

**ATTACHMENT 13**

**FOWLER 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 CATHERINE S. FOWLER**

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I, Catherine Fowler, 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 an emerita faculty member at the Department of Anthropology, University of Nevada, Reno. I am a member of the Board of Trustees of the National Museum of the American Indian, Smithsonian Institution. The following statement is my own, and does not necessarily reflect the position of either institution.
3. In my work as an anthropologist, I have authored more than 100 papers and other publications in nationally recognized journals and other outlets (see vita attached). I have conducted anthropological research on the Timbisha Shoshone Tribe for more than 20 years. I also testified before the Senate Indian Affairs Committee on Senate Bill S. 2102, A Bill to Provide for The Establishment Of A Homeland For The Timbisha Shoshone Tribe Inside and

Outside Death Valley National Park And For Other Purposes, March 21, 2000 regarding the findings of my research with the Tribe.

4. I coauthored the following reports regarding the Timbisha Shoshone: *The Timbisha Shoshone Tribal Homeland, Draft report to Congress to Establish a Permanent Tribal Land Base*, (DN 2002427532); *Native Americans and Yucca Mountain, A Revised and Updated Summary Report on Research Undertaken Between 1987 and 1991*, October 1991 (LSN # ); and *Residence Without Reservation: Ethnographic Overview and Traditional Land Use Study, Timbisha Shoshone, Death Valley National Park, California*, August 25, 1995 (LSN # - ).

5. I was asked to make this Declaration to describe the cultural and religious 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.

6. The Western Shoshone, including the Timbisha Shoshone, have occupied the area around what is now called Death Valley for untold generations. Life in this desert environment is harsh and the Timbisha Shoshone developed a deep attachment to the land and its natural resources that is reflected in the Timbisha Shoshone cultural values and religion. Important to the Timbisha Shoshone from the perspective of religion is the concept of a supernatural power or energy, called "puha" in their language, an impersonal force that can potentially reside in any natural or living thing including people, water, and plants. Puha is also reflected in various classes of anthropomorphic spirits. This translates into the Timbisha Shoshone's cultural and religious view that the Earth is sacred and that individuals and the Tribe have a duty to protect it and maintain its purity.

7. To the Timbisha Shoshone, water that emanates from springs in their traditional homeland is the lifeblood of the Earth. Springs are locations in their homeland where the people and animals may thrive. People and animals are relatives, and protect and help one another as told in ancient stories from the Time When Animals Were People. This bond has developed into the Timbisha Shoshone's cultural and religious view that all tribal members have an obligation to protect the springs and to ensure that the springs continue to flow and remain clean.

8. In Timbisha Shoshone's cultural and religious view, all springs are interconnected and are linked by a vast underground network. This water network in the Earth is the vehicle that allows puha and sprits to travel throughout the tribal homeland.

9. In the Timbisha Shoshone's cultural and religious view, people who obtained considerable amounts of puha were "puhagantu," called Doctors or Shamans in English. Some Doctors have a special relationship with springs, which are one source of puha. In the past, Doctors were able to travel through the water network from spring to spring.

10. Water Babies, small anthropomorphic and very powerful beings, inhabit major springs and other water courses. Water babies may become sources of power for Doctors. Drying up of a spring reflects that the Water Baby has abandoned or left that location and may never return.

11. All sources of puha such as mountains, springs and water courses and living things that possess puha such as animals and people, are to be treated with respect. In recognition of the springs as a source of puha, ordinary members of the Tribe would make offerings to springs. For example, offerings or specific prayers were made at springs when they were visited, such as at harvest times. Offerings would also make sure that puha did not act in an

unfriendly way towards individuals or the Tribe. Springs were also cleaned out of respect and to benefit wildlife and people whenever they were visited.

12. Purity and cleanliness of springs in their traditional homeland is important to the Timbisha Shoshone's culture and religion. While safety of their water supply is critical, the Tribe also considers important the purity of the spring as it affects living things that may draw puha from the springs and the spirits that may reside at springs. To the Tribe, even small amounts of contamination would be disrespectful to the springs, the spirits within them, and to the Earth.

13. If the Yucca Mountain repository is built and causes contamination of Tribe's springs, it will be disrespectful to the Tribe's cultural heritage, their ancestors, and their religious beliefs. It could destroy the spiritual and medicinal significance to the Timbisha Shoshone of the spring waters, the plants and animals that depend on them, and all life that draws puha from the springs. These things are central to the Tribes culture and beliefs.

14. In my capacity as an anthropologist who has studied the religion and culture of the Timbisha Shoshone Tribe for more than 20 years, it is my opinion, to a reasonable degree of scientific certainty, that construction and operation of a high-level nuclear waste repository at Yucca Mountain and the likelihood that radionuclides would travel in groundwater to the springs that the Timbisha Shoshone hold sacred will damage the Timbisha Shoshone's culture.

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

Dated this 21 day of February, 2009.

  
Catherine S. Fowler, PhD.