



H₂OPI TUTUVENI

News from Black Mesa Trust : Informing, educating and empowering Hopi Sinom.
P.O. Box 33 Kykotsmovi, AZ 86039 Second Issue Year 2019

Sakwava Springs - Blue Springs & Sípàapu

The headwater of Saquavi, according to a preliminary hydrological study, is Black Mesa. The U.S. Office of Surface Mining, which regulates Peabody Coal and water mining, does not study the impact of massive groundwater mining on Sípàapu because they say Sípàapu lies outside of the Black Mesa mining area; therefore, OSM has no authority or obligation to conduct an Environmental Impact Study.

PROPOSAL TO CONTRUCT SEVERAL DAMS IN THE VICINITY OF SÍPÀAPU AND BLUE SPRINGS



SAKWAVA—BLUE SPRINGS

Courtesy Photo: Jordan S. Masayesva

Pumped Hydro Storage LLC has filed a preliminary permit application with the Federal Energy Regulatory Commission to construct two dams in Little Colorado River (LCR) on Navajo Reservation. If it becomes a reality, it will devastate Sípàapu, Sakwava and other religious shrines. Sípàapu is the heart and birthright of the present civilization. It is passageway to our spiritual world.

Water from Sakwava is bigger than all springs combined which seeps out of LCR canyon walls ...yielding 160,000 acre-feet per year. The source of the spring is Black Mesa and Shonto watershed.

“Providing approximately \$3 billion in investments to create jobs and stimulating the Navajo Nation and Arizona economy.”

Another reason why Sípàapu could die is the devastating decision by Hopi’s claim to Little Colorado surface river is over. Hopi lost. One of the main reasons the Apache County Court used to come to this devastating decision is Hopi Land Claim Settlement. In this settlement the HTC accepted \$5 million from the U.S. government in 1976. The Court said by accepting the money Hopi tribe extinguished all its aboriginal rights to its ancestral homeland outside of the 1882 Hopi Executive Order Reservation, set up by the U.S. President.

We have reached a time in our history where we must do ALL we can do to save Sípàapu and to challenge the Arizona Court’s decision. The letter has to be done by the Hopi traditional leaders and religious practitioners, not the HTC, who lost the legal battle. Hopi Tribal Council is prohibited from taking the decision to federal court. The Hopi Tribal Council lost its legal battle to bring water from LCR to the Hopi Reservation.

WATER IS LIFE



SAVE H₂OPI

*Reschedule : "Hopi Elder—Youth Gathering November 25, 2019:
"Hakim Hopiid?"*

With limited time available (9 a.m. – 3 p.m.) the only thing we can do is cover a brief history of "Itam Hakim Hopiid."

We will begin with a place called Palatkwapi, located somewhere in Mexico. We will explain why the ancestors decided to leave this place wandering through the desert for hundreds of years and finally arrived here on a region now called Colorado Plateau, the Fourth World.

Here they met Ma'sau, a farmer in a dry barren desert. The ancestors asked: "May we stay here with you?". He said it was up to them and explained that living here as a farmer is hard. He explained how he has managed to survive in what looked like a waterless world. He showed the ancestors three things he used to survive: an ear of corn, a gourd of water, and a planting stick. Then Ma'sau said that if they decide to settle here, they must agree to follow his path, his way of life and to help him take good care of the land.

The ancestors agreed and made a sacred agreement to start a new civilization based on principles taught by Ma'sau.

Ma'sau told them that before they settle, they must first travel throughout the Colorado Plateau and build temporary villages and writings on the walls. This would be the "footprints." They were to keep traveling until their wise leaders sees a sign to return to Ma'sau and start building permanent villages.

Ma'sau said this was important because another race of people are coming. Unlike our ancestors they will not ask permission to stay. They will just take over the land. With each step they will say: "This is mine, this is mine, this is mine . . ." they will take possession of Hopi ancestral lands and introduce their way of life. The details following will come later.

Our purpose is to get students excited to learn their history and be proud they are descendants of the wise ancestors who created the classic traditional Hopi Way of Life.

Hopefully, we will motivate students to become involved to Save Sípàapu and our Mother. We need to keep stressing our belief that Sípàapu is the heart of our Earth Mother, we call Hahai i' wuti.

After lunch: We will address two major crisis we are now facing : 1) AZ Court decision to deny Hopis water right to Little Colorado River and 2) proposed construction of several dams in LCR canyon near the vicinity of Sipaapu, Blue Springs and other sacred sites.

When I was a student at ASU, I met and befriended a man named Peter Nuvamsa, Sr. He became my teachers, my mentor. Peter said one day he wants young people to learn about the Hopi way of life, then go to the "outside" world to experience and learn about the Pahaana way of life. Then use the good things of both worlds by intertwining them to keep Hopi culture alive and vibrant in a highly technological world we are now living in.

Water is Life



Stanford Law Review Volume 71 April 2019

ARTICLE Bankruptcy as Bailout: Coal Company Insolvency and the Erosion of Federal Law

Abstract. Almost half of all the coal produced in the United States is mined by companies that have recently gone bankrupt. This Article explains how those bankruptcy proceedings have undermined federal environmental and labor laws. In particular, coal companies have used the Bankruptcy Code to evade congressionally imposed liabilities requiring that they pay lifetime health benefits to coal miners and restore land degraded by surface mining. Using financial information reported in filings to the Securities and Exchange Commission and in the companies' reorganization agreements, we show that between 2012 and 2017, four of the largest coal companies in the United States succeeded in shedding almost \$5.2 billion of environmental and retiree liabilities. Most of these liabilities were backed by federal mandates. Coal companies disposed of these regulatory obligations by placing them in underfunded subsidiaries that they later spun off. When the underfunded successor companies liquidated, the coal companies managed to get rid of their regulatory obligations without defaulting on the pecuniary debts they owed to their creditors. **Joshua Macey & Jackson Salovaara***

This Poem written By Nathaniel Rogers
and Denise Masayesva and is

DEDICATED TO HOPI ELDERS

VISION A DREAM

It is a vision....

*A Dream; we all have,
It is a world
Even "Perfect" can't describe:*

Walking through the bright side

*Somewhere along the road,
Where many have lost their respect
for each other and Nature.
Where people take,
But not give.*

What has happened to us?

*Where is the Peaceful Place you
once gave to us?*

The respect we once had

*Won't you help us once more to
Walk through the bright side again?*

*Where corn grows tall.
Where the rain comes
from the purity and wisdom
of the hearts of the Hopi men and women
giving of themselves to each other and Nature:*

It is a vision

*A Dream we all have
It is a world
Even "Perfect" can't describe.*



Standing
at
the
crossroads..

***Standing at the Crossroads, Grandpa,
Please show us the way.***



Commentary

By VERNON MASAYESVA



After 30 years of fighting to settle the water rights to the Little Colorado River (LCR) the Hopi Tribal Council (HTC) has suffered a major defeat

The Arizona Court Judges said the HTC lost its water rights when the Council accepted \$5 million from the U.S. Government to settle Hopis' claim to Hopi ancestral lands.

On October 15, 1976, the HTC passed a resolution accepting the \$5 million Land Claims Settlement (Docket 196) on behalf of the Villages of First Mesa Village, Mishongnovi, Shungopavi, Kykotsmovi, Oraibi, Bacavi, Hotevilla, Upper and Lower Moencopi.

By accepting the \$5 million, the political leaders extinguished Hopi aboriginal-ancestral homelands outside the small Hopi Reservation that was set up by the U.S. President in 1882. In simple language, "Council momgwit ita Tutsquay huyaya": Hopi lawmakers sold our land.

This is documented in a report by Peter Whitely, who was hired by HTC as an expert witness in the Little Colorado River Water Rights Adjudication.

HTC accepted the \$5 million under pressure from officials of the Bureau of Indian Affairs who used John Boyden to get Hopi lands back. Boyden knew that the purpose of the Land Claims Settlement Act was not to return Indian aboriginal lands to tribes, whose land was illegally taken by the U.S. Government, but it was to pay tribes for unfair taking of aboriginal lands. Boyden never explained this to the Hopi people. "Pam itamumi inurs atsta!"

Because the Hopi Tribal council lost our right to LCR, we cannot use it to save Sípàapu. Sípàapu is the heart of Hopi religion and birthplace of our present civilization. It is the passage way to the Spirit World. When we die, the people with good hearts join the ancestors in the Spirit World. Sípàapu is a gateway to our heaven.

The Indian Land Claims Settlement Act requires a distribution Plan be reviewed and approved by the Secretary of the Interior. The last deadline for this "plan" ended about 20 years ago. The question is whether the HTC is working on a Distribution Plan on how \$5 million, with interest earning, will be spent?

Failure to adopt a plan suggests that Hopi people are telling HTC legislators that their ancestral lands are not for sale, and that they will never accept the decision, which was done through fraudulent means.

There are ways, we the Hopi people, can save and protect Sípàapu. This is the time to put aside our differences and stand together to save the birthright of future generations and to save Hopi culture.

As an elder said, "No one is going to do it for you, you are the ones you are waiting for."

Special Thanks to those who continue to believe in our mission: David Samuel Orr Fund for the Earth, Lenfestey Family Foundation, Colorado Plateau Foundation, Janet Lawson Foundation, Peter Coyote, SB Foundation, Honor the Earth, Fonda Family Foundation, San Manuel Band of Mission Indians, Casey Danson, John Boyd, Bonnie Raitt, Jackson Browne, Sandy Fox and many volunteers helping in areas of research: Ernest Tahoe, Glen Manygoats, Vincent Yazzie, Ed Becenti, Al Qöyawyma, Daniel Higgins, Garret Rosenblatt, Lowry Burgess, Grand Canyon Trust CUPI NAU Students. One donor wishes to remain anonymous.

Send your donation to:

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