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**Statement by the
PYRAMID LAKE PAIUTE TRIBE
before the
NUCLEAR REGULATORY COMMISSION
MAY 15, 1997**

Good morning, my name is Maurice Eben, I am an enrolled member of the Pyramid Lake Paiute Tribe and currently serve as a Tribal Councilman. Our tribal offices are located in Nixon, Nevada. The Tribe appreciates the opportunity to present our statement to the Commissioners of the Nuclear Regulatory Commission.

The Pyramid Lake Indian Reservation was surveyed in 1859 and was confirmed by Executive Order in 1874 by Ulysses S. Grant. The Tribe has been through many social, economic and cultural changes since the reservation was created.

Since time immemorial, we Indian People have had a respect for the land that we walk upon. At no time has that caretaking responsibility changed. Indian People are still the rightful caretaker of this land. As we proceed and continue our discussions from this day forward, we will remind you of this responsibility and stand by the prayer and sincerity to our Creator in allowing us to continue that responsibility.

I am a descendent of the two major tribes of the Great Basin, Cui-ui-Ticutta of the Northern Paiute and Timbisha of the Western Shoshone. The Cui-ui-Ticutta are from the Pyramid Lake region of the Great Basin and the Timbisha of Death Valley region of the Great Basin.

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Due to the Indian Reorganization Act, our parents were forced to enroll their offspring with one tribe. My parents chose my father's tribe. Although I was

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brought up in Northern Nevada, we traveled to Death Valley on a regular basis to enjoy my mother's side of our family. Both my parents spoke their respected languages. Both of my parents attended the Stewart Indian School in Carson City, Nevada. After my birth I lived on the Pyramid Lake Paiute Indian Reservation and as most families we moved into the Truckee Meadows where my parents could find employment.

The Reno Sparks Indian Colony sat on land donated by a kind hearted elderly non-Indian lady for the three Nevada Indian Tribes (Paiute, Shoshone and the Washoe). The Colony's residents were mostly related to each other or knew family from respected reservations or the Stewart Indian School. We were brought up around great uncles and aunts, grandparents and cousins to most degrees. The extended family truly was a common part of life at the Colony. Fortunately for me I was taught some of the Coyote Stories and Legends of the three tribes of the Reno Sparks Indian Colony. The Washoe are mostly from the Sierra Nevada Mountain areas with ancient ties to the Great Basin before moving into the mountains. The Western Shoshone came into the Basin about 10,000 years ago in search of food. The Paiute People according to the scientists were in the Great Basin for about 15,000 years.

The 400,000 square miles is bordered on the east by the Wasatch Mountain Range in Utah, the Snake River to the North, the Sierra Mountains on the west and as far south as the Mojave Desert.

The Timbisha People lived and died in the regions from the Sierra Nevadas to the west to as far as the Colorado River to the east. Following the traditions of the other Great Basin Peoples burials took place in the eastern side of the valleys and in the rock crevices in outcrops on the sides of mountains that at one time were islands of the Lahotan Inland Sea. These burial caves are found through out the Great Basin

and are known to grave robbers too. Mr. Jack Harrelson of Grants Pass, Oregon was one of those grave robbers, he was convicted in the State of Oregon for taking two bodies from graves found in areas of the Great Basin which are similar to Yucca Mountain. As with the Southern Paiute the Timbisha share common cultural beliefs and legends such as Coyote being the jester. The morals are the same as both Northern and Southern Paiute.

I would like to say this for the record. There is an on going effort by many tribes to correct their histories. In the past there were some attempts to change tribal history by a few misguided tribal members. This was done with the thorough knowledge of a number of anthropologist and ethnohistorians with only the publication of their work, ^{my hand} instead of accuracy and truth. The process taken in identifying and notifying affected tribes is was purposefully flawed. There is a concerted effort by Federal Agencies today to change the history of the Great Basin People. The Bureau Of Land Management and the State of Nevada Museum have taken the position that the first inhabitants of the Great Basin have only been in the region for 1,000 years. There is no known scientific data to support their theory, none the less they are attempting to use their theories against us. I would request that the Nuclear Regulatory Commission study all the ethnohistories for accuracy and factual material. With out the truth from the original inhabitants of the Yucca Mountain region is a insult to the entire process. The history of the ~Timbisha People should be studied very closely for it's accuracy. Most important the anthropologist doing the histories of the Great Basin Tribes should also be investigated.

The history of our People in the Great Basin is from oral history and scientific. According to the time measurement of the Great Basin Curvilinear attributed to petroglyphes found in the Great Basin our People have been in the region for up to 15,000 years. Many of our ceremonies are the same, and are practiced during the same time of year. The Cry Dance is done when a death occurs, the meaning of the

dance is the same with the Southern and Northern Paiute. Our legends of how the pine nut got to the top of the mountain is the same with the same outcome and meaning. The Park Service told the Indian People they were no longer welcome to pick pine nuts in the Wildrose Mountains in 1944-45, the site chosen was the Yucca Mountain area. This area was known to our People for other cultural uses.

The story of the Ghost Dance and of Wodziwob's vision was one of the many histories told to us by elders from the Paiute's side. In this vision he saw the return of our brothers who had traveled to the other side of the world.

As prophesied our older brother was in chains put there by our little brother. They had new things we would not understand. Our Dance would help us as one people to understand each others ways. The understanding of our Mother Earth would come from the Red People. Should this Dance be done correctly the Creator would bring water in it's many forms and cleanse and bless us. Wodziwob's vision showed the dance steps and the songs, the vision showed the clothing required to be worn and what they should be made of. Deer hide with long fringe on the front of the shirt to shake off the sicknesses and to be shaken off through the fringes onto our Mother Earth.

With most ceremonies there comes a negative side and in the case of the Ghost Dance it is said that four men would come out of the east who will turn the dance into it's opposite. Wodziwob's vision was one of love and peace. The vision met the Dance would be turned into a war dance. Should this happen the worse would happen. People would die! Our Dance would one day return and be brought to us by the one's who came to the Great Basin to get it. Over the years gifts have been sent to the Cui-ui-Ticutta and the Tagi-Ticutta from the people who took our Dance to their homes. Seventeen years ago our Dance returned to the Great Basin and was given to Stanley Smart of Paiute, Shoshone, Pit River lineage. The prophesy told the Dance would be given to a Snake Person, who we were before the name Paiute was

put on US. Wodziwod's vision is only a piece of the total prophesy believe by. It is believed that when the four races return to the basket we will be able to make the sound the Creator is waiting for us to make.

It is our understanding that since our creation we have always followed the south end of the lake we call Cui-ui-Pah (Pyramid Lake). Our culture is tied to the Ancient Inland Sea known as Lahotan Lake. 14,000 years ago the climate of the Great Basin was wet and full of lakes, during the Pleistocene Era (1.8 million years ago) there was over 27,000,000 acres of lakes, today there are only 2,500,000 acres. 5,000 years ago the Inland Sea started to dry up. The Lahotan Inland Sea covered a vast area of 8,000 square miles and was 900 feet deep. During the drought period the water slowly drained south and east. On the east side of the many valleys the sands were halted which became one of the areas used to bury our dead. During periods of high water the cliffs exposed by the ever beating of wave after wave, the volcanic up lifts help to make natural burial chambers. These chambers were prepared with loving care by place mats made of tule reeds Food was stored in willow woven baskets, blankets made of rabbit hides were made to keep the body warm. Clothing was made for the journey home. The cave would be used when it was necessary by placing another body on top of the previous grave. This practice was used up until recent times.

The Tribe is currently directly involved with an issue with the nuclear industry that includes the Departments of Energy, Defense and Navy, and the private sector. The project is known as the Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel. This Program will result in the transportation of spent nuclear fuel through our Tribal Lands. Although it is known that transportation is an old practice, the issue of involving our Tribe is new. As a matter of fact, the Record of Decision was issued on May 13, 1996 but the Tribe did not receive official notification from the federal government until January 1997. Furthermore, we received a notice from the State of Nevada on October 3,

1996 inviting the Tribe to a meeting in San Francisco to discuss shipment of foreign nuclear fuel.

The National Environmental Policy Act was violated. No consultation occurred between the federal government and the Tribe. Had DOE followed the spirit of Executive Order 12898, pertaining to Environmental Justice, they would have been on notice to at least contact the Tribe. This DOE never did. At this point we do not visualize any consultation occurring in the near or distant future. This treatment between two governments is all too familiar, and we request that the Commission seriously consider and reconsider its authority by which it is vested towards federal agencies responsible for carrying out the obligations of the federal government.

When an Indian Tribe is affected either directly or indirectly by any project involving the nuclear industry, the seriousness of impacting the environment must be the primary consideration and not secondary. This nuclear energy and nuclear waste is not part of our Indian society to which we belong. This makes it harder to understand and accept. Although the science and technology can be taught and shared, there is a fundamental and conceptual difference that exists between the natural law and the man-made written laws. It is important to us to demonstrate to you that we are unique, but that we do not feel any superiority to you. All we expect is equal treatment from you just as you would treat your relatives and families.

We would like to acknowledge the efforts of the National Congress of American Indians over the years for their monitoring of and providing education to Tribes on the effects of nuclear waste. The Tribe is willing to work with the federal government and its regulatory agencies to come to a common understanding, but only as long as the consultation process is done fairly and legally. We will support the NRC in its efforts in the development of an Indian Policy as other federal

agencies have done in compliance with the President's Executive Memorandum of April 29, 1994 to all heads of departments and agencies regarding government to government relations of Native American Tribal Governments.
