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INDIAN ENERGY SOLUTION CONFERENCE

GOLDEN NUGGET HOTEL & CASINO
LAS VEGAS, NEVADA

AUGUST 5, 2008
2:41 P.M. - 3:37 P.M.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

GLOBAL WARMING, CLIMATE CHANGE
AND CARBON OPPORTUNITIES

Moderator: Merv Tano, Esq.,
Founder and Executive Director
International Institute
For Indigenous Resource Management
Denver, Colorado

Chair: Stella Washines, CERT Executive Committee

Reported by: KEVIN WM. DANIEL, NV CCR 711
RDR, CRR, CBC, CCP

1 PROCEEDINGS

2 MS. WASHINES: We had about 30 people in
3 here this morning, 31, if my count is correct,
4 including myself, and this session is to take your
5 input on global warming.

6 We have a court reporter, so as you offer
7 your comments, I would like that you introduce
8 yourself, your name and your affiliation, either your
9 Tribe that you represent or business, and Merv Tano is
10 our moderator for this, and I think David just asked
11 me to do this so I wouldn't take up all the time
12 talking.

13 I'm still Stella Washines. I'm a CERT Board
14 member and Delegate from Yakama Nation Tribal Council.

15 So the floor is open. The microphone's up
16 here, and you can talk to everybody else.

17 We had really interesting comments supplied
18 this morning. We still had some people that were
19 wanting to speak, so in the interests of time since
20 we're supposed to excuse you at 3:00, we'll go ahead
21 and start now if somebody has a comment.

22 I was wanting to ask the group this morning,
23 and I didn't get a chance to, was how many of the
24 native folks had elders that you remember telling you
25 as a young child that this was going to happen,

1 exactly what's happening now? Because I did. And I'm
2 half Cree, I'm enrolled Yakama, but I'm also from the
3 Coastal Tribes of Washington, and my grandmother, my
4 maternal grandmother was a Coastal Indian Fishing
5 Tribes, Gathering, and she told me when I was probably
6 8 years old, she told me and my cousins that when we
7 had those snow days, that when I was a grandmother, I
8 wouldn't see those days, that, you know, that the
9 earth was steadily getting warmer, and I think that
10 among most of our indigenous races, we know that we
11 are cyclical in nature, are living with Earth and
12 where we happen to be at that time that Mother Earth
13 corrects herself, and in that process there's
14 repercussions. And some of the global warming, you
15 know, the Earth will do what it has to do to correct
16 itself and clean house from all the things that her
17 ignorant children are doing to make it sick, the
18 environment sick.

19 And in our area we've had substantial
20 snowpacks, and as the member of Tribal Council, one of
21 our forest engineers had shared with me, because we
22 have I think the largest privately owned forest in the
23 country, that in our closed area they observed planes
24 doing cloud seeding in the wintertime when there's
25 snow. I thought, why would they do that? Because

1 when it rains, it makes the snow melt, which causes
2 flooding when they do that.

3 And when they were talking about research,
4 we have several air bases and problems with jets
5 coming too, flying too low over our closed area, and
6 there's even been Air Force jets that have crashed
7 because they've collided with, you know, ducks coming
8 up from some of the lakes and things like this, the
9 waterfowl, but you know, that was really strange to me
10 that they would do cloud seeding when we have the
11 snowpack, which we all need and rely upon.

12 But the fish are very important to the
13 Tribes of the Pacific Northwest, and the fish are not
14 only vital to the people that eat them, it's also part
15 of the ecosystem that the fish will stay in the ocean
16 until they smell that spring runoff of water, and then
17 they will head home to spawn. And there's been years
18 when there's been very little.

19 We do a lot of hatchery efforts to restore
20 salmon runs and steelhead rehabilitation, but you
21 know, sometimes in spite of millions of dollars and a
22 lot of work, those things don't happen because they're
23 reliant on the fish and their nature, and not only the
24 salmon, but also the wildlife in forests rely on those
25 salmon runs, birds, bears. Their consumption of the

1 salmon also contribute to the forest's health. So
2 without those, every part of nature, as one of the
3 elders was speaking in this morning's session, talking
4 about respect, we don't have the scientific
5 wherewithal to know these things, but we recognize
6 that we must respect those things because they're all
7 vital and important, whether it's a little ant or, you
8 know, something as insignificant or as much of a
9 nuisance as melting snow and ice. Those things all
10 have a purpose.

11 But I was wondering, looking around this
12 room, I was waiting for one of the comments to come up
13 that -- and people are pretty protective of their
14 cultural information, their intellectual properties,
15 but I know that I'm probably not alone in amongst the
16 audience here of people that were told culturally that
17 we were going through just what we're going through
18 right now, with the global warming, and we have a few
19 snow days at home, but it's nothing like it used to be
20 when I was a child.

21 MR. TANO: I've got a question for folks.
22 Climate change, global warming and the carbon
23 sequestration, carbon captures, are really huge, huge
24 issues which need to be kind of narrowed down. So I'd
25 like to ask you all, what kind of more specific

1 information would you like to have that you think you
2 need, what kind of specific training sessions,
3 workshops, conferences do you think CERT should be
4 holding? Any takers?

5 MS. PRINCE: Renee Prince, Iowa Tribe of
6 Oklahoma.

7 I think it's education, more education on --
8 I know it's -- we know the basics about global
9 warming, but we don't know all the information that
10 you need. And I think education's real important.
11 You know, just like the basics 101 of what it's about,
12 what's going to happen, and what we can do to stop it.

13 MR. TANO: Let me ask you some follow-up
14 questions, if I might, okay? Are we talking about
15 education, for example, kind of executive training for
16 the Tribal Council, Tribal leadership? Are we talking
17 about having K-to-12 curriculum developed? Can you
18 explain a little further?

19 MS. PRINCE: I think it's at the Tribal
20 Council level, and also coming up with curriculum for
21 kids, you know. I mean, my kids hear a little bit
22 about it at school, but it's -- we talk about it at
23 home and they learn more that way than what they're
24 learning at school. It's just not in the school like
25 it needs to be.

1 MR. TANO: How about this question of
2 training or education in terms of, a lot of what
3 people were talking about this morning was in terms of
4 Tribal values, Tribal belief systems. Can you say a
5 little bit more about that?

6 MS. PRINCE: Are you asking do our Tribal
7 Elders talk about the changes or --

8 MR. TANO: Well, for example, you know, you
9 can have science, climate science, okay? And you can
10 have climate economics, and that might be good for the
11 rest of the world, but do we need to, in a sense,
12 integrate this science, these economics with unique
13 cultural belief systems, practices, et cetera?

14 MS. PRINCE: I think you'd have more impact
15 if you did, because her telling her story like she did
16 made an impression on me, because the Iowa Tribe has
17 been moved so many times, we've lost a lot of our
18 traditions and our stories, and there's very few -- I
19 mean, we probably have four or five that can speak the
20 language. We've lost a lot. So though I have not
21 heard stories from my father or grandparents to know
22 if that's something that was there, or they knew it
23 was going to make a change, I don't know, because we
24 don't have that. And that happens a lot in Tribes I
25 believe. So I really appreciate her sharing her story

1 about her relatives telling her.

2 MS. WASHINES: I think, Merv, that my
3 grandmother had, and all of our grandparents had
4 responsibilities as Elders to teach us. That was a
5 contributing factor to our survival. I mean, every
6 one of us sitting in this room are somebody's dream,
7 whether they're in this world or the spirit world, and
8 I try hard to make their dream a nightmare in my daily
9 choices all of my life because I'm one of the younger
10 siblings in my family, and so I benefited by my older
11 brothers' and sisters' experiences, and I got to hear
12 all about it from my parents and grandparents.

13 And I hear these things as a Tribal
14 Councilperson from other Tribal leaders about
15 balancing between what is current and what is
16 cultural, and I think there really isn't any
17 difference, except that some of us need to step back,
18 and one of the people here this morning talked about
19 Tribes having myopic views, of things being local and
20 that that was a plague to Tribes, and I thought that
21 was really, really relevant in so many ways, and it
22 does very heavily relate to global warming and Tribes
23 not having a myopic, plague-type viewpoint of this
24 issue, but also in looking at the current versus
25 cultural, to take a step back, not being myopic and

1 parenting but grandparenting children in teaching, you
2 know, not only respect for themselves and others, but
3 also for our resources and for the animals and other
4 people that don't share that same teaching of value.

5 MR. TANO: You know, I was up at Yakama
6 several years back when y'all were having problems
7 with, I think it was a canning facility on the Rez at
8 that time. It was contaminating some of the waterways
9 with sugar water. And you had a water resources
10 person working up there and he was saying, you know,
11 there was never -- in a particular little waterway,
12 saying, even though it was contaminated, it had no
13 effect on fish, because there was never any fish over
14 there, and Hazel Umtuch, I guess she was on the
15 Council there and she used to be in the Council of
16 Energy Resource Tribes, and she kind of gave him a
17 verbal slap across the face, you know, and said, "You
18 know, young man, when my sisters and I were little
19 girls, we used to chase the fish up here."

20 It seems to me, you know, while you might
21 denominate that culture, it's part of the kind of
22 historical background that has to, to my way of
23 thinking, be integrated with this science, because
24 lacking that kind of perspective, it's really hard to
25 figure out your mitigation, your adaptive management

1 strategies when your baseline is based on some
2 erroneous assumptions.

3 MS. WASHINES: That's exactly right. So
4 when I got assigned as a new Tribal Councilperson to
5 the Sewer Committee for the casino, I thought, why do
6 I have to do this? What do I care? What do I know
7 about this? This is a stretch from economic
8 development to social health resources. Because I'm
9 on the Health Committee, I have to take care of the
10 sewer for the casino?

11 But I really learned a lot in that process,
12 and I really appreciate the marriage between health
13 and economy. If we want our people to enjoy the
14 health status that mainstream America does, or even
15 restore ourself to our prior health status as Indian
16 nations, our people have to be educated. That is the
17 greatest step forward that Indian nations can make
18 toward achieving economic stability and opportunity.

19 If you don't have your health, you have
20 nothing, and being educated is the best way to get
21 there and to have the employment opportunities and all
22 of these other things. It's not going to be very good
23 for us if we maintain our current status. I think
24 currently 12 percent of all Native Americans have
25 disabilities. That's really, really high.

1 And in the waste water development which we
2 just opened, we freed ourselves from our local city
3 waste water system, saving ourselves well over a
4 hundred thousand a year, but also we invested over
5 \$5 million into this so that there's no smell,
6 virtually. The water that comes out is purer than
7 this by far. It's potable water, but by law you can't
8 drink it, but we can put it back into the system. We
9 can use it for irrigating, and it's kind of gross, but
10 you know, we have a byproduct that is the sludge. It
11 has to be dried, and then it's a fertilizer. It comes
12 from the waste that's in the sewer treatment system.

13 But carrying that further, because you know,
14 I was kind of a liaison between Tribal Council from
15 Economic Development and also being a member of the
16 Health Committee, I approached one of our former
17 chairs and asked him, I said, do we have the go-ahead,
18 because for a few thousand dollars, I think about
19 \$15,000, we could add on to this project and we could
20 recycle the corn oil, the cooking oil from the casino
21 and our restaurant operations and develop a small
22 biodiesel project that would dry that sludge to
23 produce the fertilizer, but it would also recycle that
24 cooking oil so that we could fuel these diesel motors
25 that we use, sometimes for auxiliary lighting, and

1 also sadly when we -- every few years we have
2 fishermen that go missing and we can, you know, put
3 these huge lights out onto the rivers or wherever we
4 need search and rescue operations. And I said, I told
5 him the dollar amount, which was very nominal at that
6 time. So maybe at one time we'll be able to bring
7 that forward as a CERT presentation, because it wasn't
8 initially something that Tribal Council met on. It
9 was our own knowledgeable experience, committed,
10 educated Tribal member that said, hey, by the way,
11 Committee, you know, we're going to need diesel to dry
12 this byproduct of the waste water treatment, and we
13 could do this, we have the -- we already have the corn
14 oil from the fast food, the French fries and things
15 that are part of the deli and restaurant operations,
16 and the Chair sat there, and I did my little spiel,
17 not knowing how this guy with this cowboy cool was
18 going to take all this because he'd been on Council
19 for a long time and I was kind of green -- still
20 consider myself green -- and when I proposed this to
21 him, he just kind of sat there and he said, "Give them
22 wings and let them fly." And so I never even brought
23 it back to the rest of the table. They just told me
24 yeah, go ahead, do it.

25 I always smile when I go over and we're

1 having a concert or something at the casino and we
2 have to have extra parking, that I know where that
3 diesel's coming from that, you know, is being recycled
4 from whatever French fries you might be munching at
5 the casino operation.

6 So we're doing what we can, and there was a
7 lot of myopic thinking, protesting why are you doing
8 this? We've always participated as a part of the city
9 sewer and we've always done it this way, and why are
10 you investing millions of dollars into this operation?
11 Well, the point of fact was that the local city
12 government needed \$11 million to maintain EPA
13 standards for the waste water treatment. They were
14 looking for us to help them, and if not, they were
15 going to impose higher rates.

16 Currently, about 38 percent of -- well, if
17 you had a water-sewer-garbage bill for two people in
18 the city, it would be about \$98 a month. \$38 of that
19 would be city tax. That's, that's where they were
20 going to get us to pay for that, and they would have
21 been coming after the Tribal complex, the Indian
22 Health Service Clinic, the Cultural Center, our RV
23 park, the casino, and the Elder retirement home, as
24 well as all of our other little units on campus there.
25 That would be heavily supporting that venture.

1 And when we announced, no, we're not going
2 to do it, then they asked us, "Well, could you do
3 ours?"

4 (Laughter)

5 So, you know, and it would have cost us
6 another additional \$5 million, which everybody would
7 have got real myopic over that and they wouldn't have
8 done it. But there are things out there that we can
9 do, and when I was learning about different mining
10 operations, I was trying to figure out how much of a
11 leap is it for them to do a similar type of waste
12 water processing to be able to put potable water back
13 into their system.

14 MR. TANO: See, I think that's one of the
15 reasons why it really makes sense for Tribes to take
16 control over some of these kinds of systems. Because
17 the example you cite just deals with so many kinds of
18 Tribal issues or Tribal opportunities. You know, one
19 is having the kind of agility within the leadership,
20 the kind of systems so that you can, you can have a
21 proposal that comes up and says, you know, for an
22 additional 15,000 bucks, you can have this, and people
23 will say, yeah, go ahead, give them wings. As opposed
24 to having a very highly bureaucratic, put it through
25 the system and let's kill it, you know, through

1 rigidity.

2 And it seems to me as we deal with the kind
3 of impacts of climate change, you need that kind of
4 agility in the leadership, but also in the kind of
5 institutions.

6 The other thing that points out, that
7 example points out to me is this need for Tribes to
8 really understand the interplay, interrelationship
9 between some of the more unpleasant things of life,
10 like garbage collection, like sewage disposal and
11 sovereignty. Those kinds of, if you will,
12 opportunities to really take control and -- because
13 those are the kinds of areas very often that are left
14 in a vacuum. You know, if you're talking about water
15 rights, you're going to have 15 different
16 jurisdictions fighting you. But if you're talking
17 about sewage, have at it, lady. As a matter of fact,
18 why don't you have ours too, right? So, Steve.

19 MR. GREY: I don't have to go up there, do
20 I?

21 Well, I was just going to follow up on what
22 I was saying earlier, you know, because it's still
23 along the same lines of -- and as you were talking I
24 was thinking about, I was going to give an example.
25 Like what, Indian communities, Tribal communities need

1 to do is look at the way that, as I mentioned earlier,
2 to develop a critical mass for those type of people
3 that you need to look at things from a science and
4 technical area. That's very important, and you don't
5 have to like have a research institution to do all
6 that over night, but you can start small.

7 And I was thinking of the example because I
8 work with the National Congress for American Indians,
9 you know, how they develop policy on a national level
10 for various issues that come out, and it's just, it's
11 from a policy standpoint. But it has a major impact.
12 So we get back to like these things that I mentioned
13 earlier that are surrounding global warming issues,
14 you know, and obviously we were talking about CO2.

15 I was really trying to get more specific
16 about saying you've got to start to develop that
17 critical mass, even if it's small, you know. And
18 sometimes your alliance could happen with a
19 university, you know, or an organization that is
20 bipartisan, I guess you would call it. But then
21 that's how you grow it, you know. You grow it to
22 where will meet your needs today to address those kind
23 of things that will come back to the Tribal community.
24 That's what I was trying to drive at earlier. As you
25 mentioned that I just thought of that.

1 MR. TANO: I think one of the things -- I
2 totally agree with you, Steve. The trick is to start,
3 you know, just do it. It's like the old Nike ad,
4 "Just do it."

5 The problem I see, and this relates to the
6 luncheon conversation, is that very often you don't
7 have the kind of writing -- nobody's doing the kind of
8 writing, to my way of thinking, that presents that big
9 picture of Desert Rock. Okay? You've got a lot of
10 people talking about and writing about the other side,
11 you know, why it shouldn't happen. So to say it's an
12 unfair competition is actually to dignify what really
13 is happening. It's a one-sided war. One side is just
14 fighting, fighting, fighting, because they've got
15 NREC, they got the Sierra Club, they got the governor
16 of New Mexico, they got the governor of Arizona. You
17 know, we've got articles in the paper, in Colorado,
18 and there's nothing that comes out in response to it.
19 Nothing. No one says -- nobody in Colorado would
20 stand for traveling 10 miles to get water. Nobody in
21 Colorado would stand for not having electricity.

22 MS. WASHINES: Yeah. When they're without
23 electricity for five or 11 days, it's national news,
24 but 68 percent of Navajo Nation lives that way?
25 That's a lifetime thing.

1 MR. TANO: So I mean, as I say, you know,
2 this is a war of ideas. It's not just Desert Rock.
3 It's a war of ideas, and it seems to me one of the
4 reasons we're having these kinds of meetings is to,
5 one, come to that understanding, and two, to present,
6 like the vice president said, a united front.
7 Southern Ute is fossil fuels. Ute is fossil fuels.
8 Northern Ute or Ute is fossil fuels. You guys are
9 fossil. Crow is fossil. Northern Cheyenne is fossil.
10 Guys up in North Dakota are all fossil. And so if
11 they, they can knock you guys off, the big cheese,
12 it's going to be a hell of a lot easier to knock off
13 the other guys. You know, we have to be aware that
14 this is a competition of ideas, not just how clean a
15 particular technology is. Arvin?

16 MR. TRUJILLO: I guess I'll help you guys
17 out.

18 MR. TANO: Thank you, sir. I appreciate it.
19 Introduce yourself.

20 MR. TRUJILLO: For the record, my name's
21 Arvin Trujillo, and I'm the Executive Director for the
22 Division of Natural Resources for the Navajo Nation.

23 Some of the points that have been brought
24 out are areas that we are working on, but bringing it
25 back in terms of looking at global warming, and

1 looking at carbon dioxide production and et cetera, I
2 think one of the things that we need to be very aware
3 of is how the feds, as well as the states, still are
4 under that mandate of wanting to tell us what to do,
5 rather than consulting and working with us on how to
6 do this. And if we could come back to carbon dioxide
7 and use Desert Rock as an example, and the State of
8 New Mexico, where really it's two states. The initial
9 state is California, where California has gone out and
10 legislated a cap on CO2 and how that's going to be
11 done, without really knowing how it's going to be
12 done. I mean, their industry and their own federal
13 structure are struggling on meeting those legislative
14 statutes.

15 MR. TANO: And then you have San Francisco,
16 right?

17 MR. TRUJILLO: Yes.

18 MR. TANO: Oh, God.

19 MR. TRUJILLO: You know, and so one is
20 seeing how states are wanting to put -- and the feds
21 right now, with their greenhouse gas legislation --
22 wants to put caps on these, yet they don't know how to
23 achieve those caps. Which in essence begins to put
24 the burden -- as Merv noted, there are a number of
25 Tribes who are really now just beginning to spread

1 their wings in terms of energy development. And I
2 think as we look at policy development, we need to
3 begin to see, how do we begin to support a balanced
4 portfolio within Indian Country, and then how do we
5 begin to work within ourselves to bring that message,
6 looking at fossil fuel development and alternative,
7 other alternative energy sources development. Because
8 if you see it right now and you go to some of the
9 renewable conferences, those Tribes that are very
10 focused on wind and solar development are bashing
11 those of us that have fossil fuel development.

12 MR. TANO: Yes, absolutely. Absolutely.

13 MR. TRUJILLO: They're using that as part of
14 their argument to get more capital for their
15 particular projects. So we've got Tribes beginning to
16 go after each other.

17 So again, I guess what I'm saying is that as
18 we begin to look at a policy, we need to also begin to
19 figure out at this time, at this stage, don't put the
20 burden of carbon dioxide regulation on Tribes that are
21 just now developing. That's just like looking at
22 developing countries who are looking at how they can
23 develop their economies and through different
24 protocols. The developed countries are trying to put
25 pressure on them to say, well, in order for us to meet

1 these certain mandates, you guys are going to have to
2 go the extra step to make, to help us meet these
3 efforts and turn the carbon dioxide and et cetera. I
4 think the other piece that has been spoken about
5 earlier concerning sovereignty, again, it's coming
6 back to that issue where states and the Federal
7 Government, even state organizations like the Western
8 Governors Association, et cetera, still want to tell
9 us what we should be doing, rather than consulting
10 with us and working viable solutions out.

11 MR. TANO: That's right.

12 MR. TRUJILLO: The Section 1813 study that
13 was just done looking at right-of-ways is a real
14 example as to how, if Tribes can find those issues to
15 come together as one, we do have a tremendous voice
16 out there. Congress will sit up and listen. The
17 industry will sit up and listen. And so I think we've
18 been able to show that.

19 So again, the idea here in terms of
20 sovereignty is how do we continue that process to
21 allow or to have people begin to understand that
22 consultation aspect and work with Tribes in that
23 fashion, allowing Tribes to govern, you know.

24 Government, democracy is a process, but at
25 the end of the day, depending on situations, a

1 decision's going to be made. Once a decision's made,
2 there's going to be one faction that's happy, there's
3 going to be one faction that's not happy. Majority
4 rules, but it doesn't seem to work that way with
5 Tribes.

6 Majority decides this is the way we're going
7 to go, and we start moving that way. Suddenly,
8 everybody says wait a minute. Let's bring a whole new
9 group in and find out if this was the right decision.
10 And in our case, what I look at is not only are we
11 looking at -- we've looked at industry, we've looked
12 at federal and state governments doing that. There's
13 another strong faction out there that's looking at
14 this, and that's the environmental faction and they're
15 using our own people against us. And again, that's
16 something that we need to be very cognizant of.

17 I guess the last point, you know, in
18 listening to discussions up to this point, is I kind
19 of like to draw stuff, and one aspect that I look at
20 and that we formulate a lot of our development on is
21 kind of a triangle. Traditionally I've always looked
22 at the fact that when you look back in the past, when
23 they talk about the '20s and et cetera, how Tribal
24 governments started oil development, gas development,
25 the focus was on economics. That's it. You know,

1 money.

2 But now, you know, we did some work with the
3 World Bank. We did a number of different initiatives.
4 We looked at our own energy policy, and in that we
5 formulated a triangular model looking at economics as
6 one point of the triangle, the other point would be
7 social and cultural aspects, and another point would
8 be environmental.

9 Understand, there has to be some type of
10 balance, and the balance is not right in the middle.
11 It depends on what the goals and the objectives of
12 that particular Tribe are. And then how do you want
13 to manipulate that so that you reach those particular
14 goals.

15 And again, as we look at power and as we
16 look at power development, you know, our focus has
17 always been in providing one, reliable power, two,
18 cost-effective power, and three,
19 environmentally-friendly power. And you have to
20 balance those pieces, and there's always mitigation,
21 in anything you do, whether it's coal, oil, gas,
22 natural gas, wind, solar. You know, they all have
23 their price.

24 I mean, take example, everybody was saying
25 let's look at the development of ethanol, let's use

1 corn, and that seemed to be a great idea. Except what
2 happened? Now everybody's using corn for the
3 production of ethanol, so what's happening to the
4 price of corn? It's going up, and so now what we use
5 for food is also rising. So again, there's
6 mitigation.

7 We talk about, we talk about wind
8 development. In my part of the country, there's very
9 strong support from Grand Canyon Trust, Sierra Club,
10 et cetera, on wind development. You take those same
11 groups and you move to the Southeast, they are not
12 very supportive of wind development. Why? Because it
13 hits the migratory areas. It's killing birds. It's
14 doing -- so again, how do we mitigate?

15 And so the idea here is looking at how we
16 begin to look at those aspects in terms of production,
17 and where I'm from, with greenhouse development and
18 global warming is how do we look at fossil fuel
19 development in connection with alternative fuel
20 development, and then how do we begin to partner up?
21 We talked about capture carbon sequestration. How do
22 we roll those into viable projects? Steve talked with
23 WESTCARB. There are a number of carbon sequestration
24 capture organizations that are trying to work on this.

25 And again, the idea here is to come into

1 partnership and not to just say no to projects, but
2 figure out, okay, here's an area that now we've got to
3 look at and mitigate. How do we do that? And
4 understanding that sometimes you won't find the full
5 pot of money in one source, but if we can come
6 together in partnerships, that might be a way to
7 address those issues.

8 So those are some of the things I'm looking
9 at in terms of greenhouse.

10 MR. TANO: When you say partnerships, Arvin,
11 who are these partners that you're thinking about?

12 MR. TRUJILLO: Okay. I'm looking at
13 partners -- let's use the example of Desert Rock,
14 because that's fresh in my mind because I've been
15 really in these discussions.

16 The Governor of New Mexico has come forward
17 and he said, you know, "We don't want that because
18 that's going to kill -- basically that's going to
19 affect the caps that I put in New Mexico. I'm saying
20 that New Mexico will be a green state." What we came
21 back, we showed him the technology of the new way that
22 we're looking at critical combustion of coal and how
23 that brings all of your pollutants down, except for
24 carbon dioxide. But we, we are also partners in
25 WESTCARB and some of the other sequestration groups,

1 and we're telling New Mexico, okay, put your money
2 where your mouth is.

3 We're willing to help invest and look at
4 opportunities on how we can sequester coal -- I mean
5 carbon dioxide, capture it, because as I said, as an
6 example, they tried the future gen project, and in
7 order to do some -- and right now they're doing some
8 testing on some sequestration efforts, but what are
9 they doing? They're mining carbon dioxide. They're
10 pumping carbon dioxide back up out of the ground using
11 that and they're putting it back in to test carbon
12 dioxide sequestration capture. And here we are saying
13 we've got to capture CO2 and put it back in the ground
14 so we were telling New Mexico, partner with us in
15 terms of expertise and funding. Let's put a pilot
16 project together that we can then test in these
17 different testing areas on how well can we sequester
18 and capture carbon dioxide, instead of having to mine
19 it up, pump it down, and put it back in the ground
20 again.

21 And so that's kind of how I'm looking at
22 partnerships. There's that ability to begin to
23 partner with the laboratories, colleges and
24 universities, as well as industry. Industry is a part
25 of WESTCARB, as an example, to funnel money together,

1 because we all have a common interest, and to use that
2 funding to figure out how we can resolve some of these
3 issues.

4 I think some of the state governments right
5 now are kind of trying to utilize JFK's philosophy.
6 By that I mean, you know, in 1960, President Kennedy
7 at a point says we will put a man on the moon. Of
8 course, we didn't know how. And it took not only a
9 decade, but it took a tremendous amount of resources
10 to get to that point.

11 State government seems to be doing that
12 right now, saying, here's the carbon limits you're
13 going to meet. You know, we don't know how we're
14 going to do it. But if there's ways that we can
15 partner, and that's where you see the partnerships in
16 terms of academia, State and Federal Government, as
17 well as Tribes that are really into energy
18 development, I think we can probably come up with some
19 possible solutions in the near term. Right now we're
20 not sure. We're looking at some possibilities, and
21 we're looking at what we've done before, because
22 traditionally we've either put carbon dioxide or
23 nitrogen into oil and gas fields to enhance
24 production. So we're following that same mentality at
25 this point. There might be some other options out

1 there that we really haven't looked at at this point.

2 So that's what I mean by partnerships.

3 That's all I have.

4 MS. WASHINES: I have a question for you,
5 Arvin. Does Navajo its own environmental protection
6 code?

7 MR. TRUJILLO: We have our own Environmental
8 Protection Agency, and they have primacy in areas such
9 as water quality and they're working on air quality
10 right now. But we have them, but they work in
11 conjunction with the U.S. EPA in regulating issues on
12 the nation.

13 MS. WASHINES: So for your policies for
14 water, is that Tribal law?

15 MR. TRUJILLO: Yeah. Yeah. Under those
16 areas are, that they are, Navajo EPA has primacy,
17 that's Tribal law. The others we just extend out and
18 enforce federal, federal regulations up to this point.

19 MS. WASHINES: The reason I ask is I came
20 from Health and Human Services for 26 years, come to
21 Tribal Council and have a limited range of experience
22 with EPA issues. But what I've seen in the past six
23 years is that EPA is not a friend to Indian Tribes.
24 They'll present a grant, but you'll pay that in fines
25 because it's like they use our own people that are

1 grant funded to like be hall monitors on its own
2 Tribe, and you will have the Tribal enterprises that
3 may be doing very minute contributions of
4 environmental pollutants, and they'll have a big
5 brother, literally across the road, that is from the
6 private sector and the EPA turns a blind eye to them.
7 And you know, the Tribe will be getting fined for
8 everything from fertilizers to emissions from a lumber
9 mill.

10 And then if they're not fining you, then
11 they're saying, well, you've got to do this and such
12 and put in, you know, X number of dollars of equipment
13 onto your operations just to monitor this for us,
14 without having that own standard there, and I just
15 cringe when I go to places like NCAI and I'll sit in
16 the back of the room and watch EPA give this big spiel
17 and you know try to say, oh, you know, our savior is
18 here, and I'm saying, no, they're not. They're very
19 bad.

20 MR. TRUJILLO: No, and again, that comes
21 back to the aspect of sovereignty and how we should be
22 governing and ruling within our particular
23 jurisdictions. And when we look at energy
24 development, however a tribe wants to do that, I feel
25 that there are enough people within the different

1 Tribes to begin to understand different aspects and to
2 make decisions and to say okay, this is how we're
3 going to move forward as a tribe.

4 Because each Tribe has its own goals and
5 objectives as to how they will utilize that income
6 from energy development, or use the energy itself.
7 For all of us, we're looking at improving quality of
8 life. For each Tribe, each community, that definition
9 is different. Even down to the individual.

10 So again, this aspect of governance and
11 being able to govern within your own jurisdictional
12 area I think is very important. And as for Navajo,
13 and I think really for Indian Country as a whole, I
14 feel that we're kind of a teenage -- I use that, I use
15 that example a lot. We're at that teenage stage right
16 now, and we all know how teenagers are. You know,
17 when they come to that 13, 14 years of age, you know,
18 you're used to saying, "Go, sit over there." You
19 know, there comes a day when you tell them, "Go, sit
20 over there," and they just look at you and they say
21 "Why? I want to sit over here." You know.

22 So I see us in that stage, and we're
23 beginning to grow and develop and make up our own
24 minds, but the Federal Government, State governments,
25 they're still wanting to tell us what to do and how to

1 your land owner regime, a piece from the business
2 partner regime, and create something that is
3 quintessentially Navajo and will look, as you say,
4 completely different from Nez Perce. But if you take
5 it from strictly from the regulation toolbox, then
6 everybody's supposed to look alike, even though it
7 doesn't fit.

8 MR. TRUJILLO: Exactly.

9 MR. TANO: We're supposed to be gone.

10 (Laughter)

11 We're no longer here.

12 So let me give you our -- since John put his
13 hat on --

14 (Laughter)

15 -- gave an ad, let me. Our website for the
16 International Institute for Indigenous Resource
17 Management is www.iiirm.org. I can give you a card.
18 We've got some stuff we've written on various aspects
19 of environmental protection, on climate change,
20 energy, et cetera. So, I appreciate you all's
21 comments.

22 I think you ought to feel free to talk to
23 David Lester, his staff, or send me an e-mail if you
24 want to pursue some of these things further. I know
25 we will be involved in climate change -- we, the

1 institute and we the Tribes and indigenous people will
2 be involved with this for a long, long time, and it's
3 such a big, big bundle of stuff, that in a sense we
4 have to kind of deconstruct what we have and deal with
5 some of these things in a more, you know, discreet
6 forums.

7 MS. WASHINES: Thank you all for being here
8 this afternoon. I enjoyed listening to your comments.
9 Hope I didn't talk too much.

10 (Applause)

11 (Proceedings adjourned at 3:37 p.m.)

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1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA)
)
3 COUNTY OF CLARK)

4 I, Kevin Wm. Daniel, Certified Court
5 Reporter, do hereby certify:

6 That I reported in shorthand the proceedings
7 had in the above-entitled matter at the place and date
8 indicated.

9 That I thereafter transcribed my said
10 shorthand notes into typewriting, and that the
11 typewritten transcript is a complete, true and
12 accurate transcription of my said shorthand notes.

13 IN WITNESS WHEREOF, I have set my hand in my
14 office in the County of Clark, State of Nevada this
15 12th day of August, 2008.

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KEVIN WM. DANIEL, CCR #711

