



HAVASUPAI TRIBAL COUNCIL

P.O. Box 10 • Supai, Arizona 86435
(928) 448-2731 • Fax (928) 448-2551

Statement from the Havasupai Tribe Regarding a Proposed Amendment to the ADEQ Aquifer Protection Permit for the Pinyon Plain Mine

As Guardians of the Grand Canyon, the Havasupai Tribe (the "Tribe") has a duty to protect our people, waters and sacred lands. The Tribe is notifying its members, neighboring tribes and communities, interested stakeholders, and the public that the proposed amendment to the Pinyon Plain Mine aquifer protection permit is now subject to public notice. Earlier this year, the Arizona Department of Environmental Quality ("ADEQ") attempted to classify the amendment as a "minor" amendment, which requires no notice to the public. This decision did not comply with state regulations. The Tribe strongly disagreed with ADEQ's classification and expressed its concerns and opposition over the course of several meetings with ADEQ.

The Havasupai Tribe was shocked at ADEQ's action, especially considering ADEQ's clear understanding of the Tribe's ongoing involvement and monitoring of the Pinyon Plain Mine because of the mine's potential contamination of the Tribe's only water source, Havasu Creek. The Tribe depends on Havasu Creek to sustain its life and culture in the canyon and its thriving tourist destination. This is all at risk of being eliminated if the water is contaminated. It is no secret that the Tribe adamantly opposes the Pinyon Plain Mine.

The Havasupai Tribe first learned of the proposed amendment, which appears to have been a private deal between ADEQ and Energy Fuels, only after a concerned citizen discovered this new amendment on ADEQ's website and promptly notified the Tribe. The Tribe then conducted its own review and immediately recognized critical issues with ADEQ's actions. The proposed amendment sought to eliminate the groundwater monitoring requirements at one of the monitoring wells by eliminating the well's alert level. Alert levels identify concerning levels of pollutants in the groundwater and allow for ADEQ and the public to become aware of and keep a close eye on the pollutant levels so corrective action can be taken before a catastrophic event occurs. ADEQ and Energy Fuels also sought to increase the permissible arsenic limit in the groundwater by 10%! Arsenic is a highly toxic element known to cause cancer and other health issues.

From the beginning, the Tribe has raised concerns that ADEQ has not complied with the applicable regulations. Groundwater monitoring plays a vital role in protecting the public. Arizona citizens should be outraged that ADEQ chose to protect a foreign mining company's profits over protecting the Havasupai people but also all of Arizonans' health and welfare by ensuring our tribal and state's groundwater is free of contaminants.

Because of the Havasupai Tribe's ongoing advocacy ADEQ has now changed course and agreed with the Tribe's position that the proposed permit amendment should be classified as an "other" amendment. This means the proposed amendment will be subject to public notice. While ADEQ is

not required to accept formal comments under an “other” amendment, we ask you to join the Havasupai Tribe in letting ADEQ know that attempting to sneak an amendment by the public, which diminishes environmental regulations and allows for greater pollution of our limited groundwater, is not acceptable. We should all expect more from ADEQ in protecting our precious water resources that benefit not only the Havasupai Tribe but all citizens of the of the State of Arizona. We will continue to fight mightily and not rest until this mine is shut down and Mother Earth is restored and returned to a state of harmony and peace.

Join us, the Havasu Baaja, and numerous other concerned stakeholders in holding ADEQ accountable! Email ADEQ Director Karen Peters at peters.karen@azdeq.gov and tell her to keep the permissible arsenic levels low and alert levels high at the Pinyon Plain Mine. Remind her of her duty to keep Arizona citizens the priority over foreign mining companies!

Submitted by Havasupai Tribal Chairwoman Melinda Yaiva on behalf of the Havasupai Tribe.

Contact Abbie Fink with HMA Public Relations with any questions at 602-957-8881 or afink@hmapr.com.