

**RESOLUTION OF THE  
RESOURCES AND DEVELOPMENT COMMITTEE  
Of the 23rd Navajo Nation Council---First Year 2015**

**AN ACTION**

**RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; SUPPORTING  
THE RELEASE OF SAN JUAN RIVER WATER TO IRRIGATE CROPS AND  
WATER LIVESTOCK IN THE NORTHERN AGENCY; DIRECTING THE  
NAVAJO DIVISION OF NATURAL RESOURCES AND THE NAVAJO  
ENVIRONMENTAL PROTECTION AGENCY TO ASSIST IN ACHIEVING THE  
GOAL OF OPENING THE IRRIGATION SYSTEM**

**BE IT ENACTED:**

**Section One. Findings**

- A. The Navajo Nation Council has delegated to the Resources and Development Committee oversight authority over such interests as water, land grazing, environmental protection, cultural resources, agriculture, livestock and wildlife. 2 N.N.C. § 500(C).
- B. The Resources and Development Committee has oversight authority over the Navajo Division of Natural Resources and the Navajo Environmental Protection Agency. 2 N.N.C. § 500(C).
- C. On August 5, 2015, a toxic spill occurred in the vicinity of Silverton, Colorado at the Gold King Mine. Contamination from the hazardous spill eventually reached the San Juan River which is used to irrigate the Navajo farmers' fields within the Northern Agency of the Navajo Nation. Because of contamination of the water, the irrigation systems supplying water to these fields were turned off.

- D. The United States Environmental Protection Agency website (updated August 20, 2015) attached as Exhibit D, and the San Juan County New Mexico Office of Emergency Management Declaration Rescinding the Restriction Arising from the Gold King Mine Spill into the Animas River, attached as Exhibit E, have determined that the San Juan River is safe for irrigation purposes.
- E. The District 13 Council consists of Burnham, Upper Fruitland, Nenahnezad and San Juan Chapter Officials, Farm Board and Grazing Member. The District 13 Council has passed the attached resolution supporting the opening of the irrigation system so that District 13 farms and ranchers may irrigate their crops and water livestock. Exhibit A, District 13 Council Resolution dated August 24, 2015.
- F. San Juan Chapter and Nenahnezad Chapter also support the re-opening of the irrigation Systems. Exhibit B, San Juan Chapter supporting resolution dated August 25, 2015. Exhibit C, Nenahnezad Chapter supporting resolution dated August 24, 2015. Exhibit F, the Gadii Ahi Chapter supporting resolution dated August 28, 2015.
- G. The Resources and Development Committee are aware that not all farmers want the irrigation canal opened for their farms. That being the case the Committee believes it is up to the farmers to decide for themselves whether the irrigation water should be turned on to their farms.

- H. The Resources and Development Committee believes it is in the best interest of the Navajo Nation farmers and ranchers in the Northern Agency to open irrigation systems (Fruitland Canal and Hogback/Shiprock/Gadii Ahi System) to their farms and ranches.

**Section Two. Directing the Re-Opening of Irrigation Systems in the Northern Agency and Directing the Navajo Division of Natural Resources and the Navajo Environmental Protection Agency to assist the District 13 Council and other Local Authorities, to Re-open the Irrigation System After Appropriate Flushing.**

- A. The Navajo Nation Resources and Development Committee hereby authorizes the reopening the irrigation systems (Fruitland Canal and Hogback, Shiprock, Gadii Ahi System) within the Northern Agency.
- B. The Navajo Nation Resources and Development Committee hereby directs the Navajo Division of Natural Resources and the Navajo Environmental Protection Agency to assist in opening the irrigation systems to allow the farmers and ranchers to use the water from San Juan River for farming and livestock purposes.
- C. The Navajo Nation Resources and Development Committee hereby directs the Navajo Division of Natural Resources and the Navajo Environmental Protection Agency to allow the farmers to decide whether the irrigation will be turned on their farm land.
- D. The Navajo Nation Resources and Development Committee requests the assistance of Bureau of Indian Affairs and other federal agencies to reopen and flush the irrigation system.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23<sup>rd</sup> Navajo Nation Council at a duly called meeting at Navajo Department of Transportation, Tse Bonito, Navajo Nation (New Mexico), at which quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained this 8th day of September, 2015.



Walter Phelps, Pro Tem Chairperson  
Resources and Development Committee  
Of the 23<sup>rd</sup> Navajo Nation Council

Motion: Honorable Leonard Tsosie  
Second: Honorable Leonard Pete

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0304-15

**DATE:** August 27, 2015

**TITLE OF RESOLUTION:** PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; SUPPORTING THE RELEASE OF SAN JUAN RIVER WATER TO IRRIGATE CROPS AND WATER LIVESTOCK IN THE NORTHERN AGENCY; DIRECTING THE NAVAJO DIVISION OF NATURAL RESOURCES AND THE NAVAJO ENVIRONMENTAL PROTECTION AGENCY TO ASSIST IN ACHIEVING THE GOAL OF OPENING THE IRRIGATION SYSTEM

**PURPOSE:** This resolution, if approved, will show the Resources and Development Committee's support of turning on the irrigation system so that crops and livestock receive water. The legislation directs the Navajo Division of Natural Resources and the Navajo Environmental Protection Agency to assist in re-opening the irrigation systems.

**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: Saturday  
Website Posting Time/Date: 8:30am 8/27/15  
Posting End Date: 9/1/15  
Eligible for Action: 9/2/15

PROPOSED STANDING COMMITTEE RESOLUTION

23<sup>rd</sup> NAVAJO NATION COUNCIL—First Year, 2015

INTRODUCED BY

ALTON JOE STEPHEN

Primary Sponsor

TRACKING NO. 0304-15

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; SUPPORTING  
THE RELEASE OF SAN JUAN RIVER WATER TO IRRIGATE CROPS AND  
WATER LIVESTOCK IN THE NORTHERN AGENCY; DIRECTING THE NAVAJO  
DIVISION OF NATURAL RESOURCES AND THE NAVAJO ENVIRONMENTAL  
PROTECTION AGENCY TO ASSIST IN ACHIEVING THE GOAL OF OPENING  
THE IRRIGATION SYSTEM

BE IT ENACTED:

Section One. Findings

- A. The Navajo Nation Council has delegated to the Resources and Development Committee oversight authority over such interests as water, land grazing, environmental protection, cultural resources, agriculture, livestock and wildlife. 2 N.N.C. § 500(C).
- B. The Resources and Development Committee has oversight authority over the Navajo Division of Natural Resources and the Navajo Environmental Protection Agency. 2 N.N.C. § 500(C).
- C. On August 5, 2015, a toxic spill occurred in the vicinity of Silverton, Colorado at the Gold King Mine. Contamination from the hazardous spill eventually reached the San Juan River which is used to irrigate the Navajo farmers' fields within the Northern Agency of the Navajo Nation. Because of contamination of the water, the irrigation systems supplying water to these fields were turned off.

1 D. The United States Environmental Protection Agency website (updated August 20,  
2 2015) attached as Exhibit D, and the San Juan County New Mexico Office of  
3 Emergency Management Declaration Rescinding the Restriction Arising from the  
4 Gold King Mine Spill into the Animas River, attached as Exhibit E, have  
5 determined that the San Juan River is safe for irrigation purposes.

6 E. The District 13 Council consists of Burnham, Upper Fruitland, Nenahnezad and  
7 San Juan Chapter Officials, Farm Board and Grazing Members. The District 13  
8 Council has passed the attached resolution supporting the opening of the irrigation  
9 system so that District 13 farms and ranchers may irrigate their crops and water  
10 their livestock. Exhibit A, District 13 Council Resolution dated August 24, 2015.

11 F. San Juan Chapter and Nenahnezad Chapter also support the re-opening of the  
12 irrigation systems. Exhibit B, San Juan Chapter supporting resolution dated  
13 August 25, 2015. Exhibit C, Nenahnezad Chapter supporting resolution dated  
14 August 24, 2015.

15 G. The Resources and Development Committee are aware that not all farmers want  
16 the irrigation canal opened for their farms. That being the case the Committee  
17 believes it is up to the farmers to decide for themselves whether the irrigation  
18 water should be turned on to their farms.

19 H. The Resources and Development Committee believes it is in the best interest of  
20 the Navajo Nation farmers and ranchers in the Northern Agency to open irrigation  
21 systems (Fruitland Canal and Hogback/Shiprock/Gadii Ahi System) to their farms  
22 and ranches.

23  
24 Section Two. Supporting the Re-Opening of Irrigation Systems in the Northern Agency  
25 and Directing the Navajo Division of Natural Resources and the Navajo Environmental  
26 Protection Agency to assist the District 13 Council

27  
28 A. The Navajo Nation Resources and Development Committee hereby supports the  
29 reopening the irrigation systems (Fruitland Canal and Hogback, Shiprock, Gadii  
30 Ahi System) within the Northern Agency.

1 B. The Navajo Nation Resources and Development Committee hereby directs the  
2 Navajo Division of Natural Resources and the Navajo Environmental Protection  
3 Agency to assist in opening the irrigation systems to allow the farmers and  
4 ranchers to use the water for farming and livestock purposes.

5 C. The Navajo Nation Resources and Development Committee hereby directs the  
6 Navajo Division of Natural Resources and the Navajo Environmental Protection  
7 Agency to allow the farmers to decide whether the irrigation will be turned on  
8 their farm land.  
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## **DISTRICT 13 COUNCIL**

**RESOLUTION OF DISTRICT 13 COUNCIL OFFICIALS LIFTING THE DECLARATION OF EMERGENCY FOR WATER USE FOR IRRIGATION PURPOSES FOR FARMERS, AND ALL MEMBERS OF THE COMMUNITY RESIDENCE AND REQUESTING THE NAVAJO NATION PRESIDENT RUSSELL BEGAYE AND NAVAJO NATION IRRIGATION OFFICE, SHIPROCK, NEW MEXICO TO RELEASE THE SAN JUAN RIVER IMMEDIATELY TO IRRIGATE THE CROPS AND WATER FOR THEIR LIVESTOCK.**

### **WHEREAS:**

1. District 13 Council consist of Burnham, Upper Fruitland, Nenahnezad and San Juan Chapter Officials, Farm Board and Grazing Members; and

2. District 13 Community Chapters have been impacted by a man-made disaster which began on Wednesday, August 5, 2015 north of Silverton, Colorado when a significant hazardous waste spill occurred at Gold King Mine, causing unspecified contamination of the Animas River which has ultimately converged into San Juan River of San Juan County, New Mexico and the Navajo Nation; and

3. District 13 Council Chapters of the Navajo Nation communities depends upon the river for potable water, farming, ranching as well as many other domestic necessities; and

4. District 13 Council Chapters are aware that the State of New Mexico Environment Department, Speaker of the Navajo Nation and The San Juan County Executive Officer have address this same hazardous situation, initiating advocated precautions and San Juan County declared an emergency at that time; and

5. District 13 Council Chapters have been informed by Navajo Nation Environmental Protection Agency, State of New Mexico Environment Protection Agency and other independent scientist that have tested San Juan River that they are sure that the River is safe to use for irrigation and livestock, water test reports attached as Exhibits; and

6. District 13 Council Chapters have been approached by the community members, farmers and livestock owners that the Navajo Nation Irrigation Department of Shiprock, New Mexico and the Navajo Nation President Russell Begaye to release the irrigation water to them so they can irrigate once again, the crops are suffering from lack of water.

### **NOW THEREFORE BE IT RESOLVED THAT:**

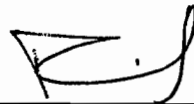
1. District 13 Council officials hereby support the lifting the Declaration of Emergency for the farmers, and all members of the community residence and requesting the Navajo Nation President Russell Begaye and Navajo Nation Irrigation Office, Shiprock, New Mexico to release the San Juan River water immediately to irrigate the crops and water for their livestock.

## CERTIFICATION

We hereby certify that the foregoing resolution was considered by the District 13 Council Chapters at a regularly called meeting at which a quorum was present at the Nenahnezad Chapter (Navajo Nation), New Mexico and that the same was passed by a vote of 9 in favor, 0 opposed, and 2 abstained, this 24<sup>th</sup> day of August, 2015

Motion: Norman Begaye

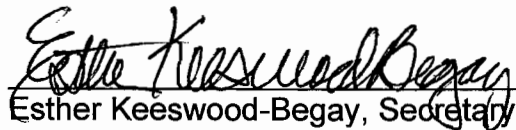
Second: Hubert Harwood



\_\_\_\_\_  
Rickie Nez, Chairperson



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Robert C. Begay, Vice-Chairperson

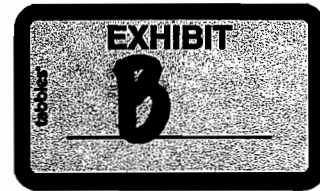


\_\_\_\_\_  
Esther Keeswood-Begay, Secretary

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LoRenzo C. Bates, Council Delegate



# SAN JUAN CHAPTER



Robert C. Begay  
President

Barth Keeswood Begay  
Secretary

Grace J. Chavez  
Treasurer

Ramona Nelson  
Clerk

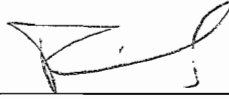
## LIFTING THE DECLARATION OF EMERGENCY

### WHEREAS:

1. San Juan Chapter is a duly certified Chapter under the Navajo Nation government pursuant to Resolution No. CD-86-82 and pursuant to 26 NNC § 103, they are delegated and authorized to review all matters affecting its community and people; and
2. San Juan Chapter community has been impacted by a man-made disaster which began on Wednesday, August 5, 2015 north of Silverton, Colorado when a significant hazardous waste spill occurred at Gold King Mine, causing unspecified contamination of the Animas River which has ultimately converged into San Juan River of San Juan County, New Mexico and the Navajo Nation; and
3. San Juan Chapter is one of several Navajo Nation communities depended upon the river for potable water, farming, ranching as well as many other domestic necessities; and
4. San Juan Chapter is aware that the State of New Mexico Environment Department, Speaker of the Navajo Nation and the San Juan County Executive Officer have address this same hazardous situation, initiating advocated precautions and San Juan County declared an emergency at that time; and
5. San Juan Chapter has been informed by Navajo Nation Environmental Protection Agency, State of New Mexico Environmental Protection Agency and other independent scientist that have tested San Juan River that they are sure that the River is safe to use for irrigation and livestock, see attached reports, and
6. San Juan Chapter has been approached by the community members, farmers and livestock owner that the Navajo Nation Irrigation Department of Shiprock, New Mexico and the Navajo Nation President Russell Begaye to release the irrigation water to them so they can irrigate once again, the crops are suffering from lack of water.

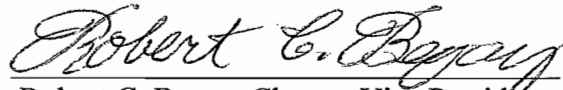
**NOW THEREFORE**, San Juan Chapter officials are hereby lifting the Declaration of Emergency for San Juan Chapter registered voters, farmers, and all members of the community residence and requesting the Navajo Nation President Russell Begaye and Navajo Nation Irrigation Office, Shiprock, New Mexico to release the San Juan River immediately to irrigate the crops and water for their livestock.

Dated this 25<sup>th</sup> day of August, 2015.



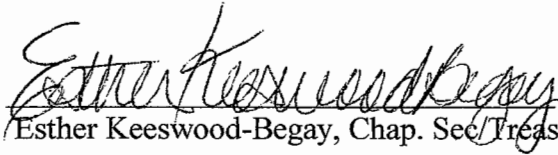
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Rickie Nez, Chapter President



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Robert C. Begay, Chapter Vice President



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Esther Keeswood-Begay, Chap. Sec/Treas

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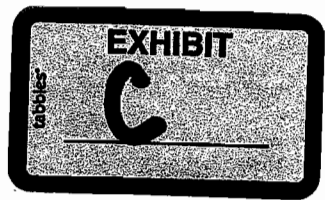
Lorenzo Bates, Council Delegate



Lorenzo Bates  
Council Delegate

## NENAHNEZAD CHAPTER

P.O. BOX 438  
FRUITLAND, NEW MEXICO 87416  
Ph 505/960-9702 Fax 505/960-6657  
www.nenahnezad@navajochapters.org



Juanita Begay  
Secretary/Treasurer

Harold Dodge  
Grazing Committee Member

Tracy Raymond  
Farm Board Member

### APPROVAL TO RECIDE RESOLUTION NZC-49-15 AND REQUEST NAVAJO NATION PRESIDENT RUSSELL BEGAYE TO LIFT STATE OF EMERGENCY ON BEHALF OF NENAHNEZAD CHAPTER BASED ON SCIENTIFIC DATA

#### WHEREAS:

1. Nenahnezad Chapter has been impacted by the Gold King Mine hazardous waste spill which began on August 5, 2015 north of Silverton, Colorado causing unspecified contamination of Animas and San Juan Rivers of San Juan County, New Mexico and the Navajo Nation; and
2. Nenahnezad Chapter is one of several Navajo Nation communities depended on the river for potable water, farming, ranching which resulted in extreme concern; and
3. Nenahnezad Chapter is aware that the EPA and State of New Mexico Environmental Department and Navajo Nation EPA have been conducting water tests daily and because of the scientific data we are requesting that the Navajo Nation President Russell Begaye order the water to be turned back on for the farmers and ranchers in District 13 which are Nenahnezad, San Juan and Upper Fruitland Chapters.

#### CERTIFICATION

We hereby certify that the foregoing culmination of Declaration of Emergency was duly considered by the Nenahnezad Chapter officials at District 13 meeting at Nenahnezad (New Mexico) Navajo Nation on August 24, 2015.

#### CONCURRED:

\_\_\_\_\_  
LoRenzo Bates, Council Delegate

\_\_\_\_\_  
Norman Begaye, President

\_\_\_\_\_  
Philbert Johnson, Vice-President

\_\_\_\_\_  
Juanita Begay, Secretary/Treasurer

**Kim Carpenter**  
County Executive Officer

**Mike Stark**  
Chief Operations Officer



**Don Cooper**  
Emergency Manager

**Mike Mestas**  
Emergency Management Coordinator

**Michele Truby-Tillen**  
Floodplain Manager

**OFFICE OF EMERGENCY MANAGEMENT**

209 South Oliver Drive - Aztec, NM 87410  
Phone: (505) 334-7700 Fax: (505) 334-0805  
www.sjcounty.net



**Media Contact:**

**PRESS RELEASE**

**8:00pm August 15, 2015**

**Michele Truby-Tillen**  
(505-334-7700)  
[trubym@sices.net](mailto:trubym@sices.net)

**For Immediate Release**

**San Juan County Executive Officer Signs Declaration Lifting Ban on Use of the Animas River**

**(Aztec, NM)** – San Juan County Executive Officer, Dr. Kim Carpenter sent a signed declaration lifting the ban on use of the Animas River. “I am very pleased to sign this declaration, having full support from the Governor’s Long-Term Impact Review Team, the U.S. Environmental Agency, and Local Officials”. The ban will be officially lifted at 8:00pm tonight.

“Because the waters of the Animas and San Juan Rivers are now meeting all applicable water quality standards, the Environment Department, with the state’s multi-agency team, lifts the ban on water systems’ supply connections to the Animas and San Juan Rivers and on the public’s recreational use of the rivers in concurrence with local officials and the U. S. Environmental Protection Agency,” said NM Environment Secretary Ryan Flynn.

Recreational users of the Animas and San Juan Rivers may notice some discoloration in the sediment along the river banks due to the spill. While there is continuing concern by the New Mexico officials for long-term river health and for that of aquatic life, the Environment and Health Departments do not anticipate adverse human health effects due to exposure to contaminated sediment during typical recreational activities.

Environment and Health recommend that the public may use the rivers, with the following prudent health practices, when contacting sediment and surface water as recommended by the Agency for Toxic Substances and Disease registry (ATSDR):

1. Don’t drink untreated water from the river.
2. Wash hands thoroughly with soap and water after contact with the sediment and surface water.
3. Avoid contact in areas where there is visible discoloration in sediment or river water.
4. Wash clothes after contact with sediment and surface water.

**Catch and release fishing is recommended at this time.**

**Next Public Information Meeting will be Monday at 6pm at the Farmington Civic Center.**

Specialists from the U.S. Environmental Agency, the NM Environmental Department, and NM State Engineers Office will be on hand to explain the results of testing and how decisions to lift the ban were made.

# # #

As more information becomes available, updates will be sent out via media releases and on Facebook at the following

## Gold King Mine Spill - Timeline

- August 5, 2015, 10:30 AM – Approximately one millions gallons of acidic and heavy metal contaminated mine sludge was released into the North Fork of the Cement Creek in La Plata County Colorado. A mining team working for the EPA caused the discharge.
- August 6, 2015, 9:30 AM: New Mexico was notified of the spill.
- August 6, 2015, 12: NMED DWB contacted all public water systems and recommended that they consider shutting off the intake and stop taking river water along the Animas River until more information was known. NMED SWQB notified several waste water treatment plants to obtain baseline samples.
- August 7, 2015: NMED Secretary Flynn traveled to Farmington and Durango to investigate the contamination, meet with other officials and hold a press conference.
- August 7, 2015: NMED DWB contacted all affected water systems to see if they had any pH data and to determine the amount of storage each facility had available.
- August 7, 2015: NMED contacted downstream states of Arizona and Utah and Navajo Nation to coordinate sharing of information.
- August 7, 2015: NMED SWQB deployed two staff to the Farmington area to immediately begin surface water sampling prior to the plume arrival.
- August 7, 2015: The plume entered New Mexico.
- August 8, 2015: NMED DWB contacted all affected water systems to check in and recommend they consider conservation measures due to the unknown duration of the event.
- August 8, 2015 9:30 AM: The plume passed the confluence of the San Juan River.
- August 8, 2015 12:00 PM: Governor Martinez, Department Secretary Ryan Flynn and State Engineer Tom Blaine held another meeting in Farmington to address citizen concerns.
- August 9, 2015: NMED DWB contacted all affected water systems to check in and offer assistance.
- August 9, 2015: NMED received EPA test data for the Animas River.
- August 10, 2015: NMED GWQB and EHB began well water testing outside the San Juan County Fair.
- August 10, 2015: Governor Susana Martinez declares Emergency in New Mexico.
- August 11, 2015: DWB Technical Services Manager to meet with affected systems and provide technical assistance and discuss treatment options.
- August 11, 2015: NMED SWQB was successful in getting baseline data at three water quality stations on the Animas and San Juan rivers and posted the preliminary results on the incident website (NMEDRiverWaterSafety.org)
- August 11, 2015: NMED GWQB testing and preliminary data performed at the San Juan County Fair show the specific conductivity for GW to be higher than the river water and therefore it is likely that the that ground water contributes to the river flow and the threat of contamination of wells is less likely
- August 12, 2015: General river hydrology and additional NMED Groundwater and Surface Water samples indicated that it is highly likely that wells have not been affected by this event.
- August 12, 2015: NMED received the second round of data from SWQB sampling from three water quality stations on the Animas and San Juan rivers. All values indicated compliance with surface water standards.

- August 12, 2015: NMED posted an analytic report from CH2MHILL regarding the Animas River post plume sampling done for the City of Farmington.
- August 12, 2015: NMED received surface water sampling data from EPA that indicated trending toward normal conditions.
- August 12, 2015: A preliminary EPA sediment sample for one location showed all pollutants below screening levels.
- August 14, 2015: Today the precaution against using domestic well water from wells in the Animas floodplain (near the Animas River – site of the Gold King Mine Spill) is lifted by the New Mexico Departments of Environment and Health in concurrence with the U.S. EPA.
- August 14, 2015: The ban on drawing canal or river water into ditches in San Juan County was lifted today by New Mexico Departments of Environment, Agriculture, and the Office of State Engineer. The interagency team initiated a strategic plan for flushing ditches as a safety precaution prior to resuming irrigation.
- August 14, 2015: Today, Governor Susana Martinez announced the creation of a multiagency, long-term impact review team to monitor the effects of the massive 3 million gallon waste spill in the Animas River. The long-term impact review team will conduct research, collaborate with local communities, federal officials, and members of the public, and share information to learn more about the potential long-term impact of the spill on local communities, wildlife, and agriculture.
- August 15, 2015: New Mexico Departments of Environment, Health, and Game and Fish in concurrence with local officials and the US Environmental Protection Agency, today lifted the ban on San Juan County's drinking water systems' supply connection to the Animas and San Juan Rivers and on the public's recreational use of the rivers with certain prudent health practices, following the August 5th Gold King Mine Spill.
- August 15, 2015: Waters of the Animas and San Juan Rivers are now meeting all applicable water quality standards.



## **Menu**



# **EPA Update on Gold King Mine Response Efforts for August 20, 2015**

EPA participated in a public meeting/open house in Durango hosted by San Juan County, CO. EPA was invited to present an overview of the response and to provide residents with information at breakout sessions covering recreation, economic, health, agriculture, and drinking water.

## **EPA Staff Deployed**

EPA currently has deployed more than 210 employees and contractors for the response. The U.S. Coast Guard has provided 14 responders. There are also currently at least 20 different state and local agencies involved in the response working to help ensure the health and safety of the public.

## **Mine Discharge Treatment**

The Gold King Mine is releasing water at the rate of approximately 544 gallons per minute. Water is captured and treated at a system of impoundments before being discharged to Cement Creek.

## **Unified Command in Durango, Colorado**

EPA has completed testing of 105 private drinking water wells along the Animas River in Colorado. Of these, only seven samples exceeded drinking water standards. EPA is working directly with well owners to further investigate these wells. It is currently unknown if the exceedances were caused by the mine release.

## **Unified Command in Farmington, New Mexico**

### **New Mexico**

Ten teams of EPA, New Mexico Environment Department and EPA contractors sampled thirty-eight private water wells. EPA collected 9 surface water and sediment samples from the drinking water intake locations. Data is being posted on the [www.epa.gov/goldkingmine](http://www.epa.gov/goldkingmine) web site.

### **Navajo Nation**

Based on EPA surface water data collected following the August 5, 2015, Gold King Mine release, the San Juan River water quality in Navajo Nation has returned to pre-event conditions. EPA and Navajo have agreed that Friday August 21, 2015, would be the last day for EPA water deliveries for agricultural use on the Navajo Nation. EPA will work closely with the Navajo Nation in the coming weeks to ensure that a long-term monitoring plan for the San Juan River is implemented. In addition, EPA is positioned to provide technical assistance in flushing irrigation ditches on the Navajo Nation.

## **Arizona/Utah**

EPA is collecting water and sediment samples from Lake Powell near the inlet of the San Juan River. Given the recent sampling results of reduced metals in the plume, EPA expects no significant impacts to Lake Powell associated with the Gold King Mine release.

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## **Claims Process**

A claims process exists for compensating citizens who suffer personal injury or property damage caused by negligence of the U.S. government.

The process is available in EPA's regulations at 40 CFR Part 10, and includes guidance on documentation that may be required to support claims for loss of employment and loss of income, among other claims.

Claims for monetary compensation may be filed by submitting a Standard Form 95 specifying the nature of the loss suffered and EPA actions, if known, causing the loss or damage to property.

EPA is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights.

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. Additionally, a person claiming an injury or damage has two years from the date of the event to file a claim with EPA under the FTCA. (40 CFR Part 10).

Standard Form 95 is not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim. Please note that a completed form must state a claim for money damages in a "sum certain" amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property. In addition, if a sum certain is not specified in Standard Form 95 block 12d, or in accompanying information, a submission cannot be considered a valid presentation of a claim.

Although EPA's regulations state that it has six months to resolve a claim, EPA will make every effort to respond to Gold King Mine release claims as soon as possible. Claims must be presented to EPA within two years after the date of event.

Complete the fillable PDF version of Standard Form 95 [here](#).

## Menu



# EPA Data Shows Water Quality in San Juan River in the Navajo Nation Back to Pre-Event Levels

DURANGO, Colo., August 19, 2015 – Based on EPA surface water data collected following the August 5, 2015 Gold King Mine release, San Juan River water quality in Navajo Nation has returned to pre-event conditions. This determination is based on a review of water quality data collected from August 7-15, 2015 at EPA's sampling point near Hogback, New Mexico.

Water quality has now returned to levels measured before the release entered the Navajo Nation. Water and sediments from the mine were last observed at Nenahnezad, New Mexico, east of Hogback, New Mexico, on August 8, 2015.

EPA Administrator Gina McCarthy and Navajo Nation President Russell Begaye had a productive phone conversation on August 19 to review water quality data. Based on that conversation the President indicated that the Navajo Nation may re-open the San Juan River for irrigation purposes as soon as this weekend. It was also agreed on that call, that Friday August 21, would be the last day for EPA water deliveries for agricultural use on the Navajo Nation.

EPA will work closely with the Navajo Nation in the coming weeks to ensure that a long-term monitoring plan for the San Juan River is implemented. In addition, EPA is positioned to provide technical assistance in flushing irrigation ditches on the Navajo Nation.

Go to the data: <http://www2.epa.gov/goldkingmine/gold-king-mine-data-august-19-2015>

Last updated on August 20, 2015

**Kim Carpenter**  
County Executive Officer

**Mike Stark**  
Chief Operations Officer



**Don Cooper**  
Emergency Manager

**Mike Mestas**  
Emergency Management Coordinator

**Michele Truby-Tillen**  
Floodplain Manager

**OFFICE OF EMERGENCY MANAGEMENT**

209 South Oliver Drive - Aztec, NM 87410  
Phone: (505) 334-7700 Fax: (505) 334-0805  
www.sjcounty.net



**DECLARATION RESCINDING THE RESTRICTIONS  
ARISING FROM THE GOLD KING MINE SPILL INTO THE ANIMAS RIVER**

**WHEREAS**, on August 7, 2015, Kim Carpenter, Ph.D., San Juan County Executive Officer, declared an emergency on the Animas River and imposed certain restrictions on both domestic well water usage and all usage of water in the Animas River; and

**WHEREAS**, a State of Emergency still exists in San Juan County as a result of the Gold King Mine Spill into the Animas River; and

**WHEREAS**, The New Mexico Environment Department has lifted the advisory prohibiting the use of domestic wells within the floodplain of the Animas and San Juan River; and;

**WHEREAS**, The New Mexico State Engineer has determined that the water in both the Animas and San Juan River are safe for irrigation and livestock watering; and

**WHEREAS**, The New Mexico Environment Department has authority to permit cities and other entities which treat water for human consumption to take water from the rivers; and

**WHEREAS**, scientific testing performed by multiple agencies has determined the Animas and San Juan Rivers are safe for recreational use;

**NOW, THEREFORE**, under the authority granted pursuant to Section 12-20-1 through 12-20-11, NMSA 1978, as County Executive Officer, I lift all restrictions imposed for the use of the Animas and San Juan Rivers for recreation, irrigation, and livestock watering and treatment for human consumption.

This declaration is effective as of 8:00 a.m./p.m. on August 15, 2015.

\_\_\_\_\_  
Kim Carpenter, Ph.D.  
County Executive Officer



## 8/15/15 8 p.m. Advisory on Safety Precautions Related to EPA Gold King Mine Spill

### *Most Current Precautions Lifted – Long-Term Recommendations Forthcoming*

**(Aztec & Farmington, NM)** – The New Mexico Environment Department continues working with local, regional, and federal stakeholders to advise San Juan County citizens of safety precautions, while updating those affected about the Gold King Mine Spill's pulse location, effects, and long-term impact.

**Do Not Use Nearby "Floodplain Level" Wells.** If you live in the Animas River or San Juan River flood plain and your wellhead is at roughly the same level as the river, the Environment Department advises you to refrain from using the water for cooking and drinking or any human or animal ingestion until further notice. Do not boil river water in an attempt to purify it and use it for ingestion. Boiling the contaminated water will not remove potential contaminants.

**Precaution Lifted**  
**8/14/15 10:45 a.m.**  
**No Longer in Effect**

**Do Not Draw Canal or River Water.** People who draw water directly from the Animas River, San Juan Rivers into irrigation canals should refrain until further notice.

**Precaution Lifted**  
**8/14/15 6:26 p.m.**  
**No Longer in Effect**

**Do Not Water Livestock or Irrigate Crops.** Livestock owners should refrain from watering livestock from Animas or San Juan River water. Do not irrigate crops.

**Precaution Lifted**  
**8/14/15 6:26 p.m.,**  
**following 12 hours**  
**of flushing ditches.**

**Do Conserve Water.** Conservation of water is critical during the time that the pulse of contaminated water is passing through the region, and possibly for days thereafter. Until the concentration of constituents is known, drinking water systems and nearby well water users are refraining from drawing the river water, and thus supplying customers from limited clean water reserves.

**Precaution Lifted**  
**8/15/15 8 p.m.**  
**No Longer in Effect**

**Do Get Potable Water from Water Stations.** Potable water stations have been set up through San Juan County's Office of Emergency Management ([www.sjcounty.net](http://www.sjcounty.net)) for residents at the following locations. Bring your own water containers. No large tanks.

**Precaution Lifted**  
**8/15/15 8 p.m.**  
**No Longer in Effect**

Center Point Fire Station # 1 – 16 Road 2755

Flora Vista Fire Station #1 – 2 Road 3275

Valley Fire Station #4 – 4 Road 6200

Stations will be open:

Sunday 8/9/15 9:00 a.m. to 10:00 a.m. and 5:00 p.m. to 6:00 p.m.

**Do Not Ingest Fish from the Rivers.** The New Mexico Game and Fish Department advises anglers not to consume fish in the Animas River or San Juan River watershed. "Catch and Release" recommended for all fishing activities. See

**Precaution**  
**Modified**  
**8/15/15 8 p.m.**  
**Partially in Effect**

[www.env.nm.gov/riverwatersafety/documents/150815-RPT-GoldKingMineWhitePaper-NMDGF.pdf](http://www.env.nm.gov/riverwatersafety/documents/150815-RPT-GoldKingMineWhitePaper-NMDGF.pdf) for more information.

Please visit [www.NMEDRiverWaterSafety.org](http://www.NMEDRiverWaterSafety.org) for continuing updates, informational resources, and long-term monitoring associated with the Environment Department's activities on behalf of communities affected by the Gold King Mine Spill of Wednesday August 5, 2015.

# # #



STATE OF NEW MEXICO

## Environment Department

**SUSANA MARTINEZ, GOVERNOR**

Ryan Flynn, Cabinet Secretary  
Butch Tongate, Deputy Secretary

### **NEWS ADVISORY**

**August 15, 2015, 8 p.m.**

*NMED's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.*

**Contact:** Allison Scott Majure  
Communications Director  
New Mexico Environment Department  
505.231.8800 | [Allison.majure@state.nm.us](mailto:Allison.majure@state.nm.us)

### **New Mexico Departments of Environment, Health, and Game & Fish Lift Ban on Water Systems' Supply Connection to Animas and San Juan Rivers and on Public's Recreational Use of Rivers** *Governor Susana Martinez' Long-Term Impact Review Team in Place*

**(Aztec & Farmington, NM)** – New Mexico Environment Department Secretary Ryan Flynn, Game and Fish Department Director Alexa Sandoval, and Health Department Secretary Retta Ward today lifted the ban on San Juan County's drinking water systems' supply connection to the Animas and San Juan Rivers and on the public's recreational use of the rivers with certain prudent health practices, following the August 5th Gold King Mine Spill.

"Because the waters of the Animas and San Juan Rivers are now meeting all applicable water quality standards, the Environment Department, with the state's multi-agency team, lifts the ban on water systems' supply connections to the Animas and San Juan rivers and on the public's recreational use of the rivers in concurrence with local officials and the US Environmental Protection Agency," said Environment Secretary Ryan Flynn.

On Friday August 7<sup>th</sup> the New Mexico Environment Department began collecting water chemistry and other data from the rivers immediately following the state's August 6<sup>th</sup> notification from the EPA of the approach of contamination from the Gold King Mine Spill. Sampling and analysis continued throughout the following days. The data show that all levels of contamination related to the Gold King Mine spill—primarily heavy metals, such as lead, cadmium and copper—are below all applicable state water quality standards including those established to protect human health. Today's announcement is based on these results.

Recreational users of the Animas and San Juan rivers may notice some discoloration in the sediment along the river banks due to the spill. While there is continuing concern by New Mexico officials for long-term river health and for that of aquatic life, the Environment and Health Departments do not anticipate adverse human health effects due to exposure to contaminated sediment during typical recreational activities.

Environment and Health recommend that the public may use the rivers, with the following prudent health practices, when contacting sediment and surface water as recommended by the Agency for Toxic Substances and Disease registry (ATSDR):

1. Don't drink untreated water from the river.

2. Wash hands thoroughly with soap and water after contact with the sediment and surface water.
3. Avoid contact in areas where there is visible discoloration in sediment or river water.
4. Wash clothes after contact with sediment and surface water.

“As the Animas River re-opens, I strongly urge all New Mexicans to follow some basic recommendations when using any rivers or lakes for recreational purposes,” said Department of Health Cabinet Secretary Retta Ward, MPH. “The recommendations include wearing suitable clothing, using safety gear and immediately showering and towel drying after getting out of the water. Take extra care not to ingest surface water. When you consume untreated water from surface sources, you run the risk of ingesting harmful bacteria, parasites, viruses and other potential contaminants.”

Along with recreational use, “Catch and Release” fishing is also recommended at this time. Alexa Sandoval, Director of New Mexico’s Game and Fish Department said, “The Department suggests that anglers practice catch and release of fish in the Animas and San Juan Rivers that have been impacted by the spill. Until Game and Fish can determine the level of contamination in the fish, we are strongly recommending that anglers not eat the fish they catch. We are working to determine the level of contamination in the fish and we will notify the public of the results of our tests.”

New Mexico agency representatives on the Long-Term Impact Review Team for the Gold King Mine Spill (Environment, State Engineer, Agriculture, Game and Fish, Health, Homeland Security, and others), along with the US EPA and local officials, continue assessing the full impact of the August 5th event on the state for the continuing development of safe practice recommendations for the San Juan County region.

# # #



## 8/14/15 P.M. Advisory on Safety Precaution Status for EPA Gold King Mine Spill

**SANTA FE** – The New Mexico Environment Department continues working with local, regional, and federal stakeholders to advise San Juan County citizens of safety precautions, while updating those affected about the Gold King Mine Spill's pulse location and effects. Adherence to the following important safety measures is critical.

**Do Not Use Nearby "Floodplain Level" Wells.** If you live in the Animas River or San Juan River flood plain and your wellhead is at roughly the same level as the river, the Environment Department advises you to refrain from using the water for cooking and drinking or any human or animal ingestion until further notice. Do not boil river water in an attempt to purify it and use it for ingestion. Boiling the contaminated water will not remove potential contaminants.

**Precaution Lifted  
8/14/15- No  
Longer in Effect**

**Do Not Draw Canal or River Water.** People who draw water directly from the Animas River, San Juan Rivers into irrigation canals should refrain until further notice.

**Precaution Lifted  
8/14/15- No  
Longer in Effect**

**Do Not Water Livestock or Irrigate Crops.** Livestock owners should refrain from watering livestock from Animas or San Juan River water. Do not irrigate crops.

**Precaution Lifted  
8/14/15 following  
12 hours of  
flushing ditches.**

**Do Conserve Water.** Conservation of water is critical during the time that the pulse of contaminated water is passing through the region, and possibly for days thereafter. Until the concentration of constituents is known, drinking water systems and nearby well water users are refraining from drawing the river water, and thus supplying customers from limited clean water reserves.

**Remains in Effect**

**Do Get Potable Water from Water Stations.** Potable water stations have been set up through San Juan County's Office of Emergency Management ([www.sjcounty.net](http://www.sjcounty.net)) for residents at the following locations:

**Remains in Effect**

Center Point Fire Station # 1 – 16 Road 2755  
Flora Vista Fire Station #1 – 2 Road 3275  
Valley Fire Station #4 – 4 Road 6200

Stations will be open:

Saturday 8/8/15      9:00 a.m. to 10:00 a.m. and 5:00 p.m. to 6:00 p.m.  
Sunday 8/9/15      9:00 a.m. to 10:00 a.m. and 5:00 p.m. to 6:00 p.m.  
Bring your own water containers. No large tanks.





**Do Not Ingest Fish from the Rivers.** The New Mexico Game and Fish Department advises anglers not to fish in the Animas River and not to eat fish caught in the San Juan River watershed. **Remains in Effect**

Please visit [www.NMEDRiverWaterSafety.org](http://www.NMEDRiverWaterSafety.org) for continuing updates and informational resources associated with the New Mexico Environment Department's activities to inform and protect communities affected by the Gold King Mine Spill of Wednesday August 5, 2015. # # #



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**NEWS ADVISORY**  
**August 14, 2015**

Contact: Allison Scott Majure, Environment  
505.231.8800 | [allison.majure@state.nm.us](mailto:allison.majure@state.nm.us)  
Lela Hunt, Office of State Engineer  
505.506.2992 | [lela.hunt@state.nm.us](mailto:lela.hunt@state.nm.us)

**Ban on Drawing Canal or River Water into Ditches in San Juan County Lifted by  
New Mexico Departments of Environment, Agriculture, and State Engineer**  
*Strategic Plan for Flushing Ditches Initiated Along Animas & San Juan Rivers to Hogback*

**(Aztec & Farmington, NM)** – New Mexico Environment Department Secretary Ryan Flynn, Agriculture Secretary Jeff Witte, and State Engineer Tom Blaine today initiated the plan to flush irrigation ditches, in order to reduce the Gold King Mine Spill’s potential contamination effects on San Juan County’s crops and livestock.

“Today we are initiating a strategic plan for flushing ditches as a safety precaution prior to resuming irrigation,” said Blaine. “As part of the Gold King Mine Spill’s Long Term Impact Team announced by Governor Susana Martinez this morning, our agencies are approaching this with the same synchronized communication, expertise, and caution used throughout our response.”

“We encourage San Juan County Ditch Superintendents to start flushing ditches immediately. Flush from the diversion to the first sluice for 12 hours. All head gates should be closed and only return gates should be open during this flushing operation,” said Blaine. “12 hours following flushing, normal irrigation and livestock watering operations may resume.” Revised safety precautions concerning the Gold King Mine Spill are posted at [www.NMEDRiverWaterSafety.org](http://www.NMEDRiverWaterSafety.org).

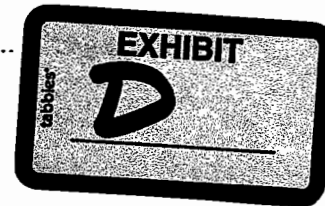
The operation will begin at the New Mexico state line along the Animas River down to the confluence with the San Juan River. It will include ditches below the San Juan River out to Hogback. Representatives of the New Mexico Office of the State Engineer’s Aztec district office are communicating with Ditch Superintendents.

All other safety precautions remain in place as follows:

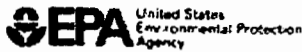
- Do Conserve Water
- As Needed, Do Get Potable Water from Water Stations
- Do Not Ingest Fish from the Rivers

New Mexico agency representatives on the Long Term Impact Review Team for the Gold King Mine Spill (Environment, State Engineer, Agriculture, Game and Fish, Health, Homeland Security, and others), along with the US EPA and local officials, continue assessing the full impact of the August 5<sup>th</sup> event on the state for the development and recommendation of safe practices for the San Juan County region.

# # #



**Menu**



## **EPA Data Shows Water Quality in San Juan River in the Navajo Nation Back to Pre-Event Levels**

DURANGO, Colo., August 19, 2015 – Based on EPA surface water data collected following the August 5, 2015 Gold King Mine release, San Juan River water quality in Navajo Nation has returned to pre-event conditions. This determination is based on a review of water quality data collected from August 7-15, 2015 at EPA's sampling point near Hogback, New Mexico.

Water quality has now returned to levels measured before the release entered the Navajo Nation. Water and sediments from the mine were last observed at Nenahnezad, New Mexico, east of Hogback, New Mexico, on August 8, 2015.

EPA Administrator Gina McCarthy and Navajo Nation President Russell Begaye had a productive phone conversation on August 19 to review water quality data. Based on that conversation the President indicated that the Navajo Nation may re-open the San Juan River for irrigation purposes as soon as this weekend. It was also agreed on that call, that Friday August 21, would be the last day for EPA water deliveries for agricultural use on the Navajo Nation.

EPA will work closely with the Navajo Nation in the coming weeks to ensure that a long-term monitoring plan for the San Juan River is implemented. In addition, EPA is positioned to provide technical assistance in flushing irrigation ditches on the Navajo Nation.

Go to the data: <http://www2.epa.gov/goldkingmine/gold-king-mine-data-august-19-2015>

Last updated on August 20, 2015

**Kim Carpenter**  
County Executive Officer

**Mike Stark**  
Chief Operations Officer



**Mike Mestas**  
Emergency Management Coordinator

**Michele Truby-Tillen**  
Floodplain Manager

**OFFICE OF EMERGENCY MANAGEMENT**

209 South Oliver Drive - Aztec, NM 87410  
Phone: (505) 334-7700 Fax: (505) 334-0805  
www.sjcounty.net



**DECLARATION RESCINDING THE RESTRICTIONS  
ARISING FROM THE GOLD KING MINE SPILL INTO THE ANIMAS RIVER**

**WHEREAS**, on August 7, 2015, Kim Carpenter, Ph.D., San Juan County Executive Officer, declared an emergency on the Animas River and imposed certain restrictions on both domestic well water usage and all usage of water in the Animas River; and

**WHEREAS**, a State of Emergency still exists in San Juan County as a result of the Gold King Mine Spill into the Animas River; and

**WHEREAS**, The New Mexico Environment Department has lifted the advisory prohibiting the use of domestic wells within the floodplain of the Animas and San Juan River; and;

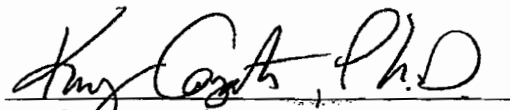
**WHEREAS**, The New Mexico State Engineer has determined that the water in both the Animas and San Juan River are safe for irrigation and livestock watering; and

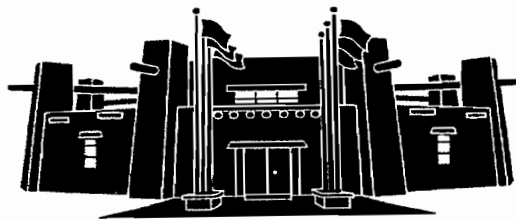
**WHEREAS**, The New Mexico Environment Department has authority to permit cities and other entities which treat water for human consumption to take water from the rivers; and

**WHEREAS**, scientific testing performed by multiple agencies has determined the Animas and San Juan Rivers are safe for recreational use;

**NOW, THEREFORE**, under the authority granted pursuant to Section 12-20-1 through 12-20-11, NMSA 1978, as County Executive Officer, I lift all restrictions imposed for the use of the Animas and San Juan Rivers for recreation, irrigation, and livestock watering and treatment for human consumption.

This declaration is effective as of 8:00 a.m./p.m. on August 15, 2015.

  
Kim Carpenter, Ph.D.  
County Executive Officer



## MEMORANDUM

To : Honorable Alton Shepherd  
Navajo Nation Council Delegate

From : Mariana Kahn  
Mariana Kahn, Attorney  
Office of Legislative Counsel

Date : August 27, 2015

Re : PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION  
RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;  
SUPPORTING THE RELEASE OF SAN JUAN RIVER WATER TO  
IRRIGATE CROPS AND WATER LIVESTOCK IN THE NORTHERN  
AGENCY; DIRECTING THE NAVAJO DIVISION OF NATURAL  
RESOURCES AND THE NAVAJO ENVIRONMENTAL PROTECTION  
AGENCY TO ASSIST IN ACHIEVING THE GOAL OF OPENING THE  
IRRIGATION SYSTEM

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of challenge. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Thank you for your service to the Navajo Nation.

15-630-1

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0304-15\_

SPONSOR: Alton Joe Shepherd

**TITLE: An Action Relating To Resources And Development Committee;  
Supporting The Release Of San Juan River Water To Irrigate Crops And Water  
Livestock In The Northern Agency; Directing The Navajo Division Of Natural  
Resources And The Navajo Environmental Protection Agency To Assist In  
Achieving The Goal Of Opening The Irrigation System**

**Date posted: August 27, 2015 at 8:30PM**

**Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)**

**Written comments may be mailed to:**

**Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586**

**Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.**

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.: 0304-15**

**SPONSOR: Honorable Alton Joe Shepherd**

**TITLE An Action Relating To Resources And Development Committee; Supporting The Release Of San Juan River Water To Irrigate Crops And Water Livestock In The Northern Agency; Directing The Navajo Division Of Natural Resources And The Navajo Environmental Protection Agency To Assist In Achieving The Goal Of Opening The Irrigation System.**

**Posted: August 27, 2015 at 8:30PM**

**5 DAY Comment Period Ended: September 1, 2015**

**Digital Comments received:**

Comments Supporting (1)	1. Gilbert Harrison Sr., Gadii'ahi Farm Board Representative; President, San Juan River Farm Board.
Comments Opposing (5)	1. Shiprock Chapter Resolution No. 08-12-15-89-SHIP; Remain closed and not reopened until 2016. 2. Michelle C. Ben; Shiprock, NM 3. Alfred Bennett III; Shiprock, NM 4. Barbara Wilson 5. Marian John
Inclusive Comments (1)	1. Shiprock Chapter Resolution No. 08-12-15-91-SHIP; Recommend secondary irrigation water delivery pipeline

(Signature)

Executive Director  
Office of Legislative Services

9.2.2015 - 9:10 AM

Date/Time

## comment, tracking no. 0304-15

Gilbert Harrison <gil.harrison@yahoo.com>

Mon 8/31/2015 11:32 PM

To: comments <comments@navajo-nsn.gov>;

2 attachments

Gadii'ahi Irrigation water resolution.docx; Navajo Nation Atty General memo on irrigation water gates.pdf;

This legislation is important to the Farmers in the community of Gadii'ahi, and also farmers within the chapters of Shiprock and Tse Da Kaan. A vast majority of farmers invest time, money and energy into planting in the spring, a large investment. Their hopes are to regain this investment back in the fall, selling their products.

The Gold King mine spill caused by EPA and the subsequent ban on the use of San Juan River for irrigation is causing tremendous stress and undue emotions on the farmers. The Federal EPA, State EPA and even the Navajo Nation EPA has declared the river has returned to pre-event status and is safe for use in irrigation and ranching activities.

Continues ban by the Navajo Nation President is causing more harm to crops, they are starting to dry out. Immediate relief is necessary to salvage these produce.

Gadii'ahi Chapter is located downstream side of the Hogback canal which runs through the Tse Da Kaan Chapter, the Shiprock Chapter and finally to Gadii'ahi. The upstream chapters have continued to demand that the San Juan River not be released into the Hogback canal thereby denying the farmers their right to irrigation water.

The Navajo Nation Attorney General has released a memo to the Gadii'ahi which clearly states that the upstream chapters have not right or authority to continue demanding the head gate to the Hogback canal be shut and that the farmers are entitled to irrigation waters and that those farmers wishing not to use the water can continue to keep their farm head gates closed. additionally, Navajo Nation law prohibits chapters and others from interfering with Navajo Nation government programs, the irrigation system is a government program. These chapters continue to ignore Navajo Nation Laws.

At a special meeting, August 28, 2015, the Gadii'ahi / Tokoi Chapter passed a resolution requesting the Navajo Nation President lift the ban and release the water into the canal for use by the chapter farmers. We have yet to receive an answer. Attached you will find the chapter resolution and a memo from the NN Attorney General.

The Gadii'ahi/Tokoi Chapter fully supports this legislation and recommends its passage.



Thank you,  
Gilbert Harrison Sr.  
Gadii'ahi Farm Board Representative  
President, San Juan River Farm Board

## **Gadiiahi/Tokoi Special Meeting**

Gadiiahi/Tokoi Chapter House

August 28, 2015

Meeting called to order: 5:27 PM

Invocation: Tony Gadii

Chapter Secretary Lenora Tsosie, absent. Pro Tem Secretary selected:

Gilbert Harrison Sr. Motion: Nancy \_\_\_\_\_, Second Leroy Begay. Motion carried, for 15, opposed 2, abstain 1

Reading / approval of minutes: Deferred

Reading / approval of agenda: Approved, single item

Guests: None

Old Business: None

New Business:

- a. Resolution: Requesting Navajo Nation President lift the Declaration of Emergency and Release San Juan River into the Hogback Canal for use by the Gadiiahi Farmers for farm irrigation.

Farm Board Official, Gilbert Harrison read the proposed Resolution, attached, to the attendees and gave a short background on the Gold King mine spill. He also explained that irrigation water to the Upper Fruitland canal was reopened and the canal was being flushed and the farmers in Upper Fruitland, NZD and San Juan Chapters would soon have irrigation water. He also explained that the Navajo Nation President, Russell Begay, requested a chapter resolution from Gadiiahi before water can be considered and released into the Hogback Canal and to Gadiiahi canal.

Motion to approve: Norman Walter, Second: Andy Brady

Discussion:

Walter: Glad water will be back on but had concerns on long term effects caused by the spill, on us, our kids and grandkids. Mr. Harrison explained no one really knows but this is a wakeup call and Navajo Nation President has stated that Navajo EPA Navajo Division of Health will look into this question.

Steve Lee: He is a farmer and also has an associate degree from San Juan College in Industrial Water Treatment. We must trust science on these matters. All water has minerals in it, but can be treated in accordance with EPA and State regulations which are very strict, and Navajo Nation regulations are also very strict. He is in support of water being turned on.

Nancy \_\_\_\_: commented on the fact that there was no fish found at the spill site and wondered why.

Hazel Sherman: concerned about heavy metals that might accumulate at the end of the existing underground irrigation pipe close to her farm. She requested that a sample now be taken before the water is turned back on and one later for comparison. Mr. Harrison explained that not only the flowing water but also heavy metals that may have deposited will be sampled up and down the river and irrigation system by the Navajo EPA and that if readings are out of line, another shut down may occur.

Norman Walter: Has noted over time irrigation water to his farm has caused discoloration at the pipe outlet and wanted this water sampled also to insure water is safe.

Andy Brady: there are microscopic particles in every water, but can be treated. Some you can see, others not. If Navajo EPA says its safe, we should use it.

Douglas Deswood: The Resolution passed by the Navajo Nation Council calling for the ban and restriction on the river water was flawed and should be modified. Mr. Harrison explained that the Ban and Restriction was called by the Navajo Nation President who has the authority to do so in an emergency, and not the council. He also recommended that there should be soil sampling spots on the farms for sampling annually for the next ten years or so.

Martin Duncan: San Juan River Water Users. He stated that there will be 25 soil sampling sites along the irrigation ditches over the next several months. He stated there are still metals in the water, but at safe levels. He says that EPA was still not providing answers to lingering questions. Sampling will be done at the end of the Gadiiahi underground irrigation pipe during the flushing. Suggestions to run water from NAPI to the canal are expensive, NAPI to Upper Fruitland could cost \$50 million and NAPI to the

Hogback canal as much as \$50 million and will take many years to complete. Funding will be a problem.

Honorable Tom Chee, Council from Shiprock who came in after the discussions started was given the floor to update the meeting attendees on the latest information from Window Rock. He started out by emphasizing the use of K" in these difficult discussion related to the spill and demand for irrigation water by farmers. He said he received a call from the Navajo Nation Attorney General explaining that the Irrigation ditch system is government property. That chapters do not have the right to say no or stop the water from being turned back on. Only the President has authority over Navajo Nation Tribal Programs. Chapters can only recommend. The RDC has legislation on the Navajo Nation web site in regarding the issue of irrigation water turn on. You might look it over and comment. The Navajo Nation is looking for about \$2.3 Million dollars for sampling to make sure the water is safe, including effects of heavy metals.

Lorraine Jack: I am concerned about my grandkids because we live by the irrigation water, I have seen my grandkids and their friends play in the ditch and sometimes they get a mouth full and swallow it. What will happen to them? Mr. Harrison said that the sampling will provide answers.

Chapter President Carol Etcitty-Roger called for a vote:

In Favor: 16, Opposed: 4, Abstained: 1

Resolution Passed

Meeting adjourned: 7:37 PM




**NAVAJO NATION DEPARTMENT OF JUSTICE**  
**OFFICE OF THE ATTORNEY GENERAL**

---

ETHEL B. BRANCH  
ATTORNEY GENERAL

**MEMORANDUM**

TO: Carol Etcitty-Roger, President,  
Gadii'ahi/To'Koi Chapter

FROM:   
Ethel Branch, Attorney General  
Office of the Attorney General

DATE: August 28, 2015

SUBJECT: Chapter Authority Over Opening of Hogback Irrigation Canal

Recently you asked me what recourse the Gadii'ahi/To'Koi Chapter has in light of the Shiprock Chapter's recent resolution opposing the opening of the Hogback Irrigation Canal. This memorandum will respond to your inquiry.

The Navajo Nation Department of Water Resources (NNDWR) has authority over the irrigation canals. NNDWR exercises its authority under the supervision of the Department of Natural Resources, an Executive Branch agency that reports to President Begaye, with oversight from the Resources and Development Committee and the Navajo Nation Council.

Chapters do not own or control the irrigation canals and thus do not have authority to order the opening or closing of the irrigation headgates. The resolution by the Shiprock Chapter has the effect of a request or a recommendation to NNDWR. Regardless of the timing of the decision to reopen the canal, any farmer not wishing to irrigate may close the headgates to his or her farm.

NNDWR and President Begaye are reviewing this issue in light of the most recent sampling data, and we will inform you as soon as a decision is made. Please feel free to contact me if you wish to discuss this further.



# RESOLUTION OF THE SHIPROCK CHAPTER

## SHIPROCK, NAVAJO NATION



### RECOMMENDING THE DEVELOPMENT OF A SECONDARY IRRIGATION WATER DELIVERY PIPELINE TO SUPPLY WATER TO THE HOGBACK IRRIGATION SYSTEM

#### WHEREAS:

1. The Shiprock Chapter of the Navajo Nation acts on this resolution pursuant to the authority conferred to the Chapter through Navajo Nation Code Title 26, Chapter 1. Section B. Purpose, which states, "Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo Law, including custom and tradition and further the inclusivity provided by the Diné Fundamental Law, in that "it is entirely appropriate for the government itself to openly observe these fundamental laws;" and
2. A significant contamination spill occurred at the Gold King Mine near Silverton, Colorado on August 05, 2015 and the contamination containing various heavy metals that are detrimental to the safety and health of humans, animals, aquatic and plant life have contaminated the San Juan River and environs to an unknown extent, and
3. The Shiprock Chapter is greatly concerned with this ecological catastrophe as the contamination will have devastating impact on the agricultural communities along the river for the immediate growing season and future growing seasons; as many residents rely on agricultural farming pursuits for their livelihoods, water is the lifeline of our farming communities and
4. There is great apprehension with the possible build-up of contaminants at the irrigation headgate area and that such contamination could be carried into the canal system and on to the farming lands, and
5. The Shiprock Chapter membership believe that because of this possible contaminate build-up and the unknown sedimentation of contaminants in the riverbed that a secondary irrigation water delivery system is necessary which will serve as a failsafe alternative if a spill up river should ever occur again.

#### NOW, THEREFORE, BE IT RESOLVED THAT:

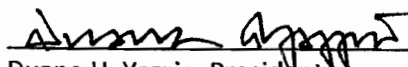
The Shiprock Chapter membership hereby make this strong and unequivocal recommendation for the design and construction of secondary irrigation water delivery pipeline to supply water to the Hogback Irrigation System.

Motioned by: Marilyn King Johnson

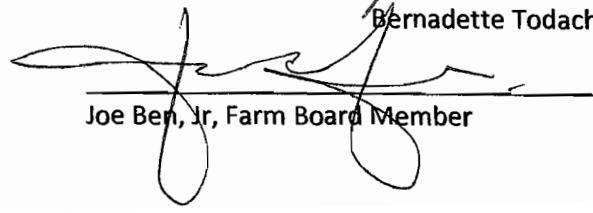
Seconded by: Jerry Jay Todacheene

#### CERTIFICATION

We hereby certify that the foregoing resolution was presented and considered at a duly called Chapter meeting at which a quorum was present and that the same was approved by a vote of 74 in favor, 0 opposed and 2 abstentions on this 21<sup>th</sup> day of August 2015.

  
Duane H. Yazzie, President

  
Bernadette Todacheenie, Pro Temp Sect/Treas

  
Joe Ben, Jr, Farm Board Member

Fwd: Legislation No: \_\_0304\_\_15\_\_ Sponsor Alton J. Shepherd

Michelle Ben <mcben28@gmail.com>

Mon 8/31/2015 11:39 AM

To: comments <comments@navajo-nsn.gov>;

----- Forwarded message -----

From: Michelle Ben <mcben28@gmail.com>

Date: Mon, Aug 31, 2015 at 11:12 AM

Subject: Legislation No: \_\_0304\_\_15\_\_ Sponsor Alton J. Shepherd

To: [tomcomments@navajo-nsn.gov](mailto:tomcomments@navajo-nsn.gov), Michelle Ben <mcben28@gmail.com>, [tomchee@nsn-chapter.gov](mailto:tomchee@nsn-chapter.gov), Walter Phelps <nakaidinee@yahoo.com>

Greetings Navajo Council Delegates and Leaders of Navajo Nation,

I am a wife, mother and grand-mother of children born and raised in Shiprock, N.M. They grew up on their father's Farm on first lane. My children are products of our crops, as they feed on it during the many harvest seasons and winters we have gone through, it is apart of our stable diet each year. Also, the white corn is apart of our Navajo Ceremonies and each of our children have participated in their culture, to have a deep understanding of their connectedness to their environment, nature.

I disagree with turning on the San Juan River into our farm lands, it is our way of life and to allow this with no stable facts of what is in our water, is only going to harm our future generations.

To build a contingency plan for future crisis's that will be coming again (abandoned mines not cleaned up in Colorado & drought) need to be addressed, to build a pipeline from N.A.P.I. to Hogback Irrigation system will assist us to address our crisis situation now and in the future.

The Navajo Nation will need to build infrastructure (Water filtration plants) to clean our water systems (rivers & natural artesian wells) now...is needed across our Nation in Tuba City, AZ., Leupp, AZ and everyone along the San Juan River..many communities need this and this will provide jobs!

Please acknowledge those of us against further contamination of our farms...we need independent testing of our soil, water and animals that have been exposed.

Thank-you from a Shiprock Community member that is going to be here for the rest of her life.

Sincerely,

Michelle C. Ben

P.O. Box 659

Shiprock, NM 87420

(505)354-3206

## Legislation 0304-15

al bennett <alfredbennett45@hotmail.com>

Mon 8/31/2015 3:53 PM

To: comments <comments@navajo-nsn.gov>;

August 31, 2015

RE: Legislation 0304-15

Dear Council Delegates,

This legislation has good intentions, but is not in the best interest of the People. We do not support the reopening of the Hogback/Shiprock Irrigation Canal system for irrigating purposes. We don't want toxic river residue from the Gold King Mine spill in local farmer's fields. As the public will state that we have contaminated produce or hay when selling in other parts of our Nation. Basically, the Shiprock Chapter (08-21-15-089-SHIP) reaffirm its position on August 30, 2015 of keeping the water off by a 71-0-2 vote.

As for the Tse Daa Kaan Chapter, there was an attempt by chapter officials to misinterpret this legislation as being passed allowing the water to be turn on in five days. Their council delegate should've been there to properly interpret and clarify the legislation. The vote to 'turn on the water' was 16-19-4 and the opposition prevailed. My friend went to the meeting and told me there were a few farmers, but mostly non-farmers and relatives were in attendance.

This afternoon I went to the Irrigation Canal Diversion Dam headgates to see the yellow toxic residue that had stain about 20 yards into the canal before it receded back into the river. Instead the river water had flowed to the first sluice/spillway gate which is 3/8 mile away. The yellow toxic evidence had washed away. The question of what happened--came to mind immediately. In 1992, I helped with the Rehabilitation of the three irrigation systems and therefore familiar with the operation.

We respect the three Chapters that decided to use their system, in return our tribal government should respect our decision to keep the toxic river water out of our irrigation system. If the United States government kept the 1960 Shiprock Kerr Magee Mill Tailings Pond release covered up all these years along with others. How can we trust their results of their tests and trust their



words?

Finally, *immediately make funds available* so emergency water deliveries can be made to our farmers to salvage our crops that were planted in late May and June.

Sincerely,

Alfred Bennett III, Shiprock voter

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## Legislation No: \_0304\_15\_ Sponsor Alton Joe Shepherd

Barbara Wilson <bkwilson29@yahoo.com>

Mon 8/31/2015 3:56 PM

To: comments <comments@navajo-nsn.gov>;

I am a Navajo Farmer in Shiprock NM. I want to say that my community has made it clear that we DO NOT Want the San Jaun River water to run through our canals and irrigation ditches because of the contamination of the MINE SPILL in Colorado. We understood that other communities are willing to take there chances but no us. Please keep our water canals closed and make sure that we are protected. We DO NOT Want to spread the contamination all over our beautiful land and we would like it to be that way for our children. I say NOOOO TO OPENING THE Gates to the San Jaun River

## Legislation No:-0304-15 sponsor Alton Joe Shepherd

marian john <marianjhn@gmail.com>

Mon 8/31/2015 6:29 PM

To: comments <comments@navajo-nsn.gov>;

To the honorable Alton Joe Shepherd  
To the honorable Resources Development Members,

My primary concern about the release of the opening of the San Jaun River irrigation gates in the northern agency that supplies water to the Hogback, Shiprock and Gadii Ahi farmers. As far as I can see we have not receive actual numbers of the results of the testing of the chemicals in the San Jaun River. I would like to request actual reading numbers from the testing. The Navajo Nation EPA Dr. Benn or the Federal EPA have not furnished the actual numbers of the testing results. The data is a convincing presentation and assurance as to whether the water is safe for any and/or for any living species on this earth.

I am not convinced at this time that it is safe for use to livestock or living plants. We as you know consume both the animal and crops that are watered from the contaminated water/river.

By opening the gates will damage our irrigation systems now and for ever more. This will affect our future generation in Shiprock and the areas associated to District 12.

I am strongly opposed to the opening of the irrigation gate. We can use a filtering system that Farmington has and other communities. This will also create jobs for community members. There is also a system called the Drip Farming that can be used to assist the farmers. We also could use a pipeline from NAPI to furnish water.

I am asking the Resources Development Committee to vote against the releasing of the contaminated water. I care about the safety ad health of our people in this area.

As a retired nurse, I have an insight as to how it will damage our internal delicate body tissues.

Again please stand with us as your people and future people.

Thank you  
Marian John



# RESOLUTION OF THE SHIPROCK CHAPTER

## SHIPROCK, NAVAJO NATION

### DECLARING THE POSITION FOR THE HOGBACK IRRIGATION PROJECT SYSTEM TO REMAIN CLOSED AND NOT BE REOPENED UNTIL THE 2016 IRRIGATION/FARMING SEASON

#### WHEREAS:

1. The Shiprock Chapter of the Navajo Nation acts on this resolution pursuant to the authority conferred to the Chapter through Navajo Nation Code Title 26, Chapter 1. Section B. Purpose, which states, "Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo Law, including custom and tradition; and the inclusivity provided by the Diné Fundamental Law, in that "it is entirely appropriate for the government itself to openly observe these fundamental laws", and
2. The United States Environmental Protection Agency and its contractors breached a Gold King Mine mouth plug that unleashed over 3 million gallons of contaminated waste into Cement Creek and on into the Animas River which converges with the San Juan River at Farmington, NM, and
3. The contaminated waste containing unknown amounts of chemicals including arsenic, cadmium, lead, mercury, vanadium, beryllium and others were deposited in the San Juan River which feeds the Upper Fruitland and Hogback Irrigation Systems, and
4. With the numbers of testing being done, it is still largely unknown as to the concentrations of the contaminants and where they settled on the riverbed and on the shorelines along the river, and
5. Because of the contamination in the river, the Upper Fruitland and Hogback Irrigation Systems were turned off on August 08, 2015 and have remained off since, and
6. The Shiprock Chapter as well as the other river based farming communities are confronted with the question of whether the irrigation systems should be turned back on for the remainder of the 2015 farming season, and
7. The Chapter membership including many farmers have considered all factors including the potential of losing crops, the risk of bringing contamination into the irrigation systems and onto the farmlands and compromising the quality of our farm crops and the state of the river for future generations.

#### NOW, THEREFORE, BE IT RESOLVED THAT:

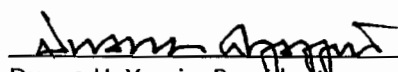
The Shiprock Chapter membership hereby declares its position that the Hogback Irrigation System remain closed and not be reopened until the 2016 irrigation/farming season.

Motioned by: Bessie Phillips

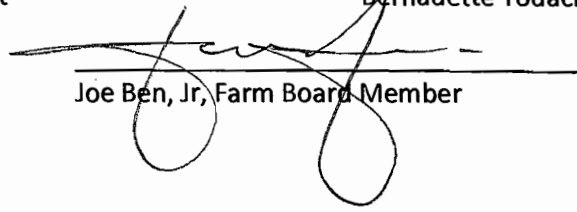
Seconded by: Lula Sandoval

#### CERTIFICATION

We hereby certify that the foregoing resolution was presented and considered at a duly called Chapter meeting at which a quorum was present and that the same was approved by a vote of 104 in favor, 0-opposed and 11 abstentions on this 14<sup>th</sup> day of August 2015.

  
Duane H. Yazzie, President

  
Bernadette Todacheenie, Pro Temp Sect/Treas

  
Joe Ben, Jr, Farm Board Member

**RESOURCES AND DEVELOPMENT COMMITTEE  
23rd NAVAJO NATION COUNCIL**

**FIRST YEAR 2015**

**COMMITTEE REPORT**

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

**Legislation # 0304-15: AN ACTION  
RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; SUPPORTING  
THE RELEASE OF SAN JUAN RIVER WATER TO IRRIGATE CROPS AND  
WATER LIVESTOCK IN THE NORTHERN AGENCY; DIRECTING THE  
NAVAJO DIVISION OF NATURAL RESOURCES AND THE NAVAJO  
ENVIRONMENTAL PROTECTION AGENCY TO ASSIST IN ACHIEVING THE  
GOAL OF OPENING THE IRRIGATION SYSTEM**

*Sponsor: Honorable Alton Joe Shepherd*

Has had it under consideration and report the same with a **DO PASS** with the following comments, and the following amendments:

Page 2, Line 14, Insert new sentence "Exhibit F, the Gadii Ahi Chapter supporting resolution dated August 28, 2015.

Page 2, Line 24, Delete "Supporting" and insert "Directing";

Page 2, Line 26, at the end of sentence, change "." and add "and other local authorities to reopen the irrigation system after appropriate flushing".

Page 2, Line 28, Delete "supports" and insert "authorizes";


Page 3, Line 4, after the word "water" insert the following language "from San Juan River".

**Legislation # 0304-15**  
**Page 2 - Committee Report**

Page 3, Line 9, insert a new paragraph "D" as follow: "The Navajo Nation Resources and Development Committee requests the assistances of Bureau of Indian Affairs and other federal agencies to re-open and flush the irrigation system.

and thereafter approved the resolution.

Respectfully submitted,



Walter Phelps, Pro Tem Chairperson  
Resources and Development Committee  
of the 23<sup>rd</sup> Navajo Nation Council

Date: September 8, 2015

Motion: Leonard Tsosie

Second: Leonard Pete

Vote: 4-0-1 (Presiding Pro Tem Chairperson not voting)



# GADII'AH/TO KOI CHAPTER

GADII'AH/TO KOI CHAPTERS.ORG



P.O. Box 1318

Shiprock, NM 87420

Phone: (505)368-1070/1071

Fax: (505)368-1072

PRESIDENT

CAROL ETCITY-ROGER

VICE PRESIDENT

ROSIE F. FRANK

SECRETARY/ TREASURER

LENORA TSOSIE

COMM. SERVICE COORD.

SYLVIA A. TYLER

COUNCIL DELEGATE

AMBER K. CROTTY

## RESOLUTION OF GADII'AH/TOKOI CHAPTER

### GAD/TOK FY2015- 072

**ACCEPTING AND APPROVING THE LIFTING OF THE DECLARATION OF EMERGENCY FOR WATER USE FOR IRRIGATION PURPOSES FOR GADII'AH/TO'KOI FARMERS. REQUEST THE NAVAJO NATION PRESIDENT, RUSSELL BEGAYE AND NAVAJO NATION IRRIGATION OFFICE, SHIPROCK, NEW MEXICO, TO RELEASE THE SAN JUAN RIVER IMMEDIATELY TO THE HOGBACK CANAL SYSTEM FOR IRRIGATION BY THE GADII'AH/TOKOI FARMERS.**

**WHEREAS:**

1. The Gadii'ahi Farmers totally depend on the Hogback canal for irrigation water for their farms and that the canal flows through the chapters of Hogback and Shiprock and finally to Gadii'ahi Chapter.
2. The Federal EPA, New Mexico EPA and the Navajo Nation EPA have declared the San Juan River to be safe for irrigation purposes, and the water sampling indicates the contaminates from the Gold King mine spill have dissipated to pre-event levels.
3. The Hogback canal is constructed in a manner that allows for chapters and individual Farmers the option to use the canal water for irrigation needs as they deem necessary and each chapter can offer this option to their individual farmers, and not hold up the irrigation water flow to chapter down stream.
4. Failure to immediately turn on the irrigation water in the hogback canal will cause severe economic hardship on the farmers of Gadii'ahi community and in the community itself. Crops in the fields are starting to dry out and will not produce to full potential, causing financial loss to the farmers.
5. The lifting of Declaration of Emergency and San Juan River use ban is the most urgent need to salvage crops and avoid economic losses for the Gadii'ahi farmers.

**THEREFORE:**

The Gadii'ahi/Tokoi Chapter and its farmers request and support the lifting of the Declaration of Emergency and allow San Juan River water to be released into the hogback canal for use by the farmers to irrigate their farms as soon as possible.

**CERTIFICATION**

We, the undersigned, certify and approve this forgoing resolution was considered by the Gadii'ahi/To'koi Chapter at a special emergency called meeting where a quorum was present and that the same passed by a vote: 16 Approve, 04 Oppose, and 1 abstain on this 28<sup>th</sup> day of August 2015.

Motion by: Norman Walter

Carol Etcitty Roger, President

Lenora Lee-Tsosie, Secretary/Treasurer

Second by: Andrew Brady

Rosie R. Frank, Vice-President

**GRAZING REP.**

LUCINDA LEE

**FARM BOARD REP**

GILBERT HARRISON SR.

**COMMUNITY HEALTH REP.**

MAGGIE JOHNSON

**ACCTS MAINT SPECIALIST**

ERIC C. BEGAY

# Gadiiahi/Tokoi Special Meeting

Gadiiahi/Tokoi Chapter House

August 28, 2015

Meeting called to order: 5:27 PM

Invocation: Tony Gadii

Chapter Secretary Lenora Tsosie, absent. Pro Tem Secretary selected:

Gilbert Harrison Sr. Motion: Nancy ~~Aspaas~~, Second Leroy Begay. Motion carried, for 15, opposed 2, abstain 1

Reading / approval of minutes: Deferred

Reading / approval of agenda: Approved, single item

Guests: None

Old Business: None

New Business:

- a. Resolution: Requesting Navajo Nation President lift the Declaration of Emergency and Release San Juan River into the Hogback Canal for use by the Gadiiahi Farmers for farm irrigation.

Farm Board Official, Gilbert Harrison read the proposed Resolution, attached, to the attendees and gave a short background on the Gold King mine spill. He also explained that irrigation water to the Upper Fruitland canal was reopened and the canal was being flushed and the farmers in Upper Fruitland, NZD and San Juan Chapters would soon have irrigation water. He also explained that the Navajo Nation President, Russell Begay, requested a chapter resolution from Gadiiahi before water can be considered and released into the Hogback Canal and to Gadiiahi canal.

Motion to approve: Norman Walter, Second: Andy Brady

Discussion:



Walter: Glad water will be back on but had concerns on long term effects caused by the spill, on us, our kids and grandkids. Mr. Harrison explained no one really knows but this is a wakeup call and Navajo Nation President has stated that Navajo EPA Navajo Division of Health will look into this question.

Steve Lee: He is a farmer and also has an associate degree from San Juan College in Industrial Water Treatment. We must trust science on these matters. All water has minerals in it, but can be treated in accordance with EPA and State regulations which are very strict, and Navajo Nation regulations are also very strict. He is in support of water being turned on.

Nancy ~~Aspaw~~ commented on the fact that there was no fish found at the spill site and wondered why.

Hazel Sherman: concerned about heavy metals that might accumulate at the end of the existing underground irrigation pipe close to her farm. She requested that a sample now be taken before the water is turned back on and one later for comparison. Mr. Harrison explained that not only the flowing water but also heavy metals that may have deposited will be sampled up and down the river and irrigation system by the Navajo EPA and that if readings are out of line, another shut down may occur.

Norman Walter: Has noted over time irrigation water to his farm has caused discoloration at the pipe outlet and wanted this water sampled also to insure water is safe.

Andy Brady: there are microscopic particles in every water, but can be treated. Some you can see, others not. If Navajo EPA says its safe, we should use it.

Douglas Deswood: The Resolution passed by the Navajo Nation Council calling for the ban and restriction on the river water was flawed and should be modified. Mr. Harrison explained that the Ban and Restriction was called by the Navajo Nation President who has the authority to do so in an emergency, and not the council. He also recommended that there should be soil sampling spots on the farms for sampling annually for the next ten years or so.

Martin Duncan: San Juan River Water Users. He stated that there will be 25 soil sampling sites along the irrigation ditches over the next several months. He stated there are still metals in the water, but at safe levels. He says that EPA was still not providing answers to lingering questions. Sampling will be done at the end of the Gadiiahi underground irrigation pipe during the flushing. Suggestions to run water from NAPI to the canal are expensive, NAPI to Upper Fruitland could cost \$50 million and NAPI to the

Hogback canal as much as \$50 million and will take many years to complete. Funding will be a problem.

Honorable Tom Chee, Council from Shiprock who came in after the discussions started was given the floor to update the meeting attendees on the latest information from Window Rock. He started out by emphasizing the use of K" in these difficult discussion related to the spill and demand for irrigation water by farmers. He said he received a call from the Navajo Nation Attorney General explaining that the Irrigation ditch system is government property. That chapters do not have the right to say no or stop the water from being turned back on. Only the President has authority over Navajo Nation Tribal Programs. Chapters can only recommend. The RDC has legislation on the Navajo Nation web site in regarding the issue of irrigation water turn on. You might look it over and comment. The Navajo Nation is looking for about \$2.3 Million dollars for sampling to make sure the water is safe, including effects of heavy metals.

Lorraine Jack: I am concerned about my grandkids because we live by the irrigation water, I have seen my grandkids and their friends play in the ditch and sometimes they get a mouth full and swallow it. What will happen to them? Mr. Harrison said that the sampling will provide answers.

Chapter President Carol Etcitty-Roger called for a vote:

In Favor: 16, Opposed: 4, Abstained: 1

Resolution Passed

Meeting adjourned: 7:37 PM



# GADI'AHÍ/TO KOÍ CHAPTER



**GADIIAHI@NAVAJOCHAPTERS.ORG**

P.O. Box 1318

Shiprock, NM 87420

Phone: (505)368-1070/1071

Fax: (505)368-1072

PRESIDENT

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SECRETARY/ TREASURER

LENORA TSOSIE

COMM. SERVICE COORD.

SYLVIA A. TYLER

COUNCIL DELEGATE

AMBER K. CROTTY

## Special/Emergency Chapter Meeting

August 28, 2015

5:00 pm

## Sign-In Sheet

No.	Name	Title	Signature
1.	Carol Etcitty-Roger	Chapter President	<i>Carol Etcitty-Roger</i>
2.	Rosie F. Frank	Chapter Vice-President	<i>Rosie F. Frank</i>
3.	Lenora Tsosie	Chapter Secretary/Treasurer	
4.	Lucinda Lee	Grazing Official	<i>Lucinda Lee</i>
5.	Gilbert Harrison, Sr.	Farm Board Member	<i>Gilbert Harrison Sr.</i>
6.	Amber K. Crotty	Council Delegate	
7.	Sylvia A. Tyler	Chapter Coordinator	
8.	Eric C. Begay	Accounts Maintenance Spec.	

## Guest(s)

No.	Name (Please Print)	Title	Signature	Registered Voter of Gadil'ahi?	
				Yes	No
1.	Norman & Lorena Watter		<i>Lorena Watter</i>	✓	
2.	Leroy Begay		<i>Leroy R. Begay</i>	✓	
3.	Annie Coleman		<i>Annie Coleman</i>	✓	
4.	Nancy Aspaas		<i>N Aspaas</i>	✓	
5.	Andrew Brady			✓	
6.	Steven John		<i>Steven John</i>	✓	
7.	Marlene Brady		<i>Marlene Brady</i>	✓	
8.	Zachary Watter		<i>Zachary Watter</i>	✓	

GRAZING REP.

LUCINDA LEE

FARM BOARD REP.

GILBERT HARRISON SR.

COMMUNITY HEALTH REP.

MAGGIE JOHNSON

ACCTS MAINT SPECIALIST

ERIC C. BEGAY



# GADII'AHÍ/TO KOÍ CHAPTER



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P.O. Box 1318

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SYLVIA A. TYLER

COUNCIL DELEGATE

AMBER K. CROTTY

No.	Name (Please Print)	Title	Signature	Registered Voter of Gadii'ahi?	
				Yes	No
9.	Christine Walter			✓	
10.	Tony Cudia			✓	
11.	Douglas Dismore			✓	
12.	Martha Dismore				
13.	Gloria Harris				
14.					
15.					
16.	Ann Tule				
17.	Jessica Smiley			✓	
18.	Robbie Begay			✓	
19.	Lucinda Lee				
20.	Louise Lee			✓	
21.	Herbert Tom			✓	
22.					
23.					
24.					
25.					
26.					
27.					
28.					
29.					

GRAZING REP.

LUCINDA LEE

FARM BOARD REP

GILBERT HARRISON SR.

COMMUNITY HEALTH REP.

MAGGIE JOHNSON

ACCTS MAINT SPECIALIST

ERIC C. BEGAY



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

NAVAJO REGION

P.O. Box 1060

Gallup, NM 87305-1060



SEP 1 2015

Carol Atcitty-Roger  
Chapter President  
Gadii Ahi Chapter  
P.O. Box 1318  
Shiprock, NM 87420

Re: Temporary Use Permit - Livestock Water Station

Ms. Atcitty-Roger:

The purpose of this letter is to inform the Gadii Ahi Chapter on closing the water station that was agreed upon on the site permit. A representative from my staff will be contacting you soon to ensure that all equipment and trash have been removed and to determine what (if any) work is needed to restore the area as closely as possible to its condition prior to placing the water station.

The San Juan River water restriction has been fully lifted by the Navajo Nation and demand for water sources has drastically reduced. We expect to remove the water tank on September 1, 2015.

Thank you for your partnership during this period and we look forward in continuing our positive working relationship through other projects. Please contact me if you have any questions about this matter.

Sincerely,

Acting Regional Director