

Affidavit of Gilbert Sanchez, cited at Mello Aff #2, Par 12m

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

THE LOS ALAMOS STUDY GROUP,

Plaintiff,

v.

Case No. 1:10-CV-0760-JH-ACT

UNITED STATES DEPARTMENT OF ENERGY; THE HONORABLE STEPHEN CHU, in his capacity as SECRETARY, DEPARTMENT OF ENERGY; NATIONAL NUCLEAR SECURITY ADMINISTRATION; THE HONORABLE THOMAS PAUL D'AGOSTINO, in his Capacity as ADMINSTRATOR, NATIONAL NUCLEAR SECURITY ADMINISTRATION,

Defendants.

AFFIDAVIT OF J. Gilbert Sanchez

State of New Mexico)
) ss.
County of Santa Fe)

J. Gilbert Sanchez, under penalty of perjury, hereby declares as follows this 3 day of November 2010:

- 1. I am a citizen of the United States and resident of the Pueblo de San Ildefonso, 34 O TAH NAH PO, Santa Fe, NM. I have lived here all my life except when serving in the USAF and attending college.
2. I am a Tewa person enrolled in the Pueblo de San Ildefonso and former governor, having

served in 1985-1986. I am also the creator and a former director of the Pueblos Environmental Office, Cultural Preservation Office, and Economic Development Department.

3. I am currently an active member of the South Kiva participating within our Ceremonies and Dances. However, I am not representing the South Kiva by any means in my making these statements.
4. I am currently a member of the Los Alamos Study Group and have been actively involved in the Study Group and their campaigns, as time has allowed, since 1992.
5. In this case, the Los Alamos Study Group has asked that the Department of Energy and National Nuclear Security Administration to comply with the National Environmental Policy Act (“NEPA”) by analyzing the impacts of construction and operation of the Chemistry and Metallurgy Research Replacement Nuclear Facility (“CMRR-NF”) and connected projects along the Pajarito Corridor, and of reasonable alternatives to these projects. I fully support the effort to require such NEPA analysis.
6. As an individual I am active in protecting our ancestral lands which include those lands on which the Los Alamos National Laboratory (LANL) is sited. I stand to protect our Sacred Space and Sites that are located within the laboratory's boundaries, as our Tribal Leadership has not come forth to do so. I have stood up against the continued destruction of our ancestral dwellings and the loss of live streams used for ceremony. I stand against the destruction of any more of our Sacred Space and Sites that will then be used for the creation of weapons of mass destruction for the sole purpose of ending human life as we

know it here on our Earth Mother. As an example of furthering my concern of the damage being done to our Sacred Space and Sites, while serving as Governor of the Pueblo de San Ildefonso I managed to have our Tribal Council do an on-site review of the impacts from the work being done at LANL. We found that many of our Sacred Space and Sites had been damaged or destroyed, possible impacts on the many plants and animals that are essential for our continued survival or[and] used in our ceremonies, as medicine, or harvested for our food, and the wood we gather for heating and cooking. Since I was eighteen (18) years of age I have worked to educate my fellow Tribal Peoples regarding the harm that has come and is likely to come from LANL.

7. As a long time resident of the Pueblo de San Ildefonso and an active member of the South Kiva, I have a strong personal interest in the proposed Chemistry and Metallurgy Research Replacement Nuclear Facility (CMRR-NF).
8. The digging of such a large hole to accommodate this building on such a Sacred Space and Site has been a mystery to me. How can the Government of the United States and the Department of Energy (DOE) continue to destroy our most Sacred Space and Sites under the guise of Homeland and National Security when there are laws in place for the very protection of such Sacred Space and Sites? How can this country protect a Religious State while at the same time destroying our most Sacred Space and Sites? Is this not a violation not only of Law but also of Human Rights?
9. What about LANL's past record of non-compliance and adherence to their own safety standards as they have acknowledged over the years in the newspapers? I would not

want any type of contamination from this site to further impact our Sacred Area that has[is] adjoined[to] LANL since the latter's creation. LANL has yet to do a real and complete evaluation of the impacts from their past activities or on-going work to any degree to assure me that their activities have not damaged the Pueblos' Lands.

10. I would personally be affected adversely if the CMRR Nuclear Facility project goes forward in its present form. I reside nearby and I regularly drive on roadways that will be impacted to get to work, to take others to work or school, to enjoy the environment, harvest animals and natural resources, and practice my spirituality. I would suffer these harms if the project continues as now planned:

- a) A high level of construction activity with attendant noise, dust, fumes, traffic, nighttime lighting, and offensive spoils and debris would intrude upon my life, economic livelihood, experience, and spiritual practices on a regular basis for approximately a[serval] decade[s].
- b) Thousands of haulage trucks would come and go on and near Pajarito Road, NM 502, NM 40, and NM 4, at all hours near my home for more than a decade, spreading dust and diesel fumes and creating road hazards to me, my family, tribal members, and others.
- c) Huge spoil piles would accumulate on account of the deep hole planned to be dug underneath the site of the CMRR-NF, which will require excavation of 400,000 cubic yards of crushed tuff. These piles will probably be visible from locations outside Pajarito Canyon and will be visually very offensive.

- d) Nighttime lights at the construction site are already in use. They are extremely bright and are visible even from the northern part of Los Alamos. These lights are highly intrusive upon the peace and solitude of rural New Mexico. They interfere with nocturnal wildlife and are inappropriate and harmful intrusions into my tribe's sacred sites and our night sky.
- e) Two cement plants, multiple lay down yards, site excavation, and haulage of excavation spoils will generate airborne dust that will be carried by winds in all directions, including at times east toward my home, and into Tewa sacred sites and archeological sites downwind. This will go on for at least a decade.
- f) My entire life I have visited the sacred sites of my people around Pajarito Canyon. With the construction activity going on, the location will be subject to noise, dust, fumes, and the regular passage of heavy machinery, and such visits will no longer be enjoyable or even possible.
- g) My entire life I have visited locations around the Pajarito Canyon to harvest game and collect wood and plants and other natural resources. The traffic, noise, dust, fumes, heavy machinery, lights, and other disturbances that this facility will generate during construction and after completion will inhibit the very wildlife that we are now taking from within our Sacred Area. The plants, waterways, and our food pathways will be harmed by this undertaking. It will further damage the migration route of the deer, elk, and other animals that I and my tribe harvest. Visits to these areas for their economic and cultural resources will no longer be enjoyable or even possible.

h) I live within 10 miles of the CMRR-NF site. My location is downwind from the CMRR-NF site. If the CMRR-NF is constructed and goes into operation, it will be the location of experimental and production usage of highly radioactive materials, including enriched uranium and plutonium. These materials are extremely hazardous and damaging to human health. Future normal operations of the CMRR-NF will cause some releases of these substances, which will reach me through the air or ground water. There is also a significant risk of an accident, causing such elements to be released into the air or water and to be inhaled or ingested by me.

These impacts will cause serious injury to me, and they threaten to continue for a decade[s] if not more. For such reasons, I submit that a thorough environmental analysis of the CMRR-NF project and other projects ongoing on the Pajarito Plateau is essential so that the responsible agencies may consider all reasonable alternatives before any such projects may go forward.

Further affiant saith not:

The foregoing is signed and declared under penalty of perjury to be true and correct.

Dated: Nov. 3, 2010

J. Gilbert Sanchez
J. Gilbert Sanchez

SUBSCRIBED AND SWORN TO before me this 3rd day of November 2010, by J. Gilbert Sanchez.

[Signature]
Notary Public

My Commission Expires:
01-05-11

