

RAS 3525

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

LBP-01-30

DOCKETED 10/30/01

SERVED 10/30/01

Before Administrative Judges:

G. Paul Bollwerk, III, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

In the Matter of

PRIVATE FUEL STORAGE

(Independent Spent Fuel Storage Installation)

Docket No. 72-22-ISFSI

ASLBP No. 97-732-02-ISFSI

October 30, 2001

MEMORANDUM AND ORDER
(Granting in Part and Denying in Part
Summary Disposition Motion Regarding Contention Utah DD)

Pursuant to 10 C.F.R. § 2.749, applicant Private Fuel Storage, L.L.C., (PFS) has requested that summary disposition be entered in its favor regarding intervenor State of Utah's (State) contention Utah DD, Ecology and Species. As admitted, contention Utah DD asserts that PFS failed adequately to address in the environmental report (ER) provisions of its application to construct and operate a 10 C.F.R. Part 72 independent spent fuel storage installation (ISFSI), the potential impact of construction, operation, and decommissioning of the proposed facility, as well as the effects of transportation of spent fuel to that facility, on the ecology and species in the region surrounding its proposed Skull Valley, Utah site. The NRC staff supports the PFS summary disposition request, while the State, responding to only a portion of the PFS statement of material facts not in dispute submitted in support of its dispositive motion, opposes only the part of the request relating to the impact on the habitat of the peregrine falcon.

For the reasons set forth below, the Licensing Board grants the PFS request for summary disposition except insofar as it relates to the peregrine falcon.

I. Background

In June 1997, PFS filed a license application for its proposed ISFSI, which included an ER that addressed the environmental impacts of the proposed facility. In response to this application, the State filed a number of contentions challenging, among other things, the impact the proposed facility would have upon the surrounding region. Included among these was contention Utah DD, which reads:

The Applicant has failed to adequately assess the potential impacts and effects from the construction, operation and decommissioning of the ISFSI and the transportation of spent fuel on the ecology and species in the region as required by 10 C.F.R. §§ 72.100(b) and 72.108 and [the National Environmental Policy Act of 1969 (NEPA)] in that:

1. The License Application fails to address all possible impacts on federally endangered or threatened species, specifically peregrine falcons nesting on the Timpie Springs Waterfowl Management Area.
2. The License Application fails to include information on pocket gopher mounds which may be impacted by the proposal.
3. The License Application has not adequately identified plant species that are adversely impacted or adequately assessed the impact on those identified, specifically the impact on two “high interest” plants, Pohl’s milkvetch and spring parsley.
4. The License Application does not identify, nor assess the adverse impacts on, the private domestic animal (livestock) or the domestic plant (farm produce) species in the area.

LBP-98-7, 47 NRC 142, 256-57, aff'd on other grounds, CLI-98-13, 48 NRC 26 (1998).¹

Subsequent to its admission, the Board noted in response to a PFS request for clarification that the scope of contention Utah DD relative to paragraphs one and three was limited to the specific species identified. See LBP-98-10, 47 NRC 288, 296-97 (1998).

In June 2000, the staff issued its draft environmental impact statement (DEIS) regarding the proposed PFS facility. See Draft Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, NUREG-1714 (June 200) [hereinafter DEIS]. As relevant to this motion, the DEIS contained discussion assessing the ecological impact of construction, decommissioning, and operation of the proposed ISFSI on the vegetation and wildlife of the surrounding region. See id. §§ 3.4, 4.4, 5.4.

Relying principally on the DEIS information, PFS filed the instant motion, supported by a statement of material facts not in dispute, claiming a genuine issue of material fact does not exist with respect to the concerns raised by the State in contention Utah DD. PFS alleges that because each paragraph of contention Utah DD has been adequately addressed by either the ER or the DEIS, the State's claims "have been rendered moot by the DEIS." [PFS] Motion for Summary Disposition of Utah Contention DD-Ecology and Species (June 29, 2001) at 2 [hereinafter PFS Motion]. With its motion, PFS also included declarations from four experts

¹ Although the Board initially consolidated a similar portion of contention Castle Rock 16, Impacts on Flora, Fauna, and Existing Land Uses, with contention Utah DD, see LBP-98-7, 47 NRC at 206, 221, when the parties sponsoring Castle Rock 16 subsequently withdrew, the Board ruled that their withdrawal did not affect the viability of contention Utah DD as admitted. See LBP-99-6, 49 NRC 114, 118 (1999).

asserting that the impacts the State claims have not been assessed adequately by either the ER or the DEIS are in fact “negligible or non-existent.”² Id. at 2.

On July 19, 2001, in response to the PFS summary disposition motion, the staff declared its support for the PFS request. In its response, the staff agrees with the statement of material facts submitted by PFS (subject to slight modification by staff experts) and asserts that the DEIS has adequately addressed all of the State’s concerns voiced in contention Utah DD. See NRC Staff’s Response to [PFS] Motion for Summary Disposition of Utah Contention DD -- Ecology and Species (July 19, 2001) [hereinafter Staff Response]; id. attach. A (Joint Affidavit of Martha S. Salk and Clay E. Easterly Concerning Utah Contention DD). The staff submits that the issues raised by contention Utah DD have been adequately addressed in the DEIS so that contention Utah DD no longer presents a genuine dispute of material fact that requires further consideration in an evidentiary proceeding.³

In its response,⁴ although opposing the PFS motion, the State challenges the material facts submitted by PFS only with respect to paragraph one of contention Utah DD. See State of Utah’s Opposition to Applicant’s Motion for Summary Disposition of Contention Utah DD-- Ecology and Species (July 19, 2001) at 3-5 [hereinafter State Response]. With respect to paragraphs two through four, the State has decided, after reviewing the relevant material, not to

² There have been no objections by PFS, the staff, or the State to the qualifications or expertise of the various affiants whose statements are relied upon to provide support for other parties’ assertions regarding whether any material factual matters are at issue in connection with contention Utah DD.

³ In its response, the staff notes that PFS has included “certain information” that was not available to the staff when they prepared the DEIS; however, the staff believes that after reviewing the information, the staff’s findings in the DEIS remain unchanged. Staff Response at 7 n.10.

⁴ Although able to do so, see 10 C.F.R. § 2.749(a), the State did not file a reply to the staff’s response supporting the PFS motion for summary disposition motion regarding contention Utah DD.

respond to those portions of the PFS motion and the corresponding statement of material facts not in dispute. See id. at 2. In support of its response relevant to paragraph one, however, the State includes a statement of disputed and relevant material facts and the affidavit of Dr. Frank P. Howe, the non-game avian program coordinator for the Utah Division of Wildlife Resources, Department of Natural Resources. See id. [State] Statement of Disputed and Relevant Material Facts; id. exh. 1 (Declaration of Frank P. Howe, PHD) [hereinafter Howe Declaration].

II. Discussion

A. Legal Standard for Summary Disposition

In an NRC proceeding, a party is entitled to summary disposition if the presiding officer determines that there exists “no genuine issue as to any material fact and that the moving party is entitled to a decision as a matter of law.” 10 C.F.R. § 2.749(d). When reviewing a motion for summary disposition, the Commission has used standards similar to those used by the federal courts when ruling on motions for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. See Advanced Medical Systems, Inc. (One Factory Row, Geneva, Ohio 44041), CLI-93-22, 38 NRC 98, 102-03 (1993).

Consistent with Rule 56, the moving party bears the initial burden of showing that no genuine issue as to any material fact exists, which the party must do by a required statement of material facts and any supporting documentation submitted with the requisite motion. See Private Fuel Storage L.L.C. (Independent Spent Fuel Storage Installation) LBP-99-32, 50 NRC 155, 158 (1999). The opposing party must counter each adequately supported material fact with its own statement of material facts in dispute and supporting documentation, or the facts will be deemed admitted. See CLI-93-22, 38 NRC at 102-03. When responding,

the opposing party may not rely upon mere allegations or denials but must submit “specific facts showing that there is a genuine issue of fact.”⁵ 10 C.F.R. §2.749(b).

With this precedent in mind, the Board addresses the PFS summary disposition motion regarding contention Utah DD, in which the applicant has addressed each of the four paragraphs separately. We adopt this construct below in reviewing the PFS assertions regarding the propriety of granting its summary disposition request.

B. Board Ruling

1. Paragraph One

PFS responds to the State’s claim that it has failed adequately to assess all possible impacts of the proposed site on the peregrine falcon nest in the Timpie Springs Waterfowl Management area by stating that the ER and subsequent DEIS address all of the legitimate concerns raised and substantiated by the State. In particular, PFS states that the areas of potential impacts raised by the State during discovery were adequately addressed in the DEIS and were deemed insignificant.⁶ Furthermore, PFS contends that the State’s expert witness offered only speculative statements and was unable factually to demonstrate how the ISFSI would have an adverse impact upon the peregrine falcon nest. See PFS Motion at 7.

Focusing on the impact of the increased traffic flow caused by the operation of the proposed facility, PFS notes that the potential increased traffic is addressed in the DEIS, which finds that the increased traffic will not cause a significant increase in the probability of direct

⁵ Even if an opposing party fails to respond to a dispositive motion, the movant must still have established that no genuine issue of material fact exists so that it is entitled to a ruling in its favor. See Cleveland Electric Illuminating Co. (Perry Nuclear Power Plant, Units 1 and 2), ALAB-443, 6 NRC 741, 753-54 (1977).

⁶ In its motion, PFS lists four potential impacts it asserts the State believes PFS did not adequately address in its ER: the impact of increased traffic upon the falcons; the impact of such traffic on falcon prey species; the impact of a loss of habitat on the falcon’s prey species; and the impact of radiation exposure on the falcon’s prey species. See PFS Motion at 7.

falcon vehicular fatalities. PFS also contends that the evidence provided by the State's expert on vehicle-falcon and vehicle-falcon prey species collisions was unsubstantiated speculation. See id. at 9. In contrast, PFS relies upon the affidavit of its own expert, Dr. Clayton M. White, who points out that vehicle-caused fatalities would be unlikely and the likelihood would not increase due to the PFS traffic. See id. attach. A at 12 (Declaration of Clayton M. White) [hereinafter White Declaration]. Thus, PFS believes the minimal increase in traffic caused by the new ISFSI plant will not have a negative effect upon the falcons. See PFS Motion at 9.

Finally, PFS asserts that the construction and operation of the proposed facility will not affect the habitat of peregrine falcon prey species. According to PFS, the DEIS adequately addresses the potential loss of foraging area and the effect this loss might have upon raptors in general and peregrine falcons in particular. See PFS Motion at 11 (citing DEIS §§ 4.4.3.2, 5.4.1.2, 5.4.2.2). In addition, Dr. White states that the prey habitat potentially affected by the site represents a small portion of likely foraging area for the falcons, who prefer the nearby wetlands with its higher prey density. See White Declaration at 16-17, 19.

In its response to the PFS motion, the staff fully supports the conclusions drawn by PFS and its experts. The staff asserts that regardless of State's assessment of the license application, the staff's DEIS fully addresses the concerns of the State in paragraph one of contention Utah DD, therefore "rendering moot any alleged deficiency in PFS's license application." Staff Response at 8.

In its response to the PFS motion, the State acknowledges that PFS in its motion "does improve the record" by introducing new information about the proposed site's impact upon the neighboring peregrine falcons. State Response at 3. However, the State asserts that PFS and the DEIS still fail to assess fully two important factors that the State believes may have a significant impact upon the peregrine's nest site. First, neither PFS nor the DEIS consider the possible increase or decrease in the water level of the Great Salt Lake (GSL) and the effect

such a change in condition will have upon the falcon's wetland prey species. See id. at 3-5. In this regard, the State contends that a rise in the GSL water level could force the falcon's wetland prey species inland to search for food, which may force the falcon to shift its foraging patterns closer to nearby Interstate 80. The State asserts that such a shift may increase the risk of vehicle collisions, an increase that both the DEIS and PFS expert Dr. White fail to address. Also, according to the State, the increased PFS activity could lead to wildfires destroying inland bird habitat that, in turn, could affect the peregrine falcon if a GSL level shift causes the falcon to rely upon inland birds as prey. See id. at 5.

In addition, State's expert Dr. Howe in a supporting affidavit contends that for PFS to characterize the Timpie Springs Wildlife Management Area nest site as successful is too optimistic. See id.; id. Howe Declaration at 3-4. Dr. Howe contends that the Timpie Springs falcon's nesting site has a significantly higher rate of failure than other nesting sites in the GSL area, which he attributes to disruptions from the nearby salt processing plant.⁷ See Howe Declaration at 4. The State believes any additional activity caused by the PFS site could have a significant impact upon the falcon as well, a notion the State claims is not addressed by either PFS or the DEIS. See State Response at 5.

After reviewing the submissions of each party, the Licensing Board concludes there still remains a genuine dispute about some material factual matters regarding the peregrine falcon in connection with paragraph one of contention Utah DD. As articulated by PFS, the published DEIS for its proposed ISFSI has assessed a substantial portion of the State's initial concerns; nonetheless, the State's response, as supported by the declaration of Dr. Howe, has adequately identified two areas of concern that remain unresolved. The first involves the

⁷ In his affidavit, Dr. Howe notes that the falcons have not bred at the Timpie Springs site in four out of the last thirteen years or roughly 30 percent of the time. Dr. Howe contrasts that with neighboring sites who have a 100 percent success rate, a difference Dr. Howe believes may be caused by the nearby salt processing plant. See Howe Declaration at 4.

impact of facility-related disturbances on the breeding success of the peregrine falcons at the Timpie Springs nesting tower, an important consideration underlying arguments made by both PFS and the State. Additionally, there is a factual dispute relative to the impact a change in the water level of the GSL may have upon the falcon and its prey species relative to increased risk of vehicle collisions. Specifically, still unresolved is the effect of a possible GSL water level change upon falcon traffic fatalities as a result of a change in falcon feeding patterns along Interstate 80.⁸

Because the State has shown a genuine dispute of material fact relative to these two matters, PFS has not met the burden required to entitle it to summary disposition in its favor regarding paragraph one of contention Utah DD, thereby making these items an appropriate subject for further evidentiary presentations.⁹

2. Paragraph Two

In response to the State's paragraph two assertion that PFS has failed adequately to address the impact the proposed ISFSI site will have upon the surrounding pocket gopher population, PFS declares that sections 4.4.1.2, 4.4.5.2, 5.4.1.5, and 5.4.4.2 of the DEIS specifically address this concern and establish that the potential impact will be insignificant. See PFS Motion at 12. PFS, in fact, maintains that its proposed revegetation plan may provide a more suitable habitat for the pocket gophers. PFS also contends that the operational effect of

⁸ Although PFS has labeled as "speculative" certain deposition statements by State affiant Dr. Howe regarding the potential impact of the proposed PFS facility upon the peregrine falcons in the area, see PFS Motion at 7, 9, its motion does not address the degree to which the asserted GSL level-related habitat changes could be considered "remote and speculative" under NEPA during the proposed facility's potential operational term.

⁹ Although the State also sought to establish a material factual dispute regarding the impacts of a GSL level change in conjunction with facility-related wildfires, See State Response at 5, its only apparent support for the assertion that such facility-related (as opposed to naturally occurring) wildfires will take place was Dr. Howe's assertion/assumption to that effect. That subject matter, however, clearly is outside his area of expertise.

the ISFSI upon the pocket gopher population, particularly the increase of traffic flow through their habitat, has been adequately addressed by the DEIS. PFS claims that the increased traffic flow will not have a significant impact upon the gopher population because pocket gophers reside in underground burrows and rarely venture to the surface, making it unlikely they will experience an increase in fatalities due to a traffic flow increase. See id. attach. B at 11-12 (Declaration of Clyde Pritchett) [hereinafter Pritchett Declaration].

Going beyond what appears in the DEIS, PFS expert Pritchett, an associate professor of zoology at Brigham Young University, has conducted a survey of the areas that will be affected by the proposed ISFSI construction and found eleven active gopher mounds. See PFS Motion at 12. Pritchett concludes that due to the large population of pocket gophers in Skull Valley, even if any burrow damage was not mitigated as proposed by PFS, the destruction of those eleven burrows would not have a significant impact upon the overall Skull Valley pocket gopher population. See Pritchett Declaration at 11.

Because neither the construction nor the operation of the proposed site will have a significant impact upon the pocket gopher population, PFS contends, no environmental impacts will be sustained on that basis. Thus, PFS maintains that paragraph two of contention Utah DD is moot. This assertion is supported by the staff and not refuted by the State. See Staff Response at 9; State Response at 2.

As was noted earlier, the State has not responded to these PFS claims or sought to demonstrate the existence of material facts in dispute. Our own review of the PFS submissions leads us to conclude that PFS has met its burden of proving that no genuine issue of material fact exists and so is entitled to summary disposition relative to paragraph two of contention Utah DD.

3. Paragraph Three

With respect to paragraph three of contention Utah DD, which states that PFS failed to adequately address the impact of the proposed project upon two plant species -- Pohl's milkvetch and small spring parsley -- PFS asserts there is no material factual dispute because subsequent evidence demonstrates that the construction and operation of the proposed facility will have no adverse impact upon these two plant species. According to PFS, three surveys conducted by PFS expert Dr. Ronald Kass failed to locate either Pohl's milkvetch or small spring parsley in the areas designated for the ISFSI project. See PFS Motion attach. C at 8-9 (Declaration of Ronald J. Kass) [hereinafter Kass Declaration]. Kass also stated that no suitable habitat for the small spring parsley existed anywhere in the proposed site and the habitat found suitable for the Pohl's milkvetch was "overgrown with invasive annuals, whose presence inhibits the establishment of species such as the Pohl's milkvetch." PFS Motion at 13. In addition, if any subsequent populations of either plant species are found, PFS proposes to minimize the damage caused by its proposed facility through a mitigation plan outlined in the DEIS. See PFS Motion at 14 (citing DEIS §§ 4.4.3.1, 4.4.5.1, 9.4.2).

The staff again supports this PFS conclusion and declares that the DEIS adequately addresses the concerns raised by the State in paragraph three of contention Utah DD. See Staff Response at 10. The State has not come forward to challenge the PFS statement of material facts concerning these two plant species. See State Response at 2.

Based upon our review of the unrefuted statement of facts submitted in support of the PFS motion, PFS has met its burden of demonstrating that no material facts are at issue and is entitled to summary disposition regarding paragraph three of contention Utah DD.

4. Paragraph Four

PFS argues in its motion that it has adequately addressed the possible radiological impacts of the proposed ISFSI on domestic animal and plant species, making the State's

assertion that it failed to address this issue in its ER moot. In this regard, PFS states that the ER and DEIS contain a radiological analysis of the proposed facility and document dose rates for exposure of wildlife at various points inside and outside of the facility. According to PFS, as the DEIS now outlines, the maximum potential dose rates for humans or animals at any of these various points is within acceptable limitations established by the NRC. See PFS Motion at 14-15 (citing DEIS § 4.4.2.2). Furthermore, PFS declares that the insignificant radiological impact of its facility is demonstrated by the existence of many places worldwide where humans and animals are exposed to significantly higher background radiation without detectable adverse effects. See id. attach. D at 7 (Declaration of Robert J. Hoffman) [hereinafter Hoffman Declaration].

For its part, the staff supports the PFS motion in this regard and contends that the DEIS adequately addresses the issues raised by the State in paragraph four of contention Utah DD. See Staff Response at 11. The State does not refute the PFS statements of material fact not in dispute. See State Response at 2.

Once again, based on our review of the unrefuted submission of PFS, the Licensing Board concludes that PFS has met its burden of proving there is no genuine issue of material fact and so is entitled to summary disposition regarding paragraph four of contention Utah DD.

III. CONCLUSION

Because the State has established the existence of a material factual dispute relative to those aspects of paragraph one of State NEPA-related contention Utah DD, Ecology and Species, regarding the impact of (1) PFS facility-related disturbances on the breeding success of the peregrine falcons at the Timpie Springs nesting tower; and (2) a change in the water level of the GSL upon the falcon and its prey species relative to any increased risk of vehicle collisions with falcons along Interstate 80, we deny these aspects of the PFS request for

summary disposition regarding that contention. In all other respects, however, we conclude that there are no material factual issues in dispute pertaining to contention Utah DD and that, as a matter of law, the other portions of contention Utah DD are resolved in favor of PFS.

For the foregoing reasons, it is this thirtieth day of October 2001, ORDERED, that as is outlined in section II above, the June 29, 2001 PFS motion for summary disposition of contention Utah DD is granted in part and denied in part.

THE ATOMIC SAFETY
AND LICENSING BOARD¹⁰

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

/RA/

Jerry R. Kline
ADMINISTRATIVE JUDGE

/RA/

Peter S. Lam
ADMINISTRATIVE JUDGE

Rockville, Maryland

October 30, 2001

¹⁰ Copies of this memorandum and order were sent this date by Internet e-mail or facsimile transmission to (1) applicant PFS; (2) intervenors Skull Valley Band of Goshute Indians, Ohngo Gaudadeh Devia, Confederated Tribes of the Goshute Reservation, Southern Utah Wilderness Alliance, and the State; and (3) the staff.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
PRIVATE FUEL STORAGE L.L.C.)	Docket No. 72-22-ISFSI
)	
(Independent Spent Fuel Storage)	
Installation))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (GRANTING IN PART AND DENYING IN PART SUMMARY DISPOSITION MOTION REGARDING CONTENTION UTAH DD) (LBP-01-30) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
G. Paul Bollwerk, III, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Sherwin E. Turk, Esquire
Catherine L. Marco, Esquire
Office of the General Counsel
Mail Stop - 0-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Diane Curran, Esquire
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

Joro Walker, Esquire
Director, Utah Office
Land and Water Fund of the Rockies
1473 South 1100 East, Suite F
Salt Lake City, UT 84105

Martin S. Kaufman, Esquire
Atlantic Legal Foundation
205 E. 42nd St.
New York, NY 10017

Docket No. 72-22-ISFSI
LB MEMORANDUM AND ORDER
(GRANTING IN PART AND DENYING IN PART
SUMMARY DISPOSITION MOTION REGARDING
CONTENTION UTAH DD) (LBP-01-30)

Denise Chancellor, Esquire
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South, 5th Floor
P.O. Box 140873
Salt Lake City, UT 84114

Jay E. Silberg, Esquire
D. Sean Barnett, Esquire
Shaw Pittman
2300 N Street, NW
Washington, DC 20037-1128

John Paul Kennedy, Sr., Esquire
David W. Tufts, Esquire
Confederated Tribes of the Goshute
Reservation and David Pete
Durham Jones & Pinegar
111 East Broadway, Suite 900
Salt Lake City, UT 84105

Richard Wilson
Department of Physics
Harvard University
Cambridge, MA 02138

Richard E. Condit, Esquire
Land and Water Fund of the Rockies
2260 Baseline Road, Suite 200
Boulder, CO 80302

Tim Vollmann, Esquire
3301-R Coors Road N.W., #302
Albuquerque, NM 87120

Larry EchoHawk, Esquire
Paul C. EchoHawk, Esquire
Mark A. EchoHawk, Esquire
EchoHawk PLLC
P.O. Box 6119
Pocatello, ID 83205-6119

Marlinda Moon, Chairman
Sammy Blackbear, Sr., Vice-Chairman
Miranda Wash, Secretary
Skull Valley Band of Goshute Indians
P.O. Box 511132
Salt Lake City, UT 84151-1132

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 30th day of October 2001