

PUBLIC HEARING

DEPARTMENT OF THE NAVY  
 DRAFT ENVIRONMENTAL IMPACT STATEMENT  
 FOR THE CONTAINER SYSTEM FOR THE MANAGEMENT OF  
 NAVAL SPENT NUCLEAR FUEL  
 AT FORT HALL, IDAHO  
 JUNE 3, 1996  
 AFTERNOON SESSION

MODERATOR: Lieutenant Timothy Sullivan, USN

SPEAKERS: Mr. Elmer Naples  
Mr. William Knoll

REPORTED BY:  
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1 Ms. Murillo.

2 After the last speaker, I asked the  
3 panel if they had any questions. The record will  
4 reflect that neither did and I would like the  
5 record to reflect that that is not something that  
6 is a part of this comment period. So if you do  
7 choose to speak, I will not be asking the  
8 panelists if they do have any questions.

9 Our next speaker is Diana Yupe.

10 MS. YUPE: My name is Diana Yupe,  
11 Y-U-P-E, and I have a tribe address that I gave  
12 to you. I am representing the Shoshone-Bannock  
13 tribes for the Cultural Resources under the  
14 tribes and the Department of Energy working  
15 agreement that is in place.

16 And I would like to refer to Section  
17 5.4 of your DEIS if you would like to follow  
18 along. That is on page 5-9.

19 The comment I would like to make is we  
20 are the Cultural Resources section, there are A  
21 historic properties on the INEL which does not  
22 relate to the Native American history. They are  
23 as important to the history of the INEL as are  
24 the Native American concerns.

25 In the process of the D and D's or the

1 constructions on the buildings, it is very  
2 important that those be considered through the  
3 whole process of construction.

4 Additionally, the importance of the  
5 Native American interests are equally, should be  
6 considered. B

7 On your Section 5.4, land and cultural  
8 resources, you refer to I think it is on the  
9 next-to-the-last sentence, you said since there  
10 is a potential to impact cultural resources, it  
11 needs to be known that there is -- I cannot --  
12 I looked at the maps for the INEL, I cannot see C  
13 where INEL does not affect the aquifer, whether  
14 it be in the Big Lost River Range or the Birch  
15 Creek.

16 The tribes believe at the utmost D  
17 importance of our cultural history is water.  
18 Mother Earth is generated by water. That is the  
19 blood of the earth, that is the way we see it.  
20 We see Mother Earth as a human, similar to a  
21 human. The water is what generates the power and  
22 the life of the earth.

23 So if there is development under by any  
24 hydro area, including the aquifer, it is going to  
25 be affecting the cultural resources of the tribal

1 people of the Native American people.

2 On your section impacts, I have a  
3 concern on that first paragraph, you said the  
4 impacts were assessed qualitatively. What about  
5 quantitatively? For the cultural parts the  
6 quantitative assessments are as important as the  
7 qualitative.

8 On the second paragraph in the impacts,  
9 you have, "Consequently Native American rights  
10 and interest would not be modified by  
11 construction or operations" and so on.

12 I am going to stress this point that  
13 you guys take this very seriously. It says that  
14 you are not going to modify the Native American  
15 concerns.

16 I would like to ask the question  
17 without an answer, do you understand the Native  
18 American concerns and rights? The tribes are  
19 going to take you to stand on this. You are  
20 going to have to. We are going to take this  
21 statement very seriously and we will hold you to  
22 this statement.

23 On the next paragraph, you have with  
24 respect to prehistoric cultural resources, Native  
25 American cultural resources and paleontological

1 resources in the Birch Creek and Lemhi area.

2 I would like for you guys to really  
3 assess qualitatively and quantitatively your  
4 comments there about the impacts that are going  
5 to be made if this be an alternative, not only to  
6 the Native Americans, which is a lot of  
7 resources. They are including traditional  
8 culture policies as defined by Bulletin 38, under  
9 the definition by National Park Service, but also  
10 impacts to the residents in how they may have a  
11 very serious concern into this area as well.

12 LIEUTENANT SULLIVAN: Ms. Yupe, you  
13 have one more minute.

14 MS. YUPE: Under the socioeconomic  
15 section under 5.5, you stated here that there has  
16 been no significant socioeconomic impacts. Is  
17 that negative or positive to the community? I  
18 didn't really understand that.

19 The tribes will be providing, at least  
20 from my office, I will be providing written  
21 comments prior to the deadline on other issues in  
22 this, but those are my main concerns within the  
23 document that I read. Thank you.

24 LIEUTENANT SULLIVAN: Thank you,  
25 Ms. Yupe.

Commenter: Diana Yupe - Shoshone-Bannock Tribe Cultural Resources Representative, Idaho

Response to Comment:

- A. & B. The Navy also recognized this concern as discussed in Chapter 5, Section 5.4.1 of the EIS, which refers to a complete presentation on archeological sites, historic structures, and Native American interests in the Programmatic SNF and INEL EIS. In Section 5.4.2, the EIS states that the National Historic Preservation Act and the Cultural Resources Management Plan for the Idaho National Engineering Laboratory would be followed during planning stages of project development to minimize the impacts in these areas.
- C. & D. The Navy reached this same conclusion. Appendix F of the EIS explains that the runoff of the Birch Creek and Lemhi Range areas recharges the Snake River Plain Aquifer.
- E. The Draft EIS contains both qualitative and quantitative assessments of land use and cultural resource impacts. In Chapter 5 and Appendix F the areas of land impacted by the alternate dry storage locations are presented. In addition, the land impacted by constructing a rail line to the Birch Creek and Lemhi Range areas is listed.

The preferred alternative identified for this EIS would not disturb any land at the Idaho National Engineering Laboratory not previously affected by construction and operations or outside existing industrial areas. Thus no impact on cultural resources would be expected. In fact, the qualitative assessment was sufficient to exclude these areas from further consideration. If one of those areas had been chosen, then a quantitative analysis would have been appropriate. (See Chapter 3, Section 3.9) All excavation or construction would be conducted in accordance with applicable cultural agreements and regulations to minimize the potential for unforeseen impacts.

- F. Native American concerns are considered with great care. The Navy is currently involved in negotiating an agreement with the tribes covering transportation of naval spent fuel across the Fort Hall Reservation, including the current shipments that come from the shipyards and prototype sites. Five federal laws prompt consultation between federal agencies and Indian tribes: The National Environmental Policy Act, the National Historic Preservation Act, the American Indian Religious Freedom Act, the Archeological Resources Protection Act, and the Native American Graves Protection and Repatriation Act (NAGPRA). In accordance with these directives and in consideration of its Native American Policy, Department of Energy is developing procedures at the Idaho National Engineering Laboratory for consultation and coordination with the Shoshone-Bannock Tribes of the Fort Hall Reservation. Department of Energy has committed to additional interaction and exchange of information with the Shoshone-Bannock Tribes, and has outlined this relationship in a formal Working Agreement with these tribes. In addition, the Cultural Resources Management Plan for the Idaho National Engineering Laboratory and curation agreement for permanent storage of archeological materials is expected to be completed shortly. The Cultural Resources Management Plan will define procedures for involving the tribes during the planning stages of project development and the curation agreement will provide for the repatriation of burial goods in accordance with NAGPRA.
- G. The EIS recognizes the potential for impacts to prehistoric cultural resources, Native American cultural resources and paleontological resources in the Birch Creek and Lemhi Range areas, both in Chapter 5 and Appendix F. These areas were evaluated since they are the only locations on Idaho National Engineering Laboratory which are not directly above the Snake River Plain Aquifer. As stated in Chapter 5, Section 5.4.2, should either of these areas be selected for dry storage, procedures as required by the National Historic Preservation Act and the Cultural Resources Management Plan would be followed during the planning stages of project development to minimize the impacts on the use of this land. The preferred alternative

Commenter: Diana Yupe - Shoshone-Bannock Tribe Cultural Resources Representative, Idaho

for this EIS would not utilize the Birch Creek or Lemhi Range areas for dry storage of naval spent nuclear fuel, in part for this reason.

- H. In Chapter 5, Section 5.5.2 of the EIS, the details of this evaluation are presented. The increased number of jobs for construction (about 50) and operations (about 10 to 20) has a positive impact on the community; however, when compared to thousands of workers at the Idaho National Engineering Laboratory, there is no discernible aggregate impact on the local workforce in the vicinity of the Idaho National Engineering Laboratory. In addition, there is very little difference among the alternatives.