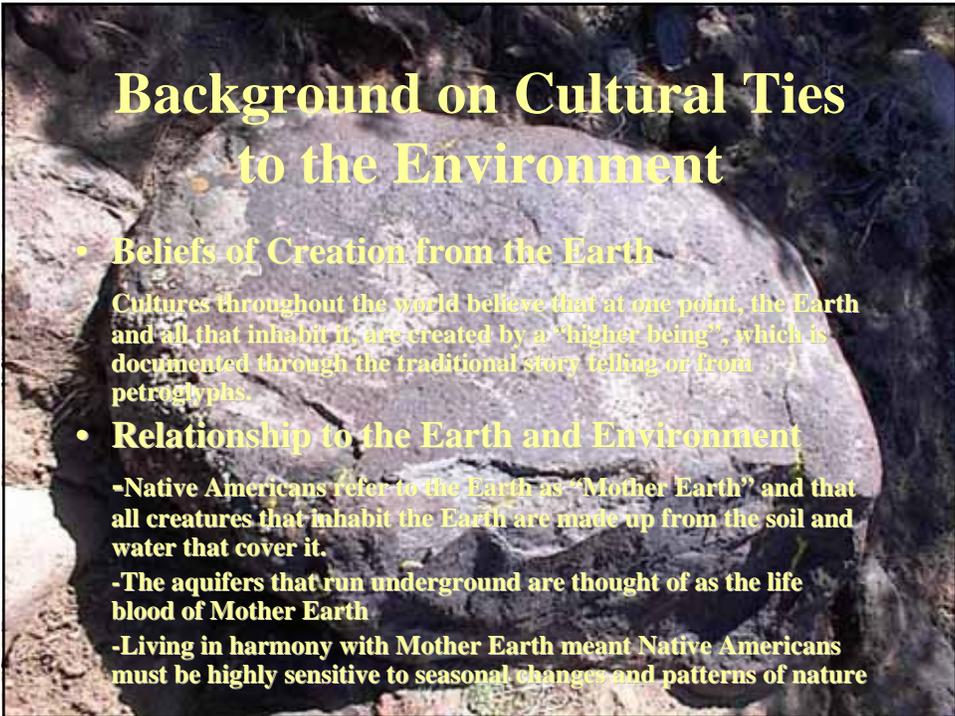




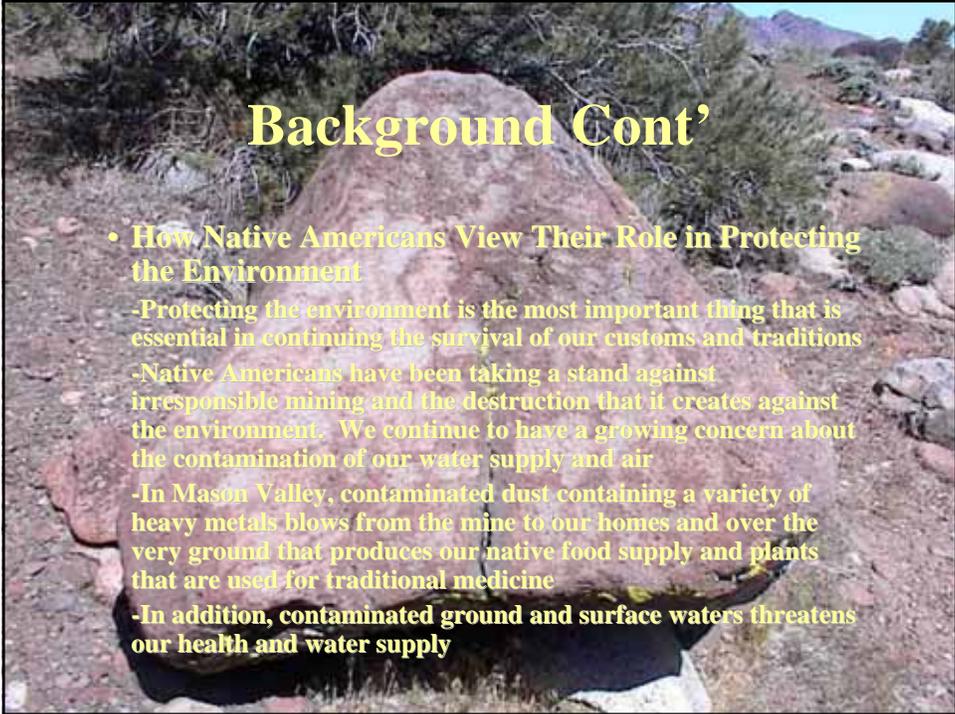
The Mining Impact on a Tribal Community

By: Wayne M. Garcia, Tribal Chairman
Yerington Paiute Tribe



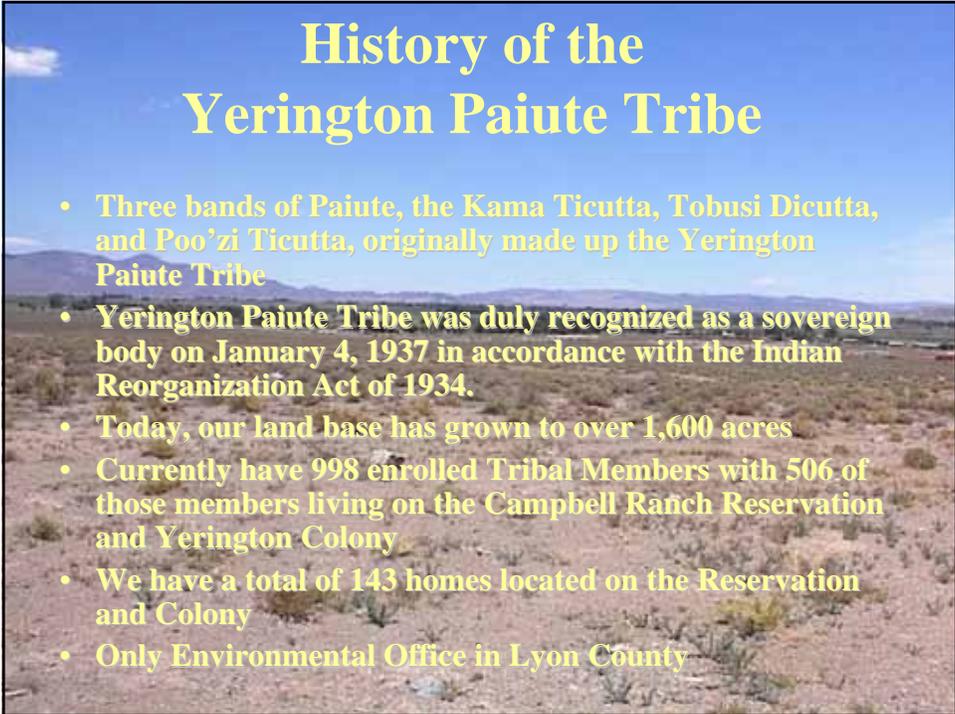
Background on Cultural Ties to the Environment

- **Beliefs of Creation from the Earth**
Cultures throughout the world believe that at one point, the Earth and all that inhabit it, are created by a "higher being", which is documented through the traditional story telling or from petroglyphs.
- **Relationship to the Earth and Environment**
 - Native Americans refer to the Earth as "Mother Earth" and that all creatures that inhabit the Earth are made up from the soil and water that cover it.
 - The aquifers that run underground are thought of as the life blood of Mother Earth
 - Living in harmony with Mother Earth meant Native Americans must be highly sensitive to seasonal changes and patterns of nature



Background Cont'

- **How Native Americans View Their Role in Protecting the Environment**
 - Protecting the environment is the most important thing that is essential in continuing the survival of our customs and traditions
 - Native Americans have been taking a stand against irresponsible mining and the destruction that it creates against the environment. We continue to have a growing concern about the contamination of our water supply and air
 - In Mason Valley, contaminated dust containing a variety of heavy metals blows from the mine to our homes and over the very ground that produces our native food supply and plants that are used for traditional medicine
 - In addition, contaminated ground and surface waters threatens our health and water supply



History of the Yerington Paiute Tribe

- Three bands of Paiute, the Kama Ticutta, Tobusi Dicutta, and Poo'zi Ticutta, originally made up the Yerington Paiute Tribe
- Yerington Paiute Tribe was duly recognized as a sovereign body on January 4, 1937 in accordance with the Indian Reorganization Act of 1934.
- Today, our land base has grown to over 1,600 acres
- Currently have 998 enrolled Tribal Members with 506 of those members living on the Campbell Ranch Reservation and Yerington Colony
- We have a total of 143 homes located on the Reservation and Colony
- Only Environmental Office in Lyon County



Yerington Anaconda Mine Site

Historic Use – Copper Mining

- Empire Mine 1918-1920
- Yerington Mine, operated by Anaconda 1953-1978
- Don Tibbals Construction/Copper Tech 1982-1986
- Arimetco purchased Copper Tech in 1989
- Arimetco operated the mine until its abandonment in 2000
- ARCo acquired the Mine Site in the late 1990's and incurred all of the liabilities invested
- Bureau of Land Management, Nevada Division of Environmental Protection, and U.S. Environmental Protection Agency signed Memorandum of Understanding in March 2002
- An Administrative Order of Consent was signed between NDEP and ARCo in October 2002.

On Site Activity

- State has been involved with ARCo since Nov 1982
- NDEP took over management when site was abandoned in 2000
- EPA and BLM asked ARCo to initiate “short-term actions”, including ground water, surface water, and air quality sampling by Dec 2001.
- Sampling was delayed and limited for onsite monitoring wells, no new monitoring wells and still incomplete domestic well surveys when widespread uranium was found in December 2003.
- Limited temporary capping of material (less than 1%) in January 2002.

Site Activity Cont'

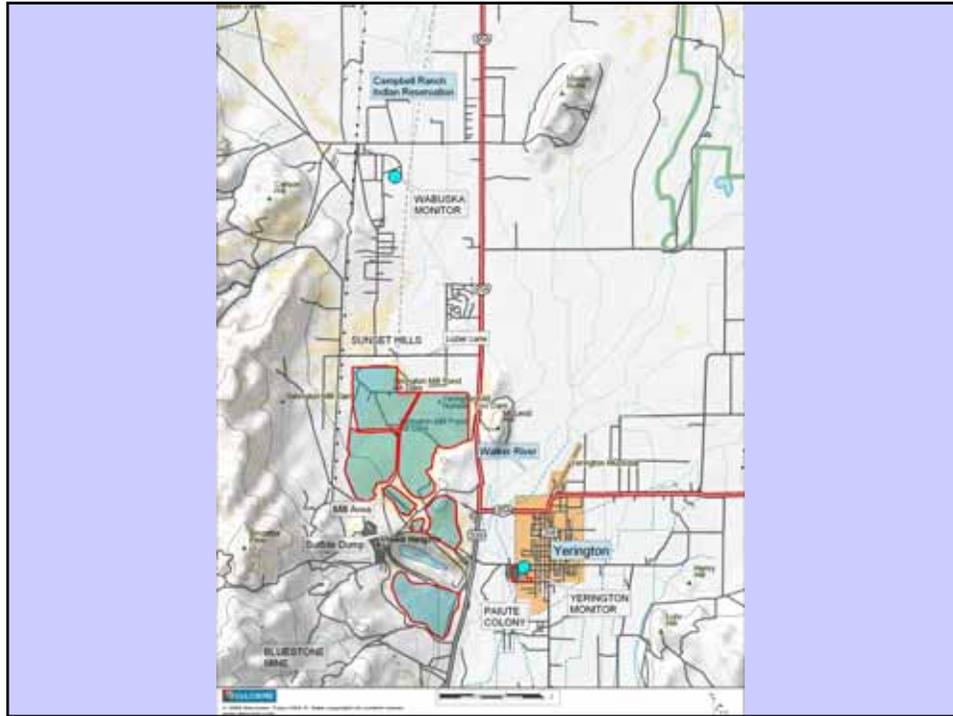
- Statement of Work signed in May 2002 between NDEP and ARCo stating that ARCo will implement the SOW in October 2002
- State of Nevada removed drummed materials and Electro winning fluids beginning in January 2003 and completed in July 2003
- 14 Work Plans have been drafted with only 4 being approved since implementation of MOU. The 4 that have been approved, have nothing to do with remediation at the site
- First real soil sampling to be started on June 15, 2004 on Mine Site

Tribal Concerns

- On March 11, 2004 , the Tribe sent a letter to Governor Guinn outlining 6 requests related to urgent issues at the site. At this time only 2 of those request have been addressed (through alternative channels) and there has been no actual reply to the letter
- Despite an accepted Community Relations work plan, there has been a lack of community involvement. The one community meeting recently conducted was very limited in its scope and left a majority of the residents mystified as to the NDEP actions and intentions at the site
- Failure to meet basic assessment at the site including items specified in the General Notice Letter to ARCo
- Since 2000, the Tribe has requested additional monitoring wells north of the site in the area now found to be contaminated with uranium. Failure to provide basic groundwater monitoring between the Tribe and site despite evidence that this is a significant pathway continues to place Tribal and community residents at risk

Tribal Concerns Cont'

- No Air Monitoring being done on-site
- The current process has failed to provide a plan for assessment of site conditions. The current work plans proposed do not meet the requirements set out in the SOW and are not CERCLA equivalent
- There is no current plan to remediate the site
- Current site safety plans include no provision or monitoring for radionuclides and subsequently fail to meet basic worker safety
- NDEP and ARCo have failed to demonstrate that current measures control releases of hazardous materials from site
- Over the last three years, security at the site has been reduced. Fencing is not adequate and there is no one on site the majority of the time
- Listing the site would increase the regulatory authority of the agencies allowing them to manage ARCo from a position of strength. Listing would also increase resources these agencies could bring to our state and community to address this issue



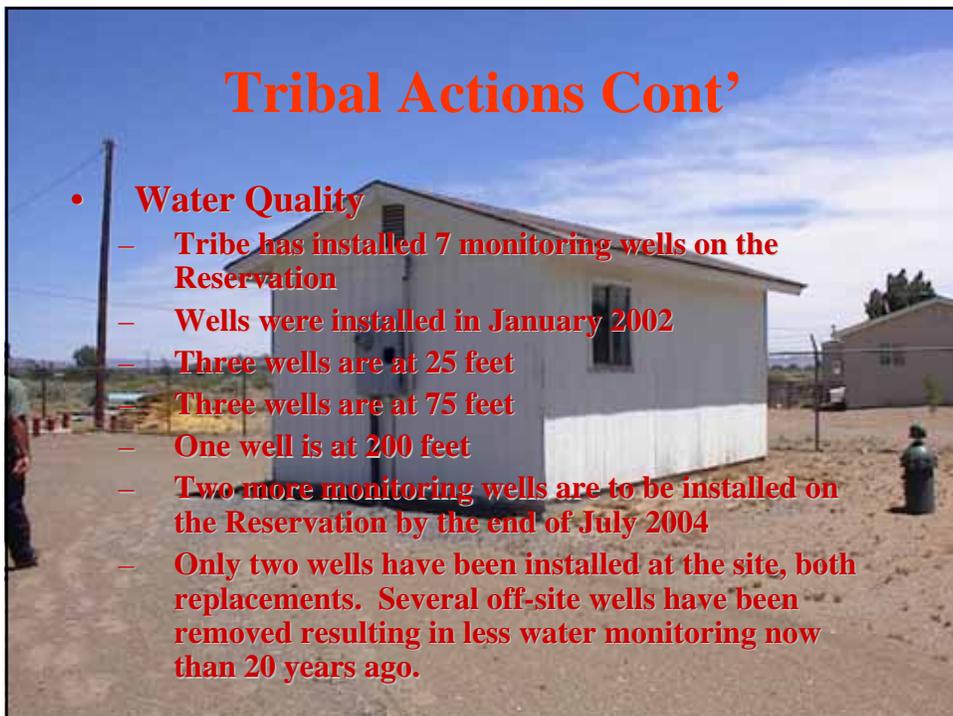
Tribal Actions in Protecting the Community

- **Air Quality**
 - **The Tribe is the only air monitoring in the valley; we have two Air Monitoring stations**
 - **Air Monitors are PM 10 & PM 2.5 plus weather data**
 - **Both have been collecting data for the past 2 years**
- **Currently working to enhance program guidelines that would increase air monitoring**



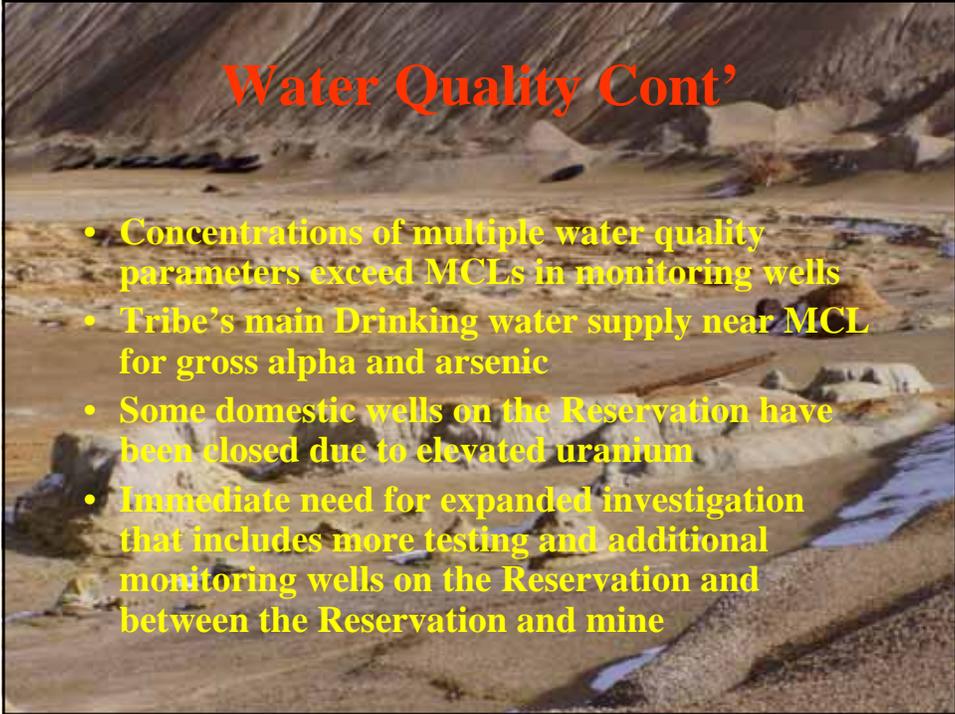
Air Quality (very preliminary)

- PM10 exceeds California standards but is below national standards
- Data on heavy metals still under review
- No radionuclide data for air quality has been done
- Air quality is surprisingly poor since we are in a rural area with very limited industry and development



Tribal Actions Cont'

- **Water Quality**
 - Tribe has installed 7 monitoring wells on the Reservation
 - Wells were installed in January 2002
 - Three wells are at 25 feet
 - Three wells are at 75 feet
 - One well is at 200 feet
 - Two more monitoring wells are to be installed on the Reservation by the end of July 2004
 - Only two wells have been installed at the site, both replacements. Several off-site wells have been removed resulting in less water monitoring now than 20 years ago.



Water Quality Cont'

- Concentrations of multiple water quality parameters exceed MCLs in monitoring wells
- Tribe's main Drinking water supply near MCL for gross alpha and arsenic
- Some domestic wells on the Reservation have been closed due to elevated uranium
- Immediate need for expanded investigation that includes more testing and additional monitoring wells on the Reservation and between the Reservation and mine



Future Plans for the Tribe

- Through funding from USEPA Indian Programs, the Tribe will continue to monitor the site and participate in its remediation
- Continue to generate our own data and review that of other participants
- Despite the lack of support from the state, the Tribe will continue to actively pursue Superfund listing
- Continue to remind the Regulatory Agencies of their trust responsibilities to the Tribe
- Put more pressure on local and state politicians to recognize the problems with the current process and to address the needs of the Tribe and our fellow residents

Primary Goal of the Tribe



To continue to protect the health and welfare of future generations to come