corridors. About two-thirds of our corridors are already a locally designated corridor.

LARRY RODGERS: Counties—

LAVERNE KYRISS: We are only dealing with federal land. This is federal land.

Okay. We had another comment here. Yes, ma'am.

KATHY HELMS: Kathy Helms. In follow-up on what Mr. Damon was saying, it also would be helpful if the meetings were held after folks got off work instead of the middle of the day when they are all working. Also you were talking about a transmission and congestion study, and you showed the red bars there. Is that the study that Western Law Center is suing DOE over right now?

LAVERNE KYRISS: No, that's a totally different project. That's the national interest electricity corridors. The energy congestion study was done a
couple of years ago, also in response to the Energy Policy Act.

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

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

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

LAVERNE KYRISS: The National Interest Corridors?

KATHY HELMS: Yes.

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

RON MONTAGNA: I think we should make a note that in addition to the afternoon sessions, we
do have sessions every-in the evening. We have
one from 6:00 to 8:00 this evening.

LAVERNE KYRISS: No, actually we don't.
RON MONTAGNA: Oh, we don't here?

LAVERNE KYRISS: No. Local folks told us to
only come in the afternoon, so we apologize for that.

KATHY HELMS: What local folks?

LAVERNE KYRISS: We worked with a local BLM
office to set up this meeting, and that's what they
told us would meet the needs, so we apologize.

Yes, sir.

JIMSON JOE: How long is this corridor good
for? Is it different from other right-of-ways?
Since this is a corridor, is the term for the use of
this corridor different?

LAVERNE KYRISS: We are proposing to designate
changes to the land use plans. So when those land
use plans are updated, there could be future changes
to them, and I think it depends on—you know, some
land use plans get updated more frequently than
others.

JIMSON JOE: My question is, how long is this
corridor going to be used for a corridor? Is there
an expiration or a time in the future where you will
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.
LAVERNE KYRISS: Let me let a BLM expert talk.

RON MONTAGNA: I'm not sure I'm an expert but I am with BLM. The corridor designations are part of the land use plans. Land use plans themselves are reviewed periodically, and when a situation arises that—land use plans are reviewed periodically, and at some point when the situation on the ground changes to a certain—to a significant extent, then the BLM will consider redoing the land use plans. Okay, there is no set time limit for any particular land use plan. Individual right-of-ways, which are located in a corridor, or individual facilities, a particular pipeline or a transmission line, is authorized at a very specific term. And for oil and gas pipelines, the Mineral Leasing Act limits the term of that grant to 25–to 25 years for oil.

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

So the corridors have a life expectancy
concurrent with the particular land use plan, and the
right-of-ways are determined, either in terms of the
Mineral Leasing Act or analysis conducted for the
specific project.

JIMSON JOE: Another question. Are there any
provisions in that time frame that could abrogate the
length—the life of that corridor use?

RON MONTAGNA: Generally if the holder is
conducting operations in conformance with the terms
and conditions of the grant, the grant stays in
effect until the term.

LAVERNE KYRISS: Yes, ma'am.

ELOUSE BROWN: When you said the local BLM,
which BLM are you talking about?

LAVERNE KYRISS: You know, I don't know, and
our other two BLM folks just left the room, so when
they come back, I will find out, because I don't know
who at BLM advised them this is what we should do.

ELOUSE BROWN: You don't know who you talked
to?

LAVERNE KYRISS: I didn't talk to them. Our
BLM folks talked to the local folks. BLM requested
that we have a hearing here.

Do you know the answer to that?

RON MONTAGNA: The protocol for this
meeting we can say was negotiated between my office,
the Washington office, and the BLM state office, and,
you know, that's the way we do business. And how
that negotiation was conducted locally was between—
was a consensus developed between the two field
offices involved, which is Farmington and
Albuquerque, Rio Puerco.

Sir.

CHARLES DAMON: When will these comments be
published?

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

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

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

JOHN KRAMMEL: I believe they are going
Up—the ones that are web cast, they are going up
about three days after the meeting.
LAVERNE KYRISS: So the web cast ones are about three days after.

JOHN KRAMMEL: The archive.

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

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

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

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

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

LAVERNE KYRISS: Since we are not proposing corridors on the Navajo Nation, I don't know that we have looked at specific benefits to the nation. I'm looking at my team to see if we have looked at that.
Okay, we had another comment here, and then
I will get to you, ma'am.

xxxxx: xxxxx, Navajo Times. I
can't help but look at the map and see the corridors
proposed. They are not project proposed, correct,
they are just spaces of land that are good for what?

LAVERNE KYRISS: For future development. There
is no current infrastructure proposed, that is
correct.

xxxxx: Right, but do not deal with
the Navajo reservation land. But I can't help but
thinking in looking at the lines, they are connected
on either side, it looks to me. And so it seems as
though those lines kind of help dictate where the
Navajo Nation is going to have to put lines there.
Is that the way it looks? Is that the way it is?

LAVERNE KYRISS: We are not telling the Navajo
Nation what it needs to do or what it can do.

CHARLES DAMON: Yes, you do.

xxxxx: These corridors are going to
be where the power lines or oil lines are going to be
most apt to be put because they are going to be easy
to put there.

LAVERNE KYRISS: If people want to site on
federal land, we are saying that these are the areas
that we believe have the least impact. People don't
have to site future infrastructure there. They could
go to a different part of the country and site new
infrastructure.

Yes, ma'am.

ELOUISE BROWN: He asked the same question I
was going to ask.

LAVERNE KYRISS: So have I answered it?

ELOUISE BROWN: No, I don't think you answered
it. You know, I know they are just proposed, but
what are you guys going to do where it stops before
the reservation and then it starts again on the other
side of the reservation? It's not going to go up
into air, it's not going to go underground, so it's
going to have to go through the reservation.

CHARLES DAMON: So you are dictating.

RON MONTAGNA: We have cut it. We have
discussed how we are designating these on the federal
lands. The fact of the matter is, if, in fact,
Navajo Tribe, through their processes, do not want a
facility placed on Navajo lands, that will negate the
corridors on either side. So there is just as much a
chance that the corridors on either side of the
reservation will become less useful to the public if
the Navajos decide they don't want the facilities
going through the reservation, as there is the chance that the corridors will funnel facilities into the reservation.

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

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

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

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

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

JOHN KRUMMEL: There is more a resource
management decision to manage the land that BLM
administers. It's not, you know, encouragement or
discouragement for applicants to come in. It is so
we—that land is made available for projects, but
we have no idea if the projects will come there or
what applicants will do. So there is no basis to
make any economic projections at this time. We don't
have the data to do that.

LAVERNE KYRISS: Yes, ma'am.

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

LAVERNE KYRISS: Absolutely.

ELOUISE BROWN: So could you do that, please?

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

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

LAVERNE KYRISS: Okay. I just want to make
sure I understood so we were clear on that.
Yes, sir.

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

But my question was more related to the publication of the comments. For a lot of individuals who live on the reservation, we don't have internet access, and that these publication of comments should be placed in public areas, published and placed in public areas. Given that the Department of Energy and other agencies who you guys are cooperating with consult with the Navajo Tribe on a government to government basis, we would like to know what our tribal political leaders are saying about this project, so we should therefore have these comments published and put in public areas.
LAVERNE KYRISS: Okay. We will work on how we can meet that need.

Yes, ma'am.

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

Also about the notification to the Navajo public, I was assigned to work with Mary Lou, and we only had one article in the paper and that was two days ago informing people of this meeting. There was no other articles in the Gallup Independent or the Navajo Times, just the one article, and there was no radio spots for KTNN, and if you put it at Farmington, we don't get the Farmington station over
here. We are out of range, so, you know, the people
were not informed. And then last week we received
information that the location was changed to Quality
Inn. Before it had been at the education center, we
were to have it at the museum, so we were kind of
hustling around trying to make things work, and we
finally got out information to our division, Natural
Resources, Friday, and I had to put together a flyer
based on, you know, what we received and send that
out to our division, and we have 11 departments. So,
yes, there was a poor job in advertising this
meeting, because we didn't receive the information
until last week of, you know, the changes. So I just
want to clarify that for the record and for, you
know, these people here that took time to come out to
this meeting today.

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

RON MONTAGNA: With respect to this effort,
we define federal lands pursuant to two acts. And
with regard to electric transmission lines, they are
authorized on BLM lands pursuant to Federal Land
Policy and Management Act. The definition of public
lands in FLPMA is such: "The term public land means
any lands and interest in land owned by the United
States within the several states and administered by the Secretary of Interior through the Bureau of Land Management without regards to how the lands were acquired, except lands located on the outer continental shelf and lands held for the benefit of Indians, Aleuts, and Eskimos." So that addressed—that provided the definition for how to define which lands to designate for transmission, electric transmission lines.

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

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

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

DAILIN LONG: Thank you.

LAVERNE KYRISS: Yes, ma'am.

JENNIFER TALIMAN: Yes. Jennifer Taliman. I
was just going to say, I was going to after—I lost
my train of thought now. You know, I don't even know
where the local BML office is, and I know that the
Navajo Nation is not federal land. Like I said, it's
a trust, and I want the people here, the Navajo
people and the departments out there to know that,
and again, I want to tell you again that it's a
trust. It's like if you look at the JFK trust, you
know, the liabilities are on the Navajo Nation. It's
not on the managers, and the Interior and the Bureau of Indian Affairs are only the managers, and they are supposed to ask the Navajo Tribe if it's okay. Is this in the best interests of the tribe, and that's, you know, in the future, I am hoping that we will not have to have that manager. And I just want to reemphasize that, and I am glad that those are very specific, saying that it's not, the Navajo Nation is not federal land.

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

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

LAVERNE KYRISS: Can you tell us where your local offices are?
JOEL FARRELL: We are in Farmington at 1235 Ampada Highway. You know, it's right, as you are coming into Farmington, as you drop in out of Kirkland, the first light that you come to at the bottom of the hill, if you take a left and go a quarter of a mile, you can't miss our office. It's on a big rock pile.

LAVERNE KYRISS: State office?

TOMMY GOW: No, not state office, Rio Puerco field office. It's in Albuquerque, right off of Interstate 25 on the Montanyo, Montgomery exit. Easy to get to, easy access, and the problem that Joel and I were having with coming out and doing the consultations is that our offices, the administrative boundary split chapters. So when I am consulting with Torreon and Ojo Encino, I cannot cross that administrative boundary into Farmington to consult with Nageezi or Huerfano, but we did make a concerted effort, we did, to consult with Torreon, Ojo Encino. We met with Canoncito. We tried Baca Prewitt. And we started this a year ago, February of 2007, and we met with the same issues that this gentleman is saying here, the grassroots people not being notified, that's why we made the concerted effort to meet with the chapters to make sure that
the grassroots people got the information. I am still seeing that's an issue. So we are going to just have to do better. That's the best I can tell you, we will have to do better.

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

LAVERNE KYRISS: Yes, ma'am.

ANNA MARIE FRAZIER: Anna Frazier. I just want to be on the record, that Deneta, which was pointed out a little earlier, Deneta, which is all the way up to Navajo Lake, Navajo Dam, up all the way up to Hickory Apache, that is Navajo land. That's our ancestral land, and to say that that belongs to BLM and all those other white spots there. It's, we claim it as our land. There might be people, you know, non-native people, non-Navajo people living in those areas, but still we claim that still as our land, and one day it will be ours again, because that was our land within the four sacred mountains—Colorado,
Mt. Taylor, San Francisco Peak and Hesperus Mountain, so within that area, we claim that as our land.

So that corridor through there, I think that Mr. Farrell knows about the situation there, how it gets very complicated to work with the government and the local people. There is a lot of lack of communication between the two. I can understand what this gentleman is saying with his problem, you know, lack of communication and whatnot. But it's only fair that the Navajo people should hear, you know, what is going on and how they are going to be affected, how they are going to be impacted and all. And the people in the checkerboard area, the BLM land, they should be given all the respect and consideration in, you know, their way of life to be respected in that way.

LAVERNE KYRISS: Thank you.

Yes, ma'am. You wanted to say something? Does anyone else want to make a comment?

I do want to thank all of you for your time. I know it's a supreme effort, and I appreciate that you have taken the time to come and share your thoughts with us, to ask us questions. We really do appreciate your input into the process.

So if there are no other speakers this
afternoon, I am now going to close the hearing. I
would like to thank you again for joining us today to
provide oral comments on the Draft Programmatic
Environmental Impact Statement proposing to Designate
Energy Corridors on Federal Lands in the West. I
want to remind you that comments on the Draft PEIS
are due February 14th, and may be submitted on line
via the project website, by mail, or by fax. All
comments received by February 14th will be considered
in preparing the Final PEIS. Comments submitted
after February 14th will be considered to the degree
possible.

Again, thank you for your attention, and we
will continue to stay around to informally discuss
the Draft PEIS with you.
REPORTER'S CERTIFICATE

I, Sally Peters, RPR, CCR #57, Certified Court Reporter in the State of New Mexico, do hereby certify that the foregoing pages constitute a true transcript of proceedings had in the matter herein stated.

In testimony whereof, I have hereunto set my hand on January 31, 2008.

__________________________
SALLY PETERS, RPR, CCR #57

License Expires: 12/31/08

500 Marquette, NW, Suite 280
Albuquerque, New Mexico 87102
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
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 ¼ 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
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.