

Congress of the United States
Washington, DC 20515

October 30, 2019

Acting Director Darryl LaCounte
Bureau of Indian Affairs
1849 C Street NW
Washington, D.C. 20240

Regional Director Amy Dutschke
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Acting Director LaCounte and Regional Director Dutschke,

We're requesting a written plan and timeline to clean up all the debris, waste, and other remnants of the Sun Valley Recycling Center (SVRC) on allotments 292, 294, and 296 on the Torres-Martinez Desert Cahuilla Indians' (Torres-Martinez) reservation with the objective of preventing future environmental and public health hazards.

In late September, students at Desert Mirage High School in Thermal, California reported difficulty breathing and other symptoms associated with smoke inhalation from ongoing fires at the nearby Sun Valley Recycling Center. An investigation revealed that the BIA had never issued a business permit for the property. In addition, the BIA delivered trespassing orders to the SVRC owner and the landowners – the Ibanez family – on November 13, 2015 and November 15, 2017. The BIA failed to enforce these repeated trespassing orders, despite several fires on the property, and as a result, neglected their responsibility to both the Torres-Martinez tribe and the local community.

We are very concerned that the BIA only acted to enforce the outstanding trespassing orders after the emergence of a public health crisis, increased public pressure, and Congressional oversight. After an inter-agency meeting at the office of Representative Ruiz on October 9, the BIA finally issued a cease and desist order on October 16. This order requires the owner to vacate the site and also provides BIA with the authority to conduct a full appraisal of the trespassing damages.

For more than two weeks, a 35-acre fire has engulfed the property, resulting in the week-long closure of Coachella Valley Unified School District schools after multiple students were transported to the hospital by ambulance with symptoms associated with smoke and particulate matter inhalation. In addition, one BIA firefighter was taken to the hospital for injuries sustained battling the blaze. None of this would have occurred if the BIA had worked to enforce the initial trespassing order almost four years ago.

At the October 9 meeting, a three-pronged action plan was established to shut down the environmental hazard caused by the unpermitted waste operation, clean up the property, and prevent these environmental and public health hazards from occurring on this property and other lands under BIA jurisdiction.

Please respond to the following questions within 30 days as they relate to the closing of the environmental hazard on allotments 292, 294, and 296 and subsequent cleanup:

Close:

- How will the BIA enforce the cease and desist order issued on October 16?
- How will the BIA secure the property at the conclusion of the Martinez Fire to prevent both new fires and potential illegal dumping?
- What coordination or assistance will BIA require from other federal, tribal, state, or local agencies to accomplish either of the questions above?

Clean:

- What steps have already been taken to clean up all the debris, waste, and other remnants of the Sun Valley Recycling Center?
- What is BIA's plan – including a timeline, steps, and mechanisms – to clear the land of all debris, waste, and other remnants of the Sun Valley Recycling Center?
- How will BIA conduct an appraisal of the damages caused by the trespassing referenced in the cease and desist order; how will this fine contribute to the clean-up efforts?
- What coordination or assistance will BIA require from other federal, tribal, state, or local agencies to accomplish the cleanup efforts?

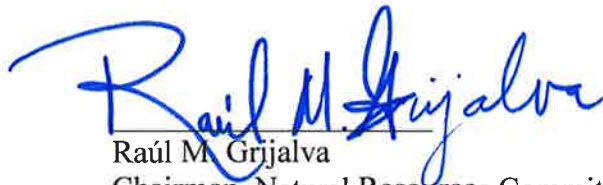
It is of the utmost importance that the BIA uses all available authorities and resources to right this environmental injustice. It is unacceptable that the BIA allowed an unpermitted company to trespass on tribal land for almost four years at the expense of the local community. It is the mission of the Bureau of Indian Affairs to enhance the quality of life for tribes and tribal members, and the Bureau should always strive to protect the well-being of people no matter their economic status, and it greatly concerns us that the health of children suffered as a result of BIA inaction.

Thank you for your attention to this important issue and we look forward to continuing to work with you to clean the damaged land and prevent this from happening ever again.

Sincerely,



Raul Ruiz, M.D.
Member of Congress



Raúl M. Grijalva
Chairman, Natural Resources Committee