



25TH NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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25th Navajo Nation Council approves the San Juan River Mitigation Fund to improve water quality for farmers affected by the Gold King Mine spill



Delegate Rickie Nez said that affected farmers and ranchers along the San Juan River need assistance.

Window Rock, Ariz. – On day three of the Navajo Nation Council Summer Session, Council Delegate Rickie Nez (T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San Juan) presented Legislation No. 0033-23, establishing the San Juan River Mitigation Fund as a depository for the litigation and settlement funds from various Gold King Mine litigations including criteria pertaining to expenditures for the fund.

On August 5, 2015, the United States Environmental Protection Agency (U.S. EPA) and its contractors experienced a blowout during an excavation of the Gold King Mine that is located near Silverton, CO. Approximately two hundred miles of the San Juan River were affected by at least three million gallons of toxic acid mine wastewater that flowed into a tributary of the Animas River which flows into the San Juan River and the Navajo Nation.

The Navajo Nation filed a lawsuit on August 16, 2016, against the U.S. EPA and its contractors along with several mining companies in the U.S. District Court for the District of New Mexico.

Nine chapters were impacted by the spill including Upper Fruitland, Nenahnezad, San Juan, Hogback, Shiprock, Cudeii, Red Mesa, Aneth, and Hochi Toh.

According to the legislation, the contaminated water and soil have severely impacted farmers and ranchers who suffered financial losses and hardships as they could no longer plant and harvest their crops, sell livestock, and meat derived from livestock could not be sold, affecting their sole sources of income.

Delegate Nez spoke about the financial challenges the ranchers and farmers are continuing to navigate. He stressed to the council that the affected ranchers and farmers need assistance as they cannot carry this burden on their own accord.

“There are many idle farms along the San Juan River still to this day. Based on what the farmers have asked, we do need to create an expenditure plan,” said Delegate Nez.

This legislation was originally introduced by Delegate Nez in February 2022, however, during spring session, the legislation was tabled to allow lawmakers time to meet with the community to receive input directly from the farmers and ranchers as to where they would like the funds to be directed.

On May 4, 2023, several ranchers and farmers met with the 25th Navajo Nation Speaker Crystalyne Curley and several delegates in Nenahnezad, N.M. They recommended utilizing the funds for various projects along the river including the rehabilitation of irrigation canals, infrastructure improvements, operations and maintenance, materials and equipment, culvert diversion, pump station/insulation, rodent control, and research for the cost of proper operations, maintenance, and construction of a filter station and reservoirs.

At the request of Delegate Nez, Navajo Nation Attorney General Ethel Branch provided clarification on the fund language within the legislation breaking down settlements from various parties involved in the litigations and settlement.

During the May 4 meeting, Attorney General Branch explained that of the \$31 million, \$3 million is in the form of grant funding which is deemed restricted funds, and \$14.5 million is for legal fees and expenses, which leaves \$13.5 million that will be deposited into the San Juan River Mitigation Fund once the legislation is approved.

The Attorney General stated the funding amount could potentially be increased due to ongoing settlements adding another \$10 million totaling approximately \$41 million dollars. Branch also indicated that she anticipates those additional funds to be increased within the next six months to a year.

Branch further explained that the San Juan River Mitigation Fund limits the use of the funds to environmental technical studies, water quality monitoring activities and/or preventative and corrective measures necessary to address potential contamination and implementing a Navajo Nation EPA Communications Strategy.

Legislation 0033-23 passed with a vote of 19 in favor and zero opposed. Once the resolution is certified and delivered to the Office of the President and Vice President, Navajo Nation President Buu Nygren will have ten calendar days to consider the resolution.

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