



25TH NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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San Juan Mitigation Fund signed into law through legislation sponsored by Delegate Rickie Nez



PHOTO: President Nygren was joined by Speaker Curley, Executive Director NNEPA Stephen B. Etsitty (far left), and Patrick Antonio, Program Manager/Principal Hydrologist with NNEPA in signing the San Juan Mitigation Fund.

WINDOW ROCK, Ariz. – Speaker Crystalyne Curley of the 25th Navajo Nation Council joined Navajo Nation President Buu Nygren in Window Rock, Ariz. on Monday, for a signing ceremony for Resolution CJY-60-23 establishing the San Juan Mitigation Fund.

On Aug. 5, 2015, contractors for the U.S. Environmental Protection Agency (U.S. EPA) were monitoring seepage in the abandoned Gold King Mine near Silverton, Colo., when it breached and released three million gallons of toxic waste into a tributary of the Animas River. This breach contaminated the San Juan River and affected many Navajo farmers' ability to irrigate their crops, triggering a chain reaction of financial losses.

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. In June 2022, the Navajo Nation Department of Justice announced a settlement with the U.S. EPA totaling \$31 million.

In February 2023, Delegate Rickie Nez (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse'Daa'Kaan, Upper Fruitland) introduced Legislation No. 0033-23 to create the "San Juan River Mitigation Fund" to deposit all net proceeds and earnings awarded to the Navajo Nation through litigation settlements resulting from the Gold King Mine spill.

The Council tabled the legislation in April to allow time to meet and receive input directly from the farmers that were affected. A great number of Navajo farmers along the San Juan River were affected as the spill contaminated irrigation canals from Upper Fruitland, N.M., all the way to Aneth, Utah.

On May 4, 2023, several ranchers and farmers met with Speaker Curley, Delegates Nez, Eugenia Charles-Newton (Shiprock), and Curtis Yanito (Mexican Water, Aneth, Teec Nos Pos, Tólikan, Red Mesa) in Nenahnezad, N.M.

During the meeting, Navajo farmers recommended utilizing the funds for various projects along the river including the rehabilitation of irrigation canals, infra-structure 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.

Attorney General Ethel Branch also explained during the May 4 meeting 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.

Branch 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.

"I am glad this legislation was approved, and I know these funds will go a long way because that community has been involved with the Navajo Nation Council on how to utilize these funds," said President Nygren.

Patrick Antonio, Program Manager/Principal Hydrologist with Navajo Nation Environmental Protection Agency (NNEPA) and Water Quality/Navajo Nation Pollutant Discharge Elimination System (NPDES) and Stephen B. Etsitty, Executive Director of the NNEPA attended the signing ceremony.

"The brunt of this environmental pollution was felt by the farmers that utilize the river for the resources they develop including livestock and crops," said Antonio.

Antonio thanked President Nygren, Speaker Curley, and the 25th Navajo Nation Council for supporting the legislation for all the farmers and communities impacted who are continuing to rebuild the enormity of the watershed.

Delegate Nez said that recommendations from farmers to develop a new Hogback pump station would be beneficial to all farmers in the region.

"The current pump station has broken down several times and when inoperable, it results in crops dying. Additionally, it makes it difficult to find clean water in the area for livestock and

crops, which all affect the livelihood of the farmers,” Nez said. “I’m grateful to have the 25th Navajo Nation Council pass this legislation.”

Speaker Curley said the legislation was passed in the 25th Navajo Nation Council by unanimous vote.

“Thank you, Delegate Nez for being a voice for your community members and President Nygren for signing this legislation into law. This gives a clear message that we are behind the farmers and the families in those communities,” said Speaker Curley.

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