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FOR IMMEDIATE RELEASE

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**PRESIDENT BEGAYE: PLACE UPPER ANIMAS MINING DISTRICT
ON “SUPERFUND” NATIONAL PRIORITIES LIST**

Window Rock – In a letter sent to EPA Administrator Gina McCarthy and Colorado Governor John Hickenlooper, President Russell Begaye requested that the Upper Animas Mining District be listed as a “Superfund Site” pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CECLA). This designation on the National Priorities List will make EPA funding and resources available to remove and contain the long-standing risks to human health and the environment posed by the historic mining activities in the area. As the Gold King Mine spill demonstrated, the over 300 abandoned hard rock mines pose a serious public health threat.

“It is well past time for the United States Environmental Protection Agency (EPA) to step in and remediate the site in a meaningful manner to protect downstream communities,” wrote President Begaye. “The first step in this process is to list the Upper Animas Mining District on the NPL. This will provide much needed funding and technical assistance to responsibly address the threats posed by the District.”

In addition to the Gold King Mine spill, President Begaye also pointed out that in the 1990s the EPA and the Colorado Department of Public Health and Environment conducted a Superfund Site Assessment of the District and determined that “water quality standards were not achieved.” In 2008 the EPA performed another NPL assessment on the Upper Cement Creek area and confirmed, “that the area would qualify for inclusion.”

“The chemicals found in the District pose a significant human health risk,” said President Begaye. “The health and well-being of the region should be of primary importance to the EPA. The time has come for the Upper Animas Mining District to be given NPL status.”

President Begaye’s Full Letter is Attached

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Letter to: Administrator McCarthy and Governor Hickenlooper

Re: Request to Place Upper Animas Mining District on National Priorities List

Date: September 7, 2015

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Contamination of the River is also a blow to our economy. The Nation faces a daunting unemployment rate of 42 percent.¹⁷ Yet along the San Juan River, many of our people are able to make a life for themselves and support their families through farming and ranching. According to the 2012 Census of Agriculture there are approximately 1,500 farms in the Shiprock Agency alone. The Bureau of Indian Affairs estimates that there are about 1,175 grazing permit holders in the region. Many of our farmers create additional economic value for themselves by carefully growing profitable organic crops. Some of our ranchers produce grass-fed and organic beef product. Their livelihoods have been significantly disrupted by the GKM spill.

The River has always been of the utmost import to our people. Indeed, when our leaders negotiated our release from internment by the federal government at Fort Sumner in the Treaty of 1868, they were certain to include the San Juan River and its adjacent rich farmlands within our Nation's boundary. The reliance of our people on the River and the significance of the River to our people cannot be overstated.

The waste from the mines in the Upper Animas Mining District is also harmful to wildlife found in the Animas River below Cement Creek. In April, EPA released a *Draft Baseline Ecological Risk Assessment Upper Animas Mining District*, which documented the harmful impacts from the combination of mining and naturally occurring hazardous substances.¹⁸ Among the various wildlife that are impacted, the report found that “[m]etals concentrations in the Animas River below Mineral Creek have eliminated virtually all fish down to Elk Creek and all cutthroat and rainbow trout down to Cascade Creek, where only a small community of brook and brown trout exist.”¹⁹ Further, the study found “that the benthic invertebrate community is impaired in most sections of the Animas River, Cement Creek and Mineral Creek.”²⁰ The Upper Animas Mining District is causing portions of the Animas River to be uninhabitable for certain wildlife—and the generally negative impacts on wildlife are even broader. The Upper Animas Mining District should be a candidate for listing on the NPL due to its impacts on wildlife alone.

The danger of a spill in the Upper Animas Mining District will continue to exist under the current management scheme, and the spill on August 5 was not an isolated incident. In fact, there were two previous releases of hazardous mine waste from the area in 1975 and 1978. In 1975, “50,000 tons of heavy-metal-loaded tailings” were dumped into the Animas River.²¹ And in 1978, “500 million gallons” of water contaminated with “tailings and sludge” spilled into the Animas

¹⁷ <http://navajobusiness.com/fastFacts/Overview.htm>

¹⁸ <http://www2.epa.gov/sites/production/files/2015-06/documents/upper-animas-bera-fact-sheet-april-2015.pdf>

at 1

¹⁹ *Id.* at 2.

²⁰ *Id.*

²¹ <http://www2.epa.gov/sites/production/files/2015-08/documents/goldkingminewatershedfactsheetbackground.pdf> at 1.

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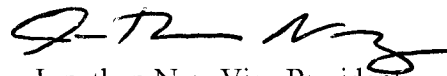
River.²² The damage caused by the Upper Animas Mining District has gone on far too long, and the health and well-being of our people cannot endure a repeat of the GKM spill. Please, do the right thing for us downstream communities. List the Upper Animas Mining District on the NPL. The current approach is inadequate to protect our people and environment. The delay in listing the site can only cause harm to our region. Please contact Jackson Brossy, Executive Director, Navajo Nation Washington Office, 202-682-7390 or jbrossy@nnwo.org.

Respectfully,

THE NAVAJO NATION



Russell Begaye, President



Jonathan Nez, Vice-President

Cc: Mayor Christine M. Tookey, City of Silverton, Colorado
Chairman Ernest Kuhlman, Board of County Commissioners of San Juan County, Colorado
Mayor Sweetie Marbury, City of Durango, Colorado
Chairman Clement Frost, Southern Ute Indian Tribe
Governor Susana Martinez, State of New Mexico
Chairman Manuel Heart, Ute Mountain Ute Indian Tribe
Governor Gary Herbert, State of Utah
Governor Doug Ducey, State of Arizona
U.S. Senator Tom Udall
U.S. Senator Martin Heinrich
U.S. Senator John McCain
U.S. Senator Jeff Flake
U.S. Senator Orrin Hatch
U.S. Senator Mike Lee
U.S. Senator John Barrasso
U.S. Senator John Tester
U.S. Representative Ann Kirkpatrick
U.S. Representative Paul Gosar
U.S. Representative Rob Bishop
U.S. Representative Jason Chaffetz
U.S. Representative Don Young

²² *Id.*