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FOR IMMEDIATE RELEASE

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**Hopi Tribe Disagrees with Finding of
No Jurisdiction to Hear Arsenic Case**

The Hopi Tribe was advised on Thursday that the Court of Appeals for the Federal Circuit has affirmed the United States Court of Claims' finding of no jurisdiction to hear the Hopi Tribe's case against the United States seeking damages being incurred by the Tribe to upgrade the drinking water systems for several Hopi Villages with unsafe levels of arsenic. The United States designed, installed, and operated the effected drinking water systems before turning them over to the Hopi Villages.

The court recognized that the United States has a duty to prevent others from reducing the quality of a tribe's water resources, but nonetheless, found no cognizable duty giving rise to jurisdiction in the Claims Court for the Hopi Tribe's case: "Congress accepted a fiduciary duty to exercise those rights and exclude others from diverting or contaminating water that feeds the reservation."

Chairman Herman Honanie expressed his disappointment with the court's ruling: "The Hopi Tribe remains committed to assist the affected Hopi villages in providing safe drinking water, and will continue to work to ensure that the United States remedies the unsafe arsenic levels in these water systems that it designed and installed." The decision is under review by the Hopi Tribe's Office of General Counsel.

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