



# Northern Chumash Tribal Council

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RULES AND DIRECTIVES  
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USNRC

RE: Confidence Decision

The Northern Chumash Tribal Council (NCTC) is located in San Luis Obispo California, and was formed under the guidelines of California Senate Bill 18 April 26, 2006 as a California State Recognized Tribal Government by the California Native American Heritage Commission, organized and dedicated to preservation of the California Native American Chumash Culture, and Sacred Sites. NCTC is dedicated to meaningful consulting with Federal, State, local governments and agencies, consulting with the development community, and supporting tribal community well-being.

NCTC is an "affected tribe", the PG&E nuclear power plant located between Avila Beach and Morro Bay California, is built on top of NCTC's Ancestors village site. All the land and ocean around the power plant is Sacred to the Chumash Peoples. The Chumash Peoples have live along the Central California Coast for over 15,000 years. The Chumash village at the power plant site dates beyond 9,000 years. The Chumash have live and been a part of this land forever.

The Chumash make decisions with the future always in mind, seven generation, making decision that do not leave a mess for the future generation, always thinking of how we can be better ancestors. NCTC does not support the re-licensing of this nuclear power plant, the potential for a catastrophic disaster along the most beautiful coastline along the Pacific Coast is far too much of a risk for all the peoples, animals, and plant nations that live or would be effected. The power plant was built on 13 or more faults, the interactions of all the faults with the San Andreas faults are a blueprint for disaster. NRC needs to make good decisions; decisions that protect all living things.

The effects of a disaster along the California Coast would affect the lives of over 100 different Federal, State and Tribal entities that support their culture, protect Sacred Places, and live our culture of today along the California coastline and Pacific coast. A disaster from the storage of Nuclear Waste or from the Nuclear plants operations failure would bring to and end the life of California Native American Nations and Pacific coast Tribes, and depending on the toxic wastes streams either air or water, over a 1000 Indigenous Tribal Nations from Alaska to Chile would be effected or lost forever, the Ocean is Our Life.

**ENVIRONMENTAL & LAND-USE CONSULTING  
EDUCATIONAL SERVICES TEACHING NATURE, NATIVE CULTURES &  
FARMING**

SUNSI REVIEW COMPLETE  
TEMPLATE = ADM-013  
E-RIDS = 03

ADD = S. Lopas (5112)

ADM03

NCTC is proposing because of the scope of the EIS, that NRC implement the regulations for Section 106 which provide the Agencies with the ability to integrate Section 106 compliance with the NEPA process. Due to the scope and scale of the proposed action, the Agencies can chose to implement this provision in order to reduce redundancies when complying with both laws; provide the broadest possible opportunities and greatest convenience for the public and Native American Tribes to review and consult on the Agencies' proposed actions; and ensure that concerns pertaining to pre-historic and historic properties. The Section 106 regulations clearly state that integrating the Section 106 compliance process with NEPA does not waive Agency obligations under either law. While the regulations do permit the Agencies to take advantage of the NEPA process, the Agencies must still adhere to the fundamental direction for compliance with Section 106.

NEPA requires that the NRC not limit its evaluation of adverse environmental impacts to humans but that it also evaluate the impact of waste storage on non-human biota in the human environment. See 40 C.F.R. § 1508.14 (defining "human environment" to include "the natural and physical environment"). Studies done following the Fukushima disaster have documented widespread damage to non-human biota. The biological and cultural resources would be gargantuan, and the potential for such a disaster needs to be examined in the broadest format, Native American lives will be affected, and Native Americans must be given the opportunity to have a clear voice in the process. Combining the NEPA and Section 106 compliance, which includes a programmatic assessment of the types of pre-historic and historic properties known and likely to occur within the designated corridors and the development of recommendations to avoid, minimize, or mitigate impacts to pre-historic and historic properties that will guide the agencies in the review of any subsequent development projects.

In June 2012, in *State of New York v. NRC*, 681 F.3d 471 (D.C. Cir. 2012), the U.S. Court of Appeals for the D.C. Circuit vacated the Nuclear Regulatory Commission's 2010 Waste Confidence Decision ("WCD") and Temporary Storage Rule ("TSR") (75 Fed. Reg. 81,037 and 75 Fed. Reg. 81,032 (Dec. 23, 2010), respectively) and remanded them to the agency for study of the environmental impacts of storing spent fuel indefinitely if no permanent repository is licensed or if licensing of a repository is substantially delayed.

The Court also ordered the NRC to study the "future dangers and key consequences" of spent fuel pool fires and to evaluate the risks of spent fuel pool leakage during sixty years after the expiration of the plant's license. *Id.* at 479. With respect to these risks, the Court concluded that that "the Commission's EA and resulting FONSI are not supported by substantial evidence on the record because the Commission failed to properly examine the risk of leaks in a forward looking fashion and failed to examine the potential consequences of pool fires." *Id.* The Court ordered the NRC to conduct a proper environmental analysis, and "examine both the probability of a given harm occurring and the consequences of that harm if it does occur."

The EIS should provide a comprehensive and thorough exploration of all the environmental issues associated with continuing to generate nuclear wastes when the Commission is unable to determine that there is a date by which a permanent, safe, and secure repository will exist for disposing of nuclear wastes. NEPA and Section 106 requires nothing less than a comprehensive look at all the potential environmental and pre-historic and historic impacts of the proposed action, and all the alternatives to the proposed action that would eliminate or mitigate those adverse impacts and a quantitative comparison of the proposed action and alternatives to it to assure that the best course of action is identified.

The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions.

(a) The National Environmental Policy Act (NEPA) is our basic national charter for protection of the environment. It establishes policy, sets goals (section 101), and provides means (section 102) for carrying out the policy. Section 102(2) contains “action-forcing” provisions to make sure that federal agencies act according to the letter and spirit of the Act. The regulations that follow implement section 102(2). Their purpose is to tell federal agencies what they must do to comply with the procedures and achieve the goals of the Act. The President, the federal agencies, and the courts share responsibility for enforcing the Act so as to achieve the substantive requirements of section 101.

(b) NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.

(c) Ultimately, of course, it is not better documents but better decisions that count. NEPA’s purpose is not to generate paperwork—even excellent paperwork—but to foster excellent action.

The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. These regulations provide the direction to achieve this purpose.

§1500.2 Policy. Federal agencies shall to the fullest extent possible:

(a) Interpret and administer the policies, regulations, and public laws of the United States in accordance with the policies set forth in the Act and in these regulations.

(b) Implement procedures to make the NEPA process more useful to decision makers and the public; to reduce paperwork and the accumulation of extraneous background data; and to emphasize real environmental issues and alternatives. Environmental impact statements shall be concise, clear, and to the point, and shall be supported by evidence that agencies have made the necessary environmental analyses.

(c) Integrate the requirements of NEPA with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently rather than consecutively.

(d) Encourage and facilitate public involvement in decisions which affect the quality of the human environment.

(e) Use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment.

(f) Use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.

The major federal action for which the EIS is being prepared is to determine whether to allow additional nuclear wastes to be generated when there is no permanent, safe, and secure waste disposal facility, no date certain by which such a facility will exist, and no certainty that it will ever exist, and, if the generation of such further nuclear waste is to be allowed, what alternatives exist to the current practice of allowing nuclear wastes to be stored at individual reactor sites indefinitely and in spent fuel pools for as long as the licensee chooses?

NEPA mandates that in undertaking environmental reviews, agencies must “discuss the extent to which adverse effects can be avoided” so that “the agency [and] other interested groups and individuals can properly evaluate the severity of the adverse effects.” NRC has the unequivocal obligation to consider and discuss relevant mitigation options that are available, and to weigh the costs and benefits of such options.

Section 106 process when a federal agency undertaking may affect pre-historic and historic properties that are either (1) located on tribal lands, or (2) when any Indian tribe or Native Hawaiian organization attaches religious or cultural significance to the historic property, regardless of the property’s location.

When an undertaking occurs on tribal land, the federal agency must notify appropriate Indian tribes of the undertaking and give those tribal groups the opportunity to consult, should they wish to do so.

If a tribe has assumed State Historic Preservation Officer (SHPO) responsibilities for tribal lands by designating a Tribal Historic Preservation Officer (THPO), as provided for in NHPA Section 101(d)(2), then the federal agency shall consult with the THPO in lieu of the SHPO regarding undertakings occurring on or affecting historic properties on tribal lands. (For more information about the THPO program, see the Advisory Council on Historic Preservation’s Tribal Historic Preservation Officers website.)

If a tribe has not assumed SHPO responsibilities by designating a THPO as provided for in NHPA Section 101(d)(2), then the federal agency shall consult with official representatives of the tribe as well as with the SHPO. Such Indian tribes have the same rights of consultation and concurrence that tribes with THPOs have, except that consultations about undertakings on tribal land shall be in addition to and on the same basis as consultation with the SHPO.

When an undertaking affects pre-historic and historic properties that are of religious and cultural significance to an Indian tribe or a Native Hawaiian organization, regardless of location on or off tribal land, the federal agency must notify appropriate Indian tribes or Native Hawaiian organizations of the undertaking and give those tribal groups the opportunity to consult, should they wish to do so.

NHPA, Section 101(d)(6)(A) establishes that historic properties of “traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion” in the National Register of Historic Places. Federal agencies are specifically instructed to consult with relevant Indian tribes or Native Hawaiian organizations when an undertaking may affect properties of traditional religious and cultural importance.

Federal agencies should be aware that frequently historic properties of religious and cultural significance are located on ancestral, aboriginal, or ceded lands of Indian tribes and Native Hawaiian organizations. The consultation requirement for properties of traditional religious and cultural importance applies regardless of the location of both the historic property and the Indian tribe or Native Hawaiian organization.

Federal agencies shall ensure that tribal consultation in the Section 106 process provides the Indian tribe or Native Hawaiian organization with a reasonable opportunity to identify its concerns about historic properties, advice on the identification and evaluation of historic properties, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects.

It is the responsibility of the federal agency to make a reasonable and good faith effort to identify Indian tribes and Native Hawaiian organizations that shall be consulted in the Section 106 process.

Consultation should be conducted in a manner recognizing the unique government-to-government relationship that exists between the federal government and tribes, should be respectful of tribal sovereignty, and should be sensitive to the concerns and needs of the Indian tribe or Native Hawaiian organization.

Section 106 of the National Historic Preservation Act requires the Federal Energy Regulatory Commission to take into account the effect of licensing a hydropower project on any historic properties, and allow the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the proposed action, NCTC believes that NRC actions are also required to take into account the effects of licensing a Nuclear Power project on or near any pre-historic or historic properties under Section 106.

The EIS should rigorously explore all of the potential environmental impacts and impacts to Native American Communities across the United States associated with long-term and indefinite storage of nuclear wastes at reactor sites following reactor shutdown, including the risk of fires, earthquakes, flooding (resulting from tidal and storm surges or infrastructure failures), loss of power and cooling capacity, deterioration of the social order (either briefly or for an extended period of time), deterioration of spent fuel pools and dry casks, failure of funding sources to provide sufficient resources to manage and secure nuclear wastes at each reactor site long after the site is no longer a source of any income to its owner, the social and economic impacts on the communities where these nuclear wastes will remain indefinitely at sites where there are no operating reactors, and malevolent acts.

After more than three decades of failing to address the very real and widespread concern with the continued production of nuclear wastes without a permanent, safe, and secure nuclear waste repository NRC now has the opportunity, albeit mandated by a Federal Court, to apply its considerable expertise to address these concerns. It can now fully and completely explore the potential environmental consequences of continuing with the status quo, and can now seriously and thoroughly explore alternatives to the status quo, including not only cessation of further production of nuclear wastes but better ways to store such nuclear wastes than leaving them in spent fuel pools at reactor sites for an indefinite period after reactor shutdown. The proposed scope of the EIS process fails to provide for a meaningful and thorough examination of these concerns and purports to rely on legal arguments expressly rejected by the D.C. Circuit. It is not too late to correct these errors and assure a vigorous, fair, and comprehensive exploration of the

very real environmental and Native American Cultural impacts of nuclear waste storage at reactor sites and viable alternatives to mitigate those impacts must include the Native American Communities across the United States.

The NRC is proposing only to consider the impacts associated with failing to secure a repository by the end of this century, the NRC should consider the environmental impacts and impacts to Native American Communities of failing to establish a repository until 2250, requiring approximately 300 years of onsite storage. The NRC should consider alternatives to minimize the risks of storage of spent nuclear fuel and high level waste, including placement below ground level, elimination of the current practice of high-density storage of spent fuel in pools, and more robust designs for storage casks. The environmental impact statement should assess the radiological risk arising from a range of conventional accidents or attacks, including those conducted by terrorists.

In 2007, the United Nations approved the Declaration on the Rights of Indigenous Peoples, a historic international convention that sets “minimum standards for the survival, dignity and well-being of the indigenous peoples of the world “the survival and equality of indigenous peoples are expressed as freedom from genocide, discrimination, and assimilation, and from the forcible removal from Native Lands. (Art. 2, 7, 8, 10, 21, 30)

Political autonomy is sought through “self-determination,” that is freedom of Native tribes, nations, and communities to choose their political status, and in the full participation in decisions affecting indigenous lives, property, and political status. (Art. 4, 5, 18-20, 32-34)

The right to exist as distinct peoples is a right to maintain and strengthen the distinct political, economic, social, and cultural characteristics of Native peoples, as well as their legal systems, while at the same time retaining their rights to participate fully if they so choose, in the political, economic, social, and cultural life of the nation state. (Art. 5, 9, 33)

“Cultural survival” is described as a freedom to (1) practice and revitalize cultural traditions and customs: (2) protect cultural, religious, and burial sites, as well as intellectual property: (3) perpetuate language, religion, and ceremonies: (4) provide education opportunity from the state through Native-controlled schools taught in the Native language with culturally appropriate teaching methods; and (5) reflect in public education, information, and the media Native cultures, traditions, histories and aspirations. (11-16, 25, 31, 34)

Social standards seek improved social and economic conditions for indigenous peoples, including elders, women, youth, children, and the disabled. (Art. 21, 22)

Health standards include access to and protection for traditional medicines and health practices and protection for medicinal plants, animals, and minerals. (Art. 23, 24)

Environmental and subsistence standards would allow indigenous peoples to maintain and strengthen their distinctive spiritual and material relationship with the lands, territories, waters, coastal seas, and other resources that they have traditionally owed or otherwise occupied or used. (Art. 29)

Land-rights standards include legal rights to own, develop, control, and use the land and territory (including the total environment of the lands, air, waters, flora, and fauna) that native have traditionally owned, occupied, or used. (Art. 25-28)

From the times of Red Cloud, Seattle, Chief Joseph, and into the modern era of Vine Deloria jr. and Clyde Warrior, Native American leaders have fought to achieve these freedoms for their people. These ideals, even today motivate many Native American to wear the American uniform in distant places, like Iraq and Afghanistan, hoping that the principles fought for abroad will abide for relative at home. US law should guarantee and safeguard the rights set forth in the UN declaration as minimal standards of protecting the human rights of Native Americans.

The following are words of the Native Americans Ancestors and Elders from across the United States, feel our sorrow, and pain, we speak as one voice, and we must be involved in the process in a meaningful way for healing to continue.

“The American Indian is of the soil, whether it be the region of forests, plains, pueblos, or mesas. He fits into the landscape, for the hand that fashioned the continent also fashioned the man for his surroundings. He once grew as naturally as the wild sunflowers, he belongs just as the buffalo belonged....

Out of the Indian approach to life there came a great freedom, an intense and absorbing respect for life, enriching faith in a Supreme Power, and principles of truth, honesty, generosity, equity, and brotherhood as a guide to mundane relations.

You have noticed that everything as Indian does is in a circle, and that is because the Power of the World always works in circles, and everything tries to be round..... The Sky is round, and I have heard that the earth is round like a ball, and so are all the stars. The wind, in its greatest power, whirls. Birds make their nest in circles, for theirs is the same religion as ours....

Even the seasons form a great circle in their changing, and always come back again to where they were. The life of a man is a circle from childhood to childhood, and so it is in everything where power moves.

"What is life? It is the flash of a firefly in the night. It is the breath of a buffalo in the wintertime. It is the little shadow which runs across the grass and loses itself in the sunset."

In the beginning of all things, wisdom and knowledge were with the animals, for Tirawa, the One Above, did not speak directly to man. He sent certain animals to tell men that he showed himself through the beast, and that from them, and from the stars and the sun and moon should man learn.. all things tell of Tirawa.

All things in the world are two. In our minds we are two, good and evil. With our eyes we see two things, things that are fair and things that are ugly.... We have the right hand that strikes and makes for evil, and we have the left hand full of kindness, near the heart. One foot may lead us to an evil way, the other foot may lead us to a good. So are all things two, all two.

Everything on the earth has a purpose, every disease an herb to cure it, and every person a mission. This is the Indian theory of existence.

Children were encouraged to develop strict discipline and a high regard for sharing. When a girl picked her first berries and dug her first roots, they were given away to an elder so she would share her future success. When a child carried water for the home, an elder would give compliments, pretending to taste meat in water carried by a boy or berries in that of a girl. The child was encouraged not to be lazy and to grow straight like a sapling.

From Wakan-Tanka, the Great Mystery, comes all power. It is from Wakan-Tanka that the holy man has wisdom and the power to heal and make holy charms. Man knows that all healing plants are given by Wakan-Tanka, therefore they are holy. So too is the buffalo holy, because it is the gift of Wakan-Tanka.

The traditions of our people are handed down from father to son. The Chief is considered to be the most learned, and the leader of the tribe. The Doctor, however, is thought to have more inspiration. He is supposed to be in communion with spirits... He cures the sick by the laying of hands, and prayers and incantations and heavenly songs. He infuses new life into the patient, and performs most wonderful feats of skill in his practice.... He clothes himself in the skins of young innocent animals, such as the fawn, and decorated himself with the plumage of harmless birds, such as the dove and hummingbird ...

The Great Spirit is in all things, he is in the air we breathe. The Great Spirit is our Father, but the Earth is our Mother. She nourishes us, that which we put into the ground she returns to us....

I have seen that in any great undertaking it is not enough for a man to depend simply upon himself.

All birds, even those of the same species, are not alike, and it is the same with animals and with human beings. The reason WakanTanka does not make two birds, or animals, or human beings exactly alike is because each is placed here by WakanTanka to be an independent individuality and to rely upon itself.

Among the Indians there have been no written laws. Customs handed down from generation to generation have been the only laws to guide them. Every one might act different from what was considered right did he choose to do so, but such acts would bring upon him the censure of the Nation.... This fear of the Nation's censure acted as a mighty band, binding all in one social, honorable compact.

"Where today are the Pequot? Where are the Narragansett, the Mohican, the Pokanoket, and many other once powerful tribes of our people? They have vanished before the avarice and the oppression of the White Man, as snow before a summer sun.

"Will we let ourselves be destroyed in our turn without a struggle, give up our homes, our country bequeathed to us by the Great Spirit, the graves of our dead and everything that is dear and sacred to us? I know you will cry with me, 'Never! Never!'"

"The white people, who are trying to make us over into their image, they want us to be what they call "assimilated," bringing the Indians into the mainstream and destroying our own way of life and our own cultural patterns. They believe we should be contented like those whose concept of happiness is materialistic and greedy, which is very different from our way.

We want freedom from the white man rather than to be integrated. We don't want any part of the establishment, we want to be free to raise our children in our religion, in our ways, to be able to hunt and fish and live in peace. We don't want power, we don't want to be congressmen, or bankers....we want to be ourselves. We want to have our heritage, because we are the owners of this land and because we belong here.

The white man says, there is freedom and justice for all. We have had "freedom and justice," and that is why we have been almost exterminated. We shall not forget this."

"The ground on which we stand is sacred ground. It is the blood of our ancestors."

"How smooth must be the language of the whites, when they can make right look like wrong, and wrong like right."



"My father, you have made promises to me and to my children. If the promises had been made by a person of no standing, I should not be surprised to see his promises fail. But you, who are so great in riches and power; I am astonished that I do not see your promises fulfilled!

"I would have been better pleased if you had never made such promises than that you should have made them and not performed them. . ."

"There are many things to be shared with the Four Colors of humanity in our common destiny as one with our Mother the Earth. It is this sharing that must be considered with great care by the Elders and the medicine people who carry the Sacred Trusts, so that no harm may come to people through ignorance and misuse of these powerful forces."

"We know our lands have now become more valuable. The white people think we do not know their value; but we know that the land is everlasting, and the few goods we receive for it are soon worn out and gone."

"If today I had a young mind to direct, to start on the journey of life, and I was faced with the duty of choosing between the natural way of my forefathers and that of the... present way of civilization, I would, for its welfare, unhesitatingly set that child's feet in the path of my forefathers. I would raise him to be an Indian!"

"We learned to be patient observers like the owl. We learned cleverness from the crow, and courage from the jay, who will attack an owl ten times its size to drive it off its territory. But above all of them ranked the chickadee because of its indomitable spirit."

"When we Indians kill meat, we eat it all up. When we dig roots, we make little holes. When we build houses, we make little holes. When we burn grass for grasshoppers, we don't ruin things. We shake down acorns and pine nuts. We don't chop down the trees. We only use dead wood. But the white people plow up the ground, pull down the trees, kill everything. ... the White people pay no attention. ...How can the spirit of the earth like the White man? ... everywhere the White man has touched it, it is sore."

"Traditional people of Indian nations have interpreted the two roads that face the light-skinned race as the road to technology and the road to spirituality. We feel that the road to technology... has led modern society to a damaged and seared earth. Could it be that the road to technology represents a rush to destruction, and that the road to spirituality represents the slower path that the traditional native people have traveled and are now seeking again? The earth is not scorched on this trail. The grass is still growing there."

When it comes time to die, be not like those whose hearts are filled with the fear of death, so when their time comes they weep and pray for a little more time to live their lives over again in a different way. Sing your death song, and die like a hero going home."

"We must protect the forests for our children, grandchildren and children yet to be born. We must protect the forests for those who can't speak for themselves such as the birds, animals, fish and trees."

"A wee child toddling in a wonder world, I prefer to their dogma my excursions into the natural gardens where the voice of the Great Spirit is heard in the twittering of birds, the rippling of mighty waters, and the sweet breathing of flowers. If this is Paganism, then at present, at least, I am a Pagan."

"If the white man wants to live in peace with the Indian, he can live in peace.....Treat all men alike. Give them all the same law. Give them all an even chance to live and grow. All men were made by the same Great Spirit Chief. They are all brothers. The Earth is the mother of all people, and all people should have equal rights upon it.....Let me be a free man, free to travel, free to stop, free to work, free to trade....where I choose my own teachers, free to follow the religion of my fathers, free to think and talk and act for myself, and I will obey every law, or submit to the penalty."

"When the Earth is sick, the animals will begin to disappear, when that happens, The Warriors of the Rainbow will come to save them."

"In early days we were close to nature. We judged time, weather conditions, and many things by the elements--the good earth, the blue sky, the flying of geese, and the changing winds. We looked to these for guidance and answers. Our prayers and thanksgiving were said to the four winds--to the East, from whence the new day was born; to the South, which sent the warm breeze which gave a feeling of comfort; to the West, which ended the day and brought rest; and to the North, the Mother of winter whose sharp air awakened a time of preparation for the long days ahead. We lived by God's hand through nature and evaluated the changing winds to tell us or warn us of what was ahead. Today we are again evaluating the changing winds. May we be strong in spirit and equal to our Fathers of another day in reading the signs accurately and interpreting them wisely. May Wah-Kon-Tah, the Great Spirit, look down upon us, guide us, inspire us, and give us courage and wisdom. Above all, may He look down upon us and be pleased."

"I was hostile to the white man...We preferred hunting to a life of idleness on our reservations. At times we did not get enough to eat and we were not allowed to hunt. All we wanted was peace and to be let alone. Soldiers came...in the winter..and destroyed our villages. Then Long Hair (Custer) came...They said we massacred him, but he would have done the same to us. Our first impulse was to escape...but we were so hemmed in we had to fight. After that I lived in peace, but the government would not let me alone. I was not allowed to remain quiet. I was tired of fighting...They tried to confine me..and a soldier ran his bayonet into me. I have spoken.

"I am a red man. If the Great Spirit had desired me to be a white man he would have made me so in the first place. He put in your heart certain wishes and plans, in my heart he put other and different desires. Each man is good in his sight. It is not necessary for Eagles to be Crows. We are poor..but we are free. No white man controls our footsteps. If we must die...we die defending our rights."

"In 1868, men came out and brought papers. We could not read them and they did not tell us truly what was in them. We thought the treaty was to remove the forts and for us to cease from fighting. But they wanted to send us traders on the Missouri, but we wanted traders where we were. When I reached Washington, the Great Father explained to me that the interpreters had deceived me. All I want is right and just."

...I am poor and naked, but I am the chief of the nation. We do not want riches but we do want to train our children right. Riches would do us no good. We could not take them with us to the other world. We do not want riches. We want peace and love.

Brother, you say there is but one way to worship and serve the Great Spirit. If there is but one religion, why do you white people differ so much about it? Why not all agreed, as you can all read the Book?

"This war did not spring up on our land, this war was brought upon us by the children of the Great Father who came to take our land without a price, and who, in our land, do a great many evil things... This war has come from robbery - from the stealing of our land."

"Our land is everything to us... I will tell you one of the things we remember on our land. We remember that our grandfathers paid for it - with their lives."

"You ask me to plow the ground. Shall I take a knife and tear my mother's bosom? Then when I die she will not take me to her bosom to rest.

"You ask me to dig for stones! Shall I dig under her skin for bones? Then when I die I cannot enter her body to be born again. "

"You ask me to cut grass and make hay and sell it and be rich like white men, but how dare I cut my mother's hair?"

"I want my people to stay with me here. All the dead men will come to life again. Their spirits will come to their bodies again. We must wait here in the homes of our fathers and be ready to meet them in the bosom of our mother."

"Once I was in Victoria, and I saw a very large house. They told me it was a bank and that the white men place their money there to be taken care of, and that by and by they got it back with interest. "We are Indians and we have no such bank; but when we have plenty of money or blankets, we give them away to other chiefs and people, and by and by they return them with interest, and our hearts feel good. Our way of giving is our bank."

"I will follow the white man's trail. I will make him my friend, but I will not bend my back to his burdens. I will be cunning as a coyote. I will ask him to help me understand his ways, then I will prepare the way for my children, and their children. The Great Spirit has shown me - a day will come when they will outrun the white man in his own shoes."

"My Father: a long time has passed since first we came upon our lands; and our people have all sunk into their graves. They had sense. We are all young and foolish, and do not wish to do anything that they would not approve, were they living. We are fearful we shall offend their spirits if we sell our lands; and we are fearful we shall offend you if we do not sell them. This has caused us great perplexity of thought, because we have counseled among ourselves, and do not know how we can part with our lands.

My Father, we have sold you a great tract of land already; but it is not enough! We sold it to you for the benefit of your children, to farm and to live upon. We have now but a little left. We shall want it all for ourselves. We know not how long we shall live, and we wish to leave some lands for our children to hunt upon. You are gradually taking away our hunting grounds. Your children are driving us before them. We are growing uneasy. What lands you have you may retain. But we shall sell no more"

"I love this land and the buffalo and will not part with it. I want you to understand well what I say. Write it on paper...I hear a great deal of good talk from the gentlemen the Great Father sends us, but they never do what they say. I don't want any of the medicine lodges (schools and churches) within the country. I want the children raised as I was.

I have heard you intend to settle us on a reservation near the mountains. I don't want to settle. I love to roam over the prairies. There I feel free and happy, but when we settle down we grow pale and die.

A long time ago this land belonged to our fathers, but when I go up to the river I see camps of soldiers on its banks. These soldiers cut down my timber, they kill my buffalo and when I see that, my heart feels like bursting.””

These above quotations from our past and present, tell us of the pain and peace and the history we have experienced, we are the children of the Earth, we feel in our hearts that the expression of our concern for not only our children’s, children’s future but the future thrivability of the world is supremely important. We urge the NRC to make sure that the EIS gives the broad and inclusive Native American voice an opportunity to be heard through the proper meaningful NEPA and Section 106 process.

Thank you for the opportunity to comment, please call us if you have any questions.

Sincerely,

The Elders Council  
Northern Chumash Tribal Council