



Carrizo/Comecrudo Tribe of Texas
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To all Concerned,

I am resubmitting a request for more information on historical records that were to be recorded prior to the uncovering of the Mine in Eagle Pass. This correspondence is in reply to your August letter justifying the water contamination of the creek with Mining water. It seems that some violations on incomplete reports have been made. The Carrizo/Comecrudo Tribe has had a relationship with Texas prior to Statehood. We were recognized by the RRT when running rail through those counties of Maverick, Sutton, and Val Verde Counties.

Surface coal mining by Dos Republicas in Maverick County is a serious matter. Along with damage to flora/fauna and public health issues, irreparable damage to historic sites and damaged relationships with American Indian Tribes are also of great concern. Specifically, 1) there was an incomplete National Historic Preservation Act Section 106 process, 2) there has been no accountability for historic sites already destroyed through mine construction operations, 3) there was, and is, no Native oversight of ongoing activities to protect against further damage, and 4) no consultation with American Indian nations as required by the policies of all federal programs (and consequently devolving upon state entities funded by, or partnering with, federal programs) has taken place.

First, seven sites were determined to be potentially eligible for inclusion on the National Register of Historic Places. There is no indication in any of the records that this process was finished. What is the status of these sites? When will the process be completed? What protections are in place? In dealing with a mining company that has already been cited for numerous violations, what guarantee exists that they will report new sites that are discovered? The U.S. Army Corps of Engineers (USACE), one entity primarily responsible for oversight, stated informally at an August 2015 hearing in Eagle Pass that they do not know the status of this process.

Second, a 1994 letter from the U.S. Environmental Protection Agency (EPA) to the Texas Historical Commission (THC) stated that mine road construction had probably impacted at least four historic sites. There was concern that no consultation between the EPA, The THC and the Railroad Commission of Texas (RCT) had taken place prior to the onset of construction. What was the response of the RCT to that concern? How many other sites have been destroyed because of nonexistent or inadequate oversight? How was the mine held accountable for previous destructive acts?

Third, who acts as a watchdog over potentially destructive mining construction activities? Why has no Native professional (historian, anthropologist, community leader, etc.) been designated to

monitor activities with full access to mining construction areas? This should be established immediately.

Fourth, why has no consultation with affected American Indian nations and communities taken place? The EPA and USACE policies are very clear: effective consultation must happen before and during all activities that potentially affect the Tribe. No evidence exists that any meaningful dialogue has taken place in the past 20 years! When the Comanche Nation recently learned of the mining activities, their government immediately issued a resolution opposing the mine until consultation is completed. Other Indian nations are considering similar resolutions.

Texas has, arguably, the greatest legacy of physical and cultural genocide toward Native Peoples of any U.S. state. The absence of authentic consultation with American Indian nations, the failure to protect historic sites, and the lack of accountability for previous acts of destruction by the mine are evidence that the cultural genocide continues. **All mining operations need to cease** pending full implementation of consultative and protective measures, including the on-site presence of Native professionals and community representatives. It is essential that you act expeditiously to prevent further “bad acts” by Dos Republicas.

Thank You,

Juan B. Mancias