

ORIGINAL

DOCKETED  
NHRG

**OFFICIAL TRANSCRIPT OF PROCEEDINGS**

UNITED STATES OF AMERICA <sup>'98</sup> SEP 23 P1:24

**NUCLEAR REGULATORY COMMISSION**

OFF  
ADJ

**Title:** PREHEARING CONFERENCE OF  
HYDRO RESOURCES, INC.

**Case No.:** 40-8968-ML

**Work Order No.:** ASB-300-454

**LOCATION:** Crownpoint, NM

**DATE:** Tuesday, September 15, 1998

**PAGE 1 - 140**

ANN RILEY & ASSOCIATES, LTD.  
1250 I Street, NW, Suite 300  
Washington, D.C. 20005  
(202) 842-0034

19542

1                   UNITED STATES OF AMERICA  
2                   NUCLEAR REGULATORY COMMISSION

3 - - - - - x  
4 In the Matter of: :  
5 PREHEARING CONFERENCE OF :  
6 HYDRO RESOURCES, INC. : Docket No. 40-8968-ML

7 - - - - - x  
8                   Crownpoint Community School  
9                   State Road 371, Building 3001  
10                  Crownpoint, New Mexico  
11                  Tuesday, September 15, 1998

12  
13                  The above-entitled matter came on for  
14 prehearing conference, pursuant to notice, at 1:45 p.m.  
15 BEFORE:

16                  THE HONORABLE PETER B. BLOCH,  
17                  Judge

18 APPEARANCES:

19 On Behalf of the Nuclear Regulatory Commission:  
20                  THOMAS D. MURPHY, Esquire  
21                  JANICE S. HESTER, Esquire  
22                  U.S. Nuclear Regulatory Commission  
23                  Atomic Safety and Licensing Board  
24                  Washington, D.C. 20555

25  
  
ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

## 1 P R O C E D I N G S

2 [1:45 p.m.]

3 [Hearing joined in progress.]

4 JUDGE BLOCH: My decision must be made on the  
5 formal record in this proceeding. That doesn't mean that  
6 you will be unheard at all. I'll be listening carefully.  
7 And I also want you to know that if you say something that's  
8 important substantively in this case, then the parties may  
9 choose to make it a part of their formal presentation to the  
10 presiding officer.

11 We have a very full program of people who want to  
12 speak today. So I'm going to ask that each speaker try to  
13 conform as much as possible to a six minute maximum -- to  
14 speak only six minutes out of consideration to all the other  
15 people who want to speak.

16 We have people who are speaking for this license  
17 and people who are speaking against. I'd like to urge that  
18 whatever the person says that we all pay attention to them  
19 equally and just hear them as people with opinions that are  
20 worth being heard here.

21 We have a Navajo translator for people who speak  
22 only Navajo. And if anyone here does not yet have  
23 earphones, a headset, they can have that headset for hearing  
24 this proceeding in Navajo. We will need the headsets back  
25 at the end of the proceeding. Please bring them back to the

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

1 translator. They don't belong to us. They're on loan.

2 I would like the parties, if they would, to  
3 introduce themselves for the record so that the people who  
4 will be speaking to us will know who is represented here  
5 today. Why don't we begin with HRI.

6 MR. CLEMENT: My name is Dick Clement. I'm  
7 president of HRI, and I've been working out here with you  
8 for ten years.

9 MR. PELIZZA: My name is Mark Pelizza. I'm vice  
10 president of HRI.

11 MR. THOMPSON: My name is Anthony Thompson. I'm  
12 counsel to HRI.

13 MR. COLE: I'm John Cole of Chemical Engineering  
14 in Houston, Texas.

15 MR. CARLTON: My name is Bob Carlton. I'm project  
16 manager for the site. I'm with HRI.

17 JUDGE BLOCH: Ms. Capitan, I think the reporter  
18 can't hear you because you're not speaking in the  
19 microphone. Well, speak to both so he can get a record,  
20 too.

21 MS. CAPITAN: I'm Rita Capitan.

22 MS. MANTANICH: I'm Johanna Mantanich with  
23 Environmental Law Center which represents ENDAUM and  
24 Southwestern Research and Information Center. Also from the  
25 Center today is Doug Meiklejohn and Diane Curran.

1                   MR. SHUEY: My name is Chris Shuey. I'm with  
2 Southwestern Research and Information Center, one of the  
3 intervenors.

4                   MR. VENTURA: My name is Roderick Ventura. I'm an  
5 attorney with DNA Legal Services. I'm representing Marilyn  
6 Morris and Grace Som.

7                   JUDGE BLOCH: I thank all the parties for  
8 introducing themselves for the record. We have a couple of  
9 people who are reporters for the press here today. I just  
10 want them to know that tomorrow, when we go on a tour of the  
11 area, they would be free to come to my hotel in order to get  
12 on the bus with us at that time providing that there are  
13 spaces available on the bus. And they can speak to me  
14 afterwards to find out where that hotel is if they don't  
15 know yet.

16                  I had a special request to come first, and I'm  
17 sorry that I've kept these people waiting so long. But one  
18 of them has great difficulty in being able to stay here  
19 because of physical difficulties.

20                  The first speaker is Frank Charley who is speaking  
21 for Lillian Charley. You want to make that you speak into  
22 the tall microphone. The other one is for the press, which  
23 is okay. But the one that we'll be able to hear you from is  
24 from the tall one.

25                  STATEMENT BY MR. FRANK CHARLEY

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

1                   MR. CHARLEY: Hello, my good friends, all the  
2 Navajos. I've been speaking for my mom here that what we  
3 need to do is that we need to go ahead and let the uranium  
4 mine to be re-opened again so we can have our teenagers, our  
5 kids to have some more jobs again so they can work for  
6 themselves.

7                   So that's what we need to do. That's the reason  
8 why we came by to come down to find out, see if we can get  
9 this thing going again. And that's about as far as I can  
10 say for my mom, you know.

11                  So we only got a few minutes to talk. So I  
12 appreciate it if you guys would just go ahead and just go  
13 ahead and say yes and to get everything to re-open again.  
14 I'd appreciate it. Thank you.

15                  JUDGE BLOCH: Thank you, Mr. Charley. The next  
16 speaker is Mitchell Capitan. If I say someone's name  
17 incorrectly, I'd like it when I call on people if they would  
18 come forward as quickly as possible to save time. And if I  
19 do say someone's name improperly, that's because I'm written  
20 off of a handwritten list. Please come forward if you  
21 recognize your name at all.

22                  STATEMENT BY MR. MITCHELL CAPITAN

23                  MR. CAPITAN: Good afternoon. I'd like my  
24 presentation in both Navajo and English, Judge Bloch, Your  
25 Honor.

1           My name is Mitchell Capitan, and I live here in  
2 Crown Pointe for 26 years. I came here to Crown Pointe back  
3 in 1972 to make a living here, but I used to go to school  
4 here in the elementary school, my junior high and my high  
5 school years. So Crown Pointe is a community that I kind of  
6 grew up with, and I am very proud of this community.

7           I live here, and I'm buying a home here in Crown  
8 Pointe under the HUD Housing Project under the Navajo  
9 Housing Authority. And I'm sure there's a lot of families,  
10 young families and families throughout our community are  
11 doing the same thing. They're buying a home for themselves  
12 to make a living for themselves, for their children.

13           And that's why we have a concern. We have a  
14 concern for our health, and we are concerned of our water,  
15 our precious pristine water that we have in Crown Pointe  
16 which we are very afraid to have this water be contaminated.

17           What my experience, too, I also talk for the  
18 people and for my family. I had an experience with Mobil  
19 Oil Corporation which had a pilot project plant here in  
20 Crown Pointe. I worked with them for five years as a lab  
21 technician, and I seen the project on.

22           They were successful of bringing up the uranium to  
23 the surface, and I seen the uranium and I test the uranium,  
24 what they brought up. But the uranium that was brought up  
25 that was not only uranium that was brought up. There were

1 other particles, other metals, heavy metals that was  
2 involved with this ore that came up to the ground.

3 So I have seen that. Now, after for a while,  
4 while I was working with Mobil, Mobil decided to shut down,  
5 and they have failed to restore the water back to the  
6 original state and which make the project to close down at  
7 that time.

8 We were laid off, and I don't know what happened  
9 after that. As I remembered, they just plugged up the well  
10 heads and everything and left things like that.

11 So as I remember, things have failed with Mobil.  
12 And why is it HRI's going to proceed with this and make it  
13 successful? To me, I think this is very impossible.  
14 Because with the mine that I got involved with was just a  
15 fraction of the size of what HRI is planning to do.

16 I am very worried about the water that we have  
17 here, our precious water that people live off. We have a  
18 lot of people that use this water, close to 15,000 people  
19 that drink this water not only with the Crown Pointe  
20 community, but other communities throughout the area.

21 The Crown Pointe community here and the  
22 surrounding chapters, the Little Water Chapter, the Centi  
23 Chapter and the Nadashi Chapter, they have water extended to  
24 their community through NTA Water System.

25 And then there's other people that come into Crown

1 Pointe to hot water, 30, 40, 50 miles away. People bring in  
2 their 55-gallon barrels or even their one-gallon jug just to  
3 take this water home to use it for home uses to drink, to  
4 drink coffee. So that's what I'm worried about.

5 Also, I'm worried about the environment that we  
6 have, our good air we have here. HRI has planned to have a  
7 processing plant here just near in the backyard of our  
8 community. This is going to release a lot of particles  
9 which is not safe for us.

10 These particles will end up in the crevices of our  
11 homes which later on will cause cancer or what not. That's  
12 what we are afraid of, too. I am thinking about the future.  
13 I'm not only thinking about tomorrow and the near future,  
14 about like five to ten years. I'm looking at 20, 25 years,  
15 50 years from now. That's when it's going to affect us,  
16 ladies and gentlemen.

17 Your Honor Judge, that's what we are afraid of.  
18 And hopefully, we're not going to the same legacy of  
19 suffering what happened to our people of the mining effects,  
20 the tailing effect our people are suffering today.

21 Thank you very much, and we hope we can be talking  
22 with you again. Thank you.

23 JUDGE BLOCH: Thank you. Mr. Benali. He's the  
24 first speaker for --

25 MR. CAPITAN: Your Honor, can I interrupt you for

1 a second?

2 JUDGE BLOCH: Sure.

3 MR. CAPITAN: I have a copy of the petition that  
4 we have which we have collected from our organization of  
5 1500 or so names. I'd like to present this copy to you.

6 JUDGE BLOCH: Thank you. Is there a Ben Zali  
7 here? If he doesn't recognize his name, Genevieve Wilkie.

8 STATEMENT BY MS. GENEVIEVE WILSON

9 MS. WILSON: Good afternoon. My name is Genevieve  
10 Wilson.

11 JUDGE BLOCH: Wilson, thank you.

12 MS. WILSON: My mother is one of the allottees.  
13 For these few minutes that I'm given, I would like to make  
14 my statement.

15 There was a final environmental impact statement  
16 made on how to construct and operate this Crown Pointe  
17 uranium solution mining project. This final environmental  
18 impact statement addressed the purpose, the proposed action  
19 of issuing a license to HRI.

20 Basically, this impact statement covers every  
21 detail of how and what is going to be used in this mining  
22 project. The conclusion of this impact statement was that  
23 the project is safe. Therefore, I support HRI. And thank  
24 you for giving me this moment to speak.

25 JUDGE BLOCH: Thank you. Billy Martin?

## 1 STATEMENT BY MR. BILLY MARTIN

2 MR. MARTIN: My name is Billy Martin from here in  
3 Crown Pointe, one of the concerned citizens from the Crown  
4 Pointe area.

5 I'd like to say good afternoon to all you ladies  
6 and gentlemen here. I, Billy Martin, am a member of the  
7 Steering Committee of the Eastern Navajo Nakesha Uranium  
8 Mining. I live here in Crown Pointe presently, and I have  
9 lived here most of my life and my family.

10 I'm a land owner, raised livestock such as cows,  
11 sheep and horses here in Crown Pointe. My family and I  
12 continue to live the normal life to improve the range land  
13 and protect our land and the air, water and the environment  
14 for future generations.

15 I am a member of ENDAUM because I feel that the  
16 water and the air and the land is part of the elements of  
17 life. The elements, the air, water and land I'm talking  
18 about have already been contaminated. For the safety and  
19 health of the people here in the Crown Pointe community, I  
20 am strongly against the leach mining and the processing by  
21 the Hydro Resources Incorporation.

22 One reason I'm against it -- the processing is  
23 that the leach mining will take place here right in our  
24 yards and down wind from the churches, school, residential  
25 areas, hospital and business area.

1           Residents buy their groceries here in the local  
2 grocery store. Who knows, the food might get contaminated  
3 by the uranium dust. And there are so many young children  
4 that go to school here each day, and they spend time outside  
5 playing in the school playgrounds and participating in the  
6 school sports in dangerous and deadly uranium dust.

7           The safety -- it is very hard to predict safety.  
8 You never know when an accident will happen and what happens  
9 during the transporting of the uranium by Hydro Resources,  
10 Incorporation. It will be transporting the uranium from  
11 Church Rock to Crown Pointe, the processing site on the BIA  
12 Road and New Mexico State Highway.

13           There are three communities and schools along the  
14 way before the uranium gets to the Crown Pointe processing  
15 site. What would happen if there is a uranium spill during  
16 the transporting of the uranium somewhere along the route?

17           Crown Pointe and the surrounding communities do  
18 not have the personnel, equipment and training to deal with  
19 the clean up of the spill. And in Crown Pointe, the  
20 hospital is not adequately equipped for dealing with this  
21 type of emergency.

22           Conclusion -- We should stay healthy, our spirits  
23 strong, mind in harmony for our family, our children and our  
24 people, and share the beauty and wisdom with the world.

25           JUDGE BLOCH: Geneva Begay? Mr. Martin, thank

1 you.

2 STATEMENT BY MS. GENEVA BEGAY

3 MS. BEGAY: Good afternoon. My name is Geneva  
4 Begay. My mother is Elsa Begay, an allottee. We've been  
5 waiting since 1993 to see the mine develop on our land. The  
6 allottees who are getting older don't have another five  
7 years. It needs to be decided if our land is going to be  
8 mined on.

9 HRI got the EIS safety report and the license. We  
10 have a right to see this developed. And also, we need a  
11 benefit from our land. I want to benefit from this so I can  
12 further my education, and I support HRI. Thank you.

13 JUDGE BLOCH: Ms. Begay. Does Geneva Begay want  
14 to speak also? You're Geneva. Okay. The best I can make  
15 of the next name is Grace A. Tsosie. Especially when I  
16 don't get your name right, if you would say your name, that  
17 would be helpful.

18 STATEMENT BY MS. GRACE A. TSOSIE

19 MS. TSOSIE: Good afternoon, Honorable Judge and  
20 visitors. My name is Grace Tsosie. I'm from the Crown  
21 Pointe area. I live two miles west of Crown Pointe. I  
22 lived there as a rancher and a family, but I mostly farm  
23 corn.

24 I'm a concerned person, and I have children, I  
25 have grandchildren and also a concerned person for my

1       community. I hate to mention uranium. I know uranium's not  
2       good for us, and I'm concerned for the future of my kids, my  
3       grandchildren and the community's children.

4                 If we start this mine, and what are we going to do  
5       later on? So I'm really against uranium. I'm not thinking  
6       about only myself. I'm thinking about my children, my  
7       grandchildren and community. If we're not careful, we're  
8       going to make this Crown Pointe a ghost town one of these  
9       days.

10               So before we do it, we should think twice and not  
11       hurt our people. If they start this uranium, our water's  
12       going to be contaminated and air -- it's going to hurt our  
13       land, too. And from all of this is going to affect our  
14       health. That's my main concern.

15               In 1989, I went to Corpus Christie with Mark.  
16       He's sitting right here. And we toured the uranium mine  
17       over there, and that mine is 45 miles west of Corpus  
18       Christie. It's not right in town.

19               And I'm sure that if it's right in town, people  
20       are not going to like it. But this 45 miles west of Corpus  
21       Christie. I know Hydro Resources. They treat you real nice  
22       when you go on that trip. They paid for my lodging. They  
23       paid for my meals. They even bought me a lot of nice sea  
24       shells. And if I have to return those, I still have those  
25       things, Mark. Thank you.

1           JUDGE BLOCH: Thank you, Ms. Tsosie. Elsie Begay.

2                         STATEMENT BY MS. ELSIE BEGAY

3           MS. BEGAY: [Speech In Navajo]

4           JUDGE BLOCH: In the future, if anyone wishes to  
5 speak in Navajo only, I hope that they'll let the translator  
6 know so that he can do a translation. He's able to do this  
7 translation; however.

8           TRANSLATOR: My name is Elsie Begay. And in 1993,  
9 I signed yes to do uranium mining on my land. This was my  
10 father's land, and so we signed yes for uranium mining on  
11 there. We did, my brother and sister.

12           I have children and grandchildren. I worry about  
13 where they will get their income from. They have degrees,  
14 but no jobs. So I am concerned that we have some kind of  
15 income. Thank you.

16           JUDGE BLOCH: I thank you, Ms. Begay. George  
17 Brodie. Is George Brodie coming forward?

18                         STATEMENT BY MR. GEORGE BRODIE

19           MR. BRODIE: Good afternoon, ladies and gentlemen.  
20 I'm kind of mixed about this uranium thing. I'm actually  
21 more toward against it than for it. The serendipity that  
22 goes with it -- the serendipity that most people that I've  
23 talked with was it's good for the freedom -- U.S. freedom.

24           I like freedom and the side effect that goes with  
25 it. I was contaminated with it. I've worked in the uranium

1 mine here, Kerr-McGee and Western Nuclear, United Nuclear  
2 and Harrison Western sunk a big shave over here. I thought  
3 I was having all the time in the world.

4           But the contaminant that comes with it, I learned  
5 later in life -- just a minute, I'm a little nervous. But  
6 still, I'm kind of optimistic about this uranium as long as  
7 they get the water in -- lift in the water, that's fine.  
8 But as long as the curtailed freedom that we have, boy,  
9 we're so far behind. I'm really mixed up. I wish I had it  
10 written down, but the side effects that goes with, I'd  
11 really like to get compensated for the past time that I've  
12 worked in it.

13           I'm sure that the people here that wants to come  
14 in here and do the uranium mine, they would have that in  
15 mind and our future generations.

16           The other thing I want to admire the people is the  
17 one with the lot of land that they can endeavor to benefit  
18 from it. And I hope you use it wisely with your benefit.  
19 And this is really an awkward time for me, but I really  
20 thank you for the time and the time to speak. Thank you.

21           JUDGE BLOCH: Thank you, Mr. Brodie. Colleen  
22 Brooks?

23           STATEMENT BY MS. COLLEEN BROOKS

24           MS. BROOKS: Good afternoon. My name is Colleen  
25 Brooks. I'm one of the allottees' daughter. Her name is

1       Ellis R. Visalhouse. I support Hydro Resources,  
2       Incorporated to develop the uranium mines in the area and on  
3       our lands because our people need jobs and economic  
4       development to improve our livelihood.

5                 I believe the mine is safe using the new  
6       technology in contrast with the old conventional minings  
7       that they had in the past. As you should understand by now,  
8       most of the people in the area need to be educated about the  
9       new technology. Please take that into consideration.

10               The opposing groups that attempt to stop the mine  
11       at all costs, but what do they have to offer? We want  
12       progress. We do not want to stay being poor for the rest of  
13       our lives.

14               JUDGE BLOCH: Thank you. Linda Lovejoy.

15               STATEMENT BY REPRESENTATIVE LINDA LOVEJOY

16               MS. LOVEJOY: Good afternoon, the Honorable  
17       Judges. Judge Thomas Murphy must be my brother. My maiden  
18       name is Murphy. Welcome home.

19               My name is Linda A. Lovejoy.

20               JUDGE BLOCH: Just a moment. The reporter needs a  
21       moment to turn a tape over. Please continue.

22               MS. LOVEJOY: My name is Linda M. Lovejoy. I'm a  
23       community member of Crown Pointe and a member of the House  
24       of Representatives for the State of New Mexico. I'm also a  
25       candidate for the New Mexico Public Regulation Commission

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

1           Since the age of six, I grew up in this community.  
2         The exact location where I call home is three miles west of  
3         Crown Pointe. This location is one of the areas being  
4         proposed for uranium development.

5           For many years, I have observed families in this  
6         community as they bonded strongly together. When issues  
7         arise that have the potential to affect human health,  
8         environment, land or water, members of this community  
9         resolve the issues together with one goal in mind --  
10       protecting those most valuable resources. There are no  
11       controversies, family division or endangerment of friendship  
12       over these issues.

13           Now, since the plans for uranium development have  
14         re-emerged, I am very concerned because I see that the  
15         community harmony that once existed is disintegrating.  
16         Water is the blood of our land. It is nourishment for crops  
17         and forest. A healthy human can live for a month without  
18         food but would die in less than a week without fresh water.  
19         We live by the grace of water.

20           As a state representative, I have traveled to many  
21         parts of the state. I have to admit that here in Crown  
22         Pointe we are fortunate to have the best tasting water in  
23         the entire state of New Mexico. Like every community --

24           [Applause.]

25           MS. LOVEJOY: Like every community, we all desire

1 economic development. We desire community growth and jobs,  
2 but not at the expense of contamination to our water. Even  
3 the latest technology does not guarantee our water's safety.  
4 This is the primary reason for our people's concern.

5 The decision that you come to -- that you make  
6 today following this hearing will be the most important  
7 decision you're ever going to make affecting our community.  
8 It is important that you consider carefully the statements  
9 you hear today. We cannot afford to let outsiders make  
10 decisions for us because our decision has consequences for  
11 generations. Our water is our business.

12 The consequences of a poor decision may not be  
13 felt until many years later when it may be too late. I  
14 plead with you, the honorable judges, please be certain that  
15 the decision you make is sound and well thought out. We are  
16 the ones that are going to have to live with this for the  
17 rest of our lives. Thank you for this opportunity.

18 [Applause]

19 JUDGE BLOCH: I thank you, Ms. Lovejoy. I just  
20 want to comment on one comment that you made, and you needed  
21 to come back, you could do that.

22 But I won't be deciding anything today. There'll  
23 be extensive filings by the parties, and there will be a lot  
24 that I will have to understand about the technical merits of  
25 the arguments for and against this project before I can

1 reach any decision.

2 This will not be a matter of politics at all, but  
3 of comprehending and understanding the specifics of this  
4 project.

5 Mr. W. E. Johnson? Actually, I don't know that  
6 it's a mister. Actually, it is.

7 STATEMENT BY MR. WILBUR JOHNSON

8 MR. JOHNSON: Good afternoon, Your Honor.

9 JUDGE BLOCH: Good afternoon.

10 MR. JOHNSON: Everybody at the panel. My name's  
11 Wilbur Johnson, and I live on Allotment 908, right behind  
12 Grace Tsosie and the opposers.

13 I signed a lease with Hydro Resources,  
14 Incorporated to institute mine uranium on my properties.  
15 And people use the water issue as pure, good, pristine. The  
16 fact of the matter is the water is already contaminated.

17 We had the BIA Roads, the Navajo Warehouse, the  
18 power plant, the carpenter shop -- all those people dumped  
19 their chemicals down the roads. So when it rained, we had  
20 bad water.

21 When we were kids -- I grew up in Crown Pointe, so  
22 I know. I wasn't placed there. I was born at the hospital.  
23 But the water was already contaminated. You had rainbows in  
24 that water. We couldn't play in it.

25 People over here objecting to the water getting

1 contaminated. Now Hydro's over here wanting to uranium mine  
2 uranium. We're not greedy. We're not selfish. We signed a  
3 lease so the community can benefit from this -- jobs,  
4 economic opportunity.

5 I'm a auto technician. I work on vehicles. And  
6 someday maybe when things start to go, I'll be able to  
7 employ somebody like some other people won't do. Hydro will  
8 use the water. They'll put back the water better than it is  
9 now -- twice as better. Then you go over there and feed  
10 your cows and sheep. But they have nothing to eat anyway.

11 We need a livelihood. We care about your grand  
12 kids and their kids, even though I have kids. But I care  
13 about your kids, and I'd like to see a future for them --  
14 jobs, computer jobs, technical knowledges. That's what they  
15 need, and they're here to provide that.

16 Now you people don't need to be here. I'm sorry  
17 you had to show up here. I wish this was doing back in  
18 Washington, D.C. All this is just for publicity. That's  
19 all it is. So I hope the mine goes. That's it. Thank you.

20 [Applause]

21 JUDGE BLOCH: Thank you, Mr. Johnson. Irene  
22 Tully?

23 STATEMENT BY MS. IRENE TULLY

24 MS. TULLY: [Speech in Navajo]

25 [Applause.]

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

1                   TRANSLATOR: Hello. My name is Irene Tully. I  
2 want to partake of this discussion. All this talk about  
3 uranium mining is difficult.

4                   I have two children that worked in uranium mines.  
5 Now they have pain in their back, and there is no cure for  
6 their illness. I do not want uranium mining.

7                   I know from what my two children that worked in  
8 the mines say that you do not dig a small hole. There is no  
9 small hole in uranium mining. It goes two miles deep. And  
10 what happens to the water down there?

11                  Here, we have a school, a hospital and homes.  
12 Uranium mining is hard and difficult. And here is where we  
13 fulfill our water needs. So I said to my children when they  
14 were young, go work in the mines. Work is good. It brings  
15 in income. But I brought in illness and back pains to my  
16 children.

17                  I do not support the uranium mining. I hear that  
18 all this work on the uranium mining started four years ago.  
19 We need a hospital here. A hospital is our real need. Why  
20 don't they take care of that. Why don't they develop our  
21 water?

22                  Some of my children work at the hospital. I use  
23 water. Work is good, but years later it has consequences.  
24 If they really want to mine uranium, let them find a cure  
25 for uranium sickness first. Then they can mine.

1           These are my words. This is all I have to say.

2           [Applause.]

3           JUDGE BLOCH: I have a special request from a  
4           gentleman who says he has to return to work. His name is  
5           Ron C. Begay.

6           STATEMENT BY MR. RON C. BEGAY

7           MR. BEGAY: Your Honor, guests, parties of both  
8           sides, community members, friends, and, above all, the young  
9           people that are here if they're here.

10          My name's Ron C. Begay. I'm currently the  
11          administrator of public health for the hospital, and also  
12          I'm a part-time student at the University of Mexico pursuing  
13          another master's degree in public health. I have a master's  
14          degree in public administration.

15          Also, I'm a lieutenant colonel in the United  
16          States Army. So I have a wide range of background as far as  
17          my experiences. But what I'd like to say on my own behalf  
18          -- not necessarily the hospital or IJIS. As I personally, I  
19          wrote down some factors that you need to consider, Your  
20          Honor, and also the community members.

21          First of all is safety. Like it was mentioned  
22          earlier, safety -- you never know about safety. How far can  
23          you be safe? But if you don't take that into consideration,  
24          then something will happen. And I don't think HRI has taken  
25          that measure yet and have proven that yet.

1           And also livelihood -- we've heard a lot of people  
2 talk about livelihood in this community. But I've been here  
3 eight years. I haven't been raised here, but I work here.  
4 But I notice that a lot of people in Crown Pointe are very  
5 proud, very proud people. The elderly people, community  
6 members of both parties, et cetera. They're very proud of  
7 their livelihood. And I think that, you know, why go into  
8 this extent to have this type of proposal brought to the  
9 community when everything is okay. Things can prosper  
10 without uranium mining, and I think that's very true.

11           Thirdly is the cost -- how much would it cost for  
12 us overall. You're talking about costs for your family,  
13 costs to haul water from another point that you establish.  
14 HRI is proposing another well cite, et cetera. And how much  
15 would it cost? And you have to think about those costs.

16           And above all, your health. What cost is your  
17 health? There's no cost to health. If you're very healthy,  
18 then you are very healthy. And to destroy the water will  
19 definitely -- or contaminate the water will definitely  
20 affect your health.

21           We have baby bottle tooth decay situations. We  
22 have fluoride that is used in conjunction with water. You  
23 know, we have to keep our personal hygiene up to the  
24 standards to maintain our health. And without water in that  
25 contaminated status, then we'll be affected.

1           Also, the younger generation -- there's a lot of  
2       kids in the community that want to move on to college or to  
3       get a higher education and all that. But they need to learn  
4       about this mining, also. And I think that if you would  
5       listen to some students, you would get an idea of what they  
6       have to say because they are the future generation of this  
7       community.

8           Finally, Your Honor, I'd just like to say the  
9       water is very sacred in the Navajo way, as well as other  
10      communities around the nation. And if it's contaminated,  
11      then it will affect everybody.

12           There's a lot of things that you have to consider,  
13      Your Honor, and I hope that some of my comments would be  
14      brought forth and given well thought out process so that you  
15      can understand that water must not be contaminated.

16           Even though we have high technology, what is the  
17      price of that for our health? Thank you, Your Honor.

18           [Applause.]

19           JUDGE BLOCH: Thank you, Mr. Begay. Paul Yezzie.

20           STATEMENT BY MR. PAUL YEZZIE

21           MR. YEZZIE: [Speech in Navajo]

22           TRANSLATOR: Greetings, everyone. My name is Paul  
23      Yezzie. Everything will turn out okay, I believe, even  
24      though we are all against each other right now.

25           On my parents' land was where one of the proposed

1 mining site is going to be. So I gave my okay. And maybe I  
2 don't know how to take care of money. But I still said okay  
3 because I thought I might get rich.

4 Yes, I think we should give our okay. Our okay  
5 has already been given. But here, some are now saying no.  
6 Over there is our holy mountain, Mt. Taylor, and under that,  
7 we are told, is a big uranium resource.

8 I am not speaking out against any one individual.  
9 But uranium is under our land, I am told. We have many  
10 Anglo visitors here now, and maybe they can help us in  
11 getting an okay for mining.

12 Many leaders have come here, and they have been  
13 very hopeful that this project would move forward. But some  
14 of them have been forced out of office. This is all I have  
15 to say.

16 JUDGE BLOCH: Thank you. I have a special request  
17 from Richard Anderson, Jr, who has to be back to work.

18 STATEMENT BY MR. RICHARD ANDERSON

19 MR. ANDERSON: I'm Richard Anderson. I am very  
20 much against this mining thing. And I'm thinking about my  
21 kids, their kids and future generations because if this  
22 uranium destroys the aqua fire, it's destroyed forever.  
23 We'll have to be buying water from another country, another  
24 state.

25 In my opinion, letting the HRI open their mine

1 would be the most fatal mistake the NRC could make. This  
2 would be a death sentence for my people and their livestock.  
3 And it would eventually wipe out all species of wild life  
4 off the face of this part of the reservation, thus destroy  
5 our water sheds in the process.

6 We do not have an emergency response team to deal  
7 with any emergency that the mine will cause or accidents,  
8 radiation burns, chemical burns, truck rollovers with  
9 uranium radioactive junk in them.

10 We do not have the training or the equipment to  
11 deal with these kinds of emergency situations. We just  
12 don't. The only HAZMAT team in the State of New Mexico is  
13 under the state police, and they don't have the equipment to  
14 deal with radioactive emergency situations.

15 And the mine will destroy our aqua fires forever.  
16 The drinking water for our people and animals will no longer  
17 exist. If you take the time to study the history of my  
18 people, you will see all the lies, all the back stabbing,  
19 all the destruction and death that non-Indians have caused  
20 against my people. And why can't you guys mine in Beverly  
21 Hills or New York or some other place? Why does it have to  
22 be our land? Why?

23 [Applause.]

24 MR. ANDERSON: We refuse to be a victim of mining  
25 genocide. I am here for my kids. I am here for my

1       grandparents that don't no money to be here today. I'm only  
2       going to ask HRI once. Leave our reservation. Go practice  
3       your genocide somewhere else on somebody else's land,  
4       somebody else's water. Just leave.

5                 In my closing statement, I would like to say to  
6       anybody in the world, it doesn't matter how much money you  
7       have, you can have all the money in the world. You can have  
8       all the science in the world. You can have all the  
9       equipment in the world, bulldozers, dynamite, trains,  
10      whatever. But if you go against our Mother Earth, you will  
11      always, always lose.

12                 [Applause.]

13                 MR. ANDERSON: I will fight until my last breath  
14      to protect my family, my land and my people and our wild  
15      life. And I swear to God Almighty that I will make sure HRI  
16      never mines on Navajo country.

17                 [Applause.]

18                 JUDGE BLOCH: Thank you, Mr. Anderson. Calvin  
19      Murphy?

20                 STATEMENT BY MR. CALVIN MURPHY

21                 MR. MURPHY: Thank you, Your Honor. My name is  
22      Calvin Murphy. I'm a resident here of Crown Pointe and have  
23      been a resident throughout my whole entire life, okay.

24                 My main concern is what HRI is doing. First of  
25      all, they generated a draft environmental impact statement,

1       okay. We found a lot of errors in that impact statement,  
2       okay, in their process of this mining, okay.

3                 And we raised a lot of questions, but those  
4       questions were never clearly answered, okay. Not only from  
5       HRI but NRC, too. NRC and HRI has shown us no respect,  
6       okay. Onto coming out with the final impact statement,  
7       okay. They employ a person by the name of Leonard Arviso,  
8       okay, who has deliberately over-grazed my grazing area which  
9       we all share, and that's what I mean by showing no respect  
10      to us.

11                HRI has not come in front of me and said, look,  
12       you live adjacent to Unit One, okay, and we plan to mine.  
13       They have not come up to me and approached me and said, you  
14       know, this is our plans, okay. This is how or what effects  
15       it might have to you, okay.

16                Further, they have given us a bad image. They  
17       have indicated to the media that we are a bunch of people  
18       that can't think for themselves. And it kind of more  
19       reflects toward jealousy, okay.

20                I'm one of the intervenors, and I requested a copy  
21       of the draft and also the final impact statement. I have  
22       not received one, and I have to go around and try to figure  
23       out, you know, what's really going on.

24                It scares me that I found what NRC and HRI has  
25       indicated in the final impact statement that their proposed

1 way of mining this area is now changing in the Church Rock  
2 area, and, last, that I've seen, they are looking at us at  
3 becoming guinea pigs. It's basically an experimentation in  
4 the Church Rock, and I don't think you should play with  
5 people's lives that way.

6 HRI needs to go back and do their homework. As  
7 one said, they ought to find out a cure for cancer first  
8 before they mind. We've got a lot of people's health at  
9 stake. I fear for my kids who are the ones that are going  
10 to be affected if we stay in Crown Pointe because we live  
11 adjacent to Unit One. The wind blows from the southwest  
12 direction to the northeast, and we will be breathing in  
13 particles.

14 Beyond that, where my mom lives, we grow corn  
15 every year, and there's a drainage flow that comes through  
16 the canyon that could very well bring in contaminated  
17 elements into the corn field which we use for spiritual  
18 ceremonies with the corn pollen, and also we use that as  
19 part of our food, the corn, okay.

20 Corn is used, you know, throughout the whole year.  
21 And the people in Church Rock, I fear for them. I have  
22 relatives in Church Rock, and they do not understand what is  
23 going on. I think HRI needs to lay everything out on the  
24 table and say this is what we're going to do.

25 In the past, they said, oh, look at environmental

1 statement so and so when we had a question. But it only  
2 went so far. Well, we have questions beyond that. You  
3 know, I haven't really fully got down all the terms in the  
4 final impact statement. And it scares me, you know, what  
5 they plan to do.

6 And what I mean by NRC showing no respect to us in  
7 the process, I believe during the safety evaluation, they  
8 were supposed to consider the safety issues that HRI was  
9 supposed to come up with. And HRI did not meet that  
10 criteria at the time, and they gave them more time to come  
11 up with some more facts for the safety of this mining.

12 JUDGE BLOCH: Mr. Murphy, if you would, try to  
13 conclude because you're over your time limit.

14 MR. MURPHY: Okay, thank you. Anyway, as I  
15 conclude here, you know, a lot of people's lives are at  
16 stake, and I hope you take that into deep consideration.  
17 Thank you.

18 [Applause.]

19 JUDGE BLOCH: I have one more special request from  
20 Mervin Tilden. Are you prepared to come forward, sir.

21 STATEMENT BY MR. MERVIN TILDEN

22 MR. TILDEN: Good afternoon. My name is Mervin  
23 Tilden. I extend my greetings to the presiding officer, his  
24 special assistants, to the panel here, and to the audience.  
25 I also want to thank Representative Lovejoy for her strong

1 words.

2 I want to make it very clear my position. I am  
3 against this uranium mine. I have been opposed actively to  
4 this uranium mine in our area for over 20 years since the  
5 spill that happened at Church Rock back in 1979 and before  
6 that.

7 After 20 years of work, people expect to retire  
8 with full benefits. But in this job, there is no  
9 retirement. All I can see is more work. I want to  
10 reiterate one point that the brother made about the lack of  
11 respect of HRI, the NRC, the ASLB, and all the parties  
12 involved with the Allotment Association. They have  
13 disrespected this Navajo Nation moratorium that says there's  
14 supposed to be no uranium mining on the Navajo nation.

15 I want to talk about the jobs issue. There's some  
16 people here saying jobs this and jobs that. I have the list  
17 right here of the jobs. There's practically nothing that's  
18 going to be going toward Navajos. Most of the people that  
19 are going to be brought in for this mining operation are  
20 going to be HRI's people. Even the wild cats are going be  
21 jeweling the mines, the menial labor jobs.

22 So the argument for economic benefits, I want to  
23 make it very plain and clear. Let's go back into the past  
24 to the 1940s and 1950s when they were saying the same thing  
25 about uranium mining, how safe it was, how wonderful the

1 technology was.

2                 Okay, come back to today. Let's talk about the  
3 Radiation Exposure Compensation Act. There's two bills that  
4 are going before Congress right now that may be shot down or  
5 watered down while they're up there. But this is to deny  
6 the Navajo miners and millers the benefits that they are  
7 rightly entitled to as miners and workers who were not  
8 informed by the NRC, by Kerr-McGee or these other uranium  
9 mines but who now suffer the full consequences of uranium  
10 mining.

11                 Their children are suffering. The animals are  
12 still suffering. The land is still suffering. What they  
13 are proposing is insanity that can only be contrived by cold  
14 blooded killers.

15                 [Applause.]

16                 MR. TILDEN: They have divided our communities,  
17 making false promises, misleading statements, putting down  
18 inaccuracies in the environmental impact statement and the  
19 final impact statement.

20                 There's now a consolidated operation plan or the  
21 COP that was never discussed in these proceedings.

22 Therefore, this COP is illegal. Much of what we have that's  
23 been put before us right now, these people want you to  
24 believe that we don't know what we are talking about. They  
25 want to tell you that we need more education about the in

1 situ leaks, the uranium mining process when in fact we know  
2 enough to come here and stand before you and tell you that  
3 they are not being truthful to you about the technology of  
4 the ISL uranium mining.

5 It is a dangerous operation, especially in this  
6 area. The Crown Pointe area here alone, acknowledged by HRI  
7 in part of their pleadings, already has a cone of depression  
8 in the water supply. They're proposing to move these BIA or  
9 these NTUA wells which is absolutely ludicrous given the  
10 fact that there's going to be a big draw down in many more  
11 places other than the cone of depression that's already  
12 there.

13 They say that more money and more opportunities  
14 will be good for the children. When your children grow up  
15 and this water is contaminated by this uranium that you  
16 allow to happen -- specifically I'm talking to you, Allotees  
17 Association members, what are you going to do for your kids  
18 then? Use all the money that you hoarded up that may be  
19 worthless by then and try and buy clean water for your kids  
20 or your grandchildren, your animals? How are you going to  
21 water your plants?

22 On June 7th, 1997, Mark Pelizza, the vice  
23 president of HRI, stated clearly while we were taking a tour  
24 on the mine site that he would take one or two drinks of  
25 water from a glass just prior to the injection, the

1 re-injection of this water. He would only take one or two  
2 drinks of this water, but not over a sustained period of  
3 time. That right there is the truth that they're telling  
4 you.

5 Without any kind of economic policy or any kind of  
6 emergency plan, they are moving ahead, disregarding the  
7 Executive Order signed by President Clinton, Executive Order  
8 12898, and disregarding the environmental justice impacts  
9 that will happen to the people here which are poor,  
10 low-income minority people who depend on the water for their  
11 livelihood, for their health, for the public safety, for  
12 their environment, their livelihood, their animals and just  
13 to go into the kitchen and take a drink of water and give it  
14 to their children.

15 There is no more need for uranium worldwide.  
16 There is already a glut. If they tell you that this is  
17 going to be beneficial to you, it's not because the majority  
18 of the money is going to be leaving the reservation with  
19 them.

20 [Applause.]

21 MR. TILDEN: I want to talk to the issue about the  
22 water being already contaminated. It does have some natural  
23 contamination. But it will not sustain life once they put  
24 their contamination in it.

25 What they would propose to do is end our way of

1 life as people who depend upon the land which is our  
2 identity as Dineh and ruin our water supply not only for us  
3 but for our children to come.

4           So in the end, my conclusion is this -- that as  
5 they disregard our Navajo nation's sovereignty, and they  
6 disregard and disrespect our communities, especially those  
7 of us who are the majority in opposition, remember this one  
8 thing. The truth is not on their side.

9           They've got filings and filings and filings of  
10 voluminous long-winded rhetoric that is deceiving,  
11 misleading and many of it out right lies that they want you  
12 to believe and say that it's going to benefit you when in  
13 fact they're the only beneficiaries who are in this room  
14 right now besides the Allotees Association who are being  
15 duped into something that they are going to regret for the  
16 rest of their lives.

17           But more importantly, they are bringing  
18 disharmony, discord and an imbalance into our communities,  
19 whether in Church Rock where I am from or here in Crown  
20 Pointe or near Unit One. They will destroy water table.  
21 And I give you my word, too. ASLB, NRC, Allotees  
22 Association, I am here to fight you also to my last breath.  
23 You are not going to tamper with our future or with my  
24 children's lives. I give you my word. Thank you very much.

25           [Applause.]

1 JUDGE BLOCH: Ms. Jana Gunnell.

2 STATEMENT BY MS. JANA GUNNELL

3 MS. GUNNELL: Thank you, Your Honor and everyone  
4 here. Boy, that last one was a hoot. Thank you. Well,  
5 we've heard a lot of no, no, nos. Most of them were no, no,  
6 nos. Let's try a yes, yes, let's go for it and see what  
7 happens.

8 Your Honor, I've never written to a judge before,  
9 but I did write you a letter, and I intend to read it since  
10 you let me.

11 This letter concerns lands that were secured years  
12 ago by our grandfathers, our grandmothers, lands for  
13 themselves and lands for their children. We consider this  
14 land to be our land, our heritage, our homes, the homes of  
15 our children and their children.

16 These allotments which we are considering today  
17 have uranium. We the allottees are in agreement to let the  
18 Hydro Resources Incorporated leach our allotments so as to  
19 secure the uranium by solution mining. This is not mining  
20 that's on top and that's hauled all over the country where  
21 the stuff falls off.

22 Solution mining has been explained to us time and  
23 again, and I believe most of us will understand how it  
24 works. The U.S. Nuclear Regulatory Commission has made all  
25 their tests and said the operation solution mining was safe.

1           We wonder now what's holding the work and the  
2 leases up. I think that jobs that will be available to our  
3 young people who now go from place to place, town to town,  
4 looking for work and generally finding nothing. I heard  
5 that there would be additional water wells which Crown  
6 Pointe needs bad. I think of all the tourist trade that is  
7 lost because there are no accommodations in Crown Pointe.  
8 There are no restaurants, no fast food places, no motels or  
9 hotels and not too many gasoline stations. I know.

10           Excuse me. There are people who do not agree that  
11 this is a great thing and continually bring the water issue,  
12 and that's good because water is our staff of life. But in  
13 the same breath, I would like someone to explain to me just  
14 how water as it is now can be pure when there is uranium in  
15 the ground in with the water and around the water.

16           I would think that the water was already  
17 contaminated. Therefore, I am in agreement to having the  
18 contamination removed and replacing it with clear water.  
19 Uranium has many uses. Over 2000 years ago, it was used as  
20 color pigments, used to color glass and what not. It is  
21 still used in processing photographs. We use uranium a  
22 whole lot of times and don't even know that we're using it.

23           When our present supply of petroleum runs out,  
24 nuclear energy could be used in place of petroleum as no  
25 chemical nor solid pollutants go into the air, as with

1 petroleum use.

2                   Industries in shipping and power plants already  
3 use nuclear energy. Our lands have many resources that lay  
4 idle because we do not understand the use of them. They  
5 need to be developed and studied so as to prepare our  
6 children and our grandchildren in the use of these resources  
7 when it becomes necessary to go in and use them so that in  
8 the coming years our people won't be standing back with  
9 their hands over their mouths watching the rest of the world  
10 go by and wondering what's happening.

11                  Thank you very much, Your Honor.

12                  JUDGE BLOCH: I have one more request from a  
13 person who needs to leave. And after that, we'll take a  
14 ten-minute recess. The next person is Dr. Steve Glover.

15                  STATEMENT BY MR. STEVE GLOVER

16                  MR. GLOVER: My name is Steve Glover. I'm the eye  
17 doctor at Crown Pointe Hospital and also a member of the  
18 Safety Committee. The Safety Committee at the hospital  
19 generated and sent to the powers that were necessary to have  
20 to a statement about how we felt that the safety would be  
21 affected in this community if the uranium mine began.

22                  We do not have the resources to deal with any  
23 radiation hazards, and the environmental hazards or the  
24 general safety just from injury. We neither have the  
25 people, the expertise or the resources to deal with what

1       this would do to us.

2                 Secondly at the hospital, it's difficult to find  
3       staff to come to Crown Pointe. We offer less money than  
4       people can make on the outside. We offer inadequate  
5       housing. We offer an environment in which there are no  
6       amenities.

7                 We offer no restaurants, no places to go, no  
8       recreation other than that that we can generate for  
9       ourselves. When people come and we mention those things, if  
10      we add to that, oh, and by the way, the water may well be  
11      contaminated radioactively, we're going to have a difficult  
12      time getting physicians to come and staff this hospital.

13               If we don't have the physicians, the hospital no  
14      longer functions, and Crown Pointe loses one of its major  
15      assets just as the eastern end of the Navajo Reservation  
16      will lose one of its major assets.

17               Those are my official duties as a member of the  
18      hospital staff. I also have personal duties. My experience  
19      in the Navy, I was trained in nuclear weapons, nuclear  
20      power. And I understand the bases of the nuclear industry  
21      and what the hazards are.

22               Raw uranium is not particularly nasty stuff unless  
23      the exposure is very high. However, truth doesn't matter  
24      much when emotion drives action. It is the perception that  
25      counts. And if we're trying to get people to come here,

1 their perception that there may be a hazard is far more  
2 important than the truth that it may or it may not be. We  
3 need to consider that.

4                   Secondly, economically I don't understand why HRI  
5 would be pursuing this matter. I was at my 30th high school  
6 reunion this summer. One of my classmates by the name of  
7 Mike Johnson who is one of the upper management men in  
8 Conoco Oil who ran the North Sea operation for several  
9 years, we discussed at length why they abandoned and gave up  
10 their interests in uranium in this part of the world because  
11 there was no economic reason to maintain it. And he said he  
12 would be happy to come and testify or write letters to that  
13 effect.

14 There is a glut of uranium for running nuclear  
15 power plants in the world. The United States is in constant  
16 negotiation with the Soviet Union trying to get them to bury  
17 and destroy their nuclear grade plutonium as the United  
18 States choose to do.

19                   The Soviets say they'd rather hang on it so when  
20 the present supplies of uranium run out, they'll be prepared  
21 to provide that degraded plutonium that would be power plant  
22 safe uranium in some 20 to 30 years from now. The present  
23 supply will last us that long. Then what could be possibly  
24 be the economic advantage here.

25 So I find the uranium mine, first of all, doesn't

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

1 make environmental sense. We're counting on unproven  
2 technology. Can we make the water as good as it used to be?  
3 The HRI has admitted lately that they can't be sure that  
4 that's going to happen. It doesn't make economic sense.  
5 There's a high probability that if their action fails, then  
6 they go bankrupt and they're going to leave us in the lurch  
7 because there'll be no money to clean it up.

8 And it doesn't make social or ethical sense in my  
9 mind. The financial benefit of a few to the serious  
10 detriment to the way of life of many makes no sense to me.  
11 And I suspect that if we were talking about Dallas, Texas  
12 direct water supply -- if that were in question, we wouldn't  
13 be having this conversation today.

14 And we need to realize that once begun with this,  
15 there would be no turning back. Thank you.

16 [Applause.]

17 JUDGE BLOCH: Thank you, Dr. Glover. We'll take a  
18 ten-minute recess. My watch says 3:21. I'll stop promptly  
19 at 3:31.

20 [Recess.]

21 JUDGE BLOCH: Our first speaker is Kathleen  
22 Blacisic. Please be in order.

23 MS. TSOSIE: Kathleen Tsosie.

24 JUDGE BLOCH: Tsosie. I'm sorry. Kathleen  
25 Tsosie.

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

1 MS. BLACKIE: Blackie.

2 JUDGE BLOCH: Blackie? Kathleen Blackie. My  
3 apology.

4 STATEMENT BY MS. KATHLEEN TSOSIE BLACKIE

5 MS. BLACKIE: Good afternoon. And I'd like to  
6 welcome everybody here on behalf of the hearing and the  
7 statement that's being given.

8 This afternoon, I'd like to go ahead and introduce  
9 myself. My name is Kathleen Tsosie Blackie. I have moved  
10 here into this community 21 months ago. I moved here for  
11 employment, continue my higher education and help the  
12 community.

13 At the same time, my concerns are drinking water  
14 and the health for the community. One of the questions that  
15 I have is what will happen to the future of our Navajo  
16 people's health, and today the water is limited.

17 I come from a community that was exposed to  
18 uranium mining. This was in Cove and Red Valley, Arizona.  
19 I have a book and a video of testimonies of widows and  
20 children that have suffered because of uranium that took  
21 place in the early 1940s and 1950s and 1960s.

22 To this day, many of the Navajo men and women are  
23 still dying. Now some young women ages 27 on down are  
24 having babies with Downs Syndrome and handicaps. The  
25 government does not pay for their funeral expense. People

1 are still asking for compensation from the government.

2                   And yet, during the summer, they had a Senate  
3 hearing on June 26th, 1998, in Washington, D.C. Many of our  
4 people and people that were concerned about the uranium and  
5 the victims there, they made their testimonies. And a lot  
6 of our Congressional people were there.

7                   Senator Udall and Redmond, they fully support the  
8 compensation on behalf of the mining. But to this day, I  
9 look at the Crown Pointe community. And yet, if this mining  
10 opens, the company will have no guarantees that the mining  
11 will be safe in the future.

12                  Are they ready to pay the people that got cancer,  
13 including their family? The Church Rock community had a big  
14 disaster in 1979 of uranium spill. Today, there are  
15 existing cancer victims in these areas. There are some men  
16 and women that have already died from the last mining in  
17 this area.

18                  The Church Rock and the Crown Pointe area will be  
19 impacted by the same legacies that Cove and other related  
20 areas that are living. We have no cancer center and  
21 counseling center or group session for being traumatized in  
22 this area.

23                  Leave the uranium alone. We do not need to  
24 disrupt the Mother Earth and our sacred grounds. Many of  
25 our people have suffered enough. And I plead to you as I'm

1 making my statement, please consider our children's half,  
2 our next generation.

3 If the HRI are considering opening the mining, are  
4 they willing to relocate the people that are posing the  
5 mining? Are they willing to compensate these people? If  
6 there is no answers for these, then you are not ready.

7 And I strongly believe as an individual, I'm a  
8 very compassionate people. I'm a strong advocate opposing  
9 uranium in all areas, whether it's here on the reservation  
10 because we are five finger people. We are very  
11 compassionate people. And I strongly believe that and hope  
12 you consider opposing the mining.

13 Judge Bloch, your culture in Washington, D.C. is  
14 very different from our culture here on the reservation. I  
15 lived your culture during the summer, and I could not live  
16 that culture. It is like a culture shock.

17 And opening this mine again will be another  
18 culture shock to the community. Please spare us.

19 On behalf of people opposing the mine, please  
20 consider the health issue and some of our people that have  
21 made testimony opposing the mine said they are not ready  
22 because the hospital is not ready. There's no HAZMAT in  
23 this area. They have to travel many miles. And by the time  
24 the victim has suffered, by the time the people from  
25 Albuquerque come over in the Crown Pointe area, the victim

1 will already have died.

2 So on behalf of ENDAUM member, I plead to you to  
3 oppose the mining. And I will give you this videotape and  
4 the book of the testimony of the victims of the widows and  
5 the children and their survivors.

6 Please review this, and I hope that you consider  
7 opposing the mining. Thank you very much.

8 JUDGE BLOCH: Thank you, Ms. Blackie.

9 [Applause.]

10 JUDGE BLOCH: Bernadine Martin.

11 STATEMENT BY MS. BERNADINE MARTIN

12 BY MS. MARTIN: For the Navajos, I must out of  
13 respect introduce myself in the Navajo way.

14 I'm Bernadine Martin. [Speech in Navajo] What  
15 I've told these Navajo people is that I am from this area.  
16 My grandfather is Kea Oni, the tall house people. There's a  
17 memorial for the clan about a mile north of this area. So  
18 this is my home, and it has been my home for 30 years.

19 I've gone to school here. I have three children.  
20 My oldest is five. My youngest is 18 months old. And  
21 unlike living on fee-simple land, we can exchange our land  
22 for other land. Crown Pointe being my home, the water we  
23 drink -- my mother lives here, my sisters live here, my  
24 nieces, nephews, aunts, uncles.

25 And a bit of history on my name. Although Martin

1       is a German name, my grandfather's real name was Kachi which  
2       means in English, it's moccasin, the Navajo tradition of  
3       moccasin. And when the missionaries came to this area, they  
4       couldn't say his name. So their method was to put a name on  
5       the board, and whoever came to school first the next day got  
6       that name.

7                  And when they put Guy Martin on the board, he  
8       liked that name. So he raced to school the next morning,  
9       and that's how we got our name.

10                 My grandfather was a healer. He was a Yei.  
11       That's a healer. My father was also a Yei. They were very  
12       traditional. They did healing ceremonies after the first  
13       frost and before the first thunder. So we're very much  
14       embedded in our traditionalism of the Navajo people.

15                 I have a lot of concerns, and I've been with  
16       ENDAUM/East Navajo Diane Against Uranium Mining, and that's  
17       why we wear blue ribbons for pure and clean water and have  
18       always raised financial issues. I have a background in  
19       business and banking. I have a law degree from the  
20       University of Arizona which I majored in tax.

21                 However, EAR posed its latest 10-Q on the  
22       Internet. That's the second quarter of this year, and they  
23       recorded a loss of nearly \$900,000. Now I apologize to the  
24       Navajos who don't have the financial knowledge to understand  
25       what I'm saying, but this is information that needs to be

1       brought to the judges and also the NRC, the project managers  
2       specifically Mr. Carlson.

3                     Kasa producing uranium is currently at about  
4       \$20.00 a pound, and sales is currently at \$15.00 a pound  
5       which means there's a five dollar loss the company is  
6       taking. The market in my mind is so speculative that to go  
7       forward, the losses are going to be great potentially over  
8       the next 23 years which is their plan to mine uranium on our  
9       lands and water. And this community is going to be  
10      shouldered, in other words, we're going to be left with the  
11      entire risk and the effect of that mining.

12                  They bolstered on this safe mining process, yet  
13      have refused to explain how they're going to do it in a way  
14      that we Navajo people can understand. HRI has never cleaned  
15      water, cleaned up their mining sites to drinking water  
16      standards. And that is very important because our water is  
17      much cleaner than the state drinking water standards.

18                  And then we talk about some economic benefits of  
19      this mining. But I consider it natural resource development  
20      which are two very different things. Natural resource  
21      development imposes on our Navajo traditional way of life.  
22      And I was always taught that Mother Nature's hair in our  
23      lands is the coal that many companies have been digging up  
24      over the last several years for the sake of economic  
25      development and jobs and income.

1           This effort at uranium mining is not economic  
2 development. It's sold to Navajos in a package which looks  
3 like economic development and jobs brought to this area.  
4 The jobs will be few. In fact, I'm really surprised at how  
5 many Allottee folks are here speaking on behalf of let's  
6 start the mining, let's start the mining when, on September  
7 2nd, the very company that says they're going to pay you  
8 money to mine on your lands has filed a brief asking that  
9 they not mine on your lands for the next several years, that  
10 their attention be allowed to be focused to Church Rock,  
11 Section 8 specifically.

12           So you need to go back to HRI and say what's going  
13 on, what's Ms. Martin talking about. Why is she saying  
14 you're not going to mine on our land if you guys are able to  
15 get started.

16           As Mervin Tilden said earlier, the majority of the  
17 money that is made will go off the reservation to the parent  
18 company. The jobs aren't going to be there. And even if  
19 they are, many of the people that come on the reservation  
20 for the jobs, it will be short term, and it will be very  
21 highly technical. So whether or not they can train Navajos  
22 to do the work is questionable.

23           The down sides -- without HRI having a record of  
24 cleaning to drinking water standards, they have some  
25 options. You know, the market is questionable with the up

1 and down pricing of uranium. The company is, in my opinion,  
2 not stable, having posted a loss the second quarter of this  
3 year.

4           And as a company -- an incorporated company in  
5 this country, their option could very well be bankruptcy  
6 which leaves us, a community, with nothing. HRI has never  
7 mined close to a population of this size. They boast about  
8 success in their other mining operations. But they've been  
9 miles away from a population. And, in fact, in Texas, that  
10 water was contaminated already. So they can't say they  
11 cleaned up the water.

12           This water here serves thousands of Navajos  
13 including all of us in this room. It is the sole source of  
14 groundwater drinking water for Navajos -- thousands of  
15 Navajos in the eastern agency. And it's our duty to protect  
16 that water for other people who can't come here. There's a  
17 lot of elders and people who don't have transportation who  
18 can't come here to say a word in their behalf. So ask the  
19 judge and also ask specifically the NRC, you know, walk in  
20 our shoes. Try it, you know. Do what you can to review the  
21 past mining on Indian lands and its effect on Indian people.

22           I'm the former director of the Abandoned Mine Land  
23 Reclamation Program for the Navajo Nation as well as the  
24 former project director of Groundwater Clean Up under the  
25 UNTRRA Program.

1           Cleaning up the conventional uranium mines was a  
2 chore. We had a dedicated staff, and it's been a successful  
3 clean up. But the federal government has had to pay for  
4 that -- not the mining companies.

5           As far as the milling goes, they milled uranium 30  
6 years ago, and all the contaminants that settle in those  
7 milling sites have trickled down into the groundwater and  
8 have traveled. In fact, the Tuba City site, those millions  
9 of gallons of drinkable water. However, it's contaminated  
10 that is traveling to the In Aquifer, and that's the water  
11 that services the most of Window Rock. So there's some  
12 serious clean up issues over here.

13           And Rob, I believe I met you at Mexican Hat. We  
14 were handling the UNTRRA site there. You were the new site  
15 manager from the NRC. And I was even opposing supplemental  
16 standards at that site.

17           JUDGE BLOCH: Ms. Martin, you're 30 percent over  
18 running.

19           MS. MARTIN: Okay, I'm sorry. One more statement.  
20 We ask the judge and the NRC to scrutinize the true effects  
21 of uranium mining on an economically depressed population,  
22 study the impact of past mining activities where also state  
23 regulatory agencies have been involved, which is also the  
24 case here.

25           And a final note. Mining uranium from our

1 groundwater is simply unconscionable which amounts to an  
2 environmental injustice.

3 [Applause.]

4 JUDGE BLOCH: Gloria Guber. Is Gloria Guber here?

5 STATEMENT BY MS. GLORIA GUBER

6 MS. GUBER: [Speech in Navajo]

7 JUDGE BLOCH: Thank you.

8 TRANSLATOR: Greetings, everyone. There is this  
9 substance called uranium that is under discussion here. I  
10 am 89 years old, and there is all this dissension over this  
11 issue.

12 I have land rights, and I have monetary needs like  
13 everyone. And we shouldn't criticize each other over that.  
14 I am hurt, but not from uranium. Last year, I got hurt  
15 working my livestock. I drank water. My children drank  
16 water. My livestock drank water, and they are fine.

17 I hear that uranium is dangerous. But we  
18 shouldn't fight over this issue. We all need and want  
19 money, and we shouldn't be fighting over this. It is  
20 embarrassing to our visitors.

21 Our ancestors drank undeveloped water, and things  
22 were fine. I know that some people miss the birds and  
23 prairie dogs, and they say how come they are not here any  
24 more. And how come our children maybe they drink  
25 uranium-contaminated water, but even though there is no

1       uranium-contaminated water, our children do bad things and  
2       get into trouble. Why don't we talk about that.

3              Drought and lack of feed has killed our livestock.  
4       But uranium has not killed them. I want and need money, and  
5       I think that everyone else does. Thank you.

6              JUDGE BLOCH: Barbara Leonard.

7              STATEMENT BY MS. BARBRA LEONARD

8              MS. LEONARD: Hello to everyone who's here to  
9       listen and to speak. I'm glad to see you all here. Can't  
10      hear me? My name's Barbara Leonard, and I'm here to  
11      represent the 579,700 members of the Sierra Club who live  
12      all over the United States and around the world.

13              I'm acting as the local liaison for the Sierra  
14      Club National Justice Committee. I'm a resident of  
15      Continental Divide, New Mexico which is nearby. The Sierra  
16      Club sees what's going on here as a national issue, and we  
17      want the NRC to know that the Club and its members will be  
18      watching what happens here.

19              The Sierra Club has sent a letter to Ms. Shirley  
20      Jackson, Chair of the U.S. Nuclear Regulatory Commission,  
21      and I have a signed copy of that letter for the judge.  
22      We're strongly opposed -- I'll just the first paragraph of  
23      the letter.

24              We strongly oppose the renewed uranium mining and  
25      processing at Crown Pointe and Church Rock on Navajo lands

1 proposed by Hydro Resources, Incorporated. While the  
2 benefits to the local economy and the national energy supply  
3 are insignificant, the risk posed to human health and to the  
4 environment are incalculable and the potential damage  
5 irreparable.

6                 The leach mining technique proposed for the  
7 uranium recovery requires injecting chemicals into the same  
8 below ground rock formation which bears the region's below  
9 ground water supply.

10               This places the most precious natural resource in  
11 the Southwestern region of our nation, a drinking water  
12 supply, at tremendous risk, contamination of this  
13 groundwater, the major water supply for the Crown Pointe,  
14 would imperil the health of tens of thousands of nearby  
15 residents and could drive them from their land.

16               Thus, this project yields no benefits to the  
17 public, threatens human health, and risks the ability of the  
18 area to support a human population. We have other concerns  
19 that have been stated by some of the speakers. There's no  
20 need for uranium at this time because there's plenty  
21 available on the market.

22               The proximity of the mines and processing plant  
23 would endanger the residents of the local communities. They  
24 could be exposed to accidental releases of radioactive  
25 material. Safety hazards of transportation of radioactive

1 material over local roads, and, as has been stated before,  
2 the local hospital safety committee does not have and the  
3 community do not have the resources to deal with accidents  
4 involving radioactive materials.

5 And we're concerned about the history of what the  
6 Navajo people have suffered from 50 years of uranium mining  
7 including contaminated groundwater around closed uranium  
8 mines. Mill tailing piles have been a hazard to many  
9 communities.

10 The Navajo nation is spending millions of dollars  
11 dealing with the clean up of more than 1,000 abandoned  
12 uranium mines on the reservation. And people all over the  
13 country are becoming aware of the history of the Navajo  
14 miners and uranium mines who were not given adequate  
15 information or protection for their work. They thought  
16 everything would be okay, too, and many of these miners died  
17 or are dying from lung cancer and related mining diseases.

18 And, of course, there's the spill of 1979 of 94  
19 million gallons of radioactive liquid into the Rio Proco  
20 near Church Rock and 20 years of discharge of untreated or  
21 poorly treated uranium waste water into the local  
22 environment.

23 We don't believe this tragic 50-year history  
24 should be continued with this proposed unnecessary but very  
25 risky project. I wonder if the American public will

1 continue to accept such action on the part of government  
2 agencies.

3                 The Sierra Club urges the NRC to provide full  
4 equitable local participation in its hearing process and to  
5 respond to citizens' concerns. In conclusion, I'll read the  
6 final paragraph on the letter.

7                 We urge the NRC to extend to the Navajo people,  
8 many of whom are actively opposing this proposed mining  
9 activity, the benefits of environmental protection and the  
10 right to environmental justice which are shared by all  
11 Americans to include local citizens in all phases of  
12 decision making and to submit to the will of the people by  
13 stopping this project.

14                 The letter's signed by Ross Vincent of the  
15 Environmental Quality Strategy Team of the Sierra Club. And  
16 thank you for listening to our concerns. Thank you.

17                 [Applause.]

18                 JUDGE BLOCH: Thank you. Our next speaker is Jana  
19 Gunnell.

20                 STATEMENT BY MS. JANA GUNNELL

21                 BY MS. GUNNELL: Hello. Thank you, Judge Bloch  
22 and Judge Murphy. I appreciate your attentiveness and your  
23 respectful manner. I have to say that as a Bilagaana here,  
24 I'm often ashamed at the behavior of my relatives from the  
25 Diane culture when they come to Navajo land.

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

1           My name is Jana Gunnell, and I'm a public health  
2 doctor. I live in Gallup, but I work throughout McKinley  
3 County and throughout the northwest corner of New Mexico as  
4 a public health doctor

5           I want to talk a little bit from my perspective as  
6 a doctor of public health, recognizing that there are real  
7 limitations in the knowledge that I bring to this. When we  
8 talk about public health, we say that our scientific base is  
9 epidemiology. Epidemiology is the study of what happens in  
10 populations, the study of what happens in people's health.

11          We say our philosophical base, where our hearts  
12 and minds come from, is social justice. The science of  
13 epidemiology is interesting. It teaches us a lot, but it  
14 has limits. One of the things it's taught us is that  
15 McKinley County has the highest incidents often of certain  
16 diseases, one of which is called Hepatitis A. You've  
17 probably all heard of it. Probably people in your family  
18 have had it.

19          And in McKinley County, more of us get that than  
20 almost any place else in the United States. And a lot of  
21 that is about the scarcity of our water supply. It's a very  
22 precious resource here. And the lack of it to maintain  
23 proper hygiene often leads to disease. We know that.

24          It seems beyond imagining that, from a public  
25 health perspective, that we would in any way choose to

1 threaten such a precious and scarce resource as our water.  
2 I just want to speak a little bit, though, to the limits of  
3 epidemiology.

4 We seem to be able to study single exposures. We  
5 can say, okay, let's take this thing and say that if we're  
6 exposed to so many parts per million of this one thing, it's  
7 probably safe. But the reality is that we live in a world  
8 with multiple exposures, and our science is unable to speak  
9 to that at this point.

10 People in this area have received multiple  
11 exposures to multiple substances. We don't know that  
12 effect. We can't guarantee that safety. I want to speak a  
13 little bit, then, to social justice.

14 I believe that as a public health worker I have to  
15 be a student of social justice as much as I am a student of  
16 epidemiology, that science. I believe that this is an area  
17 and a population that has been asked to assume risk over and  
18 over and over again, and I believe that is unjust.

19 So I believe the mining is scientifically  
20 indefensible. But I also believe that it is not just, and I  
21 oppose it. Thank you.

22 [Applause.]

23 JUDGE BLOCH: Thank you, Ms. Gunnell. Mary  
24 Mariano. Mary Mariano.

25 STATEMENT BY MS. MARY MARIANO

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

1 BY MS. MARIANO: [Speech in Navajo]

2 TRANSLATOR: Greetings, everyone. I will speak  
3 for him. He has difficulty speaking, and he is hard of  
4 hearing as well.

5 The uranium has been found in his land, and he has  
6 already given his okay. There are people from elsewhere who  
7 are going around opposing this mining. His grandparents and  
8 relatives all have ties to this land, although the present  
9 resident of this land goes around opposing the mine.

10 If he could talk, he would tell you that he has  
11 given his okay. We hear that uranium is dangerous, that it  
12 will harm the water, but that's not right. The uranium has  
13 always been there, and the water was fine.

14 The uranium is not the only thing that can harm  
15 us. Even sugar is harming us today. Uranium is not the  
16 only one, and there is tobacco in all kinds of forms and  
17 alcohol use that we do not discuss.

18 I listen and observe at these many meetings, and I  
19 have attended a few. And usually I do not say anything.  
20 But I wanted to speak for him, and this is what he wanted to  
21 say. This is all I have to say for him.

22 STATEMENT BY MS. MICHELLE MORRISON

23 BY MS. MORRISON: Navajo EPA is who I work for in  
24 Window Rock. I'm here on behalf of my agency to submit some  
25 comments that we have submitted to the NRC previously in

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

1 reviewing the document.

2 I basically wanted to show for the record that we  
3 have been cooperating with all the parties involved as far  
4 as reviewing documents and providing our technical review of  
5 the various concerns that we have with this project.

6 Some of the documents that we have received and  
7 reviewed are the draft environmental impact statement, the  
8 environmental impact statement, the air and the operating  
9 plan. We also wanted to let you know that we have submitted  
10 comments to the company themselves and the State of New  
11 Mexico. We've also submitted comments to the NRC directly.  
12 We have been cooperating through the U.S. EPA in San  
13 Francisco to discuss questions that we have regarding sole  
14 source aquifer type questions for a management control  
15 permitting requirements.

16 We've also looked at other areas of water quality,  
17 groundwater, air questions and emergency response-type  
18 questions to handle any type of spills. Basically, we've  
19 presented our comments in technical form to our oversight  
20 committee which the Resources Committee, and we've also  
21 submitted comments to the full Navajo Nation Council last  
22 year, July of 1997, and I have that document here with me.

23 We've also submitted comments to the past  
24 president, and we are yet to update our current president.  
25 Unfortunately, our director is unable to make it today.

1       However, we will be getting a letter to the NRC with our  
2       signature probably Thursday. So that was all I wanted to  
3       let you know.

4                     JUDGE BLOCH: Ms. Morrison, you arrived after my  
5       introduction. I just want to state that the formal record  
6       here is being compiled by the parties, and I am interested  
7       -- intensely interested in hearing from the people today.  
8       But for material to be considered before me, it has to be  
9       submitted by a party to the case.

10          MS. MORRISON: Okay.

11          JUDGE BLOCH: Earnest Biscente.

12                     STATEMENT BY MR. EARNEST BISCENTE

13          MR. BISCENTE: Good afternoon, ladies and  
14       gentlemen. My name is Ernest Biscente, Sr., former  
15       president, Eastern Navajo Council for the last 20 years, the  
16       chapter also for 34 years, chairman of McKinley County,  
17       County Commissioner 16 years.

18                     Talking about uranium, to look at it, my  
19       grandmother's just walked out of here. Talk about water.  
20       Is the water your mother, right? Why talk about your  
21       mother? Your mother raised you, feed you, come to the point  
22       where you became a man and a woman. That's the way of my  
23       thinking.

24                     I'm living right above four miles of Church Rock  
25       mine. My grandfather hits 115 years old, four teeth, black

                           ANN RILEY & ASSOCIATES, LTD.  
                           Court Reporters  
                           1025 Connecticut Avenue, NW, Suite 1014  
                           Washington, D.C. 20036  
                           (202) 842-0034

1 hair, steady hair, 100 yards. My grandmother's 114 years  
2 old, still has the same thing, no glasses, all of that. My  
3 mother, 110, grows the same way.

4 I never believe in what is all about, you know.  
5 We don't want to talk about it. I don't want to talk about  
6 my mother. I don't want to talk about my father. My Mother  
7 Earth, heavenly father, the sun, the moon, and the  
8 mountains. It's our mothers, it's our nature. Why are we  
9 talking about it.

10 My grandfather shaked that out of that well. It's  
11 still there. The well's still there. We still use it. We  
12 still drink it. I don't think that's a bother to your  
13 health. I think that's ability. Your ability, your  
14 thinking, your long range planning of the living on this  
15 earth, that's where it's from, our Mother Nature, our mother  
16 water.

17 I believe and this is the words that come out.  
18 Why are we fighting? Why don't we fight something else like  
19 my grandmother says -- disease, drugs and this and that.  
20 What are we fighting for? I don't think that's right.

21 I don't think I'll fight with my mother. I don't  
22 think I'll fight with my brothers. I think I have a  
23 confidence behind them, and that's why when I was the  
24 president of the Church Rock chapter, to telling my people  
25 we had a movie for a week. We had the slides for a week to

1 make them understand how that thing worked. That's why we  
2 passed that resolution.

3 At this time of the day right now, I'm still  
4 supporting that resolution. Remember that. Your Mother  
5 Earth. As you go back, you go back to your mother down  
6 below. Nobody's going up. It's down here. They still take  
7 care of you down there like they take care of you right on  
8 top. They take care of your life style. They water your  
9 livestock. They water you.

10 So this is how that thing worked out. Let's work  
11 it out the same now. And I think in Church Rock area, I  
12 don't see anybody die from there just like my grandmother  
13 says. I don't see any horse die, mice, roaches, ants,  
14 nothing. Nothing happened like these guys talk about. I  
15 don't know, maybe their policies are different from other  
16 there where they work. But in all that mine and all those  
17 years, all those people are healthy as it is today. Thank  
18 you very much.

19 [Applause.]

20 JUDGE BLOCH: Thank you, Mr. Biscente. Larry  
21 King.

22 STATEMENT BY MR. LARRY KING

23 MR. KING: My name is Larry King, and I live just  
24 across from the proposed Church Rock uranium mine. And  
25 speaking on behalf of my relatives that are currently living

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

1 there, residing there, we are strongly opposed against this  
2 uranium mining that is proposed there. And also, I believe  
3 that the HRI are not giving us a straight answer on what  
4 they're proposing to do.

5 I understand and I heard that they were going to  
6 start the Church Rock uranium mining or the Church Rock site  
7 as an exploratory. In other words, I'm going to be the  
8 guinea pig there since I live right across. What if  
9 something happens there? Are they going to be ready to --  
10 are they ready to clean up if there's any spills or anything  
11 that should happen there.

12 It seems like if this exploratory site is for the  
13 Church Rock site, that means they're not ready to conduct  
14 this leach mining at all. Also, I am concerned about the  
15 proposed route that's going to be taken that's proposed  
16 between here and also Church Rock. There's several  
17 communities in between the Pinedale community, the Manalac  
18 community, the Smith Lake community chapters. Several  
19 people live along that route. A lot of people use that  
20 route. And also, there's bus routes, people that are  
21 hitchhiking along the road. And as you heard from the  
22 hospital staff that the hospital is not prepared for any  
23 accidents that should happen. So what if there's something  
24 that happens up there? What's going to happen? Are they  
25 going to be able to relocate all those communities up there?

1 Are they going to be able to compensate them for any  
2 injuries that they might cause them?

3 So, therefore, I strongly oppose. And I also,  
4 speaking on behalf of my relatives that are unable to come  
5 out here, that we are opposed against this leach mining.  
6 Thank you.

7 [Applause.]

8 JUDGE BLOCH: Thank you, Mr. King. I'm planning  
9 to be hearing people until a little after 5:30. So I want  
10 to take a ten-minute recess right now. It's 4:35 on my  
11 watch. We'll start at 4:45.

12 [Recess.]

13 JUDGE BLOCH: I would like to announce that the  
14 entire record of this case is available at the DNA College  
15 Library reading room, and I would encourage anyone who wants  
16 to keep up with what's happening here and with the technical  
17 issues that I must face to examine the documents in the  
18 reading room.

19 They've extensive. The volume is not the test.  
20 It's the truth that I must be looking for. But if you want  
21 to have an idea of what the volume of the proof in this case  
22 is, just take a drop by the DNA College Library reading  
23 room.

24 Dorothy Martin?

25 STATEMENT BY MS. DOROTHY MARTIN

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

1 BY MS. MARTIN: Greetings to everyone, to all our  
2 visitors, men and women.

3 On this discussion on uranium mining, I want to  
4 say that I live here in Crown Pointe. My ancestors have had  
5 livestock here. They had great numbers, large herds. Now  
6 only a few head are by our homes.

7 In a time of war in the past, it is said uranium  
8 was brought out of the ground and was used to win a war. It  
9 is said to have killed many Japanese. But I live in this  
10 community. The water is precious to us. What if we  
11 contaminated the wells, the water?

12 The BIA's water well helped us out a lot. But  
13 even then in the more rural surrounding areas, the people  
14 would say that the water was bad, it didn't taste good. So  
15 they would always come here to Crown Pointe and get water to  
16 take home to drink and make coffee with.

17 But water costs us now. You have to pay if you  
18 want to load up some water. It is not free any more.  
19 Relatives come by my house to get water from me sometimes.  
20 So what if we contaminate our water? What then? What will  
21 we do then? I don't think that this warrants arguments and  
22 discussion. Water is a precious resource.

23 And there are also holy sites out here from an  
24 ancestor from a forbearer that there are holy sites around  
25 Crown Pointe. I don't know if he meant that uranium is

1 laying underneath, and maybe that wasn't to be tampered  
2 with. Maybe because of tampering with what lies underneath  
3 the ground here, maybe that causes the lack of rain and even  
4 the corn doesn't grow.

5 So this is not my piece on this discussion. I say  
6 that uranium is not good. And there are archeological sites  
7 where along the road sites they are digging up the remains  
8 of the Anasazi. We are doing a lot of things. And the  
9 people who sign to have uranium mined from their lands in  
10 the old days, those people did not benefit, did not profit  
11 money wise.

12 I have a relative, Herb Biscite, who signed his  
13 land over for mining. He isn't around any more, and he has  
14 a brother who all those people who signed over their land  
15 for mining, they're all passed on. So it is not a good  
16 thing. All the people that signed over their land for mining  
17 are no better off. This land is holy. It's where our  
18 forbearers, our grandparents, our parents have been saying  
19 their prayers for years. Thank you.

20 JUDGE BLOCH: Ben Benali.

21 STATEMENT BY MR. BEN BENALI

22 MR. BENALI: [Speech in Navajo]

23 JUDGE BLOCH: Thank you, Mr. Benali.

24 TRANSLATOR: Greetings. We've met here for a  
25 purpose. Even though we don't speak the same tongue, I

1 think that we will resolve some issues here.

2           Land concerns me. Uranium was found in my land,  
3 and I signed years ago to have the uranium taken out of my  
4 land. Uranium, I hear, is dangerous, and that is in my  
5 land. And I don't live there. I figure I'll live till they  
6 take all the uranium out.

7           And I say Anglos are the only ones who get  
8 anything done. So I say let them do what they want. They  
9 are the only ones who are getting anything done. And I say  
10 that we benefit from everything that they are doing.

11          And there is no secret about this uranium thing.  
12 It has been an open policy. We meet and we are told it will  
13 not hurt us. I have given my okay. I think that it will  
14 mean jobs for everyone.

15          I have children and grandchildren, and they can't  
16 find jobs. Maybe they will find work when the mining starts  
17 up. They've gone to school, but there is no work. I am  
18 asking, I am pleading in a nice way. I do not think of  
19 anybody as an adversary. I will continue to greet everybody  
20 the same. I do not think bad of anyone that opposes me.

21          And I think that we should give an okay to the  
22 mining. That is all I have to say.

23          JUDGE BLOCH: I'm going to have trouble with the  
24 next name. But the woman knows that she's next. Velliayah  
25 -- you'll have to say your name for me. I'm sorry.

## 1 STATEMENT BY MS. VELLIYAH CRAIG

2 MR. CRAIG: Hello. My name is Velliayah Craig.

3 I've lived in Crown Pointe all my life, left for a few years  
4 to go to school, came back to work here.5 I presently work here at the Crown Pointe Health  
6 Facility as a pharmacist to take care of my people. And I'm  
7 not representing the hospital or anything. I'm speaking as  
8 a concerned citizen.9 I'm a concerned mother. I have two children that  
10 I have, a future grandmother, a future great grandmother and  
11 children to come. The first thing I want to say is that  
12 water is life. We could go without food for a long time,  
13 but last not more than four or five days without water.14 We need water for our land, for our crops, and in  
15 everything. When I moved away to Albuquerque, I used to  
16 bottle water to take back to drink. I mean, the water in  
17 Albuquerque is drinkable, but it doesn't taste as good as  
18 Crown Pointe water. People can say it's contaminated,  
19 whatever. Crown Pointe water is the best water that you can  
20 drink. Even from the store, you buy bottled water. It  
21 still tastes yucky.22 My brother goes to school, or he went to school in  
23 Las Cruces. He hauled water over there to take to drink.  
24 My sister now lives in Albuquerque. She takes water to  
25 drink. That's how good the water is here in Crown Pointe.

1           It took millions of years to get the aquifer to  
2 where it is now. And when they begin this uranium mine and  
3 pollute it with all of the minerals that they need to mine  
4 it out, it isn't going to be the same. Somebody said that  
5 they can make it twice as better. That's a lie. It cannot  
6 happen.

7           Some say the mine will improve livelihood,  
8 creating jobs. Jobs you'll have, I mean, right from the  
9 beginning, maybe when the mine first begins. But over a  
10 matter of time, there's not going to be any jobs. It  
11 doesn't take that many people to run the uranium mine after  
12 everything's been done. And a lot of the Navajo people will  
13 not have jobs. It will be the white men who come out, maybe  
14 a few Navajos, but overall there will not be jobs.

15          And we're talking about, well, allottees wanting  
16 money. That's basically what this thing is all about is  
17 money. And a lot of people will have money, immediate  
18 benefits. And I strongly feel that there are a lot of  
19 grandmas, grandpas who really don't understand what is  
20 happening. They have influences from their children,  
21 grandchildren telling them to sign this thing because they  
22 want money.

23          The money will be there now. Maybe a few years  
24 later. But after a while, it's going to be all gone, and  
25 you're going to be maybe worse off, if not better than what

1 you are now because you won't have the pristine water that  
2 we have. You'll have cancer. Babies will grow with poor  
3 bone development. Teeth will be stained. Sisters and  
4 brothers will die of cancer. Your grandchildren will die.  
5 Great grandchildren. There's not going to be any future  
6 real benefits from this thing.

7 And then you say that your children need jobs. As  
8 I said before, I mean, I went away from school. And you're  
9 telling us that you want our kids to come back and work.  
10 Well, I left. I went to school, worked my butt off so I can  
11 come back and help my people. But if this uranium mine  
12 comes, it's going to chase some of us away.

13 I came back to help my people. And now this  
14 uranium mine is going to come, and then that's going to mean  
15 that I'm going to leave. And you're talking about bringing  
16 your children home to work. I don't think so.

17 There's already plenty of uranium in the world.  
18 We don't need any more. The uranium that we do have now can  
19 last us years and years and years. And there's no  
20 guaranteed economy in this thing. And as you heard before,  
21 this company will probably go bankrupt, and the people who  
22 think they're going to be getting money and benefits from  
23 all of this will end up being burned. They won't get what  
24 they wanted or what they expected out of this uranium mine.

25 There is no real benefits from this mine. Every

1 time I hear uranium mine, all I can think about is cancer,  
2 hurt, betrayal from the people who thought that they were  
3 going to get something out of this, but they're not.

4           And I'd like you, Judge, to truly consider all the  
5 bad consequences that are going to happen from this mine.  
6 Water is life. And we all live from it. The decision that  
7 you make is going to be a decision that you make for my  
8 children, my grandchildren, my great grandchildren.

9           It's the best water anywhere. And I just hope  
10 that you judge against it. Thank you.

11           [Applause.]

12           JUDGE BLOCH: Thank you, Ms. Craig. Connie House.

13           STATEMENT BY MS. CONNIE FRANCIS HOUSE

14           BY MS. HOUSE: Okay, first of all, my name is  
15 Connie House. My father's Benjamin A. House. My beloved  
16 mother was Ella Jean House. And first of all, I'd like  
17 everybody to stand up, please. Everybody stand up, come on,  
18 stand up. Stand up.

19           Okay, now move to your left whichever left you  
20 have. Move to your left. Come on, ladies, move to your  
21 left. Now move to your right. Now you can sit down. Now  
22 you can all go home and say you were moved by this meeting.

23           [Applause.]

24           MS. HOUSE: I had a statement written down for me.  
25 But sorry, Dad, I'm not going to use it. I'm going to speak

1 on my behalf from my heart.

2 I am for the uranium. Why? I, too, left the  
3 reservation. I have no bachelor degree like some of your  
4 people do. You may have your high school diplomas, all  
5 these degrees that everybody mentions. I'm happy for you.  
6 But I don't.

7 I graduated, thank God. You may have all your  
8 pencil pushers. That's good. But I'm talking as a single  
9 parent. I have two children, and my degree is 15 years of  
10 raising them. I have an eight-year-old.

11 And I came back two years ago, and what did I come  
12 back to? No jobs. Crown Pointe still the same old Crown  
13 Pointe when I left. I played here. I have roamed these  
14 Mesas up here. I played in the dirt. I did everything out  
15 here as a child.

16 I came back thinking I'll get a job. Basically,  
17 you need to know somebody in the Department -- excuse me, or  
18 you have to kiss ass with somebody in order to get a job in  
19 Crown Pointe. For me, sorry, I don't do that. I do things  
20 on my own. And I'm proud of who I am, and I'm proud of my  
21 people, those that come around and say we don't want this,  
22 we don't want this. Mother Nature, all this -- where is it?  
23 Your young people aren't doing it.

24 I have friends that graduated, also. They have  
25 good experience. They're hard workers. Nobody wants to

1 give them a job. Mostly a lot of these people that came up  
2 here, the older ones, yeah, you got a job. I'm happy for  
3 you. But I don't.

4 I'm in school at CIT, and I travel back and forth  
5 just to educate myself. I'm not a pencil pusher, like I  
6 said. I like to work outside. I like to work with my  
7 hands. I graduated, well, for you guys, a certificate's a  
8 certificate, you know. It's not a degree. I got that in  
9 building maintenance.

10 I went back to educate myself for another  
11 certificate. Excuse me, for carpentry. Tuesdays, I take  
12 welding. Hopefully, I finish this one, maybe I can go back  
13 into Gallup Branch, take welding again. I need a job. I  
14 know everyone's worried about the water. But it says in the  
15 bible, God created the heaven and the earth. Why is  
16 everybody afraid if they believe in God or their so-called  
17 Great Spirit. But yet, they're out there drinking the fire  
18 water out of misery because there's no employment. They go  
19 home drunk, beating up their wives, or their wives  
20 complaining because there's no job.

21 My boyfriend has a good education, but he can't  
22 find a job. It's hard. All those that wear the ties, the  
23 nice shirts that have something behind them, I'm happy for  
24 you. But for me, where I come from, you don't know what us,  
25 my friends and fellows -- friends that I know -- have to go

1 through to get a job.

2 You have to know somebody to get a job. You have  
3 to be related to somebody in that department. Thank you.

4 [Applause.]

5 JUDGE BLOCH: Thank you, Ms. House. Sister Rose  
6 Marie Cecchini.

7 STATEMENT BY SISTER ROSE MARIE CECCHINI

8 MS. CECCHINI: Greetings of peace to Judge Bloch,  
9 Judge Murphy and to all of you gathered today.

10 My name is Sister Rose Marie Cecchini. I'm a Mary  
11 Knoll sister, and I working -- living and working in Gallup.  
12 I'm concerned because one of the projects envisioned would  
13 imply that deep in situ leach wells would be driven into the  
14 Morrison aquifer which is seven miles from Gallup.

15 There is the danger of deep water leaks, breakages  
16 above water, groundwater spills. And this is the sole water  
17 for 50,000 people. That includes Navajo people and the  
18 people of the communities surrounding the Morrison aquifer.

19 I'd like to express opposition to the proposed in  
20 situ leach uranium mining project in Church Rock and Crown  
21 Pointe. I've noticed that much of the debate that we hear  
22 on this issue has focused around the political and economic  
23 considerations. However, I feel the moral issues, the socio  
24 and eco-justice issues that underlie the resumption --  
25 wholesale resumption of uranium mining in New Mexico have

1 hardly been even brought to the surface of our local but  
2 also our national awareness and conscience.

3 So I'm speaking to you out of this concern. I  
4 speak as a concerned Christian, and I know there are many  
5 Christians among the Navajos. I'd like to speak to this  
6 moral dimension that has remained mostly muted in much of  
7 the discussion.

8 According to an Internet report on impacts of  
9 uranium in situ leach mining, the advantages and also  
10 disadvantages of in situ leaching are stipulated, and I  
11 would quote: "The disadvantages of the in situ leaching  
12 technology are (1) the risk of spreading of leaching liquid  
13 outside of the uranium deposit involving subsequent  
14 groundwater contamination; (2) the unpredictable impact of  
15 the leaching liquid on the rock of the deposit; (3) the  
16 impossibility of restoring natural groundwater conditions  
17 after completion of the leaching operations."

18 We're very concerned for the Morrison aquifer  
19 which is already below and depleting rapidly that 4,000  
20 gallons of water per minute will be utilized 24 hours a day  
21 for the duration of the project.

22 There's also a report from Nuclear Workers  
23 Document On Cancer, and it states a UCLA study that "low  
24 doses of radiation have been proven to kill," and it goes on  
25 to state why and how. I'm speaking on behalf of human life,

1       the environment, the animals and the creatures who share our  
2       earth home.

3                 And I believe as a Christian, I have a  
4       responsibility to be a steward and truly faithful in my  
5       relationship, a just relationship with the creation that is  
6       a gift from God. I'd like to ask you today just to think  
7       about this. How do these dangerous threats impact the  
8       health and well being of all of the community of Crown  
9       Pointe, Church Rock all through Mariana Lake, Pinedale, all  
10      these communities of beautiful people?

11               What will be the effects from irreversible  
12      radiation contamination of soil and water? Behind the  
13      reassuring safety claims made by the proponents of the in  
14      situ leach uranium mining -- and we must state that these  
15      remain unsubstantiated by scientifically documented research  
16      on other in situ leach sites in Nebraska, Texas, Wyoming.

17               We see in this an unsustainable model of  
18      development, and it undermines the life and well being of  
19      people, Mother Earth. This model brings profit to  
20      corporations and a few individuals. But it leaves the vast  
21      majority with a death-dealing legacy, and it means a legacy  
22      of radiation diseases, of cancer, of genetic mutation that  
23      will disrupt the gene code for generations to come and which  
24      will be irreversible. What is the cost of this?

25               Can you balance the economic and the political

1 against these values? The spiritual values are at stake.  
2 And so this legacy is something we need to look hard and  
3 fast at. The decisions to be made are irreversible. And so  
4 I speak out of this sense of a page of history being  
5 written. And I would hope it is not a repetition of the  
6 page of history that was experienced all too painfully in  
7 this part of our Navajo people nation and to whom we owe  
8 such a debt, and it is irreplaceable and irreparable that I  
9 believe that this is morally untenable, and I would like to  
10 be on record as stating that. Thank you very much.

11 [Applause.]

12 JUDGE BLOCH: Thank you, Sister. Sister Cecchini,  
13 thank you. It's now almost 5:30, and we have a session this  
14 evening at seven. I'd invite you to join us again at seven.  
15 Our objective at that time will be to finish hopefully by  
16 9:30. I am taking with me the sign-up materials. But I'll  
17 be back before seven. If there are people who have not yet  
18 signed up, they would be welcome to sign up at that time.  
19 Thank you, and I'll be back at seven.

20 [Whereupon, at 5:30 p.m., the meeting was  
21 recessed, to reconvene at 7:00 p.m., this same day.]

22

23

24

25

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

## 1                   E V E N I N G   S E S S I O N

2                   [7:00 p.m.]

3                   JUDGE BLOCH: I would like to repeat for those who  
4                   weren't here this afternoon that I am listening intently to  
5                   all the people who speak to me this evening for the purpose  
6                   of understanding what local feeling is.

7                   But my job as a judge is to study the record of  
8                   this case which is compiled by the parties who are before me  
9                   at these tables. And there's a lot of technical information  
10                  and legal information to digest. The decision in this case  
11                  is not political in the sense of favoring one person or  
12                  another person or one group of people or another group of  
13                  people.

14                  It will be based on a detailed analysis of safety  
15                  and environmental concerns and other concerns that have been  
16                  raised before me.

17                  Our first speaker for this evening is -- I've  
18                  asked people to limit their speeches to six minutes. That's  
19                  so that everyone can have an opportunity to speak. There  
20                  are two individuals who are signing up right now. The  
21                  sign-up list is now closed. No one is to be added to the  
22                  list until we've finished everyone who's already on the  
23                  list. At that point, we'll decide if there's additional  
24                  time.

25                  Mr. Jeff, I'd like to welcome you to the evening

1 program and invite you to speak.

2 STATEMENT BY MR. MR. SAM JEFF

3 MR. JEFF: Thank you very much, Judge. My name is  
4 Sam Jeff. I reside here in Crown Pointe with my children  
5 and grandchildren. I'm an educated individual. I got my  
6 degree in education. And also I have a concern about things  
7 that have been said.

8 You know, there's a lot of things that have been  
9 said so far of cases, good cases that must be sent back to  
10 discuss for consideration. And we're talking about human  
11 life as well as monies as people are talking about uranium  
12 mining here.

13 I am sick myself physically, mentally from toxin  
14 chemical uranium disease affecting my life. I'm 100 percent  
15 disabled veteran, Vietnam veteran. I've been exposed to a  
16 lot of chemicals, and it's affected my whole human life.  
17 I've been smelling, eating, sleeping in it while I served in  
18 the jungles.

19 I know how it will affect a human life, the toxin,  
20 the fumes, the chemicals. Even though people said, you  
21 know, it's safe, it's not going to hurt. But you don't  
22 experience -- people have no experience. That's why they're  
23 saying that it's not going to affect you.

24 If you experience, if you're exposed to it, you  
25 know what you're talking about. But if you're exposed to

1 those things, it's going to affect you in the future, your  
2 children. You care about your children, your loved ones.  
3 See, I love my grandchildren. They want to live a good life  
4 in the future.

5 We say we pray for our grand kids. We're lying.  
6 We're risking their life. You know, we're just looking for  
7 money. That's what everybody wants -- money. You don't  
8 work for -- I work for the money. People work for the  
9 money. They earn it, and this is your land, too. It's not  
10 ours. It doesn't belong to us. And we suffer for it. I  
11 suffer for it. I'm a veteran. I can say what I want to  
12 because I defend, I served my country.

13 There's no one saying that. It's good living, you  
14 people living here, a good life. You sleep, go to read,  
15 whatever you want to do, freedom. Freedom is not free.  
16 People must look for what is the best for them at this time  
17 -- not what's going to harm. That's what they look for.  
18 They don't look at the other side of good life. They don't  
19 care what's going to happen to them. They don't even  
20 recognize. They don't read the article. They don't look at  
21 the things that can harm them or if they can expose or drink  
22 them. That's how come there's disease after people killing  
23 them, alcohol.

24 The same way people are just being used. They  
25 said there's new technologies, new techniques, new methods.

1 Didn't experience to human beings the experiments were made  
2 to animals. If you're a human, you will experience an  
3 experimentation to humans, you know, you could see how ill  
4 effect.

5 You're reading the newspaper. Look at those books  
6 how the effects of cancer can kill you. Sore, organ,  
7 disease, all those things kill us. We do not tend to talk  
8 about what's going to harm us, kill us. We just go along  
9 with what is not good for us.

10 We're the followers. We just follow people. What  
11 people -- what these foreigners say, the laws, you know, we  
12 just follow them. We don't think twice. We don't  
13 investigate. We don't exercise our mind. We don't observe.  
14 We don't do an experiment of what will happen to our lot in  
15 the future.

16 We do not even read or say -- talk about what kind  
17 of disease there is. Only the doctor -- you just leave it  
18 to the doctors, say they know what they can do. When you go  
19 to the hospital, they just give us aspirin for the pain, the  
20 illness. And we don't even realize it that they've been  
21 using us. We've been used, as someone said, as guinea pigs  
22 and don't even realize it.

23 We even give up our land, what belongs to us, say  
24 here, you take it. Later on, we try to take it back. It's  
25 our leaders that's doing that to us, too. We elected our

1 leaders, Navajo leaders, somebody that could lead us. They  
2 said to lead us in a good path. Look what's going on?  
3 They're parting us. We're being bought. We currently don't  
4 have any rights any more, human rights, Constitutional  
5 rights. We're just working against each other, neck to  
6 neck. We don't try to regain what we lost.

7                   The company knows us. They use us any way they  
8 want to.

9                   JUDGE BLOCH: Mr. Jeff, you're over time. If  
10 you'd like to wind up right now, please.

11                  MR. JEFF: So I want to speak on behalf that I  
12 strongly, fully oppose because I protected the land, the  
13 reservation, the people, and I'll continue to protect it.  
14 Thank you very much.

15                  JUDGE BLOCH: Thank you, Mr. Jeff. Wayne Arviso.  
16 Is he here? Mr. House, do you want to speak right now?

17                  STATEMENT BY MR. BENJAMIN HOUSE

18                  MR. HOUSE: My name is Benjamin House, and my  
19 mother is one of the allottees that signed the uranium  
20 agreement with HRI five or six years ago. And to this day,  
21 she has not received any kind of benefits from the royalty.

22                  And so are over 200 allottees. You know, HRI has  
23 an open door policy for public input. Our Crown Pointe  
24 office has been fully staffed with Navajo and  
25 Navajo-speaking workers for the past ten years, and our door

1       is always open for any one of you to see us and talk to us.  
2       If you have any question, you can visit with us and we will  
3       explain the operation that HRI, how the company will mine  
4       the uranium.

5                 There have been 50 or more public meetings similar  
6       to this for the past ten years at Gallup, Window Rock,  
7       Church Rock, Crown Pointe, Pinedale and all the surrounding  
8       chapter communities. Fifty to seventy-five people have gone  
9       to HRI Texas Mine in South Texas to physically tour the site  
10      so that they will have a better understanding of the  
11      operation.

12               We have taken some Navajo leadership and hopefully  
13       that they will have a good idea what they're dealing with in  
14       decision making. Many people who have claimed that HRI does  
15       not explain -- refused to go on the tour. In fact, we have  
16       extended our invitation to ENDAUM to go down and try and  
17       find the truth. But they don't want to know the truth.

18               People say that environmental impact statement was  
19       not available. We have those at the office. You can come  
20       any time, and you can have one. We have had 50 copies to  
21       give away at the site.

22               Many of the concerns are about conventional  
23       mining. As I can see, these opposing groups are looking at  
24       HRI through the eyes of the 1950s and focusing only on past  
25       environmental discretion. So you can see there's a vast

1 difference between in situ leach mining and conventional  
2 mining.

3 Consider the following. In situ leach mining has  
4 no tailings. At Church Rock, tailings spills does not  
5 count. ISL Mining has no milling, no ore paths, no dust.  
6 As some said, we start mining, all the dust will be coming  
7 over Crown Pointe, and that's not true. A lot of these  
8 operations, the way we're going to mine uranium are confined  
9 in the pipes and in the tanks and in the building we'll be  
10 working in.

11 In situ leach has no underground mines and no  
12 miners underground. All the past conventional mining, you  
13 are exposed working underground. I worked underground when  
14 I was only 15 years old at Smith Lake, Black Jack Mines.  
15 They used to blast, and they didn't have vents. So we  
16 walked in the dust, and we didn't know. We wore the same --  
17 I used to wear my clothes, go home in the same clothes,  
18 sleep in it, go back to work the next day and work  
19 underground.

20 And if you were exposed five, ten, fifteen years  
21 or twenty years under that type of environment, you will  
22 probably be affected by the radiation. With no underground  
23 mining, far less water is used. Somebody mentioned 4,000  
24 gallons of water will be pumped out. Yes, with conventional  
25 mining, you will. But not with in situ mining.

1           There are no ore trucks to and from the mines,  
2 less possibility of a traffic accident. Somebody from the  
3 hospital says they cannot handle such an accident. Accident  
4 can happen any time. There are trucks going by, hauling gas  
5 and oil and other types of chemicals.

6           When we start mining, these are all under  
7 consideration to be taken -- to be undertaken. Water in the  
8 mine area is mineralized. Outside the mine, it is not.  
9 Would a well dwell into the mine or ore serve as drinking  
10 water now? Some of you are talking like HRI will dig a big  
11 hole and dump uranium and then leach it back out. The  
12 uranium is already existing in the geological formation.  
13 Even, let's say right now, if you drill a well 20 miles  
14 north of here and you hit an ore, that is not fit to drink  
15 because it has radon.

16           So there is -- would EPA pass it for our drinking  
17 water supply? Of course not, because it is an uranium  
18 mining zone. Jobs -- I have spent much time in situ leach  
19 mine as a worker for Mobile Oil, and I worked with Mitchell  
20 Capitan. He was the technician working in the lab.

21           JUDGE BLOCH: Mr. House, you're 20 percent over  
22 right now.

23           MR. HOUSE: Okay. Let me just finish right here.  
24 Transportation -- the worse part of the transportation  
25 accident is the accident itself. I would think that Crown

1 Pointe Hospital emergency room can handle transportation  
2 accidents, transportation of uranium, which resin materials  
3 does not present a severe radiation hazard.

4 One more point. Finally, HRI is a private company  
5 and will only mine uranium if it is economically feasible.  
6 If it is not economically feasible, then ENDAUM will have  
7 its way. HRI will not mine. And only if it is safe. Thank  
8 you.

9 JUDGE BLOCH: Thank you, Mr. House. Mervin  
10 Leonard? Harrison Cherodi? Kim Martin? Is Kim Martin  
11 here? R.H. Cody? Rubin Mariano? Velma Lee? I can't read  
12 this name. The first name begins with "V" and the second  
13 with an "L." You signed up as for -- and you are Velma Lee.

14 STATEMENT BY MS. VELMA LEE

15 BY MS. LEE: [Speech in Navajo]. You don't know  
16 me. I am from Anna. But I was born here, and I was raised  
17 here. When you mature, you go your own way and you make  
18 your own life, and that's what I did. So I don't live here  
19 any more.

20 But through my relatives, they have interest in  
21 the land. And uranium is in their land, and they've been  
22 given their approval to have uranium mining done there. But  
23 now, the people are divided on this issue, and then the rest  
24 are like inviting death.

25 I guess we Navajos are known for being divided and

1 by envy and jealousy, and I see this here. It is not being  
2 said that there will be a big hole dug, and we will all die.  
3 But I also see the unemployed numbers, and that we could get  
4 benefits from the jobs that will result.

5                 I look at the Crown Pointe community, and I do not  
6 see that we are getting our water from mountain run offs.  
7 And how many people here are receiving benefits like welfare  
8 and food stamps? So I say yes to mining. Cancer has always  
9 been here. Death has always been among us. Why not pray  
10 for yourselves individually, have a positive outlook and  
11 stop inviting death. No wonder you do not live long.

12                 So this will be my statement.

13                 JUDGE BLOCH: Thank you. The woman who just spoke  
14 is Velma Lee. I'd like to urge people who are going to be  
15 speaking, we're very good at keeping to six minutes per  
16 speaker this afternoon. And I'd like to urge that people do  
17 that out of consideration for each other. Everyone is  
18 obviously speaking very much from their heart. And I find  
19 it difficult to want to cut anybody off.

20                 So if you would do that for me and cut yourself  
21 off at six minutes, that would be helpful. The next  
22 speaker's Alice Largo.

23                 STATEMENT BY MS. ALICE LARGO

24                 BY MS. LARGO: Greetings, everyone, visitors and  
25 all. I am from Unvitro, and I went to visit some women,

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

1 elderly women in my line of work for years in the Church  
2 Rock area, and these women have all passed on. And these  
3 women told me that they were sick from uranium.

4 I don't know all about uranium. But from what  
5 they told me, I realized that it is dangerous. They told me  
6 about the damn spill over there, and they said it hurt them  
7 -- that it affected their eyesight and affected their  
8 health. And all these women have passed on.

9 And from what they've told me, I believe that  
10 uranium is dangerous. Uranium can drift, and it can affect  
11 your eyes. When you breath it inside, it can cause cancer.  
12 I say no to uranium mining. That is why I'm wearing this  
13 ribbon.

14 I desire and everyone desires good water. If the  
15 mines ruin our water, we don't even know how the water  
16 systems work. Crown Pointe -- a lot of the testimony has  
17 been about the good water from Crown Pointe, and I realize  
18 that a lot of people have been raised on good water here.

19 Good water is good, and good water gives you good  
20 life. It gives you health from head to toe. I pity the old  
21 people. I am reaching that stage myself. But I feel sorry  
22 for them, and I don't want to see any more people dying from  
23 uranium. They told me about how their livestock was  
24 affected, and they told how even when the uranium mining was  
25 going on how the trucks that were transporting were

1 dangerous. I heard that they caused some damage.

2 And this uranium can drift in fumes and clouds. I  
3 think that it will cause more damage. That's all.

4 JUDGE BLOCH: Thank you. Leonard Arviso.

5 STATEMENT BY MR. LEONARD ARVISO

6 MR. ARVISO: Thank you, Your Honor. My name is  
7 Leonard Arviso. I lived in this area all my life with the  
8 exception of the four years I was in the U.S. Navy.

9 I'd like to express my support for the project.  
10 I've worked for HRI on a request that I noticed in the paper  
11 where they wanted some help to get people to come to  
12 meetings so they could understand what HRI is all about.  
13 And this is what I did for the last two years.

14 I made arrangements to have HRI make presentations  
15 to the Navajo Tribal Counsel, to the various committees.  
16 And they accepted all the reports. There, we never heard  
17 any of the councilmen against it.

18 I'd like to express that this is not a  
19 demonstration project which HRI's proposing. This project  
20 has been proven. The means and the mechanism and the  
21 technology has been used and has been in operation over 30  
22 years. It's safe. It's clean. I saw the project in  
23 operation.

24 As far as I can witness, HRI made every effort to  
25 communicate. As Mr. House expressed, and I've attended

1 every meeting, we've invited professional people from the  
2 Los Alamos Laboratory. They made their presentation in  
3 areas that they had expertise.

4 They made every effort to answer every question  
5 that was raised, and it's evident in the final impact  
6 statement that has been provided by the Regulatory  
7 Commission. And in it, BIA was a part of it, and they  
8 recommend approval. And this is what the allotments have  
9 expressed. They have signed the lease. They have requested  
10 from the beginning that BIA will represent them so that when  
11 it's finalized, they will know and they can be guaranteed  
12 that the operation will be safe. And that's what they  
13 understand, and that's what they want to do.

14 Now I'd like to also address the uniqueness of  
15 this area. This area is what we call checkerboard. We have  
16 ten different types of land which makes jurisdictional  
17 approval very difficult. Everybody gets involved.

18 But when these allotments were issued, they were  
19 given to each individual Navajos, and they understand that  
20 that's their property. It's not tribal land. It belongs to  
21 them. Therefore, they have made that decision, and that's  
22 what they are going for.

23 In closing, I'd like to address the benefits which  
24 everybody seems to say it's not there. I believe and I saw  
25 the different types of jobs that's available. Every job

1 that I saw down in Texas are the kinds of jobs that us  
2 Indians and Navajos can do. That's plumbing, that's  
3 electricians, heavy equipment operators, drywalling. The  
4 Navajos have been doing that for many, many years.

5 So -- but we have as a government, as a people  
6 have always been our own enemy. We wait too long to make --  
7 to get ourselves ready so that we can fully benefit from the  
8 opportunity that is available.

9 The status of the economy in the land for the last  
10 100 years has been dependency on the federal government.  
11 It's hard for us to develop, to start anything. The federal  
12 has a hand in it. The tribal government has a hand in it.  
13 You go through the process of getting things done, and this  
14 is what's happening there. We talk about social justice.  
15 We have not been given an opportunity to illustrate or  
16 demonstrate ourselves so that we can perform. We know we  
17 can do it, and that's what these land owners are requesting  
18 that they be given that right to decide what and how they  
19 should use their land.

20 Again, I urge that what has been approved, what  
21 has been demonstrated, that should be allowed to proceed.  
22 Thank you.

23 [Applause.]

24 JUDGE BLOCH: Thank you, Mr. Arviso. Steve  
25 Glover. Is Steve Glover here? He went already? Did Ben

1 Silversmith speak this afternoon? Ben Silversmith? I have  
2 a name here that may be Begay. It's very hard to read. The  
3 handwriting is very difficult to read. Is it Mr. Begay's  
4 who's against? Could it be Rex Begay? Tom Shigulto?  
5 Richard Silverson, Jr.? Lincoln Perry?

6 STATEMENT BY MR. LINCOLN PERRY

7 MR. PERRY: Greetings to everyone. My name is  
8 Lincoln Perry. I'm from Crown Pointe, and I'm on the Land  
9 Board. I'm not an allottee, but I want to comment just from  
10 what I know.

11 I went to Texas, and I've seen the uranium works  
12 there. And I looked at how the work was being done there,  
13 and I've seen all of that. I was in the midst of all the  
14 work. And the work is different. It's different from how  
15 mining was done in the past. It's underground, it's clean  
16 and there's no real physical contact with the uranium  
17 itself.

18 I saw how much care they took, and I saw that they  
19 used very little water. And then the water we're talking  
20 about around here, it doesn't come out of the water clean.  
21 There is no huge damn under the ground. And the water that  
22 is pumped out of the ground first has to be treated and  
23 allowed to clear.

24 And then the other thing that I hear is that I  
25 wasn't notified on this. I wasn't contacted on this. I

1 think that you have to make the effort yourself, and you  
2 have to contact them if you want to learn anything.

3 I see that Crown Pointe was established in 1909,  
4 and it's many years later, and there is no restaurants, no  
5 motels or hotels. There is still nothing here. And we're  
6 interested in growth.

7 Our students are graduating, and they graduate to  
8 no jobs. And we're looking to Window Rock, but Window Rock  
9 has no money, not even for scholarships. So I am asking you  
10 to give approval to the allottees who are pleading for your  
11 approval.

12 JUDGE BLOCH: We're about to take a ten-minute  
13 break. I'd like to read the names of the people who are  
14 signed up and that I expect to hear from them when we get  
15 back. Harrison Shorty, Janice Perry, Merly Aviso, James  
16 Tutt, Irene Charels-Lutz, Sally Tsosie, Cecelia Nez, Art  
17 Arviso, Otis Hashlicoy -- I'm doing the best I can; Nez,  
18 Cecilio, Emma Begay, Leo Begay, Rita Capitan and Merly  
19 Mammico. We'll be back in -- okay, and there also will be  
20 Irma Julien. We'll get back in ten minutes. It's now 8:03.  
21 Ten minutes is 8:13.

22 [Recess.]

23 JUDGE BLOCH: After Mr. Shorty, Janice Perry will  
24 be speaking. She could come forward when he finishes.

25 STATEMENT BY MR. HARRISON SHORTY

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

1           MR. SHORTY: [Speech in Navajo]

2           TRANSLATOR: I'm against this uranium mining. My  
3           grandparents had to haul water from here many years ago. A  
4           lot of our needs are here. We go to the hospital here and  
5           to the Bash's Store here for groceries. What will happen if  
6           the whole area gets contaminated?

7           In 1978, Mobil spilled contaminated water on my  
8           father's land. Now it is all just mud. The wells and all  
9           that are ruined.

10          You talk about jobs. I think most of us would not  
11         last past the first paycheck. We'd probably get our first  
12         paycheck and not even go back to work. My grandfather used  
13         to say to me, here's land; build on it and raise your family  
14         on it. I don't think that with mining that we will have  
15         that land any more. It will all ruined.

16          Why don't you look to your chapter houses to fix  
17         the job situation? You can get loans. There's a place I  
18         call Mutton Alley where people butcher and sell mutton. And  
19         I think that you don't look for work.

20          My grandfather used to say you have hands, you can  
21         find work. You can always do something. Why don't we carry  
22         these teachings forward. Well, you allottees, remember us  
23         when you get your money.

24          I want to see my children grow up, and I want to  
25         see my grandchildren. And we go for anything the Anglo says

1 to us, but we deny things to our own people. The Anglo came  
2 and liked us. They only looked for money. We have to work  
3 for our own needs.

4 JUDGE BLOCH: Janice Perry. And after her, Merly  
5 Arvisa.

6 STATEMENT BY MS. JANICE PERRY

7 BY MS. PERRY: [Speech in Navajo]

8 JUDGE BLOCH: Thank you, Ms. Perry. But before  
9 you continue, Ms. Perry, I don't know whether this is the  
10 statement that Ms. Perry just read, or whether it's  
11 additional.

12 TRANSLATOR: I'm from Crown Pointe. My name is  
13 Janice Perry, and I would like to say a few words.

14 I gave the okay on my land. I didn't sign right  
15 away. First, we listened, and they told us all about how  
16 the mining would be done. And after we thought about it and  
17 after we learned a lot about how it would be done, then we  
18 signed.

19 We want our visitors from Washington, D.C. to  
20 listen to both sides. We want approval to okay the mining.  
21 I want positive things for the children and for the future.  
22 We want everyone to benefit. We don't want to profit by  
23 ourselves.

24 We are Navajos. A few Anglos are mixed in with us  
25 here. And prayer should accompany everything. We get

1 everything from the Anglo world. We are even losing our  
2 language to the English language. To our visitors from  
3 Washington, D.C., I say that you listen to both sides  
4 carefully. And I hope that the people will approve the  
5 mining. This is my piece.

6 JUDGE BLOCH: Mr. Potter, I'd like to ask that  
7 this statement which is somewhat different from what was  
8 read should be bound into the transcript at this point.  
9 Merly Arvisa, and the next person will be James Tatt.

10 STATEMENT BY MS. MERLY ARVISA

11 BY MS. ARVISA: And I want to say that I am  
12 against any further uranium mining in this area.

13 I lived in Smith Lake for two years, perhaps a  
14 couple months more than that. And we had to haul water for  
15 two years in small gallon containers and sometimes  
16 containers that were bigger than that because the water in  
17 Smith Lake is contaminated.

18 When we did our laundry, our white clothes turned  
19 yellow. The water tasted terrible. It was sad to see the  
20 whole community haul water. So then I wrote to NTUA, and I  
21 said why is the water like this. I wanted to know the  
22 testing that was done on the water and if the testing with  
23 chlorine that's supposed to be added was up to date.

24 I was told that the uranium mining that took place  
25 in Church Rock contaminated the water, and the water flowed

1 to the east. And all the water to the east, which included  
2 Smith Lake, was then contaminated.

3           And I began to wonder about Crown Pointe's water  
4 because we had lived here, too. I have seen community  
5 members here in the surrounding communities die from cancer  
6 and leukemia. In fact, the number of people that have died  
7 from cancer and leukemia in this community has increased  
8 over the past couple years. This really disturbs me. It  
9 has broken my heart.

10          I have felt the pain to see one of our close  
11 relatives die from leukemia, and I have seen friends die  
12 from cancer. I do not want this to go on any more. And I  
13 have seen what has happened to the sheep herders that have  
14 used the Rio Perko to water their animals.

15          In the early years, in the 1970s before people  
16 realized what was happening, what was the reaction from the  
17 uranium mining, I felt very bad for the sheep herders when  
18 their animals were dying from the water that they drank.  
19 And it was only till much years later that they realized  
20 that the water was contaminated, and it went down through  
21 the Rio Perko all the way down to Sanders.

22          My dear sister worked at Church Rock. She was  
23 involved right there in the mining. This was perhaps closer  
24 to 20 year ago, but within a 20-year period. My dear and  
25 only sister today has cancer. So we are affected.

1           And I want to say that there are comments that,  
2 yes, some people say that they were not informed, or they  
3 don't know. Well, you have to live on a Navajo reservation  
4 that we need a lot of public education. People are  
5 illiterate over 50 percent here and do not understand the  
6 process and the reaction and the dangers that are involved.

7           So we know that the chapter officials got a free  
8 trip to Texas, paid for by the company.

9           [Applause.]

10          MS. ARVISA: Perhaps if that trip was made  
11 available to the whole 6,000, 8,000 community, yes, perhaps  
12 we would see, too. And in my personal opinion, that's a  
13 violation. That's a gift accepted and a violation of the  
14 ethics rules.

15          [Applause.]

16          MS. ARVISA: And I want to say this whole issue  
17 has our community and the division has split our family  
18 members. But I ask all of us here, it is okay to agree to  
19 disagree. Let us now be intimidated. Let us not be angry  
20 at one another. Every human being on this earth has a right  
21 to their own opinion. Thank you.

22          [Applause.]

23          JUDGE BLOCH: Thank you, Ms. Arvisa. It's James  
24 Tutt. And next after him will be Irene Charle-Lutz.

25           STATEMENT BY MR. JAMES TUTT

1                   MR. TUTT: My name is James Tutt. I'm the  
2 president of the Crown Pointe Institute of Technology. And  
3 I'm raised in the area that's known as the first uranium  
4 mine that took place in Oak Spring, Arizona which is about  
5 20 miles west of the Ship Rock, New Mexico.

6                   And in my lifetime, I've been exposed to uranium.  
7 My dad and I worked in the uranium mine, and a lot of my  
8 relatives. And I've for about 20 years of my life, I've  
9 spent a lot of the open pit mining, and I can say that I'm  
10 witness to that. I believe that in that period of time,  
11 there was really no one to educate our own people to talk  
12 about this type of mining.

13                  The reason why I'm saying that is because  
14 basically my background. I have a degree in chemistry. And  
15 I had the opportunity to work in the corporate world, and I  
16 had the opportunity to do some research when I was in  
17 college. I did my research in the area of using isotope.

18                  There's a lot of medical use in these areas to  
19 treat cancer. Basically, a lot of you, maybe you don't  
20 understand it. But I've been dealing with that. Sure, my  
21 dad died from cancer, and some of my other relatives died  
22 from cancer. But, again, they didn't know the difference of  
23 the effects of that.

24                  So I did the comparison. Yes, I did went on this  
25 trip to Texas because I wanted to know the process that it

1 was going to be used for. I observed and I can say that  
2 this is a safe process because I raised some questions while  
3 I was there.

4 And to me, I consider this is a process that just  
5 common Navajos would not understand because I don't know how  
6 many of you have a water softener in your home. I do. Very  
7 similar type of a system. But, again, it's not a big, you  
8 know, it's a small area, but it has the same concept.

9 So to me, when I went there, I looked at that. I  
10 didn't see any chemicals that is dangerous. A lot of it was  
11 things that we put in our soda that we drink, soft drinks.  
12 That's what they use. But we say if it's dangerous, I don't  
13 know why we're drinking a lot of soda.

14 And I also saw there the storage, oxygen. How do  
15 I know it's oxygen? Because I can see that ice and the cold  
16 part of it. It contains solid. So I know they're using the  
17 oxygen to pump into the well. And that's how you dissolve  
18 -- using that process, that's how you dissolve the uranium.

19 And I had the opportunity working in the mill, the  
20 old mill process at Ship Rock. I used to be -- I worked in  
21 a different part of the process. The crushing, that was  
22 dangerous, a lot of dust. I was exposed to it. But, again,  
23 I didn't know any different. I didn't know any different it  
24 was dangerous or not, but I was there.

25 I worked in the area in the leaching process where

1       they add a very strong chemical, sulfuric acid. And also I  
2       worked in the area where they separated participate, the  
3       yellow cake. I used to dig that out and separate it what's  
4       called vanadium, too. We separated those, too.

5                 And I worked in the area where they did the  
6       drying. It was awful, yes, that process was awful. You  
7       could see the dust. I didn't see anything when I went to  
8       Texas. I didn't see that. Everything is contained in a  
9       closed situation.

10               So I basically experienced that. That is  
11       basically what I'm telling you. I worked in that situation  
12       comparing the two. There is no difference. I would not  
13       expose myself to the process that we had used before.

14               This process is clean. How do you know it's going  
15       to be protected, the water? They have monitoring wells  
16       surrounding the mine area. These are being monitored and  
17       tested. That's one of the things that I believe, and we  
18       established a program here, what's called environmental  
19       technology.

20               Probably there is more dangerous a process, the  
21       coal is burning in the air give out more pollutant, and we  
22       don't say anything about that. Nobody complains about that.  
23       Probably that's probably more dangerous to our health than  
24       what we're exposing up in that Four Corners area. I worked  
25       there, too.

1           I was exposed to that. I can say that. I can  
2 speak to that. So with that, I'd like to say that the  
3 process is basically is that my understanding with the  
4 educational background is very safe. I can say that, you  
5 know, I don't see any problem to this. So with that, thank  
6 you.

7           JUDGE BLOCH: Thank you, Mr. Tutt. I'd like to  
8 urge that the informal timing could stop. I might miss, but  
9 we are doing our best to time six minutes at each time. And  
10 you may have noticed that I gave some people a little more  
11 than six minutes before I said something. So I prefer that  
12 we not have artificial timers. Who did I call next?  
13 Leonard Witter? Come forward.

14           STATEMENT BY MS. IRENE CHARLES-LUTZ

15           BY MS. LUTZ: My name is Irene Charles-Lutz. I'm  
16 the director of the Ney College here in Crown Pointe. I,  
17 too, have traveled to Texas with the group that went down  
18 there to inspect the process that was going on down there.  
19 But I'm not going to go and say that I'm for it or against  
20 it. I'm just merely here to tell you that in order to  
21 understand the processes or not have the uranium mine,  
22 there's education involved in it.

23           In order to understand what's going on, and in  
24 order to vote against it or vote for it, first of all, you  
25 need to understand what it takes to understand what needs to

1       be done. First and foremost, we need to have our young  
2       people start on their education process.

3           We all talk about the future and how it's going to  
4       affect Crown Pointe. I went to school year, been off the  
5       reservation for 22 years, came back, and we still have the  
6       same things that were here when I left -- no employment, no  
7       buildings that are new. The only thing that changed that I  
8       saw was the boarding school that I went to school at has  
9       been moved to another location.

10          However, we need to realize that education is the  
11       most important part of understanding all this that we're  
12       talking about. We need to have electrical engineers. We  
13       need to have nuclear engineers. We need to have plumbing,  
14       electricians. We need to have people that can understand  
15       environmental sciences, environmental engineering.

16          We need to have chemists in our young generation  
17       that are going to be coming up. In my process of working  
18       with all of this, I try to understand and I work with  
19       ENDAUM, I work with HRI. Neither one has answered the  
20       questions that I have. So I went and researched as much as  
21       I could through UNM, New Mexico State University, Arizona  
22       State University, the University of New Mexico. And I found  
23       out to my surprise that our everyday intake of what we eat  
24       -- hot dogs, baloney, lard, medication that we take and all  
25       the things that we enjoy -- beef, pork, and uranium, X-rays

1 all cause cancer, including uranium.

2           But we need to understand that first and foremost  
3 you need to get an education as to find out what people are  
4 talking about. I would like to pose some questions now to  
5 our community leaders.

6           I'm working with so many welfare clients right  
7 now. We have been asked to find jobs for these people.  
8 There are only so many jobs in Crown Pointe. Where are they  
9 going to go to work? What's our community leaders doing to  
10 find more factories or whatever it takes to employ these  
11 people? We've only got three years to get these people off  
12 welfare.

13           So we need to look at those kinds of things. To  
14 the health providers, health educators, what are you doing  
15 to create jobs? What other ways can we look at the fine  
16 jobs for the people of Crown Pointe, the Eastern Navajo  
17 Agency? I see none of that going on.

18           I'm an educator. I train people. But yet, where  
19 do I send them? I'm now contacting people in Phoenix,  
20 Albuquerque, Farmington, Denver to find people jobs. What  
21 about Crown Pointe? None.

22           To HRI, you claim that you can have 200 jobs. But  
23 are the people educated enough to understand all those jobs  
24 that will be available? To ENDAUM, are you seeking other  
25 ways of creating jobs? I don't see that. No one has given

1 me any answers to how the people of Crown Pointe are going  
2 to survive.

3                 But yet, we fight among ourselves. We don't look  
4 at our young people and say they need an education. I've  
5 been told that I became more white when I came back to the  
6 reservation. Get away from here. We don't need you here.  
7 And maybe so I'm more white. But I'm still a member of the  
8 Crown Pointe community.

9                 I come from Mariana Lake, and I will remain here.  
10 And education is important to understand the process that  
11 we're talking about now.

12                 [Applause.]

13                 MS. CHARLES-LUTZ: So let's all pull together,  
14 each and every one of us and teach our young people the  
15 concerns that we have. Let us answer their questions. Let  
16 us see how we can create jobs. Let us see how ENDAUM can  
17 work with HRI. Let's see how the health services can work  
18 with each of these two entities and create some jobs for us.

19                 There are only so many people that can be teachers  
20 or teacher aides. Only so many people can be doctors. But  
21 yet we don't see our Navajo people doctors here. We don't  
22 see our educators Navajos. We have foreigners that are in  
23 our classroom are treating us. So let's take a look at  
24 another area and help each other to create jobs.

25                 I'm not endorsing ENDAUM. I'm not endorsing HRI.

1 I'm merely here to express, to understand that you need  
2 education to understand what uranium processes is all about,  
3 how it affects each and every one of us, how our every day  
4 situation affects each and every one of us.

5 Like I said, your hot dogs, your lard is also a  
6 cause of cancer. Thank you.

7 [Applause.]

8 JUDGE BLOCH: Thank you, Ms. Charles-Lutz.

9 Leonard Witter.

10 STATEMENT BY MR. LEONARD WITTER

11 MR. WITTER: Hello. My name is Leonard Witter,  
12 and I guess I'm a foreigner. However, I've been here 20  
13 years. This is my 21st year. I raised my family here.

14 When we came here in 1978, the uranium mining  
15 business was at its peak and was starting its downward  
16 trend. And people talk about the benefits from the mining  
17 company, that you will profit. They will profit. You will  
18 profit a small amount, but nothing like they're going to  
19 profit.

20 When I first -- I'm a member of ENDAUM, by the  
21 way, so I'm obviously against the mining. One thing that  
22 bothered me about the whole process was the allottees  
23 immediately were given money, and things, I guess, were  
24 explained, but still not the degree they should have been  
25 explained. To me, that's bribery.

1                   [Applause.]

2                   MR. WITTER: People were taken to the mine to see  
3 how this process works. Well, let me put that in  
4 perspective. If someone's going to visit you, you're going  
5 to clean up your house, right? You're going to show them  
6 the best light possible.

7                   Things you don't want to be seen, you're going to  
8 put in a different room and say, well, you can't go in  
9 there. So I think there's a lot of things that have been  
10 covered up, will continue to be covered up, will always be  
11 covered up. No one has addressed this issue. I want to  
12 address it right now.

13                  You're talking about a clash of cultures here.  
14 These people coming here aren't from here. They don't know  
15 you people. They really don't want to know you people. All  
16 they want is their uranium and the profit that they get from  
17 the uranium. So keep that in mind.

18                  I was here when Conoco came in. You remember  
19 Conoco with that big drill bit that you can now see in  
20 Grants, New Mexico in front of the -- remember they had a  
21 big barbecue for everybody, and everybody shook hands and  
22 said we want to be good neighbors.

23                  I said you want to be good neighbors? Fifty miles  
24 either way, that's as close as we want you. Remember, this  
25 mine is going to be close to Crown Pointe. It's not going

1 to be 40 miles away. It's going to be a couple miles away.  
2 People say, well, there's no uranium. There's not going to  
3 be no radon gas, et cetera.

4 Well, that's partially true. But any time you  
5 bring something up from the ground, there are things  
6 released, right. No matter how safe you make it, things are  
7 released. Chernobyl, Russia -- supposedly, their -- and  
8 that was, as you know, a uranium power plant, one of the  
9 most toxic places in the world. And several years before  
10 they had the accident, there was a tour given. And they  
11 said, oh, this is the cleanest operating mine we've seen.

12 Now it's closed. People living in that area have  
13 cancer. A lot of the babies are born with no vision, blind,  
14 armless. So things can happen.

15 Now a lot of these things that are being said are  
16 very emotional. Well, let me just point out something that  
17 isn't. Grants, New Mexico -- when I moved here in 1978, you  
18 could hardly drive down Grants, New Mexico, there was so  
19 much traffic. How is it now?

20 You can walk down the middle of the street. It's  
21 bust -- boom and bust. Uranium -- mining in general is a  
22 boom-and-bust business. You get profits for a while, and  
23 then they get their profit and they leave. And what are you  
24 left with? Empty buildings, possibly polluted water or no  
25 water or contaminated water, and they're gone. And they'll

1 say, well, let's see, now where can we put our next mine.  
2 Then you go through this whole thing again.

3 So I've been here 20 years. So I didn't just walk  
4 in off the street. I know how things are. I know a lot of  
5 you people sitting out there. And I'm speaking from  
6 experience. The problem is that the profits to be made are  
7 mostly for the company.

8 Remember, there's a lot of empty promises. You've  
9 heard them many times before from people that have the same  
10 complexion of skin as I do. You've heard it all before,  
11 right? You've heard it many times. And just remember this.  
12 Once they're here -- and it was said that if there's no  
13 profit to be made, they're going to leave.

14 Wait a minute. If there's no profit to be made,  
15 why are we going through all of this? They obviously  
16 believe there's a profit. They wouldn't have gone through  
17 all this trouble of paying people to use their land if there  
18 was no profit involved. But they are going to make the  
19 profit -- you aren't.

20 There'll be a few jobs. We need jobs in Crown  
21 Pointe. I have a job. I mean, you say, well, look, you got  
22 a job which is true. But what kind of job do you want? Is  
23 this the kind of job you really want? I don't know. If it  
24 is, I think you should do a little more research like the  
25 speaker just before me said. A lot of people need to be

1 educated, and there's a lot of things that can be done for  
2 this community. And I really don't believe uranium mining  
3 is the answer to the question.

4           And just remember, Mark Twain once said, "It's  
5 easier to stay out than to get out." Because once they're  
6 in, it's going to be hard to get them out unless we have  
7 another cycle where the mining goes bust again, which is  
8 very possible, by the way. You people that lived here,  
9 you've seen Grants, New Mexico, and you've seen a lot of the  
10 other communities that have gone boom, and now they're ghost  
11 towns pretty much. So just keep that in mind. It's not  
12 just your life -- it's your children's life that is going to  
13 be affected by this.

14           And when you look at yourself in the mirror, can  
15 you honestly say I really want this mine for my children?  
16 If you can, then you better get a different mirror because I  
17 don't think you're looking at it correctly. If you're  
18 really honest with yourself. Thank you.

19           [Applause.]

20           JUDGE BLOCH: Thank you, Mr. Witter. Cecilia Nez.  
21 Thank you.

22           STATEMENT BY MS. CECILIA NEZ

23           MS. NEZ: I'm going to speak in my native tongue  
24 first. [Speech in Navajo].

25           My name is Cecelia Nez. I'm a mother, I'm a wife,

1 and I'm a grandmother and a concerned citizen, and I value  
2 my land, the water that's in it and the community people  
3 around here.

4 It is very sad to hear at this time what people  
5 are voicing because from the beginning we were told that HRI  
6 told the people or informed the people there is no job.  
7 Now, where did they get the idea that there's going to be  
8 200 jobs? That's a lie.

9 I remember specifically that we were told there  
10 are machines that will be working. And also, how can you  
11 with a straight face ensure that the water will not become  
12 contaminated when you know that it will become contaminated?  
13 Once you damage something, there's no way that humankind can  
14 erase that. Please remember that from your heart what you  
15 are doing to the Navajo people.

16 I know that a lot of research has been done. And  
17 out of that, we are told or there are so many documents that  
18 the findings from the uranium effects on a human life. This  
19 is what we are looking at. This is what I am looking at.  
20 This is what I educate my people with.

21 I'm a retired teacher. This is why I'm saying  
22 this. I'm very concerned. And also, I am glad people from  
23 Washington, D.C. are here. And also I'm sure people from  
24 NRC, HRI are here also. Please make a decision from your  
25 heart. Please educate these people first before you make a

1 decision because, from my point of view, the grass root  
2 people today are not educated yet as to what uranium's  
3 effects are.

4                   And I have been told many times that when the  
5 Navajo people have gone to Ft. Sumner to sign our peace  
6 treaty, the land was taken away from us. It still belongs  
7 to the government. A lot of you people probably know that.  
8 This is why you are coming on the reservation thinking that  
9 Navajo people or Navajo land are easy prey.

10 I'm sorry I have to say these things, but I like  
11 to be heard. Some of us cannot sleep because of this. And  
12 I think some of this, well, be friends with you, continue to  
13 be friends with you. But I'm asking you from the bottom of  
14 your heart, please have a heart and do justice with us.  
15 Don't do it in a lie, in a scheming way to get approval.  
16 Thank you very much.

17 JUDGE BLOCH: Thank you, Ms. Nez. Billie Tsosie?  
18 Is Billie Tsosie here? Art Arvesa?

STATEMENT BY MR. ART ARVESA

20 MR. ARVESA: [Speech in Navajo]

21 TRANSLATOR: I got here, and I was asked to sign  
22 this piece of paper so that you can get a free meal. I did  
23 not know that this was what it was for.

I've attended many meetings. In the old days,  
just a few of us used to meet at the chapter house, and we

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

1 used to talk about these same issues. I listen today, and I  
2 hear the same words. And we are still clashing.

3 I said at that time that there was mining going on  
4 all around me. We weren't told of the dangers then. And I  
5 listened today, and it's still the same issues. Some of the  
6 land owners have given their okay for the mining, and the  
7 land owners have a slightly different status, you know. But  
8 they can do what they want.

9 Some of the young people have asked you for your  
10 approval, and some of them have asked very nicely. My view  
11 is that we are talking about a livelihood. I think that the  
12 Crown Pointe community should be one community, and that we  
13 are talking about that community's vitality. We have to  
14 think about future generations.

15 I could talk all night, but I have to cut it short  
16 here. But discuss these issues among yourselves  
17 intelligently and with care. That's all.

18 JUDGE BLOCH: Thank you. I'd like to urge once  
19 again that people stick within the six minutes partly out of  
20 consideration for me. I'm tired, and I am listening. But I  
21 want your consideration, please. We're going to take a  
22 ten-minute break now. And when we come back, we're going to  
23 --

24 BY JUDGE BLOCH:

25 Lillian Becenti.

1 STATEMENT BY MS. LILLIAN BECENTI

2 MS. BECENTI: [Speech in Navajo]

3 TRANSLATOR: We only talk about this. But what do  
4 we really think? I know about uranium. It affects you  
5 slowly. In the future it affects you.

6 My nephew worked in the mines at Church Rock.  
7 Then he started going to the hospital, and they told him  
8 that he had cancer. His sisters asked him what happened,  
9 and he said that he got it from uranium mining. It took  
10 three years to kill him.

11 I've been to many meetings, and I've seen TV  
12 programs about uranium. I think that it's true it will ruin  
13 our water. There are too many testimonies about death from  
14 uranium. It's affected the Pueblos. Mining was done on  
15 their land, also.

16 We are constantly being misled. I've gone to a  
17 chapter meeting at the chapter house, and 36 voted in favor.  
18 They said they'd been paid \$250. Well, I say no to your  
19 uranium mining. Our school and hospital is here. Our  
20 future will be affected in the form of our unborn children.  
21 I want my grandchildren spared.

22 We elected Lincoln as our leader, but we just  
23 heard him and we are disappointed. Why don't they buy a  
24 truck and haul the uranium to Texas? I am out of time.

25 JUDGE BLOCH: Thank you. When we return from the

1 break, we have about seven more speakers. It might be  
2 eight. And then I plan to speak under six minutes myself.  
3 So I'd like us to take a ten-minute break now. It's now  
4 9:30. We'll start promptly at 9:40.

5 [Recess.]

6 JUDGE BLOCH: We have many more people wanting to  
7 speak than we have time to speak tonight. And what I'm  
8 going to urge is that the people who are unable to speak  
9 tonight could submit written statements to me in Washington.  
10 And I'm sure the parties will help them to know how they can  
11 reach me there, and we can make those statements a part of  
12 today's record.

13 First, I have two students who wanted to make a  
14 very brief statement before they left because it's too late,  
15 and they need to go home for homework. If they would come  
16 forward.

17 STATEMENT BY MR. DAMON CHARLEY

18 MR. CHARLEY: Hello. My name is Damon Charley,  
19 and I'm a student at Crown Pointe High School. This is my  
20 last year. And I would like to say I've been sitting in the  
21 audience listening to people testifying to the problems and  
22 concerns of this issue.

23 While I was sitting there, I overheard people  
24 saying hurry up, get this over with. I need a new truck.  
25 This is really sad. I'm against mining. I cannot allow you

1 to make this decision for me, my children, our  
2 grandchildren.

3 You see, I'm the future. I have two damaged  
4 kidneys. That's enough to live with. For I am not certain  
5 of my future. No, you have no right to buy my blood with  
6 your money. Thank you.

7 [Applause.]

8 JUDGE BLOCH: Thank you, and thank you for  
9 sticking to your agreement with me about time. I know that  
10 the students wanted to speak far longer. And they made an  
11 agreement with me to limit their statement. Otis Beshlakoy?  
12 He's left? Nez, Cecelia? She's spoken. Apparently, some  
13 people were on more than one list. Emmet Begay, I know you  
14 wanted to make a very brief statement.

15 Ms. Begay, before you start, I do want to explain  
16 that Mr. Murphy has been working a long time here today.  
17 Our time in Washington is much later than it is here, even  
18 now, and he's found it necessary to go back to the hotel.  
19 So I'll be working with him without him until we finish  
20 tonight.

21 STATEMENT BY MR. EMMA BEGAY

22 MS. BEGAY: Here, and for everybody else who's  
23 present this evening, I just want to make a small statement.  
24 I went to Judge Bloch, and I told him everybody has said  
25 everything that I wanted to say. So just leave my name out.

1           But I -- he said -- well, he didn't say anything.  
2        But I said I'm just against this uranium mining that's going  
3        to take place here. We don't really understand anything  
4        about in situ mining, which is the truth about almost  
5        everybody around here. Maybe Mr. Arvesa and Mr. House are  
6        well educated on this.

7           We haven't really spoken to either one of them.  
8        But it's true. We really need to get educated on this kind  
9        of thing because it seems like if we understand something  
10       more thoroughly, we would be questionable about this thing.

11           When you don't really know anything, that's the  
12        time when you think twice about a lot of things. And that's  
13        the way I am. I'm thinking twice. The only thing I know is  
14        the things we've been hearing about uranium, what it does to  
15        the body and everything else. And it's a scary thing.

16           Sometimes I go to sleep at night, and I worry. Or  
17        when I take a shower, I wonder if the water's contaminated.  
18        Or if I drain the water from the faucet, I would think,  
19        well, is it contaminated? So it's really scary to me. It's  
20        scary because I don't want to worry about these things.

21           Right now, I go to sleep peacefully. I can drink  
22        the water. I can take a shower because there was a lady  
23        from Laguna, she mentioned that her kids developed a lot of  
24        rash -- some kind of rash on the body. And she kind of  
25        thinks that it's because of this -- that mining that they

1 did up in Laguna. And she said they never had that trouble  
2 before until the mining came through. So it was really  
3 scary.

4                 And now we talk about economic development, jobs.  
5 Everybody wants a job. Our young people. And I just wonder  
6 if we say yes to HRI, what will happen to our community?  
7 Will the people come here, or will they scared just like I  
8 am. My kids don't live here, some of them. One of them  
9 said if HRI moves in, I'm out of here.

10                And so if that's the way some people will be  
11 talking, what's going to happen to our professional people  
12 that are here helping us? Will they all be scared away,  
13 too? Mr. Tutt talks about Diane College. Will all the  
14 students come here, or will they say don't go to Crown  
15 Pointe?

16                And also C.I.T. We get students from all over.  
17 Will they come here? Will our teachers come? Will our  
18 doctors come? It sounds like we're going to end up as a  
19 ghost town.

20                So it's just a worry thing that I go through.  
21 This is just me. I don't know how other people feel about  
22 it, but that's how I feel about it. Maybe that's why I'm  
23 against HRI. When you hear the name HRI, some people get  
24 scared. And some people think differently. Oh, they've got  
25 money. They're rich. They can pay my bills. When I get

1 the money, I'm going to do this.

2 I think if we had a choice, people are saying they  
3 die of alcohol. But that's a choice that they make. Then  
4 they say they die of other things. But that's their choice.  
5 If they want to drink, they drink. Or if they want to go to  
6 casino, they get their money there. But that's a choice.

7 But for water, uranium going through, it's  
8 contaminating our water. They're not giving me a choice.  
9 They're scaring me. So this is just things that go through  
10 my mind that I wanted to share with you and why I feel real  
11 bad. What's going to happen to our community. I think  
12 that's all I worry about. Just something for you to think  
13 about. Thank you.

14 JUDGE BLOCH: Thank you, Ms. Begay. Louise  
15 Benali? Is she here? Les Begay? Is Les Begay here? L-e-s  
16 Begay? Leo -- are you Leo? Please speak.

17 STATEMENT BY MR. LEO BEGAY

18 MR. BEGAY: I have a piece of article that I  
19 wanted to read. This article, I usually collect. This is  
20 our Gallup Independent paper, and once in a while they print  
21 some science stuff on one page. And this happened -- I have  
22 a story on this water contaminated, and it's under "Geo  
23 Facts."

24 The title of this piece of writing is "How is  
25 Geology Being Used to Store Nuclear Waste." Now this is

1       United States, okay. A little geography class here.

2               Okay, I'm just going to read this, and then from  
3       this I'll make some icing, okay. Okay, this says here,  
4       "Nuclear material can be extremely deadly for a long, long  
5       time. Forty years ago, the National Academy of Science  
6       recommended storing accumulated radioactive waste and  
7       material in huge underground vaults for as long as 10,000  
8       years."

9               Thank you. They must be very important facts.

10          " While there are radioactive decays," okay, "Ten thousand  
11       years while the radioactivity decays. Two sides were  
12       eventually identified at Yucca Mountain, Nevada and near  
13       Carlsbad, New Mexico. Although these radioactive  
14       repositories are still not in operation, that could change  
15       shortly," it says here, "at least for the Carlsbad site.  
16       In May, the Environmental Protection Agency certifies safety  
17       plans for WIPP, the Waste Isolation Pilot Plant." That's  
18       what it stands for.

19          "A key approval needed for the site to begin  
20       receiving radioactive materials, WIPP was built some 2,100  
21       feet" -- that's about 640 meters underground, "2,100 feet.  
22       Inside a natural salt dome. Plans are for WIPP to store  
23       mostly waste left over from nuclear weapons protection. The  
24       Yucca Mountain site is facing another snag. Last November,  
25       scientists discovered that water was leaking through the

1 site four times faster than they had thought possible.  
2 Officials worry that water in the site might corrode  
3 radioactive containers and contaminate groundwater in the  
4 area. It could be another year before they know if the site  
5 is safe."

6               Okay, this piece of information tells me -- well,  
7 I first would like to say waste -- this is about waste.  
8 They're burying the waste. We must have plenty of uranium  
9 already on the surface, and there must be some that needs to  
10 go back -- considered waste, so they're trying to bury back.  
11 So we don't need to dig up more, do we? Do we need more  
12 uranium? I don't know.

13               But anyway, this one -- this piece of writing here  
14 says that water leaks underground. It travels just like on  
15 top of the earth. It doesn't stay in one place. It  
16 travels. If I have a piece of land here and live on it and  
17 that's my land because land doesn't float like water. But  
18 water does.

19               So the water that floats under you tonight  
20 probably end up somewhere else. So if that's what it tells  
21 me right here, it leaks, and they found that out. So it's  
22 kind of not safe to go ahead with this operation. That's  
23 what it says here, okay.

24               Why is it that people involved with this stuff for  
25 weapons and energy and things like that, it's good, yes,

1 benefit comes from that. But it's dangerous. It's really  
2 dangerous. Why is it these top level places like Nevada and  
3 Carlsbad are afraid of this stuff, waste material and bury  
4 it.

5 JUDGE BLOCH: Mr. Begay, you have one more minute.

6 MR. BEGAY: Okay, thank you. And if you get  
7 another book here, go to library, it's like that one lady  
8 here mentioned -- education. This is education. I didn't  
9 know I was going to read this tonight.

10 I tear these pieces of science articles for my  
11 grandchildren from the paper. I have a whole stack I'm  
12 going to make this into a book for them to read about it,  
13 and I do this as a hobby. It's what I do. So it's  
14 dangerous, and I don't think it's a good idea. Especially  
15 you drilling or messing with it right in the middle of the  
16 people.

17 And I'm very happy that you came -- that you visit  
18 the site and how close this place this.

19 JUDGE BLOCH: Tomorrow, we're visiting.

20 MR. BEGAY: Okay, it's really close. It's really  
21 close. And then the earth travels this way, too. Thank  
22 you.

23 JUDGE BLOCH: Thank you, Mr. Begay.

24 [Applause.]

25 JUDGE BLOCH: Rita Capitan?

## 1 STATEMENT BY MS. RITA CAPITAN

2 MS. CAPITAN: Thank you for being in Crown Pointe,  
3 Your Honor, and Judge Murphy. By the way, he's my uncle.  
4 My maiden name is Murphy, too.

5 I came up in 1994. On my siblings behalf, there  
6 are 11 of us. I want to speak out. We are concerned. We  
7 have 35 children combined. No one spoke up before on  
8 uranium mining.

9 In 1994, we read in the newspapers about plans to  
10 mine uranium again in this area. We were told it had  
11 already been approved. We had not even heard of HRI yet.  
12 These were all under-the-table deals.

13 Our leaders have been bought off. Mr. Shirley, a  
14 candidate for Navajo Nation president, was here looking for  
15 HRI. People that want uranium mining do not live here. The  
16 Continental Divide and other places is where they live.

17 There is 62 in our family, but you haven't spoken  
18 out for us. Now they are saying that Church Rock will be  
19 the only place where there will be mining. But the  
20 processing plant will still be built here. We will still be  
21 getting the contamination from that.

22 Our water is still good. The land owners who  
23 okayed it, we are pleading with you to be concerned and care  
24 about our children and our future.

25 JUDGE BLOCH: Irma Julien? Is she here?

## 1 STATEMENT BY MS. IRMA JULIEN

2 MS. JULIEN: Good evening. I'm with the Navajo  
3 Nation, and I am the president of this Allottee Association.  
4 My name is Irma Julien.

5 The purpose of the association is to represent the  
6 interests of nearly over 300 allottees in the Eastern Navajo  
7 Nation who want their land to be developed. Members of the  
8 Eastern Navajo Allottee Association are also members of the  
9 Navajo Tribe whose tribal enrollment can be documented by  
10 our census numbers.

11 As duly elected president of the Eastern Navajo  
12 Allottee Association, I'm here today to express concern over  
13 the endless federal red tapes that is ongoing in preventing  
14 ratification of the leases between individual allottees and  
15 the company, HRI.

16 Ratification primarily involves the Bureau of  
17 Indian Affairs, but also the Nuclear Regulatory Commission  
18 who is the lead environmental review agency. The BIA will  
19 not ratify the leases until NRC is finished with their  
20 review which also includes this here process here tonight  
21 and the next few days.

22 Our allotments are in the area that is often  
23 referred to as the checkerboard or the Eastern Navajo Agency  
24 in the McKinley County, State of New Mexico. It is our  
25 understanding that under the treaty of 1860 between the

1 Navajo Tribe and the U.S. government, certain Navajos were  
2 allotted and assigned lands with certain rights that include  
3 the right to make effectual living off the land.

4 Under these rights, we have as Navajos inherited  
5 our allotments from our mothers and our fathers and  
6 grandparents. The records of our legal ownership are in  
7 place with the BIA Realty Property Management Office within  
8 the Eastern Navajo Agency.

9 Members of the Eastern Navajo Allottee Association  
10 signed leases with HRI for the purpose of in situ uranium  
11 production on our land in 1983. We signed these leases  
12 after numerous discussions over environmental, cultural and  
13 economic issues.

14 We and other members of the Navajo Allottee  
15 Association even traveled to Texas to visit HRI's company  
16 operation, and we liked what we saw there. This was clean,  
17 modern mining. We wanted our properties developed in the  
18 same way. So we signed the leases.

19 Since signing the leases, we have faced one  
20 governmental delay after another. As allottees, we have a  
21 right to manage and to utilize what resources are available  
22 to us through inheritance and ownership, including the  
23 development of proposed uranium operation by HRI.

24 With that right, we have signed leases with HRI to  
25 produce uranium on our property. We wish for the uranium

1 production to take place on our allotments so that we can  
2 benefit from the royalty.

3 We have confided and trusted the BIA to act on our  
4 behalf to ratify the uranium leases that we signed with HRI.  
5 The BIA has had ample time to review thoroughly and to  
6 proceed with the leases. But to this date, the lease  
7 process has been delayed, and the uranium production is  
8 still delayed.

9 The BIA blamed it on the incomplete NRC review  
10 process. Whoever is to blame, we feel that the BIA has  
11 interfered with our rights as allottees, failed to respond to  
12 our needs and failed to carry out responsibilities on our  
13 behalf.

14 If the BIA fails to act in our behalf or ratify  
15 uranium leases with HRI or any other company to develop  
16 uranium on our land, the allottees will have no recourse but  
17 to bring about legal actions against the government to  
18 exercise our rights.

19 Many of us are very ill, and eleven people who  
20 have signed the leases in 1993 and wanted to see this  
21 project move forward have already died of other illness and  
22 will never live their dream of prosperity. The continued  
23 delays have injured us.

24 We believe that the primary reason that the  
25 government has been unable to ratify our leases is because

1 of legal actions taken by Albuquerque and Santa Fe  
2 environmental activists and lawyers.

3 They claim to represent the local Navajo. But in  
4 reality, they represent only one family who is jealous of  
5 our land ownership and that we will benefit from our land  
6 and not them.

7 The Albuquerque and Santa Fe activists and lawyers  
8 have used this family to create the name of Group ENDAUM.  
9 These outsiders claim in their legal papers that they know  
10 about the Navajo police if they had the knowledge that comes  
11 from knowing our traditions. Years of training and prayer  
12 with our medicine men bring honors to a Navajo. These  
13 lawyers cannot replace our true beliefs with religious  
14 sounding words and legal papers that are used to confuse  
15 people who have mere laws. They are supposed to protect the  
16 religious at least from other people's election.

17 As Navajos, we have read the Albuquerque and Santa  
18 Fe activists' and lawyers' acquisition as proposed the  
19 project will bring us harm, change our way of life, and that  
20 the activities surrounding the construction and development  
21 will affect our traditional religion and cultural values.

22 The area that HRI is proposing to conduct  
23 operation is in the area that has been explored and  
24 developed for uranium by Mobil Company. The Mobil Oil  
25 Company developed a pilot of in situ leach operation and

1 commercial in situ leach well fill on our allotments.

2 These activities have had no negative effects on  
3 the traditional Navajo religious ways. We agreed together  
4 that the basis of our religion is the lineage given to us by  
5 the sun, our heavenly father, and the earth, our mother.

6 The Albuquerque and Santa Fe activists and lawyers  
7 do not understand the basis of our religion, and the answer  
8 to conflict is prayer. We strongly believe in the HRI  
9 project and blessings have been performed so there will be  
10 no conflict with the earth or wind or water.

11 These things form the basis of our religion and we  
12 will continue to have blessings to ensure that only good  
13 will come from this project. The basis of our culture is  
14 our sacred lineage. In World War II, the Navajo land which  
15 was used to help win the war, it was our medicine men that  
16 went to the mountain and prayed and gave the symbols of our  
17 religion that allowed a successful end to the conflict.

18 It is the same with the proposed project.

19 JUDGE BLOCH: Ms. Julien, you are over some.

20 MS. JULIEN: Yes, I've just got one more  
21 paragraph. That's it. It is not for the white man to use  
22 Navajo symbols and traditions to fight one another. We will  
23 pray that the goodness of new developments will help us, and  
24 that our religion will not be used as an excuse to make bad  
25 decisions.

ANN RILEY & ASSOCIATES, LTD.

Court Reporters

1025 Connecticut Avenue, NW, Suite 1014

Washington, D.C. 20036

(202) 842-0034

1                   JUDGE BLOCH: Thank you, Ms. Julien. Before the  
2 next speaker's name is a parenthesis that says Merly, closed  
3 parenthesis, and I really have difficulty reading the name.  
4 Does the person know who she is or he is? She's gone? It's  
5 Mamigo. This person has spoken? Valerie Murphy, please.

6                   STATEMENT BY MS. VALERIE MURPHY

7                   MS. MURPHY: Good evening. I have a written  
8 statement here that I'd like to read. My name is Valerie  
9 Murphy. I work with the Indian Health Services, and I also  
10 am the Secretary/Treasurer of ENDAUM.

11                  I have a statement here, and I'm going to read  
12 from here. On behalf of my family and children, I would  
13 like to address my concerns to the proposed uranium mining.

14                  I have been a resident of Crown Pointe for 32  
15 years. Within those years, I have developed a great deal of  
16 respect for my community and the elderly as well as the  
17 residents who have lived within Crown Pointe. The community  
18 of Crown Pointe population is 10,000, all of which would be  
19 affected and those of other surrounding communities within  
20 the Eastern Agency.

21                  Many people travel from distance into Crown Pointe  
22 and haul drinking water for their every day family life,  
23 livestock and plants. The Crown Pointe water is our source  
24 of life and is the best.

25                  I have gained from my childhood to an adult a lot

1 of knowledge and skills. Through my experience, I have  
2 always turned to my traditional beliefs that my grandparents  
3 have preached and taught me to respect. One of the most  
4 important teachings was never to be selfish or greedy and to  
5 focus on others' basic needs. By that, I mean the land, the  
6 water, the plants and the animals.

7                 Our spiritual creation is put into motion by our  
8 Heavenly Father who we all speak of. Our Heavenly Father's  
9 wisdom. These elements are here for a purpose -- to help,  
10 to teach and to protect us. To ignore this teaching is to  
11 ignore the purpose of life and the meaning of existence.

12                 Our elderly people take a lot of pride in raising  
13 their livestock because that is their only source of income.  
14 Plants provide extensive knowledge and appreciation that we  
15 use for traditional healing and the food for our families.  
16 One of the most important plants is our corn pollen. The  
17 pollen is extensively used in our traditional ceremonies and  
18 prayers which my grandma always respected and my  
19 grandfather, which were the late Leo Damon Arvesi and Ba  
20 Mary Arveso. As a parent, I feel that our children are the  
21 most precious people in our lives. And they are considered  
22 a gift to us from our Heavenly Father.

23                 Our responsibility as parents are to protect them  
24 because they are always and usually the innocent ones and  
25 who are the ones that can't defend themselves here today.

1 Our children deserve to grow up healthy and strong in order  
2 to understand the importance of wisdom and trust.

3 Most elderly Navajos do not speak English or read  
4 English, and the majority of our younger and middle aged  
5 Navajos are not highly educated, nor is English their first  
6 language.

7 Those of us who are educated and bilingual have to  
8 educate our people as well as look out for their well being.  
9 This makes me wonder if those who are allottees really  
10 understand the final draft environmental impact statement  
11 which physicians at our health service have described to be  
12 very difficult to understand.

13 Among those utilized to water our local business,  
14 schools, residential houses, hospital, churches, and tribal  
15 state and BIA Office of all of which are within the Crown  
16 Pointe community area. Based on the maps indicated in the  
17 final draft environmental impact statement, the  
18 transportation of uranium is risky and not safe. Our air  
19 strip is also not available during bad weathers. The  
20 nearest available resource is 133 miles.

21 The company and the final draft environmental  
22 impact statement lacks providing the community with health  
23 and safety impact statements, exposure protocols, community  
24 response protocols, information regarding hazardous  
25 exposures on site and emergency preparedness plans which are

1 very important to make available to the community of Crown  
2 Pointe in case there should ever be an accident.

3 Within the community of Crown Pointe, we have only  
4 a volunteer fire department which is untrained and poorly  
5 equipped. Our police department is very small, often of  
6 which we only have one officer to oversee the community. We  
7 also have a health care facility which most of the time one  
8 or two physicians are available at night with a clinical  
9 nurse. And on the weekends, the clinic is closed.

10 As for economic development, our community leaders  
11 and those who practice the traditional medicine should be in  
12 support of a safe environmental -- an economic development,  
13 not a project that will disrupt Mother Earth and the health  
14 problems within the community.

15 At this time, we also have a high percentage rate  
16 of Navajos who are suffering from diabetes and having to  
17 travel 60-130 miles to get their dialysis treatment, both of  
18 which cause even a greater risk if these patients come  
19 across the water being contaminated.

20 These are issues that our community leaders should  
21 be concerned about before even considering the project in  
22 bringing the community back to harmony. The issue of jobs  
23 will only be minimal wages and long term health problems and  
24 no compensation. The community itself will benefit -- the  
25 company itself will benefit because they will have to bring

1       in their specialists who will be trained and who will be  
2       trained and equipped.

3                 The mention of our children who are leaving the  
4       community to seek jobs elsewhere for to me, I feel that they  
5       need to experience other more challenging environments to  
6       enhance their knowledge and skills so that they can return  
7       to this community to protect our people from the outsiders  
8       who want to destroy and who do not have any respect for our  
9       community.

10               In addition, it will increase the social problems  
11      like domestic violence, alcoholism, drugs and disruption  
12      within the community.

13               In conclusion, I want to address the importance of  
14      environmental justice. We as the minority and low-income  
15      citizens of Crown Pointe should not be put in a position of  
16      risking our health for a project that only will contaminate  
17      our water. The federal regulatory agencies need to  
18      emphasize with us regarding our concerns and realizing that  
19      a project is not safe. We as citizens want to preserve our  
20      water and protect our future generation and their children.

21               We as ENDAUM will also not sell our brothers and  
22      sisters in the community of Church Rock. Thank you.

23               [Applause.]

24               JUDGE BLOCH: Thank you, Ms. Murphy. And our last  
25      speaker, Dr. Klinowski.

## 1 STATEMENT BY DR. JOAN KLINOWSKI

2 DR. KLINOWSKI: My name is Joan Klinowski. I'm a  
3 resident of Crown Pointe, and I work in the hospital. So my  
4 major concern is for the health and safety of the people.

5 My major concern is for the health and safety of  
6 the people. Thank you. I have had the experience of  
7 hearing many experts from the government as well as from the  
8 medical profession make assurances about radiation.

9 Certainly, I've heard governmental agencies assure the men  
10 in service about the A-bomb testing and its safety for them.

11 I've heard the government or the medical  
12 profession assure patients that the early X-rays were safe  
13 for them. So I know that well-intentioned -- hopefully,  
14 well-intentioned, smart intelligent educated people give  
15 assurances that are sometimes in error.

16 My concern is that a mining company who might have  
17 an interesting idea or scheme could not guarantee anything  
18 to be foolproof. And it seems unreasonable to expect that  
19 there would be not one mistake in ten or twenty years of  
20 operation, and that one mistake certainly would contaminated  
21 the source of living here in this community forever.

22 So I don't how to safeguard the health of a people  
23 if something should happen. In the long term, I know of no  
24 way at present to monitor all the possible dangers any kind  
25 of radioactive isotopes can do on an ongoing basis. If

1 there was an acute problem, the spill of yellow cake and  
2 explosion of fire, the hospital can't handle it. A handful  
3 of police or fire fighters is useless. The only damage  
4 control team is about two or three hours away -- in bad  
5 weather, maybe a day or two away.

6 And there's no way of estimating the damage other  
7 than long term studies of rates of cancer or birth defects,  
8 and that would be 40, 50 years. You'll be dead then. I'll  
9 be dead then.

10 So it seems to me so clear that the risks outweigh  
11 any benefits. And I believe it's your responsibility also  
12 to be concerned with the safety of the community.

13 [Applause.]

14 JUDGE BLOCH: Thank you, Dr. Klinowski.

15 STATEMENT OF JUDGE PETER B. BLOCH

16 DR. BLOCH: I am honored and privileged to have  
17 been trusted by so many people with their heart felt  
18 feelings about this project. And I cannot help but feel  
19 touched by the feelings on all sides of this issue.

20 I have heard people who are terrified for their  
21 health and the health of their children and who are  
22 concerned about having safe drinking water. And I've heard  
23 people who are concerned about the progress of their people  
24 economically and about jobs and about personal profits for  
25 themselves.

1           I know that my job is an extremely important one  
2 to this community, and I'm grateful to be part of the  
3 process which will help to determine the concerns that have  
4 been voiced here today.

5           I want to say a little bit about that process.  
6 HRI began applying for this license many years ago, and  
7 they've been interacting with people who are represented at  
8 this table over here by just two people. But it's many more  
9 than two people from the staff of the Nuclear Regulatory  
10 Commission that have been interacting with these people.

11          And I'm going to leave out for a moment other  
12 regulatory agencies and other governments that also have  
13 been looking at this project. The amount of material  
14 exchanged here is over 16 feet in length. I mentioned that  
15 before. But it's also obvious in just glancing over it that  
16 there's been a lot of concern on the part of the staff and  
17 HRI in looking at all the technical details of the project  
18 and helping to make it be safe and environmentally  
19 acceptable.

20          And it also happens that the staff of the Nuclear  
21 Regulatory Commission imposed conditions that HRI was not at  
22 first ready to accept, and these conditions were imposed in  
23 order to protect the health of the people of this area and  
24 the environment as well.

25          I know that after all the effort that the staff

1 has put into this project and that HRI has put into this  
2 project that they wish this process were over now. They  
3 feel like they've done their work. And I can see that HRI  
4 and the allottees also would be disgusted at the slowness  
5 with which this process has gone forward.

6 And yet at this point, there is still another  
7 right to challenge this license. It's a right of private  
8 citizens to intervene and two groups and two individuals  
9 have been admitted as parties in this proceeding, and they  
10 submitted several books of concerns thought through,  
11 documented at the level needed to be qualified as concerns  
12 in this proceeding.

13 I have not tried the adequacy of those concerns at  
14 this point. I've just said that they're germane, they're  
15 relevant to what I have to decide.

16 At this point, I'm in the hands of the parties to  
17 some extent. The carefulness with which they do their work  
18 will help me to spot risks that may not have been addressed,  
19 answers to the problems of the intervenors that may not  
20 occur to me without the help of the HRI attorneys and the  
21 staff's attorneys, perhaps solutions to ideas that are  
22 brought up for the first time at this late time by the  
23 intervenors.

24 So I really am at their mercy and the carefulness  
25 of the work that they must do to help me to understand this

1 issue. But what I'd like you to know is that when it comes  
2 to education, this process of a judge learning about this  
3 problem in this way is about the best university that has  
4 ever been devised by the heart of man or woman because at  
5 this point when I get the filings from the parties, it's my  
6 job to read them and, if I can, decide the issues that have  
7 been tried on paper before me. And if not, it's my job to  
8 ask questions and obtain further information either in  
9 writing or orally.

10 So this is a university in which the student is in  
11 control. And I have to promise efficiency to HRI and  
12 carefulness and fairness to all the parties. I've got to  
13 tell you, I understand the history here. I understand that  
14 the people of this area have been disappointed many times,  
15 and that, in your eyes, many of you have been abused by the  
16 uranium industry previously, the government of the United  
17 States and you don't know who to trust. You'd rather not  
18 trust anybody. I understand that.

19 There are times when I am concerned about trusting  
20 my government because I am not satisfied with some of the  
21 things that I was told about Vietnam and about the war in  
22 Iraq. So I also have my questions when our officials speak.  
23 The only thing I can do is to promise you that before my  
24 God, I will do my job in this case, and that I'll do it as  
25 carefully as I can.

1           And I don't know why you would believe me that I  
2 will do that because I think if I were sitting there, I  
3 might disbelieve me. But that's my promise. And I don't  
4 know whether you can believe me, but that's where we're  
5 going to go.

6           Tomorrow, we'll be taking a tour of this area to  
7 be able to see all the areas where projects are planned and  
8 the areas of the community that might be affected. The  
9 following day will be a scheduling conference in this room  
10 for the purpose of figuring out the time that must be spent  
11 to decide these issues fairly and efficiently.

12          And that's what I'll be doing here. The case will  
13 then be decided after the parties file further documents and  
14 answer each other's documents. And then we get a chance to  
15 study it and decide if we need further process after that.

16          I know at the same time that there's uncertainty  
17 economically about this project. HRI has disclosed that.  
18 And yet, there's no way around a fair and efficient process  
19 here. I am aware that economic factors can affect this  
20 process. And yet, my job is to be fair and efficient, and  
21 I've got to weigh both.

22          I want to thank you for staying to hear me and my  
23 statement, and I am very grateful to you for joining me  
24 today and giving me your statements. Today's hearing is  
25 adjourned.

1 [Whereupon, at 10:30 p.m., the prehearing  
2 conference was concluded.]  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ANN RILEY & ASSOCIATES, LTD.  
Court Reporters  
1025 Connecticut Avenue, NW, Suite 1014  
Washington, D.C. 20036  
(202) 842-0034

REPORTER'S CERTIFICATE

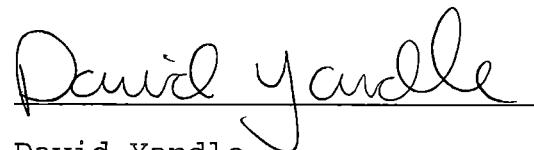
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

NAME OF PROCEEDING: PREHEARING CONFERENCE OF  
HYDRO RESOURCES, INC.

CASE NUMBER: 40-8968-ML

PLACE OF PROCEEDING: Crown Point, NM

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



David Yandle

Official Reporter

Ann Riley & Associates, Ltd.