



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

March 15, 2016

VIA FEDERAL EXPRESS

Gina McCarthy, Administrator
United States Environmental Protection Agency
Office of the Administrator, Mail Code: 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

It has been over seven months since the United States Environmental Protection Agency (and other responsible parties) caused millions of gallons of toxic acid mine drainage to spill from the Gold King Mine into Cement Creek, the Animas River, and the San Juan River, causing devastating harm to our land, our animals, and our people. For just as long, you have been personally and publicly promising accountability and dedication to those harmed by the spill. In Congressional testimony, representatives of the EPA (including you) committed specifically to the Navajo Nation that we "can be assured that the EPA has and will continue to take responsibility to help ensure that the Gold King Mine release is cleaned up."

Seven months later: (1) the EPA has yet to compensate the Navajo Nation or individual Navajo people for the harms suffered as a result of the Gold King Mine spill; (2) the EPA has yet to designate the Upper Animas Mining District a Superfund site; (3) the EPA has yet to implement, with Navajo feedback, a comprehensive plan to ensure no future contamination of Navajo land or waters; and (4) the EPA has yet to provide the Navajo Nation with the tools it desperately needs to address the harms already caused and to mitigate against future harms. It is time for the EPA to act.

While the EPA has agreed to engage in discussions regarding a cooperative funding agreement to cover the Navajo Nation's response costs, even that process has been met with resistance and counter-demands. The EPA has suggested it will only reimburse a small fraction of the costs we incurred, unreasonably and disrespectfully second-guessing the precautions taken by the Nation to protect our people. The Navajo Nation has requested funding to conduct necessary sampling to determine the extent of the harm caused by the Gold King Mine spill, but the EPA has resisted and tried to bind us to the results of its own sampling. As we have stated before, the Navajo Nation should not be required to trust sampling conducted by the same agency that caused the harm at issue.

If we are going to achieve successful cooperation in this matter, the Navajo Nation needs to know that the EPA takes our needs seriously. Accordingly, the Navajo Nation restates the following legitimate requests:

- A fair and independent assessment of the role the EPA, and others, played in the events leading up to and causing the Gold King Mine spill;
- An interim claims process and a fund that will promptly pay claims of losses on an ongoing basis in an effort to provide full and fair compensation to the Nation and the Navajo people;
- Resources to conduct our own water, sediment, and soil monitoring; to conduct our own testing and assessment of farms, crops, and livestock; and recognized authority for the Navajo Nation EPA and the Navajo Nation Department of Agriculture to do the necessary work. This includes an on-site laboratory on Navajo land, funding for additional staff and sampling, and funding for the Navajo Nation to execute its own long-term plan to address the harms caused by the contamination (including studying and addressing the long-term environmental and health impacts);
- Coordinated and meaningful data and information sharing by the EPA, with full transparency and immediate turnaround;
- Identification and recognition of the full scope of upstream threats and contamination flowing into the San Juan River, and the resources to address the long-term environmental and human health impacts of the spill. This includes placement of a water treatment facility at the headwaters of the Navajo Nation and resources to explore alternative water supply systems in the event of an emergency;
- Recognition of the San Juan River's spiritual and cultural significance to the Navajo Nation;
- Funds dedicated to emergency preparedness for future environmental disasters like the Gold King Mine spill, given the continued threat posed by the Upper Animas Mining District;
- The EPA's full support in listing the Upper Animas Mining District on the National Priorities List;
- Resources to support the resurge of farming and farm development along the San Juan River; and
- A formal, public apology from Administrator McCarthy and President Obama to the Navajo Nation.

The Navajo Nation is dedicated to achieving these goals and would like to arrange a time to meet to discuss these goals with the EPA. Please provide a time within the next thirty days that works for you and your staff. Your personal participation is essential to achieving meaningful progress.

3 Gina McCarthy, Administrator
March 15, 2016

We hope that this meeting will help hasten the recovery process and gear all parties toward a productive resolution.

I look forward to discussing with you and achieving justice for the Navajo Nation and the Navajo people.

Respectfully,

THE NAVAJO NATION

A handwritten signature in black ink, appearing to read "Russell Begaye", written in a cursive style.

Russell Begaye, *President*

FEDEX

Express

earthsmart

FedEx carbon-neutral
envelope shipping

ORIGIN ID: GUPA (505) 863-3366
REF: BOWLING SHIPPING
BOWLING'S SHIPPING CENTER
102 S FIRST STREET

SHIP DATE: 22MAR16
ACTWT: 0.20 LB
CAD: 108886695/WSX13100

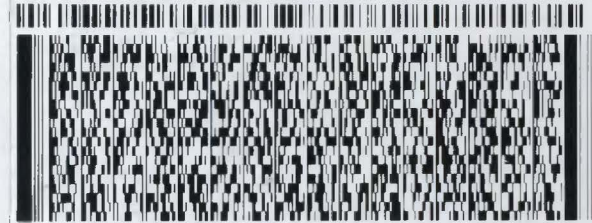
GALLUP, NM 87301
UNITED STATES US

BILL SENDER

TO **ATTN: GINA MCCARTHY ADMIN**
UNITED STATES ENVIRONMENTAL PROTECT
1200 PENNSYLVANIA AVE NW
OFFICE OF THE ADMINISTRATOR, MAIL C
WASHINGTON DC 20460

(928) 871-7004
INV: PKG ID: 31998
PO:

REF: FRAN JOHNSON
DEPT:



TRK# 7826 5233 2062
0201

THU - 24 MAR 10:30A
MORNING 2DAY

SK RDVA

20460
DC-US IAD



RT 699
FZ 694
1 10:30
H
2062
03.25