

Testimony of LoRenzo Bates
Navajo Nation Council Delegate - Representing the Communities of
Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse'Daa'Kaan, and Upper Fruitland

Before the United States Senate Committee on Indian Affairs

Oversight Hearing:
Examining EPA's Unacceptable Response to Indian Tribes

April 22, 2016

Yá'át'ééh Chairman Barrasso, Vice-Chairman Tester, and Members of the U.S. Senate Committee on Indian Affairs. My name is LoRenzo Bates. I am an elected member of the 23rd Navajo Nation Council, representing six Navajo communities including Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse'Daa'Kaan, and Upper Fruitland. I would like to begin by thanking you for the opportunity to submit testimony to the committee on a matter of great significance to the Navajo Nation on behalf of the communities and the farmers that I represent.

I also want to acknowledge and thank the members of the impacted communities who are seated in the audience today. At this time, I ask them to please stand and be recognized by the committee. They drove many hours, at their own expense, to be here to support the testimony provided on behalf of the Navajo people, Navajo communities, and the Great Navajo Nation.

They represent the thousands of Navajo people and Navajo families that continue to be impacted by the spill that occurred on August 5, 2015. The communities of Nenahnezad, San Juan, Upper Fruitland, and Tse'Daa'Kaan all lie directly along the path of the San Juan River. The other communities that I serve all draw water directly or indirectly from the river for human, livestock, and agricultural use.

In the four communities of Tse'Daa'Kaan, Gadi'i'áhi, Shiprock, and Upper Fruitland it is estimated that there are over 1,600 farmers and tens of thousands of acres of farmland that use water from the San Juan River – these numbers only reflect four impacted communities. The secondary impacts of these economic losses are only just beginning. The Navajo Nation as a whole has an unemployment rate that very often hovers at 50 percent. We have a per capita income around \$7,000.

With those statistics in mind, I come before you today on behalf of these communities for the following four reasons:

- 1) Firstly, to urge the U.S. Environmental Protection Agency to fulfill its obligation to compensate the farmers, livestock owners, and many others who are impacted by the spill in a timely manner and to the fullest extent of damages incurred. We appreciate the fact that the U.S. EPA has begun reimbursing the Navajo Nation's governmental agencies. However, nearly nine months have passed since the spill occurred and not one single individual farmer, livestock owner, or others affected by the spill have been compensated for their losses. I understand that there is a process that must be followed in order to issue

financial compensation to individuals. However, our people need to be informed of the timeline associated with that process and be compensated as quickly and efficiently as possible.

- 2) Secondly, to demand that the U.S. EPA provides assurances and tangible evidence to the Navajo people and communities that their livestock and agricultural products will be safe for sale and consumption. There remains great uncertainty and concern over the viability of sales of crops and livestock in the coming months. While Navajo farmers are now preparing their fields for planting season there remains uncertainty over whether or not their fields will produce the quantity and quality of crops that they were accustomed to prior to the spill. As you recall, restrictions were placed on the use of irrigation water from the San Juan River following the spill, which left thousands of acres of farmland without water for extended periods of time. The extent of damage to the soil and nutrients remains unknown to this day.
- 3) Thirdly, to request closer and more consistent collaboration between the U.S. EPA and the Navajo Nation EPA in communicating with one another, sharing data, and conveying that data and information to the Navajo public on a timely and consistent basis. Numerous meetings have been held and information has been shared publicly. However, that information is not always consistent. I urge all of the entities involved in monitoring the Animas River and the San Juan River to coordinate and to speak with one consistent voice when informing the Navajo people.
- 4) Lastly, on April 14, 2016, members of the Navajo Nation Council passed a resolution urging the President of the United States and his designees to hold the U.S. EPA accountable for their negligence resulting in a toxic spill from the Gold King Mine into the Animas River and causing catastrophic consequences for the Navajo Nation. The resolution is attached to this testimony. I strongly urge Congress to advocate for an Executive Order that requires all federal agencies to provide timely and effective communication to tribes in events such as the Gold King Mine spill.

I myself am a farmer and livestock owner in the community of Upper Fruitland, and have seen the impacts firsthand. Since the spill I have met with many individuals from the affected communities and many continue to struggle with financial losses and look to the federal government to provide answers and assistance. That assistance can and should come in the form of financial compensation through the claims process. However, there are also other means to assisting farmers in the affected regions through other federal agencies such as the U.S. Department of Agriculture, U.S. Bureau of Reclamation, and others.

While I have made reference to financial compensation several times, I also want the committee and the U.S. EPA to fully understand that the spill that occurred on August 5, 2015, had a tremendous impact on Navajo people in a spiritual, traditional, and cultural context. There is no price tag and no monetary figure that can be placed on the cultural and emotional impact that the spill continues to have on our Navajo people. Often times, we hear the phrase “Water is Life” and indeed that is true for our people. Water gives life to us, and all that surrounds us.

Spiritually and culturally, Navajo beliefs are deeply rooted in the land, air, and water that lie between the Four Sacred Mountains that form the aboriginal boundary of our land. These connections are reinforced spiritually in the ceremonies that sustain our people and our

livelihood. Our ceremonies use traditional seeds and crops that are grown and gathered on Navajo land. The spill has contaminated or destroyed many of the essential elements of our religious practice, and desecrated a river that we have treated with reverence since time immemorial.

In closing, we look forward to working closely with the U.S. EPA and the federal government to address the needs of the Navajo communities and the environment today, and in the long term. The problems that have defined the initial response, clean up and compensation do not need to taint the future response and cooperation between the Navajo Nation, the U.S. EPA, and the federal government. The Navajo Nation looks forward to working closely with this committee and the Congress to ensure future needs and communications are handled in a timely and proper manner and to ensure that our Navajo people are compensated.