



SOUTHERN UTE INDIAN TRIBE

FOR MORE INFORMATION CONTACT

Marvin Pinnecoose, Chairman – 970.563.2402

Summer Begay, Communication Specialist– 970.563.2313

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Recovery to Resilience: Advancing Safety and Quality of Life on the Reservation after the Enterprise Spill

Southern Ute Indian Reservation - In December 2024, a catastrophic failure was identified on a 10-inch pipeline transmitting refined gasoline operated by Enterprise Products of Houston, Texas. Enterprise currently estimates that about 97,000 gallons of gasoline were released, making it the largest pipeline spill in Colorado and one of the largest in the country. It is impacting the groundwater on which residents rely for drinking water and agricultural development. As the contamination plume dissolves and migrates, it continues to pose a risk to the Animas River.

Because the leak occurred on private fee land within the Southern Ute Indian Reservation, the State has exercised jurisdiction, in collaboration with the Tribe and the EPA. However, due to lack of resources, the State's ability to address the spill and require remediation has been limited. Therefore, the Tribe has been monitoring the spill to help ensure the health and safety of Reservation residents.

The Enterprise spill highlights two pressing and immediate concerns.

First, the aging Enterprise pipeline needs to be replaced. The pipeline is 40 years old and utilizes outdated technology. After discussions with the Tribe and in recognition that there are more advanced and protective technologies available, Enterprise will be replacing the pipeline within the Reservation boundaries. Enterprise will be reaching out to those landowners who have previously granted a right-of-way across their land to allow them to initiate the process of replacing the aging line. We encourage everyone to work cooperatively so the pipeline can be replaced quickly. The Tribe believes that this step will significantly reduce the risk of another devastating release of gasoline on the Reservation and is a strong step towards community safety.

Second, the release underscores the need for Reservation residents to have access to a reliable source of clean drinking water. The Tribe is considering options to address that.

In 1988, Congress enacted the Colorado Ute Indian Water Rights Settlement Act of 1988 with the support of the Southern Ute Indian Tribe, the Ute Mountain Ute Tribe, and the State of Colorado. That legislation, as amended in 2000, confirmed the Southern Ute Indian Tribe's significant water rights throughout its Reservation, and re-authorized the Animas-La Plata (ALP) Project, which had initially been approved by Congress in 1968. The terms

of the water rights settlement included storage of a portion of the Tribe's water rights in a reservoir now known as Lake Nighthorse.

As outlined in that legislation, one of its major goals was to ensure that the Tribe had an opportunity to derive a benefit from the use of its water rights. However, over the past three decades the Tribe has faced challenges in achieving that goal due to the absence of necessary infrastructure to access its ALP Project water. Today, the Tribe is addressing that challenge as it considers the construction of a water line that would bring its ALP Project water to the Reservation.

Over the next several months, the Tribal Council will be considering its options. Pursuant to the 2000 Settlement Act Amendments, the use of the ALP Project water is limited to industrial and municipal purposes, both categories of use that are in critical need within the Reservation community. While the Tribe operates the Southern Ute Utilities Water Program which provides reliable drinking water to members of the Tribe and the community members in Ignacio, there continue to be many Tribal members and other Reservation residents who have no access to public water distribution systems and rely on wells or water deliveries for their drinking water. This problem is exacerbated by the Enterprise spill, which has resulted in the contamination of over 110 acres of the drinking water aquifer, and will continue to result in the further contamination of drinking water for numerous Reservation residents. In addition, the Tribe must consider opportunities to provide reliable water to promote much needed economic development within the Reservation, including commercial and residential development for all community members in collaboration with our County partners. We must look at innovative ways to support economic development and employment in this area of the County. We foster positive relationships with dignity. The Tribe will be exploring all options for the benefit of the Tribe and the Reservation community.

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