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Section 1813  
ROW Study, Office of Indian Energy and  
Economic Development, 1849 C St.,  
NW., Mail Stop 2749, Washington, DC, 20240

Dear Sir or Madam,

Land user consent must always be considered when a ROW affects and individual land user or for the Navajo Nation their customary use area. Land user consent must be obtained. Land users must be informed in writing and be given a copy of anything they sign with a tribal entity or federal entity.

No secret negotiations between the tribal entity and a company to give damage waivers to the company especially when the damage will release radiation into the land users area or irradiate the water. In Hoffmann(2005) C aquifer water contains uranium, thorium(some stable), strontium, tritium and sulfate(violates epa standards). The C aquifer water is part of the Black Mesa Project EIS Draft which is proposed to be used as coal slurry. The effect of withdrawing the water is to spread uranium throughout the C aquifer.

Peabody must not receive a damage waiver or the Navajo Nation must not give a damage waiver. If uranium is removed from the water, royalty must be paid for solution mining of uranium.

ROW studies must take into account that the project will not harm people.

ROW must not be put through a dirt road so as to bypass land user consent. A dirt road is for transportation and not for a pipeline. The dirt road was created by local folks who used their wagon, local labor, and vehicles to make the road. Tribes must not use a dirt road to put a pipeline which will deprive people of transportation. This will happen in the Leupp area in the proposed C aquifer well field.

Companies including tribes must provide interpreters from Native Language to English and vice versa and sign off on saying that translators were provided.

Appraisals of homes to be demolished must take into account the material was purchased a long time ago via wagon. Materials and labor for the same items cost more now especially in places where there is a dirt road that was trail blazed by the people living in the middle of nowhere. Proper compensation must be paid. Sometimes a house built with a wagon over years with income from rugs must be reflected in the appraisal. Transportation cost must also be reflected. A house built \$20,000 in the middle of nowhere 40 years ago is worth \$240,000 as in the Flagstaff area, lumber was cheap, but now is expensive.

If the affect ROW causes people to move off-the reservation, then provisions must be thrown in so that there property taxes will be paid by the company including utilities. A person in the desert hauls there water, pay no property tax, and collects there own wood.

Look out for the small folks and not just the companies and the commuting bureaucrats. Compensation, water downed construction roads, no blasting, and proper EIS statements or assessments must be done.

Tribal land that may seem vacate is actually a customary use area held by a family. Trust responsibilities artificialy create lower land appraisal values since the development to start a project or build a house can take years. Native peoples would move off-reservation to live then to stay on a reservation as the bureacracy is too much. Low income housing projects move people from the rural areas to a public works project for housing which artificial moves people away from a ROW.

This is why ROW values should be artificially high. Also companies in the past have request the Secretary of the interior to create artificially low ROW rates from tribes. Local people in the way of the ROW were

moved aside and given nothing for their trouble, but a promise of water, electricity or other tangible thing. People trying to get landuser consent must not make false offers in order to get landuser consent. Examples of laws that have benefited energy companies is the 1934 Reservation on Navajo land. The law states Energy companies will be given royalty breaks. Tribal governments must not give false offers of utilities or tangibles in order to obtain land user consent.

Tribal official getting landuser consent must not ask people to raise their right hands to see who are legal members of a chapter. As soon as people raise their hands, Tribal officials must not quickly interject and say you have now given land user consent for the project. Navajo Tribal officials have done this recently. Land user consent must be in writing.

Off-reservation companies in the past have taken advantage of Native people's inability in education and language to get artificially low ROW prices. Even now they still want low ROW prices, but the value of the land is different. The value of the land is artificially high due to trust status which causes less development via bureaucracy.

Sincerely,

Vincent Yazzie

References

Hoffmann, D., Bills, D., Phillips, J., Halford, K., (2005). Geologic, Hydrologic, and Chemical Data from the C Aquifer near Leupp, Arizona. U.S. Geological Survey Scientific Investigations Report 2005-5280, 42 p. Reston, Virginia. Retrieved from USGS Database at <http://pubs.usgs.gov/sir/2005/5280/>