

(Council of Mexican Water Chapter Government)

Notice is hereby given to the general public that the Council of Mexican Water Chapter Government will convene a special chapter meeting open to the public on **August 16, 2015** at Mexican Water Chapter Multipurpose Building Complex 1 locate at Highway 191 N Milepost#2, Mexican Water, Utah beginning at **10:00 o'clock a.m.**

Information regarding the following agenda items may be reviewed in the office of the Council Manager at Highway 191 N Milepost#2, Mexican Water, Utah

The Council may vote to convene in Executive Session, which will not be open to the public for discussion or consultation for legal advice with the attorney or attorneys of the Council for any agenda item below

Members of the Council will attend either in person or by telephone, video or internet conferencing.

If any disabled person needs any type of accommodation in order to attend this meeting, please notify Martha Saggboy at (928) 429-0986 at least seventy-two (72) hours prior to the time scheduled for the meeting.

1. SPECIAL CHAPTER MEETING

- A. Call to Order by Jerry Tsosie @ 10:30 a.m.
- B. Invocation by David John chapter vice-president
- C. Roll Call by secretary/treasurer for the record
- D. Approval of Agenda – read by secretary/treasurer for the record
Motion for approval of the Agenda by Ruby William, second by Darlene Yazzie Raymond Dennison with a vote of 20 in favor 0 opposed, 4 abstained and motion carried
Chapter President requested to the motion party for the visitors to make their report first from San Francisco and Navajo Nation

II. OLD BUSINESS - none

III. NEW BUSINESS/ACTION ITEMS

- A. **MWCAUG16-108** Approve to Declare an Emergency due to the King Gold Mine Spill that caused contamination to the San Juan River
- B. **MWCAUG16-109** Approving to request the Navajo Nation Council Budget and Finance Committee to modify the Navajo Nation Capital Improvement revenue funds "plan of operation" to utilize the revenue distribution for recently King Gold Mine Spill that contaminated the San Juan River for emergency expense

IV. REPORTS/ANNOUNCEMENTS

- A. Quarterly Reports (Written/Oral)
 1. Council Delegate, Davis Filfred – no show
 2. Grazing Committee Representative, Curtis Yanito
 3. UNHS, INC Health Board, Cassandra Beletso – no show
 4. Chapter Officials
 5. San Francisco Visitors:
Linda Reeves – US EPA from San Francisco and **Zizi Searles**, EPA with United State Protection Agency of San Francisco, California. **Ed Singer** is the interpreter for the two ladies.
Tragic at Gold King Mine on August 05, 2015, she is very sorry for what happen; it was their job to protect the environment and stated that we all deserve an apology. EPA accidently release 3M contaminated water into Animas River and into San Juan River. She read a letter that was written by Gena McCarthy, Administrator for EPA and her boss is Obama, apology letter that she read to the public. The letter stated that "this should never have happen and that she will make sure that this kind of thing will never happen again". Two things they are working on as of now:
 1. What they are doing for immediate relief for those who are affected by the tragic
 2. Assess the damage cost to the riverThey are working very closely with Navajo Nation and BIA, many agencies and hundreds of people deployed to respond to the accident, they are trying to provide water to livestock's and crops, etc. People who need drinking water, NTUA are being paid to haul water into the water system at Mexican Hat. They are also providing food for the animals and the animals need to be moved from the river so they don't get water from the river. Those who need water and hay for animals and if

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those request can be compile through the chapter and then they go off to Navajo Incident Command Center, and that information can convey to those provide the resources to address your needs. Let your needs be heard now convey those to chapter officials and grazing official and they will work to address the needs.

Some people might have suffered damages already from using the River or lack of water; crops might be withering and would like to compensate those people. They are working closely with Navajo Nation, President's Office, and Attorney General's Office, to find the right way to have the people tell about the damages. She mentioned a federal form **Standard form 95** but NN President declared to ceased promotion of this form due to a language written within the document to report the damages which needs some changes on the form and they are working with the NN on how they can receive the information about the damages so they can pay. What she recommended at this point is to document the damages so that the person will remember. She also stated to wait to hear from Navajo Nation about how we will transmit that information to them.

Chapter Vice-President clarified the Standard Form 95. There is an inventory form which can be used to document the damages so they will have it ready

David Nez – Navajo Nation Tuba City with Public Health Emergency Management, EPA in Farmington and to be a part of. First 16 thousand gallon placed at Shiprock (2) rodeo ground and another one by the hospital and two at Upper Fruitland and two at Gadi'ii'i' and filled with water. People will come to get their water and is mainly for crops ½ acre/animals. EPA is doing all the water hauling and it is going towards out here to Aneth, Mexican Hat, Oljeto, Navajo Mountain, etc. Deliver water to the public for crops and livestock only, it has to be small farm, etc. There will be hay for affected people base on who has animals and using the water. BIA also has barrel out there along the river. Water will be hauled for the people living along the San Juan River for their animals and crops. NN Water Resource is helping too and NAPI is helping with water, EPA is hauling water from up above where the river meets (river). Papers are lacking and don't have them but base on names and who has animals and are they living near the river?

Today they are doing all the places that was mentioned and back up to Aneth. He is picking up papers and where it will be send. It's hard because it was three days weekend. Place the order today and he can take it back or tomorrow morning and all the water and hay will be forthcoming soon. Looking for people who can haul water in certain area and need to go in and apply, truck driver. Navajo preference will be strongly considered.

Contents of what is in the water is on the websites

NN Liaison – EPA 928-206-2318 for more information (david.nez@nndoh.org) and also Shiprock Command Post 505-368-4806. Contact person today – Lishua Gishie - 928-606-9698. BIA Command Center 505-371-8406.

Questions:

1. How many years, how long will it take to fix the problem? What about the purchasing of hay from people along the river in Shprock, purchasing of hay and sheep and purchasing of new crops, etc.?

Response: Ever since this happen there have been teams of people from all over sampling the river to understand how the contaminants have moved down the river. USEPA, NN, the States and Counties from the source of the spill all the way down to Lake Powell are conducting samples of the river. Currently they are sampling at 11 locations according to the map plus they are sampling Lake Powell.

They brought in US Coast Guard to conduct samples for them in the river, everyday they go down the river to collect water samples and they also sample sediments because they know there were heavy metals that came down the river and those metal sink, so they are sampling the sediments on the banks of the river and they also taking sediments from the center of the

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river all the way down to collect bad materials to analyze it. They have release the data and is available on the websites. epa.gov/goldkingmine. Today is August 7 to August 11, everyday they will collect more data and post those on the website.

They are still evaluating the data and want jointly evaluate with the experts at the NN, so our experts are working together to understand what these sample results mean and when the river will be safe to use, as soon as they have the answer the President will notify everyone.

There is a lot of barrier in the data, you might have a storm event and samples might have a different number. All the experts are trying to make sense of the barrier and are waiting for the expert's determination from the NN of when the river will be safe for use.

The states that were closer to the source of the spill are doing the same thing sampling the water and they determine those closest to the spill that their water is now safe for people to use and lift their end. People living further down the stream have lifted their end and a little further down. But Navajo is at the end of the San Juan River that is 300 miles long and the final two hundred miles is on the Navajo Nation and is the final stretch that we have not yet made a determination. This is the utmost caution by the Navajo Nation and they want to make sure that we are protected absolutely when they open up that river. So they going to make that decision when they are 100 percent sure it's the right time. It kind of made sense that the last stretch of the river will be the last stretch that's open because the contamination flowed down and these areas at the top of the river the contamination move away from them so their river is ok to use right now. It is in all our best interest to wait until we hear from the experts on when it's safe to use the river.

All the drinking water that does not come from San Juan River is safe to drink.

2. Farmers along the River (Marybody) drew a map of where he farms and livelihood of his animals. Very emotional and stated that this is such a disaster to him. They farm along this river and the garden (alfalfa) is about 75 feet away from the river and dug a hole in the ground where the water comes up to use for garden. He wants to know if this whole place is contaminated and the little pond, his garden area. It is also where is cows are grazing. Nobody has touched this area and this farm has been used by their ancestor and it is their life support. How many more years will it take for him to farm there? This canyon is about $\frac{3}{4}$ of a mile where he garden. This little pond is clear and wants this tested. "Found a posted note at Sand Island" with information that the water is safe for usage. Is it not emergency?

Response: Very sorry and his needs for sampling it and the livelihood of the history of the farm. She came here to provide some information and actually came here to listen and understand the needs so she can take those needs back and express it to the people who can address this for him. She will convey that information for him and wants contact information from Gerald.

3. Why is all the command post in Shiprock, why at the most impacted area? Are Shiprock people more important than Bluff area and on from there down the river, is it because the NN President is from there? We all voted for him down here. Long term effect of contaminated water, long term health effect of 20 to 30 years down the road, does EPA have the money to compensate the people for long term health effect? Are the wells being monitored, are they posted, etc.?

Response: Sampling locations have been identified by scientist and they base it on tributary along the San Juan River which she was not a part of. Scientist determines the best location to sample. There is an extensive massive sampling effort in Lake Powell.

They do have a command center in Farmington which is a long way from here. There is also incident command center in Page. Once when they know more about the contaminants in the river and the long term effect done, they will better identify the health effects and hope they will come back to the chapter and talk more about the potential effect so they can better understand. Due to rain this will make things a bit different to the water, etc.

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4. A lot of these farmers have been watering their crop from San Juan River. They stop watering their crop as soon as they heard of the incident; does this mean the crops are okay?

Response: She is not a farmer; don't know how much water the crop need. It would not be contaminated by the spill because it was not watered by the river but one could suffer damages. Those crops did not get enough water and those are the type of damages they will reimburse people for, once they come to an agreement on how to communicate that information

5. Lives at five point area and have horses and cows and some of her family's garden along the river. They are trying to keep their animals on top of the river. She is requesting for some water for the animals in her area.

Grazing Representative: elaborated on what happened at King Gold Mine. A lot of test has been done but the results are slow, etc. It has a lot of effect such as farming, garden, humans, wild animals, tourist, etc. They probably will post all the result. Chronic Effect, if drank by animals is unknown at this point, etc. Has a form that he will distribute to the people to fill out for their time and travel due to contamination of the water and having to travel to important meetings, mileage, gas, document everything, etc. Worked with BIA and went to places where they decided to put water tanks. There is a windmill there which could be used too and fill the water with it. Those water tanks have to be set up at a resident and watch it on a daily base.

He is suggesting a Petition for the reimbursement which he wants everybody to sign.

It was suggested that there is a Water Truck at five point as we speak, someone needs to check that out.

ZiZi – take photos if you can or draw a picture and make sure you document everything, etc.

The visitors are leaving to attend another meeting at Gadi'ii'i'@ 12:00.

Eva Pelt: Made visits to those area along the River with Martha and a lot of people were sitting and didn't realize what has happen, it was sad to see that and some of them said they were not informed. If animals drink from the river and these wild animals travel out, will they contaminate the others? ALERT, chapter officials and others should be overseeing these people, let's all work together and some of these people don't speak English and cannot read, therefore they do not understand what a poste information says, etc.

Response: She stated that they are humans being and employee of the EPA and it breaks her heart to see/hear the suffering from the tragic. She will remember the concerns that were brought out and hope they will have more answers the next time they come out. She stressed to wait for leadership from the NN President.

Update on the form our Attorney General Ethel Branch has been speaking with their attorneys about the form. The message is ongoing discussion between EPA attorneys and Navajo Nation attorney general. EPA supports Navajo Nation's effort to provide guidance to the Navajo people. It will be within two years' time to put in a claim and that we don't have to use the form. She thanked all the people and left the room.

Esther Reddoor – Stated that when she was young there was a Nuclear Test Site Testing and were told that it was safe "down wind" people died from it later down the road, etc. EPA are liars and there is aluminum and arsenic in the water which is very dangerous. Those things will sink down to the bottom of the water and still exist in the water. We need to be aware of what's happening. It will probably be about 20 years before we can tell. There are posted information at Sand Island with information of numbers of how much contaminants are in the water.

Grazing Representative: Copper has been found in it again. For sheep it was suggested not to eat the liver and kidney coming from Scott Banner an animal scientist. Form of waivering is not good to fill out. Copper is not good for sheep too and it affect the brain, etc.

Chapter President: suggested to vote on the listed item and elaborated on the two resolutions.

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Motion for approval of all reports above and questions, also approval of the two resolutions by Darlene Yazzie, second by Esther Reddoor with a vote of 25 in favor, 0 opposed, 1 abstained and motion carried

GMaryboy: When is the hay coming?

Chapter President: We will visit the people and pick list of names of people living along the river. USEPA will provide the money for the hay and from the chapter we have some emergency fund and we can go ahead use this fund to purchase the hay and will be working with NAPI for the hay. Have to be working with the grazing official. The ALERT team already made assessment. This will be for the community living along the San Juan River only.

Gerald Maryboy: What about where we purchase the hay, it's near (Bluff)?

David John: It was stated that second and third cut are going to be the problem

Steven John: For example when there is oil spill they sue one another. Why can't we fine the people who did the damage? Every day we wait they should be fine, people are concern and they do that to each other why not us?

Darlene Yazzie – Emergency was declared by NN and at the chapter level and ALERT team met and went out to visit the people along the River. There are list of people with animals along the river. She is very sorry for the people living along the river and to have hope and pray and life goes on.

Some people were concern about two individuals with one permit and one does not and they combine their sheet, one is registered with Red Mesa?

Grazing Rep.: The elder has the permit and their children are the operators and is okay if they sign the tally count

David John: Jerry did declared emergency, as certified official he has that authority, the reason why he did that is because NN President put out executive order and told the chapters to declare it but later on he declared emergency. All the people requesting and registered voters elsewhere will be eligible to receive hay and other things that will be coming through, it's emergency.

Grazing Rep.: Suing of EPA because they did not inform the surrounding people until 48 hours later (Ute). They told the NN to sue EPA right away. They also inform the state of New Mexico until 48 hours later too. They should have informed the people immediately upon the incident. They did wrong and NN is ready to sue for how long and what kind of damages they did and will base on the test result

David John: He attended a meeting at Nenanizaad and he invited these people from San Francisco to come here to our meeting. It has been stated in the news-paper that EPA and NN EPA are working together but that is not so. One of the Council Delegate stated that to the Attorney General and Vice-President and told them he has not receive any information and stated that the Council needs to know and we don't work together and they need to. EPA is doing the testing themselves and might be taking the good sample out and was told not to do that. It was stated that the actual test result is what is needed and our NN has their own scientist. There is no trust for EPA. Why Navajo Dam being used to dilute that needs to stop too. When has these kinds of forms been fill out by the people, there's too many forms and people don't understand it and some people from NN needs to do this themselves. Obama has not done anything yet too and NN has been trying to contact him. We as chapter officials are looking after everybody and not to worry.

Secretary/Treasurer: There are too many papers – forms to be filled out – understand the measurement of the water. ALERT meeting needs to happen, not just only when things happen.

Chapter President: he stated that ALERT meeting happens every Monday morning and we updated things, shiprock, NN, San Juan River sampling, all these information are being

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gathered. We work closely together, it's that way. We need to select someone to fill out forms for the elders

David John: It was requested that there will be an interpreter and someone to fill out the forms but in the meantime we can select someone at the chapter level and for reimbursement. All these things need to be documented, driving to certain places, how much gas you used, lost of crops and anything and everything needs to be documented.

Chapter President: He went out to visit five point (Jesse Tom) to set up the water tank, gravel needs to be placed and hose will be attached to the barrel so people can haul water from there for their live-stocks, also within the housing area at White Rock Point.

David John: This has never happen before with the water, who has big barrel and are being told to bring them for water. If you happen to purchase a barrel need to document and how much it cost, etc. He also met with Health department and are ready for people who might affected by the contamination but so far none at this point. All the clinic and hospital have been alerted.

Steven John: There should be someone here at the chapter to fill out forms for the people. Response by Jerry was that this would be discussed tomorrow with ALERT.

R William: Where do they get their water those people living within near the river? Response was that NTUA water is safe. Has it been fenced off from animals? Response is NO and people are saying they were not informed. There is only a few people here again.

E Reddoor: What about fish and wildlife, has this been reported? Response was that fish were put in the river and only one died and took out the fish and are being tested to see the effects. Also there are cows along the river and who is going to take these cows out and they are drinking the water.

David John: From the Gold King Mine, fish were put into the river and tested later on and one fish died and still are testing to see the effects of the fish from the contaminated water. They are testing other animals too.

Chapter President: If you come upon a dead fish, duck, and birds, make sure you report it. Report it to Fish and Wildlife.

Gerald Maryboy: David should draw a map of the rivers, where it meets and the Navajo dam, etc.

David John: elaborated on the rivers and drew a map. As officials we are staying on top of it. A lot of people are affected even the people living among the Gold King Mine.

Chapter President: It seems like there is no concern to the council delegate and keeps going to pow-wow and dancing away. He should be involved.

Eugene Begay: As far as he remembers there were ponds and has been seeping into the river. It rains a lot out there too and you see dead animals and birds here and there. How fast is it flowing down the river, maybe it rushed down too fast, we don't know. Chemicals work differently and they change depending on what's happening to it like if you stir it.

Vice-President: the water is flowing 2 miles an hour and tomorrow morning at 5:00 a.m. it will reach Page Dam. It affects a lot of recreation and tourist.

Where do they get hay? They usually purchase hay from Bluff and Shiprock?

Vice-President: If you purchase hay from people along the river, make sure you document and who it was bought from.

Chapter President: mention again, the first cut is ok but second and third cut is not good. It is being discussed as far as the hay with NAPI. It is really difficult when it comes to who is getting hay but some people will be upset due to assisting only the most affected people along the river.

Steven John – regarding hunting season (Fish/Game) are these animals affected?

Are the prices of hay going to go up?

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Grazing Rep.: Response was if its emergency it is not supposed to, it is the law. It needs to be reported if it happens, etc. (recreation/game by white people and they are still monitoring, etc.

How far are they going to hike up the price of hay?

David John: If it is emergency they are not supposed to and it is the law, if you see that it needs to be reported.

Kayenta Incident Command Post – a lady by the name of Natasha Bitsuie just came to gather information and what types of questions people are asking.

Navajo Nation Vice-President (Jonathan Nez) just walked in at 1:20 p.m.: Made his report and introduced himself, mention that the President is in Shiprock and traveling to Silverton to find out if the water is really clean again. He wanted to find out for himself if this was so.

His clan is Ashiihi, Tanees'zahnii, Todichiinii, Tachiinii, he is from Shonto, AZ. Press release is also here collecting news for the media/newspaper and their driver Rick and his son. They will also attend Aneth Chapter meeting later on and onto Shiprock. Will meet in Window Rock this evening again, etc. We are trying to find information and release to the people. It will take a while for the River to clear up is what we are being told or it will take years.

We have our youth who are testing the water instead of just relying on the EPA, there is a chance it might be a lie, don't really trust the EPA. He knows that people are upset in certain areas. The people within the Gold King Mine were told to use the water because it is safe.

Filtering of the water is not right at the moment and been told not to do this. They want a complete testing of the current water that came through first. There will probably be layers of metal under the water. They will be meeting with the Council and will know the results of these testing. Crop inventory is being used currently.

Standard Form 95 – NN President and Attorney General don't want the people to fill out this form due to settlement of the issue and when later on if a person gets sick later down the road the person will not be compensated so don't fill this form out. But it is your choice.

We are saying to wait for the results of the contamination and see where it goes and we don't know the effects of it. We don't know the impact of it and what is really in the water.

Right now resources are open from the county and state but don't know about Washington D. C. they has not declared emergency yet. Navajo Nation funding is open right now and at the chapter level. The federal disaster from Washington has not sign this yet, it is up to Obama. It's been almost two weeks now since the incident and have not heard from Washington except for the law makers and Senators all over; Utah Congress, Senator, Arizona, New Mexico, and Colorado are trying to tell Obama to declare emergency. If this is declared then the Federal Emergency Management Agency funding will be open, they are putting pressure on the Whitehouse using their congressional delegation. Colorado is really helping us out. This is an update from Window Rock area.

Locally probably all the resources like David Nez already did their report and how to get the resources.

NN President and Vice-President's plan is what he will be talking about again. Rest assures they are doing everything they can at NN level. Don't drink or utilize the water until they are sure. "It's better to be safe than sorry". We need to make sure they know what is in the water. Knows that a lot of the people are concern about the contaminants and they are trying to get everybody mobilized because there are operations in hand in Halchita near Mexican Hat

The main central command is in Window Rock. Everybody is getting all the information like grazing representative, chapter officials, farm boards and goes to the chapter and from there it goes to EOC which is David Nez. These people are impacted, need this much hay, water, if there are farm need to get irrigation water to them, etc.

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Tell relatives around the area and pass the news. They are flushing the water and disturbing the water and bringing up the contaminants, etc. Last week on Wednesday the incident happened and the people living within the area were not informed until 24 hours later and their farming has been damaged. Sometimes it seems helpless we don't know what to do. "If all else pray, take care of yourself". But NN had enough time to get the information out and have been preparing.

NN heard that EPA were saying that they had it under control but they did went up to the mouth of the Mountain where it happened and water was still seeping out like Orange Juice. They put all this on the internet (it raised their awareness throughout the world), news, pictures, before it came forth and even though they were told not to. They got on the radio and inform al the congressional people. They wanted to put out the messages to the people and a lot of people wanted to help. Need every compensation back and maybe sue the USEPA the NN president did mention this, they need to hold the people accountable for what happened. They will be meeting with the Council Delegate, petition is out too and wants to take one back.

They did attend Durango Public hearing in Silverton and wanted to hear from the Navajo Nation President and Vice-President. They really did not want them to speak and they did interview the person that did this and he was very sorry for what he did. They got it all on tape. NM, Utah, Colorado are already suing the USEPA and wants to be a part of NN suing the EPA.

Aneth – EOC Center has started. They will keep us undated and inform when it's safe to use the River water, etc. They are handling the situation in Window Rock, this is a man-made disaster, not a natural disaster. This is one mine out of hundreds and thousands of mines in the whole Colorado region and this people predicted that this would happened. Silverton people said this was supposed to be designated as (Super Fund Site) if stamped there is money for cleanup but those people that were living there did not want Super Fund Site, because it would hurt the tourism industries and they don't want to be at a place where there is a lot of contamination, so they push back on it and because of that there was no federal help and this is our challenge.

They need to set this up as Super Fund Site so they can clean up the mine and put a dam there and start filtering all this contaminants. According to the guy that they interviewed there is another mine that is ready to burst again, what happens when this one burst? There is a lot of frustration and they want to hold these people accountable for what they did to the water system. EPA does not have to ask the city they can just go in there and do it, they don't ask the NN anyway. They told the Governors such as senator McCain at Code Talkers celebration, get the resources to help our people to clean up the river. Right now a lot of white people are saying the water is contaminated, "That is what we have been saying". We have been asking the government to clean up all these mines for decades, etc.

Motion to accept all reports, Vice-President's report, and adjournment, include the special meeting by Ruby William, second by Armada Benally with a vote of 21 in favor, 0 opposed, 6 abstained and motion carried.

Questions:

- Crop along the river (measurement of the river) where do they get this information of what is in the water?

Response: There are 7 places where they are getting their sample and data is being collected. With NN there is a third party who is testing the water and will compare all the RESULTS which takes about 4 to 5 days. We want the best results. Once they get these information they will share that information with the community people in all areas. "Operation To lilso" is the website. Navajo United Way is setting up with Bank of America for people who want to donate for the incident. A lot of people want to help.

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Grazing Rep.: Water settlement and the value of water is being taken, not being informed of all this. How much of this water goes into the White Society. These things need to be included in the water settlement. There are a lot of unwanted plants along the river.

Response by NN Vice-President, will step back and go slow on it or re-evaluate the water settlement. Is this water going to be piped all the way into Navajo Nation? Do a water purification system set up some-where along the San Juan River. Filter out the contaminants, etc.

Steven John – Is there a Task Force base on this issue? Response is David Nez with incident command post. Meeting with Council to strategize, what's the next step, get the resources needed out there and get out there to give the needs to the people and the other is the legal aspect.

Why can't we put a dam around here? The President said exactly what is stated. Navajo Dam is out there and we need reservoir.

David John: The Vice-President made history by coming to Mexican Water and thank him.

Jerry Tsosie: Monday morning ALERT meeting is at 10:00 a.m.

V. MEETING ADJOURNMENT by Jerry Tsosie @ 2:30 p.m.

Posted by: Mary Ann Woody

Date Posted: August 16, 2015

Time Posted: 2:30 p.m.