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

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

LAVENNE 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 Kyriess 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, ya, we
need to do translation of the presentation.

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

JOEL FARELL: 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 upring. So with that,
I'll turn the meeting over and we can get started.

LAVERNE KYRIS: 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
FEIS 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 FEIS 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 149 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 360 corridors would subject these corridors to the interagency coordination processes described in the PEIS, and they would be assigned Section 360 criteria, in effect, the centerline, width, and compatible purposes. Using existing corridors alone would not meet the requirements of Section 360, so we have identified an additional 2,300 miles of proposed corridors.

Proposed corridors also vary in width. We used a 3,600 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 3D8 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—
LAVERN 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 CBS 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?

LAVERN KYRISS: The siting process?

FREIDA WHITE: Yes.

LAVERN 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 corridor.

FREIDA WHITE: You brought two items out.

LAVERN 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 Eloise 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 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 JER, the JER trust, whenever there is a
lawsuit, JER 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 Chewey understands that, you
know, there 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 hire 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.

LAVONNE KYEISS: Thank you, Ms. Talisman.

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 Eloise
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.

LAVENNE KYRISS: Can you spell that for us?

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

LAVENNE 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 those 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.

LAVENNE 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.)

LAVESHE KRYSS: 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 Navajo
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: Yea, ma'am.

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

ANNA MARIE FRAZIER: Ya-h-te-huy. My name is Anna
Marie Frazier from NEEYEE, Arizona, Dilkon chapter. 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 28 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 Dilcon, west of Dilcon 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 stuff 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 Bilson 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, bilinguaal, Navajo, in the Navajo language, over the radio or whatever. Thank you.

LAVERNE KYRESS: Thank you, Mr. Frazier.

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

KLLOUISE BROWN: Yo-to-be-c. My name is.

Klouise 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, note 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.

LAVENNE KRYISS: Thank you, Mr. 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
go 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 KYRIS: Thank you, sir.

KATE WINTHROP: Let’s explain the map.

Can we go off the record for a minute?

LAVERNE KYRIS: 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?

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

LAVENIE KYRISS: You see one over here.

IHOR HLOHOWSKYJ: 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 lower impact.

KATE WIRTHROP: 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 was? That's
kind of the issue of how we are thinking about it.

JOHN KENNEDY: You can notice that the
1  corridors that we show are only on land administered
2  by the Bureau of Land Management and the US Forest
3  Service, and those two agencies are part of the
4  federal partnership for this, but again, the
5  corridors are only designated on lands administered
6  by BLM and US Forest Service. So that’s why they
7  look like dotted lines, and that’s why they end and
8  start up again. We only have authority to do this on
9  federal lands under the jurisdiction of the Forest
10  Service, Interior, and Department of Defense in some
11  cases.
12
13  LAVERNE KEBISS: Do you have another question?
14  KATHY HELMS: Yes, one more thing. How is
15  it—included in this is changing—
16  LAVERNE KEBISS: Can you speak up so the court
17  reporter can hear you, please?
18  KATHY HELMS: Included in this is changing
19  the land management plans for BLM, Forest Service,
20  and how will that impact? Will that open up more
21  land for development or will it give the government
22  like opportunity to close lands off?
23  LAVERNE KEBISS: The question is related to
24  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 IOFs, 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 WINTERSOP: 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 KRIESE: Did that answer your question?

KATHY HELMS: Yeah. 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 reexamine 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 of planning rules make it difficult to have approval for nonconforming proposals.

LAVERNE KYSISS: 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 Nanza. 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 water transmission lines
crossing the reservation.

Through negotiations and following the
nation's right-of-way process, additional requests
for new pipelines and transmission lines could be
accommodated, but only after following the prescribed
process 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
trades are not a part of the EIS nor is land under
the tribal jurisdiction being considered for any

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—3,000
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 1913 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 of the office. I also have with us this afternoon, Mr. Charles Donon, 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 it 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 19th 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 Dinehka, 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, Earl, 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 those 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 there's 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 there 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. Canonsito 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 how 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 Navajo right through here. Ojo Inungo, 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 those 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 ROGERS: 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 NWI right here. That’s NWI, 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
see 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.

LAVENNE KRYISS: No problem, Mr. Rodgers. I do
want to clarify—

LARRY RODGERS: Can I have a little time?

LAVENNE KRYISS: You certainly can.

LARRY RODGERS: One more comment. The map
that you have that was handed out, this, I mean talk
LAVENIE ETSIMO: 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 xxxx is here, so xxxx has
requested to make a comment. So we will let you, and
then we will go to you, ma'am.

xxxx: Yah-ta-bay.

(Comments in Navajo.)

xxxx: I am from xxxx, 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 there
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. We 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 Bunkham, 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 corridor require additional meetings and allottees who should have a say in this, so that 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.

LAVENNE KYUSS: 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
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 those transmission lines still yet to be
studied, and I believe the government is working on
that. And when you were talking about the
counterline, 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, Mr. 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 KYROSS: 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, Duerfano, and Mapes. 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 eagles, 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 Mesquite and Navajo 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 went -- 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 there 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.

LAVENNE KLINIK: Thank you, Ms. Frazier.

Yes, ma’am. Give us your name again.

JENNIFER TAGLIANI: 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 Dilcon, 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 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.
1 It’s a lie. It’s a lie. You know, they may be
2 bringing few, but not much. And it’s not worth the
3 population of our Navajo people.
4 This is the future. We need to—I know
5 that we do need to start looking at the Navajo
6 Nation, the future of, you know, because God is
7 bringing back a lot of it. I come back from Phoenix,
8 and I know that he is bringing back, a lot of us back
9 to the Navajo Nation, and I know we need to think
10 about the electricity and what we have, but we have
11 to ask God for the wisdom and understanding so that
12 we will be able to manage it. I just want to say
13 thank you.
14 LAVERNE KYRIS: Thank you.
15 Yes, sir, did you want to make a comment?
16 Does anyone else want to make another comment, too?
17 DAILIN LONG: Does the Department of Energy
18 plan to respond to these comments?
19 LAVERNE KYRIS: The agencies will take all of
20 the comments that we receive on the Draft EIS, and we
21 will respond to them in the Final EIS, and all the
22 comments, all the transcripts will be posted on the
23 project website.
24 DAILIN LONG: And what is the methodology for
25 responding to these comments? Because I think for
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 KENNEDY: 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 KENNEDY: 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.

LAVESHE KRYISS: 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 KENNEDY: It would be three weeks or a month ago.

LAVESHE KRYISS: 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--

LAVESHE KRYISS: One in November, and then--

ELOUISE BROWN: To each chapter house?

LAVESHE KRYISS: Yes, ma'am.

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

LAVINNE 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.

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

LAVINNE KYRISS: Yes, as well.
Comment over here or I saw a hand over here.

Kate, did you want to say something?

KATE WINTEROOD: 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 with 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.

ELOUIS 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.

ELOUIS 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. ELM 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.

LAVENNE KRIESS: A new 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?

LAVENNE KRIESS: Yes, it was.

Yes, sir.

JIMUHA JOIIE: 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 uses
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 mentioned 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 issues 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 KENNEDY: That's from the DOE congestion.

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

LARRY RODGERS: Thank you.
LAVERNE KYRIS: 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 ROGERS: It does.
LAVENNE KRIESS: 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?

LAVENNE KRIESS: 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.

LAVENNE KRIESS: That's corridor. There are
No-unions 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
commission, 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 those 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
worry, I'm not clear.

CHARLES BARKON: 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.

LAVERN KYRISS: Sure, we are here.

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

LAVERN 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.

LAVERN 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.

LAVERNIE 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 TALIMAH: Then you need to clarify
that.

LAVERNIE 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?

LAVERNIE KYRISS: Myself, I am LaVerne Kyriise
from Department of Energy. I am the project manager.
Kate Winthrop from Bureau of Land Management is the
BLM project manager. Ron Manzana is also from BLM.
He is the tribal liaison or something like that in BLM.
Jerry Cordova is the tribal liaison from BLM. Marsha
Bitterfield-

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

MARSHA BITTERFIELD: Tribal liaison from Forest Service.

LaVerne Kyriuss: 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 Hlochowskyj—did I get it close?

Ihor Hlochowskyj: Close enough.

LaVerne Kyriuss: —from Argonne. They are supporting us. We also have MaryLee Black—

I'm getting your name wrong.

MaryLee Blackwood: —good.

LaVerne Kyriuss: 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 NGO Office in Farmington.

Then in the back is Virginia Barber from Farmington as well. Then Signa Larraido 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. Sigma Larralde is my archeologist who works in my office.

LAVENNE KRYISS: We have another person from Forest Service.

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

LAVENNE KRYISS: 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 Martha.

LAVENNE KRYISS: Okay. Yes, sir, then yes, sir.

DAVIE 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 KYRGIS: 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 related 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?

LAVERN KRYGIS: We have a hearing—

CHARLES DAMON: —in this area?

LAVERN KRYGIS: 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 KRYISS: We did contact the government,
sir.

CHARLES DAMON: Why aren’t they here?

LAVERNE KRYISS: 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.

LAVERNNE KYRISS: Thank you, sir.

Yes, ma'am.

ELLOISE BROWN: Could you show us the yellow lines that you were just talking about?

LAVERNNE KYRISS: Can you show us that?

IHOR HLOGOWSKYJ: Yes.

LAVERNNE KYRISS: I think you have to show all the corridors.

IHOR HLOGOWSKYJ: 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.

LAVERNNE KYRISS: So that means that existing—and this is BLM land, if I am correct?

IHOR HLOGOWSKYJ: Yes.

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

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

LAVERNE KYRIS: 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 MELMS: Is there any reason why it
wasn’t part of that transmission thing that you guys
put out in October? The transmission—

LAVERNE KYRIS: The National Interest
Corridors?

KATHY MELMS: Yes.

LAVERNE KYRIS: 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.

LAVENIE KYRISS: No, actually we don’t.
RON MONTAGNA: Oh, we don’t here?
LAVENIE KYRISS: No. Local folks told us to
only come in the afternoon, so we apologize for that.
KATHY HELMS: What local folks?
LAVENIE 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.

JINCHU 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?
LAVENIE 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.

JINCHU 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.
LAVENNE 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 26 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.

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

RON MONTANA: 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.

ELQUISE 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.

ELQUISE 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 MONTANA: 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 DABON: When will these comments be  
published?  

LAVINNE KYRIS: 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 DABON: 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?  

LAVINNE KYRIS: 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 KENNEDY: I believe they are going  
up—the ones that are web cast, they are going up  
about three days after the meeting.
LAVERNIE KYRISS: So the web cast ones are about three days after.

JOHN KENNEDY: The archive.

LAVERNIE 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.

LAVERNIE 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.

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

LAVERNIE KYRISS: Since we are not proposing corridor 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.

xxxx: 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.

xxxx: 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 DAKON: Yes, you do.

xxxx: 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 KIRISS: 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 DABON: 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, so 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.

JIMÎCH JOKE: What is the annual profit projection for having it there?

LAVENNE KYRIESS: 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.

JIMÎCH JOKE: So what's the proposed economic value behind it?

LAVENNE KYRIESS: 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—we don't know that we have that kind of analysis.

JOHN KENNED: 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.

LAVENNE KYRISS: Yes, ma’am.

ELOUISIE 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?

LAVENNE KYRISS: Absolutely.

ELOUISIE BROWN: So could you do that, please?

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

ELOUISIE 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.

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

BAULIN 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 those comments published and put in public areas.
LAVENNE KRYISS: Okay. We will work on how we can meet that need.

Yes, ma'am.

JUDY WILLETO: Hello. I'm Judy Willeto. 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 KVNH, 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 our 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
cut 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 change. 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 KYRIS: Yes. I was going to say the
Land. There is a definition that Congress told us.
RON MONTANA: 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 PLPA 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 liner, 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.

DAI LIN: So could you speak to how
eminent domain plays in the interests of national
energy security and how this play 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 KRYSS: Yes, ma'am.

JENNIFER TALIMAH: 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 BLM office is, and I knew 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 interest 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
emphasize that, and I am glad that there 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
trough here, but I would just like to know where the
local BML office is to—

LAVENNE KRYISS: Can you tell us where your
local offices are?
JOEL FARELL: We are in Farmington at 1335 Apache Highway. You know, it's right, as you are coming into Farmington, as you drop in out of Kirtland, 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.

LAVENHE KRISS: State office?

TOMMY GOW: No, not state office, Rio Fuerco field office. It's in Albuquerque, right off of Interstate 40 on the Montano, 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 Navajo or Huerfano, but we did make a concerted effort, we did, to consult with Torreon, Ojo Encino. We met with Cano Mato. 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.

LAVENIE EYRE: 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-Naavo 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,
Mr. 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 KRYRIS: 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
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(44098)
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 3/5 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.