

Chairman LeRoy N. Shingoitewa

Hopi Tribe

Testimony Before the U.S. House of Representatives

Water and Power Subcommittee

And

Indian and Alaska Native Affairs Subcommittee

Joint Oversight Hearing on

*“Protecting Long-Term Tribal Energy Jobs and Keeping Arizona Water and Power Costs Affordable: The Current and Future Role of the Navajo Generating Station”*

May 24, 2011

My name is LeRoy N. Shingoitewa. I am the Chairman of the Hopi Tribe and I represent over 12,000 members of the Hopi Tribe. I am honored to have been given the opportunity to speak on behalf of my people in expressing the Hopi Tribe’s view on the critical issue that faces you – balancing issues of tribal sovereignty, protection of the environment and the cost of the Nation’s energy policies to the people.

My brief remarks concern the Navajo Generating Station (“NGS”) located in Arizona and effect of the Environmental Protection Agency’s (“EPA”) Best Available Retrofit Technology (“BART”) at the NGS’s plant facility.

I have been made recently aware of Mr. Paul Orme’s, General Counsel to several water districts in Arizona, congressional testimony regarding the same subject and I will agree with Mr. Orme on one point “EPA’s ultimate BART decision will significantly impact the people and economies in and around Page, including the Hopi and Navajo Reservations. Their stories deserve to be heard ...” but not with the Mr. Orme’s characterization of a “story”, rather, it is our voice... the Hopi people and our story is not yet complete.

In March 2010, the Hopi Tribe submitted written comments on the Environmental Protection Agency’s Rulemaking regarding Best Available Retrofit Technology for Nitrogen Oxide Emission at the Navajo Generating Station (Docket Number EPA –R09-OAR-2009-0598). I wish to introduce these supporting documents in conjunction with my testimony.

As background for the sub-committees, the Hopi Reservation is isolated, rural and “landlocked”. The U.S. Census reports that approximately 7,000 Hopi people live on the Hopi Reservation. We have lived in our villages on the Black Mesa since prehistoric times. Of the twelve (12) Hopi villages, Oraibi is referred to by anthropologists as the oldest continuously inhabited settlement in North American, dating to at least 1100 A.D.

The Hopi Reservation is ninety miles from any non-Indian community, thus limited access to any economic development centers is an understatement. The Hopi Tribe has no on-site industrial development and, other than coal, the Hopi resource base is extremely limited. In addition, the Hopi Tribe has chosen not to follow the path of other tribes which have built large gaming institutions to secure their economic stability; the voters of the Hopi tribe have rejected in two referenda.

For almost four decades, the Hopi Tribe has provided coal and water to NGS. While the Hopi Tribe has not been a formal partner in the ownership and operation of the NGS plant, there is no question that the Tribe's current economic security is fundamentally tied to the ongoing operation of the plant.

More than eighty percent (80%) of the Hopi Tribe's budget is dependent upon NGS derived revenues which in fact directly impact nearly every aspect of Hopi life, including the education of Hopi young people, health and social service programs, governmental infrastructure and many other essential tribal programs.

We can recite the U.S. Census economic profile for the Hopi Tribe, almost 40 percent of the Hopi homes lack complete plumbing facilities, and more than 35 percent lack complete kitchen facilities. More than 44 percent of Hopi families with children under the age of 18 live below the national poverty level. The figure rises to more than 50 percent below the poverty level for families with children below the age of 5 years old. I can visually illustrate that the living conditions on the Hopi reservation in the context of water consumption. Hopi per capital use of water – that is the amount of water used for all household, municipal, commercial and industrial development calculated on a per-person basis is one tenth of the use of a suburban community household. Many Hopi people still must haul their daily water supply in barrels in the back of their pick-up trucks from community wells.

The Hopi Tribe's coal resource is distant from rail transportation links that it would not be economically feasible to be sold to another buyer at this time.

In 2010, the Hopi Tribe has asked EPA to weigh its obligations to the Hopi Tribe as a Trustee, however, in spite of our request, there has been no mention by EPA in the Federal Register of the economic impact of its decision on the Hopi Tribe. There is discussion concerning the economic impacts to utilities and other owners of the plant, and there is discussion of the impact on rate payers. In contrast, with respect to EPA's Trustee relationship and responsibilities to the Hopi Tribe, there was no consideration whatsoever to the trustee relationship and the impacts of the decision on the Hopi Tribe.

There is no mention that exercise of EPA's authority would have severe and immediate economic impacts on the Hopi Tribe including rising unemployment, severe curtailment of social programs, slowing of capital advancements, weakened tribal government infrastructure programs, and other indirect economic losses. Finally, the implementation of the BART decision would undermine the Hopi Tribe's ability to maintain its homeland.