

PUEBLO OF ACOMA
WATER AND NATURAL RESOURCES COMMITTEE
FARMINGTON, N.M. AUGUST 30, 2013
STATEMENT BY
GOVERNOR GREGG SHUTIVA

Good afternoon Mr. Chairman and members of the committee. My name is Gregg Shutiva, Governor of the Pueblo of Acoma. First of all, I want to thank the Committee for allowing tribal leaders the opportunity to comment on a very contentious and controversial issue, the proposed Roca Honda mine near Grants.

- Let me begin by saying that the Pueblo of Acoma does not oppose all mining or other development within the Mount Taylor Traditional Cultural Property or TCP, recognizing that there can be economic uses of the TCP that produce long term benefits for not only the developers, but for the surrounding communities. However, this is not one of those developments.
- Based on information Roca Honda Resources, L.L.C. provided to the U.S. Forest Service, the Pueblo concludes that the relatively short term, minimal benefits to the area are heavily outweighed by the long-term environmental and economic losses that will flow from this project.
- Based on information I've received, the costs of this development to the communities near the mine site will

exceed any economic benefit that might flow from this project.

- The greatest cost appears to be the water resources that this project will take away from the communities in Cibola County. It is the water we depend upon for all uses -
- The water that we use in our homes and for our livestock;
- The water that our communities depend on for all sorts of municipal uses like the fire department, hospital, schools, or a community aquatic center;
- The water used in industries and to generate power;
- The water used to grow the crops that produce food for humans and livestock;
- In short, the water that makes communities, like mine, places where people can live.
- Let me share a little bit of Acoma's world-view when it comes to water and other natural resources. There is one central belief and it's this: We are connected to the environment. Our spirituality is intimately tied to the land. We define ourselves according to geologic formations, visible sightings that tie us to that other spiritual dimension, that other side that's unseen yet present, that other side that's invisible yet we know and believe, exists. Our faith is tied to

the lakes, rivers, valleys, mountains and mesas that reflect the expanse of who we are.

- Despite modern day interstates, highways, and railway lines that cut across our traditional homelands, despite all the changes in the landscape, and despite all the external influences from the arrival of the first Europeans, to the missionaries that accompanied them, to the 21st century changes that have occurred in our communities, the one thing has not changed is that bond, that connection to those places considered most sacred...That has never been broken.
- While others might look out their windows and see a dormant 12,000 foot volcano, Ka'weesh'ti'mah or Mt. Taylor, we see it as the home of our Rain Gods; what some might see as a bubbling spring; we see it as a precious life source put there by some ancient power; what some might see as a pile of rocks or a fracture in a canyon wall, or a salt filled lake we see as part of a cultural connection...a tie unbroken in our long cultural history.
- Unfortunately, at this point in our lives, that tie has become subjected to a legacy of contamination upstream from our communities...the contamination is the result of decades of uranium mining and milling. We are suffering from the impact of years of radioactive contaminants seeping into the

ground water...affecting the aquifer that flows downstream. We know because we see the visible health effects. We know because our people are contracting cancers and dying from diseases unheard of before. We know there's a connection but we don't have the data to prove or substantiate our empirical knowledge. We know that the federal government has identified the area where the uranium milling once occurred as a superfund site, eligible for clean up, but it has not provided funding for studies to determine the health impacts downstream.

- You may remember the saying while traveling out of the country..."Watch out, don't drink the water." That saying holds true...but ironically, it applies to my own community. Many families in my pueblo now drink bottled water, out of fear they may contract something.
- We have a community where the river flows through it...well the river, called the Rio San Jose, used to. It once flowed rich in wildlife...fish, beaver and muskrats. Children in our villages played, fished, and swam in the deep, flowing waters. Adults used the water to farm and irrigate their fields. In fact, entire farming communities grew up along the Rio San Jose. The land was rich and green with agriculture...cornfields, alfalfa fields, and orchards were a

common sight. Our religious leaders attached ceremonial significance to the river as it snaked its way across our traditional homelands.

- Unfortunately, the water flow has been reduced dramatically...the watershed has been severely impacted by those upstream from Acoma. Acre-feet of water that we are entitled to, and have relied upon for millennia, are greatly reduced. Now, we look at the river and remember what it used to be...that's because the shallow, barely flowing stream is now a remnant of what was.
- We are now engaged in a legal battle over water...it's a battle that has spanned several decades...to get some sense of how long ago this battle has been waged and fought, it was filed when Ronald Reagan was president, when the Washington Redskins last won the Super Bowl and when Michael Jackson performed the dance that will be forever known as the Moonwalk. The year was 1983.
- That was 30 years ago...moving forward let me share this with the Committee.
- The full effect of this proposed mine on the water resources that the Pueblo of Acoma and surrounding communities rely on has not been fully determined, but the little we do know suggests that the effects could be disastrous.

- The primary hydrologic system that supplies Acoma and most of Cibola County, including Grants and Milan, is the Rio San José.
- There is a strong hydrologic relationship between groundwater and surface water in the Rio San José basin. The Rio San Jose changes several times from a gaining stream to a losing stream and vice-versa...from perennial to ephemeral, as it traverses central western New Mexico. Run-off from spring snowmelt and other precipitation events on Mount Taylor and its adjoining mesas provide surface flows and recharge the primary aquifers, the river's alluvial aquifer, and the San Andres-Glorieta Limestone, Gallup and Dakota Sandstone and Morrison Formations. In turn, springs emanating from groundwater aquifers used to contribute to the surface flows; now all but a few are dry.
- Prior to the last uranium-mining boom, the San Andres-Glorieta aquifer surfaced to supply 5,070 acre feet per year of spring flow through the Ojo de Gallo located south of Grants and originally thought by the Spanish to be the source of the Rio San José. Ojo de Gallo never recovered from the last uranium boom and no longer flows.
- At the western boundary of the Acoma Pueblo Grant, the alluvial aquifer, constricted by volcanic rock and saturated

from groundwater inflow from the San Andres-Glorieta aquifer, produces surface flow as Horace Springs. The flow from this spring has dropped dramatically in the past 100 years. In the 1930s the flow was as much as 17,000 acre feet per year. After the last uranium boom it lost about 9,000 acre feet per year, and never recovered. This last year the flow fluctuated between 1,300 and 3,000 acre feet per year. ⁱ

- Use of the river is also constricted by attempts...so far unsuccessful, to remediate contamination of the alluvial aquifer resulting from old uranium mines and milling facilities. ⁱⁱ At this time, there is only one aquifer that is not contaminated in some way by past uranium mining practices – the Dakota Sandstone. The water in that aquifer is being withdrawn in great amounts in an attempt, again, so far unsuccessful, to decontaminate the Rio San José alluvium.
- It is well known that the Rio San José and its associated groundwater aquifers constitute one of the most fragile hydrological systems in the State of New Mexico. The dwindling potable water sources are now very limited. The one remaining source of surface water in the Rio San José at Acoma is Horace Springs.

- Now, the flow from that spring is not enough to meet even the most basic needs of the Acoma people; much less an amount to meet Acoma's senior federally protected rights.
- This project will remove a tremendous amount of water from the Rio San José Basin's aquifers. The water will be piped out of the Rio San José basin to privately-held lands where it will be used by a single family enterprise, supposedly for irrigation of pastureland.
- On its face, and ignoring the exceedingly fragile state of the Rio San José, this approach might sound like an acceptable idea – until the actual amount of water is considered.
- The projected total groundwater to be pumped by Roca Honda Resources is at a minimum 6,205 acre-feet of water per year and, depending on how the uranium is removed, could reach 12,800 acre-feet per year or more. This is equal to the annual water budget of the City of Santa Fe. This is the amount of water used by a city of 69,000 people.
- This is more water per year than is being applied to remediate past contamination of the aquifers that feed the Rio San José.
- This is more water than is used by all of the communities upstream from Acoma on the Rio San José and for power generation at the Tri-State Electric Generating Station at Escalante, combined.

- The United States Forest Service required Roca Honda to create a groundwater model that could predict the likelihood of impacts on the Rio San José, and springs in the area.
- Unfortunately, the Roca Honda only modeled the minimum water use.ⁱⁱⁱ
- Even with minimum water use, the Office of the State Engineer determined that it would have an effect on Horace Springs, and although not mentioned by name, the springs feeding Rinconada Creek, a Rio San José tributary used by the Pueblo of Acoma for centuries, would be impacted.
- Acoma sought to have Roca Honda consider delivery of that water to uses in the Rio San José Basin so as to relieve the stress on the Basin and protect the remaining potable water supplies, not just for Acoma, but all the communities that rely on the Rio San José basin waters. Instead, Roca Honda is going to pump all of this water over the hill and out of the basin for the benefit of one private landowner, who conceivably may never be able to use all that water. I'm guessing most of that precious commodity...in a time of drought, will be wasted.
- I ask...where is the water going to come from to support all of the economic growth that Roca Honda promises? In fact,

it will come, if at all from a source that is already over-appropriated.

- As stock wells go dry on ranches, as domestic and municipal wells fail, wells will be deepened into the San Andres Glorieta Aquifer, the only aquifer not to be dewatered for the mine. This in turn, will increase the adverse effects of mine dewatering on Horace Springs...that aquifer, which now provides 80% of the Springs' flow, will be depleted by increased pumping.
- To date, all of the studies done to assess the effects of this project on water have been woefully incomplete, looking only at the effect, if the mine only operates for a minimum time period, and not taking into consideration temporary shut-downs due to fluctuations in the international market for uranium, or problems with adequate milling capacity. The U.S. Forest Service's Draft Environmental Impact Study stated that it was likely that the mine would operate for a longer period of time, due to these factors, but did not require Roca Honda, L.L.C. to take that into account when showing how much water would be pumped out.
- In light of the significant adverse, and likely irreparable effect of this project on the area's water resources, it is important to consider exactly what the benefits might be for

this project. I urge the state legislature, in particular this committee, to take the lead in calling for a study of the full impact of this proposed mine on all present and reasonably foreseeable demands on the water and water resources of the Rio San José, and not just those under the state's jurisdiction. But I would also ask that the study take into consideration the actual long-term benefits to the communities, if any, from this project.

- Lastly, I understand that Native communities, like mine, are disproportionately affected by issues that often result in health problems greater than our neighbors in non-Indian communities. I also understand that Natives have the right, like every American in this country, to breathe clean air, to drink clean, fresh water, and to live free of any environmental dangers that might be the result of unenforced laws or exclusionary policies. Finally, here's what I want the Committee to understand...Acoma will protect that right...to the fullest extent possible...that right to enjoy clean air and water in places where we live, where we work, but more especially in places where we worship. Thank you Mr. Chairman and Members of the Committee.

Footnotes & References:

ⁱBalleau, W.P., *Rio San José Upstream of Acoma Pueblo Boundary – Hydrogeology and Water Balance*, Prepared for Bureau of Indian Affairs, Branch of Rights Protection and Engineering, February, 1980 (16,089 af/year). Risser, D.W., 1982. Risser, *Estimated Natural Streamflow in the Rio San José Upstream for the Pueblos of Acoma and Laguna, New Mexico*. U.S. Geological Survey Water-Resources Investigations Report 82-4096 (12,000-14,000 af/year); Petronis, Laura Hagan, 2008. *Estimated Natural Streamflow at the Western Boundary of the Acoma Pueblo and Western Boundary and Northern Areas of the Laguna Pueblo in the Rio San José Basin, New Mexico*. Expert report prepared for the State of New Mexico, in State of New Mexico, ex. rel., State Engineer, Plaintiff vs. Kerr-McGee Corporation, et al., Defendants No. CB-83-190-CV & CB-83-220-CV Consolidated. (17,000 af/year). The Risser study did not include some groundwater inflows that are considered in the Balleau and Petronis studies.

ⁱⁱ Efforts to remediate the Bluewater Uranium Milling Site and address contamination of the alluvial aquifer has been going on for decades and have not been successful. In fact, there is no remediation, merely an effort to keep the existing contamination from moving. These efforts have not been successful. IN fact, the contamination plume has now traveled at least a mile downgradient from the abandoned tailings piles. U.S. Department of Energy, “Annual Site Inspection and Monitoring Report for Uranium Mill Tailings Radiation Control Act Title II Disposal Sites,” December 2011, LMS/S)8077. Available as “Title II Disposal Site Annual Report” at http://www.lm.doe.gov/pro_doc/guidance/reports.htm.

ⁱⁱⁱ The model runs done for the U.S. Forest Service were inadequate: the runs only used the minimum amount of water that is projected to be produced by dewatering each year; and (2) assumed that there would be no stoppage in production during the 11 year active life of the mine. In doing so, the model runs did not take into consideration that dewatering would be on-going even when the mine is not operating. It is unmistakable that Roca Honda, LLC is asserting a right to extend that period of time based upon fluctuations in the world-wide market for Uranium at any given time, or shutdowns due to limited milling capacity. See, DEIS at p. 34: “the ultimate mine life of the Roca Honda Mine would depend on uranium market conditions and potential identification of additional uranium ore. Therefore, the ultimate mine life could well exceed 18–19 years”).