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United States Senate

COMMITTEE ON INDIAN AFFAIRS

WASHINGTON, DC 20510-6450

MIKE ANDREWS, MAJORITY STAFF DIRECTOR
ANTHONY WALTERS, MINORITY STAFF DIRECTOR

August 14, 2015

Dear Administrator McCarthy:

As Chairman of the Senate Committee on Indian Affairs, I write to you today with deep concerns over the Gold King Mine accident and the impact it is having on surrounding communities, particularly for Indian tribes in the Four Corners area. The Environmental Protection Agency's (EPA) accidental release of contaminated toxic waste water into the Animas River in Colorado and the San Juan River in New Mexico is unprecedented for a federal agency. Your agency must ensure the public, including the Indian tribes, that these affected waterways and other natural resources are safe.

Both the Navajo Nation and the Southern Ute Indian Tribe have declared states of emergency. They have also indicated that the damage caused by the toxic spill has already exceeded their available resources. The water from these rivers are the lifeblood for these tribal communities. These rivers support many Native American families' livelihoods and are sacred to their cultures.

I had the opportunity to speak with President Russell Begaye of the Navajo Nation and he expressed deep disappointment and frustration with the agency's response to the spill. As you may know, over 215 miles of the San Juan River runs through the Navajo Nation (across New Mexico, Arizona, and Utah). He reiterated that the San Juan River not only has a spiritual connection to the Navajo people, but it also supplies an economic lifeline to many ranchers and farmers. The Navajo Nation is very concerned about the long-term effects and impacts of the spill.

President Begaye also voiced concerns to me about the EPA distributing a Standard Form 95 document in these communities for tribal members to sign so they may claim damages from the spill. He indicated that this Form would also waive individuals' future claims and prevent them from seeking compensation for any future damages incurred by this spill. Both the Navajo Nation and the Southern Ute Indian Tribe have noted that the full extent of the damages caused by the spill will not be known for some time. It is troubling that this Form would be distributed to individuals regarding damages to resources which cannot be fully determined.

The EPA must not forget that, besides the individual tribal members, sovereign Indian tribes to whom the United States has a trust responsibility also rely on the water from these two important rivers. The work being conducted upstream in Colorado cannot stop at the city of Durango. That is why I am requesting your agency to immediately work with the affected Indian tribes and begin conducting an analysis on both the current and long-term effects and impacts of the toxic spill.

The EPA must work with the tribes to ensure this disaster is taken care of, tribal sovereignty is respected, and that the concerns of the tribes are heard and acted on. The Committee will continue to monitor progress in addressing this matter. I look forward to your prompt response on this urgent matter.

Sincerely,

A handwritten signature in blue ink that reads "John Barrasso". The signature is written in a cursive, flowing style.

John Barrasso M.D.
U.S. Senator

Chairman
Senate Committee on Indian Affairs