



## INTERNATIONAL INDIAN TREATY COUNCIL

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August 19, 2015

Ms. Gabriella Habtom, Secretary  
UN Committee on the Elimination of Racial Discrimination  
CERD Early Warning and Urgent Action Procedures  
Palais Wilson, Geneva Switzerland  
Via email: [ghabtom@ohchr.org](mailto:ghabtom@ohchr.org), [cerd@ohchr.org](mailto:cerd@ohchr.org)

**Re: Urgent Action Submission by the International Indian Treaty Council (IITC) and the Shiprock Chapter of the Navajo (Diné) Nation addressing a toxic mining waste spill by the Environmental Protection Agency of the United States of America and resulting urgent violations of the rights of the Shiprock Community and other Indigenous Peoples under the International Convention on the Elimination of All Forms of Racial Discrimination**

Please receive our respectful greetings. The International Indian Treaty Council (IITC), an Indigenous non-governmental organization with General ECOSOC Consultative Status, respectfully submits the enclosed information to the CERD Early Warning/Urgent Action Procedures in conjunction with the Shiprock Chapter of the Navajo (**Diné**) Nation in New Mexico, United States. The Shiprock Chapter is an Indigenous community with a population of 12,000 and is one of 110 distinct political entities that constitute the Navajo Nation.

This submission presents the urgent worsening threats and violations of the human rights and ways of life of Indigenous Peoples who depend for their means of subsistence and their physical and cultural health upon Rivers that have been highly contaminated by a mining toxic waste spill caused by the United States Government's Environmental Protection Agency on August 5<sup>th</sup> 2015. The Shiprock Chapter, in their enclosed submission, has highlighted the discriminatory effects of actions (and failures to act) by the US government including urgent threats and violations of their rights including:

- 1) Violations of their free prior and informed consent through permitting toxic mining waste to be stored on the banks of a river system that provides water for traditional food production and subsistence rights posing a significant, negligent and discriminatory threat to the health and way of life of the impacted Indigenous Peoples;
- 2) Violations of free prior and informed consent through failure to provide timely and adequate information to the community members, food producers and leaders to enable them to understand the immediate and long term, health dangers and risks and to be able to prepare and respond;
- 3) Violations of subsistence rights and right to food as well as the cultural rights that are inextricably linked to these traditional practices, food sources and sacred waters;
- 4) Violations of the rights of the child and the right to health of women, children, unborn and the entire community;
- 5) Violations of their rights to property including land, water, animals, seeds and plant resources;
- 6) Violations of their rights to effective and adequate redress, restitution, remedy and compensation.

Specific rights under the Convention that have already been violated or are being threatened on an urgent matter include rights affirmed in ICERD Article 5 and 6 as follows:

*Article 5(e), Economic, social and cultural rights, in particular:*

- (i) The rights to work, to free choice of employment, to just and favourable conditions of work;*
- (iv) The right to public health, medical care, social security and social services;*
- (vi) The right to equal participation in cultural activities;*

*Article 6:*

*States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.*

In addition, urgent violations of CERD General Recommendation 23 paragraphs 4 and 5 as follows:

*4. The Committee calls in particular upon States parties to:*

- (a) Recognize and respect indigenous distinct culture, history, language and way of life as an enrichment of the State's cultural identity and to promote its preservation;*
- (b) Ensure that members of indigenous peoples are free and equal in dignity and rights and free from any discrimination, in particular that based on indigenous origin or identity;*
- (c) Provide indigenous peoples with conditions allowing for a sustainable economic and social development compatible with their cultural characteristics;*
- (d) Ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent;*
- (e) Ensure that indigenous communities can exercise their rights to practise and revitalize their cultural traditions and customs and to preserve and to practise their languages.*

*5. The Committee especially calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories...*

It is of vital importance that the United States be called upon by the CERD to uphold and implement the following recommendations from the two previous reviews of the United States by the CERD in 2008 and 2014 which are directly relevant to this request for urgent action. The urgent and devastating violations of human rights presented in this submission, resulting in effects which constitute extreme discrimination by the United States against an Indigenous People would have been prevented and avoided had the United States implemented these recommendations by the CERD as follows:

***While noting the position of the State party with regard to the United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295), the Committee finally recommends that the***

***declaration be used as a guide to interpret the State party's obligations under the Convention relating to indigenous peoples.*** -- Committee on the Elimination of Racial Discrimination, *Concluding Observations of the Committee on the Elimination of Racial Discrimination: United States of America*, 72<sup>nd</sup> Session, CERD/C/USA/CO/6 (2008) para. 29.

*...the Committee is concerned that individuals belonging to racial and ethnic minorities as well as indigenous peoples continue to be disproportionately affected by the negative health impact of pollution caused by the extractive and manufacturing industries... **The Committee calls upon the State party to: (a) Ensure that federal legislation prohibiting environmental pollution is effectively enforced at state and local levels; (b) Undertake an independent and effective investigation into all cases of environmentally polluting activities and their impact on the rights of affected communities, bring those responsible to account, and ensure that victims have access to appropriate remedies; (c) Clean up any remaining radioactive and toxic waste throughout the State party as a matter of urgency, paying particular attention to areas inhabited by racial and ethnic minorities and indigenous peoples that have been neglected to date;*** -- Committee on the Elimination of Racial Discrimination, *Concluding Observations of the Committee on the Elimination of Racial Discrimination: United States of America*, 85<sup>th</sup> session, CERD/C/USA/CO/7-9, 85 (2014) para.10.

**Recalling its general recommendation No. 23 (1997) on indigenous peoples, the Committee calls upon the State party to: (a) Guarantee, in law and in practice, the right of indigenous peoples to effective participation in public life and in decisions that affect them based on their free, prior and informed consent; (c) Adopt concrete measures to effectively protect the sacred sites of indigenous peoples as a result of the State party's development or national security projects and exploitation of natural resources, and ensure that those responsible for any damages caused are held accountable;** -- Committee on the Elimination of Racial Discrimination, *Concluding Observations of the Committee on the Elimination of Racial Discrimination: United States of America*, 85<sup>th</sup> session, CERD/C/USA/CO/7-9, 85 (2014) para 24.

The violations of the UN Declaration on the Rights of Indigenous Peoples by the United States Government in both its creation and response to this disaster constitute an example of extreme environmental racism. Violations include Articles 20, 21, 22, 23, 24, 25, 26, 29 and 32 as well as Article 37 affirming Treaty Rights.

The community members and leadership of the Shiprock Chapter were not notified that the US had allowed a toxic waste storage site to be located upstream from their vital water source. They have since discovered that there are thousands of such sites potentially impacting Indigenous Peoples' lands and waters throughout the US. In this regard, we highlight Article 29 which is of particular relevance regarding the US failure to respect and uphold the rights of Indigenous Peoples both in allowing the situation which allowed this disaster to occur and in failing to adequately respond to date:

***United Nations Declaration on the Rights of Indigenous Peoples, Article 29***

*1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.*

*2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.*

*3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.*

We respectfully invite the CERD Early Warning/Urgent Action Procedures to review the enclosed materials, including in particular the information submitted by the Shiprock Chapter of the Navajo Nation. The specific responses from the United States called for as a matter of utmost urgency by the impacted Indigenous Peoples are as follows:

1. That the United States government and its Environmental Protection Agency immediately, freely and openly divulge to the Diné Indigenous Peoples of the Shiprock community and other affected Indigenous Peoples, all pertinent data and information that will describe the kinds of contaminants that are/were contained in the waste materials, the amounts that were released of each, and the known or suspected impacts on human, plant and animal life;
2. That the United States government and its Environmental Protection Agency immediately proceed with an aggressive program that will assure the total and complete cleanup of the damage it has caused, working in close collaboration with the impacted Indigenous communities, including the Shiprock Chapter leadership and relevant programs and officials of the Diné (Navajo) Nation;
3. That the United States government, the US Environmental Protection Agency and related agencies provide a complete inventory of mine and mine waste contamination storage facilities that could potentially cause similar damage to the San Juan River and its tributaries in the future as well as a cleanup plan that will be carried out without father risk to these waterways;
4. That the United States government and its Environmental Protection Agency fully compensate the San Juan River valley farmers for all crop and livestock losses directly attributable to this event;
5. That the United States government fully compensate the impacted Tribal governments and their entities for all expenses incurred in addressing the emergency conditions precipitated by this event as well as any ongoing health impacts;
6. That the United States government provide adequate financing to allow the impacted local Diné farmers to plan, design and construct water collection and storage systems that will provide an alternative water source for river based Navajo irrigation systems now and in the future;
7. That the United States government immediately put in place, in collaboration and with the full participation of the impacted Indigenous Peoples, a just and effective mechanism to ensure redress and restitution for the human rights, Treaty rights, subsistence rights and health rights violated by this action in accordance with the United Nations Declaration on the Rights of Indigenous Peoples Articles 27, 28, 29 and 40.

In conclusion, the IITC and Shiprock Chapter of the Navajo Nation respectfully request that a formal communication be issued by the CERD Urgent Action Procedure to the United States addressing this urgent matter before the end of the current 87<sup>th</sup> CERD session. For more information please contact:

Shiprock Chapter of the Navajo Nation  
c/o Chapter President Duane Chili Yazzie  
tel. + (505) 860-4436, email: chili\_yazzie@hotmail.com

International Indian Treaty Council  
c/o Executive Director Andrea Carmen,  
tel. + (520) 273-6003, email: andrea@treatycouncil.org



# RESOLUTION OF THE SHIPROCK CHAPTER

## SHIPROCK, NAVAJO NATION



**REQUESTING FOR URGENT ACTION BY THE UNITED NATIONS  
AND ITS APPROPRIATE ORGANS ON THE AFTERMATH OF THE GOLD KING MINE WASTE  
CONTAINMENT BREACH BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**WHEREAS:**

1. The Shiprock Chapter of the Navajo Nation acts on this resolution pursuant to the authority conferred on the Chapter through Navajo Nation Code Title 26, Chapter 1. Section B. Purpose, which states, "Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo Law, including custom and tradition; and the inclusivity provided by the Diné Fundamental Law, in that "it is entirely appropriate for the government itself to openly observe these fundamental laws", and
2. A significant contamination spill occurred at the Gold King Mine near Silverton, Colorado on August 05, 2015 and the contamination containing various heavy metals that are detrimental to the safety and health of humans, animals, aquatic and plant life have contaminated the San Juan River and environs to an unknown extent, and
3. The Shiprock Chapter membership believe this action of negligence has violated the Inherent, Treaty and Human Rights of the Diné including; the Right to Non-discrimination and Equal Protection Under the Law, the Right to Health, the Rights of the Child, the Right to Life, the Right to Food, the Right to Water, and the Right to Free, Prior and Informed Consent.
4. The Shiprock Chapter membership further believes it violates articles 20, 21, 22, 23, 24, 25, 26 and 29 of the United Nations Declaration on the Rights of Indigenous Peoples.

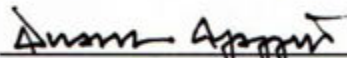
**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Shiprock Chapter membership hereby requests for urgent action by the United Nations and its appropriate organs on the aftermath of the Gold King Mine waste containment breach by the United States Environmental Protection Agency (US EPA) and requests the International Indian Treaty Council to sponsor this submittal to the UN Committee for the Elimination of Racial Discrimination, and
2. The Shiprock Chapter membership believes this event violates articles 20, 21, 22, 23, 24, 25, 26 and 29 of the UN Declaration on the Rights of Indigenous Peoples;
  - A. Article 20 – 1. "Indigenous Peoples have the right....to be secure in the enjoyment of their own means of subsistence and development...." And 2. "Indigenous Peoples deprived of their means of subsistence and development are entitled to just and fair redress."
  - B. Article 21 – 1. "Indigenous Peoples have the right, without discrimination, to the improvement of economic and social conditions, including, inter alia, in the areas of education, employment.... health and social security."
  - C. Article 22 – 1. "Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration."
  - D. Article 23 – "Indigenous Peoples have the right to determine and develop priorities and strategies for exercising their right to development."
  - E. Article 24 – 1. "Indigenous Peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals." And 2. "Indigenous Peoples have an equal right to the enjoyment of the highest attainable standard of physical and mental health."

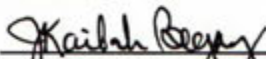
- F. Article 25 – "Indigenous Peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned ....used lands....waters....and other resources and to uphold their responsibilities to future generations in this regard."
- G. Article 26 – 1. "Indigenous Peoples have the right to the lands....and resources which they have traditionally owned, occupied...." And 3. "States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions...of the Indigenous Peoples concerned."
- H. Article 28 - 1. "Indigenous Peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation for the lands....resources.... which have been....damaged without their free, prior and informed consent."
- I. Article 29 – 1. "Indigenous Peoples have the right to the conservation and protection of the environment and productive capacity of their lands...and resources. States shall establish and implement assistance programmes for Indigenous Peoples for such conservation and protection, without discrimination. And 2. "States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands....of Indigenous Peoples without their free, prior and informed consent." And 3. "States shall also take effective measures to ensure.... that programmes for monitoring, maintaining and restoring the health of Indigenous Peoples as developed and implemented by the peoples affected by such materials are duly implemented."
3. The elements of the urgent action we plead before the United Nations and its organs include;
- A. That the US EPA freely and openly divulge all pertinent information that will describe the kinds of contaminants and their concentrations that are/were contained in the waste materials
- B. That the US EPA immediately proceed with an aggressive program that will assure the total and complete cleanup of the damage it has caused
- C. That the US EPA provide a complete inventory of mines and mine waste storage facilities that could potentially cause similar damage to the San Juan River and its tributaries
- D. That the US EPA and related agencies effectively mitigate and permanently stabilize the mines and mine waste storage facilities to assure the prevention of any future spill of containment waste
- E. That the US government and its EPA fully compensate the San Juan River valley farmers for all crop losses directly attributable to this event
- F. That the US EPA fully compensate the impacted governments and their entities for all expenses incurred in addressing the emergency conditions precipitated by this event
- G. That the US EPA provide resources that will allow the local farmers and appropriate entities to plan, design and construct appurtenances that will be alternative water source for river based Navajo irrigation systems
- H. That the United States shall specifically honor and observe all Navajo rights to the enjoyment of sacred sites, aboriginal lands and usufructuary rights within aboriginal Navajo lands and territories

Mentioned by: Gary JaySeconded by: Lula Sandoval**CERTIFICATION**

We, the undersigned hereby certify that the foregoing resolution was duly presented and considered at a duly called Chapter Meeting at which a quorum was present and that the same was approved by a vote of 85 in favor and 0 opposed and 0 abstentions on the 09<sup>th</sup> day of August 2015 in Shiprock, Navajo Nation.



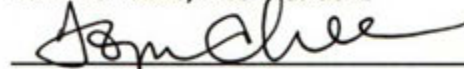
Duane H. Yazzie, President



Dr. J. Kaibah Begay, Secretary/Treasurer



Tommie Yazzie, Vice President



Tom Chee, Council Delegate



# Shiprock Chapter Government of the Navajo Nation



Email: [shiprock@navajochapters.org](mailto:shiprock@navajochapters.org) • (505) 368-1081 • Fax (505) 368-1092 • Website: [www.shiprock.nndes.org](http://www.shiprock.nndes.org)

Information provided by Duane Chili Yazzie, Chapter President on the behalf of the Shiprock Chapter of the Navajo Nation, Shiprock, New Mexico for submission to the United Nations Committee on the Elimination of Racial Discrimination (CERD) Urgent Action Procedure  
To be submitted via the International Indian Treaty Council, Indigenous Organization in General Consultative Status with the United Nations Economic and Social Council

August 19<sup>th</sup>, 2015

## I. The Current Urgent Crisis Situation

At 10:40 AM on August 05, 2015, the Environmental Protection Agency (EPA), an agency of the United States federal government, was working to stabilize leakage from an abandoned gold mine called Gold King Mine. Instead, the EPA breached the mine waste containment dam, releasing over 3 million gallons of toxic waste into a tributary of the Animas River in the vicinity of Silverton, Colorado, USA.

The EPA demonstrated negligence and blatant disregard for the human rights of the Diné (Navajo) and other Indigenous Peoples and communities living downstream by not informing the state of New Mexico nor the Navajo Tribal Nation and other down-river communities of this calamity for at least 24 hours. The EPA did not inform the Indigenous Peoples of the disaster although we depend on this river system to sustain our lives and way of life. The Animas River flows into the San Juan River which is the primary source of water for crop and livestock irrigation for the Shiprock Diné People. The US EPA did not inform the local farmers, community or leadership of the actual quantity of toxic mining waste released by the spill, the nature of the contaminants or their concentrations. Only after continual demands for information, the Shiprock community and its leaders were finally informed that the contaminants in their water supply contained heavy metals including toxins such as arsenic, lead, copper, aluminum and cadmium, in addition to the zinc and iron which the EPA initially reported to the public.

The contamination eventually stretched into an 80 mile long plume that passed through numerous communities and small cities. After three days the plume converged with the San Juan River and other tributaries as it made its way to flow into the Colorado River, into Lake Powell, into the Grand Canyon and points beyond to Arizona, California and Mexico. Many other Indigenous Peoples, including the Utes, Paiutes, Hualapai, Hopi and Havasupai are also affected.

The yellow tainted mine waste is washing ashore and concentrations of it are settling all along the river bed; with the life of some of these chemicals, the extent of damage to the ecology and all life within the environs of these river ways is incalculable. The US government and its EPA have engaged in reckless endangerment and environmental racism by allowing this toxic waste storage site from a now abandoned mining operation to be located next to a tributary which flows into a major perennial river that provides a life sustaining resource for Indigenous Peoples, as well wildlife and ecosystems downstream. We have become aware that there are thousands of such sites from abandoned mining located on waterways vital to the ways of life and survival of Indigenous Peoples around the US.

### CHAPTER OFFICIALS

Duane H. Yazzie, President  
Tommie Yazzie, Vice-President  
J. Kaibah C. Begay, Secretary-Treasurer

### DISTRICT 12 GRAZING COMMITTEE

Robert Hayes, Member

### SAN JUAN RIVER FARM BOARD

Joe Ben Jr., Member

### COUNCIL DELEGATE

Tom Chee

## II. Request for Urgent Action

The actions of the US government and its agency in this situation constitute environmental racism with severe discriminatory impacts on the human rights of the Shiprock Diné and the other Indigenous Peoples including our rights to health, water, subsistence and food, and life. The community has been informed that we are not able to use our main water source for food production. Fish, water fowl and plant life along the river are also contaminated. This constitutes a dire and urgent situation.

This letter requesting urgent action is submitted on behalf of the impacted Indigenous Peoples and specifically the Diné People located beginning and approximately 100 miles downstream from Silverton. The Shiprock Chapter of the Diné Nation convened in a duly called meeting to consider the attached resolution entitled "Requesting for Urgent Action by the United Nations and its Appropriate Organs on the Aftermath of the Gold King Mine Waste Containment Breach by the United States Environmental Protection Agency". This resolution was approved by a vote of 85 in favor, -0- opposed and -0- abstained on August 09, 2015 at the Shiprock Chapter House, Shiprock, Navajo Nation, NM, USA, and requested the International Indian Treaty Council to assist us with the submission of this Urgent Action addressing the discriminatory actions of the US which has violated our human rights and resulted in an urgent crisis situation for the Diné People.

## III. Extent of the damage and violations of human rights

The Shiprock community as many other Indigenous communities along the river ways have been agricultural farming areas for centuries. The Shiprock community and its neighboring sister Diné communities of Upper Fruitland, Nenahnezad, San Juan, Tse Daa Kaan and Gad ii ahi are/were in the middle of our 2015 growing season. Our crops of corn, melons, squashes, chili, tomatoes, oats and alfalfa were only beginning to mature with the fruits starting to take form. Devastatingly our irrigation systems have been shut down at the irrigation system headgates to prevent the contaminated water from reaching our farms and compromising our untainted irrigation water delivery systems.

Our local agricultural Farm Board authority have determined that they will not authorize the release of river water into the irrigation system for the rest of the season because of the high probability that doing such will contaminate the irrigation systems and our farming areas of approximately 25,000 acres. We are dishearteningly and very reluctantly resigned to the fact we have lost our crops for this year, the primary source of our native foods. We are also dependent on our animals such as sheep and their river water drinking source has been contaminated. We face great uncertainty as to when the San Juan River will again be healthy enough to supply us the water we need for our farming livelihood. With the long-life characteristics of these toxic chemicals, including heavy metals, it is conceivable that the entire river bed is contaminated, thus it is not clear when we will be able to farm again with this water that has sustained us since time immemorial. Our community is devastated and fear for our health, our children's health and our way of life is all consuming, causing deep sorrow and a sense of mourning.

Due to the negligent and discriminatory behavior of the EPA and US Federal Officials which has failed to protect our human rights in this situation, the Shiprock Diné Chapter is not confident that the EPA has provided full and complete information necessary for the Diné Nation and the community to understand to respond to the current threat. We were not informed and did not consent to this source of potential devastating contamination located on this vital waterway we have used since time immemorial. We were not informed in a timely manner about the extent of the current danger to human, plant and



animal health, the amount or types of contaminants. We have not been reliably informed about the progress and status of clean-up efforts, or even if cleanup is really possible. Thus our right to free, prior and informed consent has been violated. It is incomprehensible to us the permanent damage that has been inflicted on our lives and future generations, as well as the lives of the plants and animals that is our sacred responsibility to protect and defend, due to this US government-caused catastrophe.

Our natural world and our agricultural livelihood have been damaged and the expanse of damage to the ecosystems may never be known. Our river, our lands and farms, and our health face unknown peril. It is an absolute fact that these contaminants will affect the health of the people, now and later. The impacts are multi-generational and will impact the reproductive health of Indigenous women and the health of children and future generations due to the exposure to the toxic contaminants.

The EPA now tells us that as we, individually and/or collectively, can file to claim damages (although we do not know the extent of the actual long term damages) but by doing so, we will absolve them of any and all future liability. That is unconscionable, illegal, discriminatory and unjust. The US EPA must be held liable and responsible for any and all damage inflicted now and for all time due to its negligence and resulting violations of our human rights.

The Inherent, Treaty and Human Rights of the Diné and other Indigenous Nations violated by this action include, inter alia, the right to non-discrimination and equal protection under the law, right to health, rights of the child, right to life, right to food, right to water, right to free prior and informed consent. It violates numerous commitments made by the US government to Indigenous Peoples through its expressed support for the UN Declaration on the Rights of Indigenous Peoples, including, inter alia, articles 20, 21, 22, 23, 24, 25, 26, 29 and 32. The productive capacity of our land has been damaged and with it, our way of life. We also assert that several of the rights affirmed in Article 5 of the International Convention on the Elimination of All Forms of Discrimination to which the US is legally accountable, including rights to equal treatment under the law, security of person, work, health and economic, social and cultural rights have been violated, and provisions contained in CERD General Recommendation 23 on the Rights of Indigenous Peoples.

#### IV. Urgent Action request to the United States Government

We are requesting that CERD Urgent Action Procedure make the following calls upon the United States of America as a matter of utmost urgency:

1. That the United States government and its Environmental Protection Agency immediately, freely and openly divulge all pertinent data and information that will describe the kinds of contaminants that the Diné Indigenous Peoples of the Shiprock community and other affected Indigenous Peoples are/were contained in the waste materials, the amounts that were released of each, and the known or suspected impacts on human, plant and animal life;
2. That the United States government and its Environmental Protection Agency immediately proceed with an aggressive program that will assure the total and complete cleanup of the damage it has caused, working in close collaboration with the impacted Indigenous communities, including the Shiprock Chapter leadership and relevant programs and officials of the Diné (Navajo) Nation;
3. That the United States government, its Environmental Protection Agency and related agencies provide a complete inventory of mine and mine waste contamination storage facilities that could

potentially cause similar damage to the San Juan River and its tributaries in the future as well as a cleanup plan that will be carried out without further risk to these waterways;

4. That the United States government and its Environmental Protection Agency fully compensate the San Juan River valley farmers for all crop and livestock losses directly attributable to this event;
5. That the United States government fully compensate the impacted Tribal governments and their entities for all expenses incurred in addressing the emergency conditions precipitated by this event as well as any ongoing health impacts;
6. That the United States government provide adequate financing to allow the impacted local Diné farmers to plan, design and construct water delivery, collection and storage systems that will provide alternative water sources for river based Navajo irrigation systems now and in the future;
7. That the United States government immediately put in place, in collaboration and with the full participation of the impacted Indigenous Peoples, a just and effective mechanism to ensure redress and restitution for the human rights, Treaty rights, subsistence rights and health rights violated by this action in accordance with the United Nations Declaration on the Rights of Indigenous Peoples Articles 27, 28, 29 and 40.

We have enclosed some articles and photos to provide you with additional information. We sincerely thank the CERD Urgent Action Procedure and Committee members for your immediate attention to this urgent matter of the greatest importance to the human rights and survival of the Diné Indigenous People.

With Upmost Respect,

  
\_\_\_\_\_  
Duane Chili Yazzie, Shiprock Chapter President

On behalf of the Shiprock Diné People and community of the Navajo Nation

For more information contact:

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POB 1708  
Shiprock, NM, USA 87420-1708

W – 505.368.1081  
C – 505.860.4436

three rail tracks were laid from Carbon Junction, several miles south of Durango, into Durango, and into the Durango yards.

*The Free Thought Project.com July 30, 2015*

### LETTERS, from Page 2

chatted with other groups of OHV visitors who have also stated they will go elsewhere if that happens.

Thank you for the current hospitality. Don't keep OHVs out of town. Doing so will keep us and many others from visiting Silverton.

— Richard and Kay Powell, Terry and Hilda McLeod, Dan and Lanell Smith, Liz and Dicky Morris, Bill and Linda Falcott, Alex and Linda Kalinowski, Charles and Liz Street., Mike and Jeanna Splettstosse, Don and Nancy Barnett, Ron and Linda Read, Texas visitors

### EPA plan is really a 'Superfund blitzkrieg'

Editor;

I came to Silverton this summer to enjoy my retirement, appreciate nature and prospect the mountains for unique minerals. I came here to enjoy a simple life with no TV and no politics, but unfortunately that has changed. Your EPA dilemma has caused my blood to boil.

Based on my 47 years of experience as a professional geologist, it appears to me that the EPA is setting your town and the area up for a possible Superfund blitzkrieg.

unity.

*Don Stott is a former resident of Silverton.*

water backs up, it will begin filling all connected mine workings and bedrock voids and fractures. As the water level inside the workings continues to rise, it will accumulate head pressure at a rate of 1 PSI per each 2.31 feet of vertical rise. As the water continues to migrate through and fill interconnected workings, the pressure will increase. Eventually, without a doubt. The water will find a way out and will exfiltrate uncontrollably through connected abandoned shafts, drifts, raises, fractures and possibly from talus on the hillsides. Initially it will appear that the miracle fix is working.

"Hallelujah!"

But make no mistake, with in seven to 120 days all of the 500 gpm flow will return to Cement Creek. Contamination may actually increase due to disturbance and flushing action within the workings.

The "grand experiment" in my opinion will fail. And guess what Mr. Hestmark will say then?

Gee, "Plan A" didn't work so I guess we will have to build a treatment plant at a cost to taxpayers of \$100 million to \$500 million (who knows).

Reading between the lines, I believe that has been the EPA's plan all along. The proposed Red & Bo-

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In regards to your meeting with the EPA on June 23, Mr. Hestmark's (EPA representative) statement "we don't have an agenda" is either ignorant naivety or an outright falsehood. I am certain Mr. Hestmark's hydrologists have advised him what's going to happen when the Red & Bonita portals are plugged and the "grand experiment" begins with unknown and foreseeable results and possible negative consequences.

Here's the scenario that will occur based on my experience:

Following the plugging, the exfiltrating water will be retained behind the bulkheads, accumulating at a rate of approximately 500 gallons per minute. As the

bonita plugging plan has been their way of getting a foot in the door to justify their hidden agenda for construction of a treatment plant. After all, with a budget of \$8.2 billion and 17,000 employees, the EPA needs new, big projects to feed the best and justify their existence.

I would recommend that anyone who owns a home, property water well or spring in the Cement Creek drainage take water samples ASAP to protect themselves from groundwater changes that may be caused by the EPA plugging operation!

God bless America! God bless Silverton, Colorado. And God protect us from the EPA.

— Dave Taylor, Farmington

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