

**ATTACHMENT 1**

**DURHAM DECLARATION**

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of:

U.S. Department of Energy

(License Application for Geologic Repository  
at Yucca Mountain)

Docket No. 63-001

February 24, 2009

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**DECLARATION OF BARBARA DURHAM**

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I, Barbara Durham, declare and state as follows:

1. I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.
2. I am a member of the Timbisha Shoshone Tribe. I also serve on the Tribal Staff as the Tribal Historic Preservation Officer.
3. I am 53 years old and have been a member of the Timbisha Shoshone Tribe my entire life. I was asked to make this Declaration to describe the cultural significance to the Timbisha Shoshone of the springs in and around Death Valley, California, the traditional homeland of the Timbisha Shoshone people, and the impact that the operation of a high-level nuclear waste repository at Yucca Mountain would have on Timbisha Shoshone cultural interests.
4. To the Timbisha Shoshone, water is life. Our water has healing powers. Wherever a spring lies, such as the springs in Death Valley, we believe that people and animals thrive. In our culture, all tribal members traditionally have had an obligation to protect the

springs was to clear the springs of any debris, including invasive species and other plants that might foul the springs. Keeping the springs clean was the job of all tribal members.

6. The springs hold significant spiritual value to Timbisha Shoshone culture and are a part of our creation stories. We believe that the Creator requires us to protect all of our water sources, including the springs.

7. If the Yucca Mountain repository is built and causes contamination of our springs, it will greatly insult our cultural heritage, our ancestors, and our religious beliefs. It will destroy the spiritual and medicinal significance to the Timbisha Shoshone of the spring waters and the plants that grow near them that are central to our culture and who we are as a people.

8. The Timbisha Shoshone have very serious concerns about the operation of a high-level nuclear waste repository at Yucca Mountain and the damaging effect that it will have on our culture. We have told the Department of Energy and the Nuclear Regulatory Commission about our concerns. However, no one from DOE or NRC ever has even bothered to visit our traditional homeland to investigate our concerns or discuss them with us.

9. I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated this 21st day of February, 2009.

  
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Barbara Durham, THPO  
Timbisha Shoshone Tribe