



IN REPLY REFER TO:

Environmental Quality Services
MS 620EQS

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WESTERN REGION
400 North 5th Street
Two Arizona Center – 12th Floor
Phoenix, Arizona 85004



RRR000672

JAN 08 2008

Mr. M. Lee Bishop, EIS Document Manager
Office of Logistics Management
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive, MS 011
Las Vegas, Nevada 89134

Dear Mr. Bishop:

The Bureau of Indian Affairs (BIA) Western Regional Office (WRO) has reviewed the October 4, 2007 Draft Supplemental Environmental Impact Statements (EIS) for the Yucca Mountain Repository and Rail Transportation Corridor. As you know, we are interested in these projects and the ongoing National Environmental Policy Act (NEPA) process, including review of associated data and reports. In particular, the projects as they relate to impacts associated with tribal trust resources within Nevada.

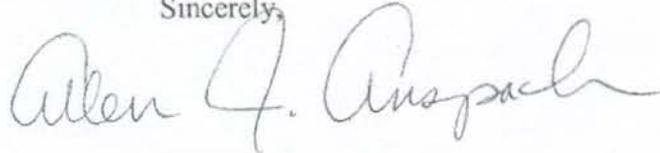
1 [Thank you for incorporating some of our previous comments into the EIS documents for the aforementioned projects. However, we could find no discussion of Indian Trust Assets (ITAs). We would like to re-emphasize the importance of including an analysis of ITAs during the NEPA process. As you know, ITAs are legal interests in assets held in trust by the United States for Native American tribes or individual Native Americans. Assets are anything owned that have monetary value. The asset need not be owned outright but could be some other type of property interest, such as a lease or right of use. Assets can be real property, physical assets, or intangible property rights. The United States has an Indian trust responsibility to protect and maintain rights reserved by or granted to Native American tribes or individuals by treaties, statutes, and Executive Orders, which rights are further interpreted through court decisions and regulations. The trust responsibility requires that *all federal agencies* take all actions reasonably necessary to protect trust assets. Trust assets include but are not limited to land resources, water rights, minerals, and hunting and fishing rights.]

The primary BIA point of contact is Ms. Amy Heuslein, BIA Regional Environmental Protection Officer. Her telephone number is (602) 379-6750. Also, please include Ms. Athena Brown, Superintendent from our Western Nevada Agency as a contact, too. She can be reached at (775) 887-3500.

Currently, the BIA does not have access to electronic mail or the Internet, so we request communications via regular mail delivery or facsimile transmissions. Our telefax number is (602) 379-3833.

We would appreciate your consideration of our comments in the Final EIS's. If you have any questions, please feel free to contact Ms. Amy Heuslein.

Sincerely,

A handwritten signature in cursive script that reads "Allen J. Auspach". The signature is written in dark ink and is positioned below the word "Sincerely,".

Regional Director

cc: Walker River Paiute Tribal Council
Attn: Genia Williams, Chairperson
Superintendent, Western Nevada Agency
Attn: Environmental Coordinator
Real Estate Services, WRO
Dr. Jane Summerson