

LET YOUR VOICE BE HEARD!

***ATTENTION to all who wish to protect our community drinking water!
Please attend the upcoming PUBLIC HEARINGS on Peabody's
Black Mesa Mine Project held by the
U.S. Office of Surface Mining!!***

Black Mesa Project Draft Environmental Impact Statement (EIS) Public meetings schedule:

- ❖ **Window Rock, Arizona** - January 2, 2007, 6pm – 9pm in the Resource Room at the Navajo Nation Museum, Highway 64 and Loop Road.
- ❖ **Forest Lake, Arizona** - January 3, 2007, 6pm – 9pm at the Forest Lake Chapter House on Navajo Route 41 about 20 miles north of Pinon, Arizona.
- ❖ **Moenkopi, Arizona** - January 3, 2007, 6pm – 9pm at the Community Center.
- ❖ **Kayenta, Arizona** - January 4, 2007, 6pm – 9pm at the Monument Valley High School cafeteria, north Highway 163.
- ❖ **Kykotsmovi, Arizona** - January 4, 2007, 6pm – 9pm at the Veterans Center.
- ❖ **Peach Springs, Arizona** - January 9, 2007, noon to 3pm at the Hualapai Lodge, 900 Route 66.
- ❖ **Kingman, Arizona** - January 9, 2007, 6pm – 9pm at the Hampton Inn, 1791 Sycamore Avenue.
- ❖ **Leupp, Arizona** - January 9, 2007, 6pm – 9pm at the Leupp Chapter House on Navajo Route 15.
- ❖ **Winslow, Arizona** - January 10, 2007, 6pm – 9pm at the Winslow High School, Student Union, 600 E. Cherry Avenue.
- ❖ **Laughlin, Nevada** - January 10, 2007, 6pm – 9pm at the Laughlin Town Hall, 101 Civic Way.
- ❖ **Leupp, Arizona** - January 11, 2007, Noon to 4 p.m.. Leupp Chapter House on Navajo Route 15.
- ❖ **Flagstaff, Arizona** - January 11, 2007, 6pm – 9pm at the Little America Hotel, 2515 East Butler Avenue.

This may be your only opportunity to speak before the Federal Government on these issues.
Some key talking points are listed on the back.

Please come and address any and all of your concerns.

You may comment in one of several ways: in writing, email, orally at one of the above public hearings. All comments are due into OSM **by February 6th, 2007.**

Email comments to: BMKEIS@osmre.gov. In the subject line of your email, please indicate that comments are for the "BMP Draft EIS Comments."

Letters can be sent to: Dennis Winterringer, Leader of the Black Mesa Project EIS, Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, P.O. Box 46667
Denver, CO 80201-6667.

**To view OSM documents about Peabody's new plan, log onto:
www.wrcc.osmre.gov/WR/BlackMesaeis.htm**

Key Talking Points when speaking before the Office of Surface Mining

The BMP DEIS does not adequately study a variety of Alternatives - *There are only three alternatives reviewed in this DEIS, and one of them is “no action”. While we encourage the alternative of “no action”, the remaining 2 alternatives reviewed are inadequate and only look at water as a means to transport coal. OSM’s “preferred Alternative – A” includes a number of disturbing proposals of which are highlighted in the below talking points.*

- ✓ Only two alternatives were reviewed for the transportation of coal and both include the use of water for slurry transportation. This is inadequate!
- ✓ Peabody’s proposed Black Mesa Mine Project is OSM’s “preferred alternative ‘A’” and has been inadequately reviewed.
- ✓ This proposal is not the solution to global warming and reducing greenhouse gas emissions for the U.S. but instead the Black Mesa Project will increase the effects of global climate change.
- ✓ We support Alternative C – “No Action”
- ✓ We demand OSM analyze a fourth alternative – the “No Water Alternative”. This alternative would transition the Mohave Generating Station into a solar thermal plant and the Black Mesa Mine into a solar and wind farm. OSM can utilize Southern California Edison’s “Mohave Alternatives Study” which examines such an alternative.

The “Life-Of-Mine” Permit & Expansion of mining - *This permit means that the Black Mesa mine will become a part of the Kayenta mine’s Life of Mine permit and that Peabody will have the right to mine coal at Black Mesa at least as long as 2026! Mining in the Black Mesa area would expand into currently undeveloped areas, increasing coal production from 4.8 to 6.35 million tons per year!*

- ✓ **The proposed mine expansion would require the RELOCATION of 17 Black Mesa residents!**

Continued use of “N” Aquifer – *This is unacceptable! Water is scarce in the entire southwest and should not be wasted like this. The U.S. Geological Survey has admitted that the Office of Surface Mining’s (OSM) model to understand the N-Aquifer is outdated and therefore, OSM needs to conduct a new hydrological study to understand the impacts of continued use of the N-Aquifer.*

- ✓ Both the Navajo and Hopi Tribes have passed resolutions ending the use of the N-aquifer for coal slurry by the end of 2005, which Peabody and OSM ignore.
- ✓ Access to N aquifer will increase by 33%, at 6,000 acre-feet annually for the next 20 years. Use during this period will increase, as the production of coal and coal washing is expected to increase.
- ✓ The latest NRDC report shows the N-aquifer has already been irreversibly damaged, and increased withdrawals will further harm N - aquifer springs and washes.
- ✓ The N-Aquifer will be used with no protections to prevent damage.
- ✓ OSM relies on an outdated hydrologic model, which is significantly different from real-world monitoring data. These models need to be updated to account for real-world data!
- ✓ Violations of the CHIA criteria (OSM’s own standard) have indicated material and irreversible damage. OSM appears ready to release new CHIA criteria that minimize these findings.
- ✓ OSM’s own monitoring program shows that some wells are down by 100 ft. and 7 local springs have decreased by 30%. Under federal law, Peabody has to reduce hydrological impact to adjacent communities. OSM failed to meet their own obligations to minimize the hydrological consequences of the withdrawals from the N-aquifer and, in fact, is this permit for Peabody to expand use of the N-Aquifer.

“C” Aquifer – *We don't know what the impacts from pumping the "C" Aquifer would be on surrounding communities that depend on C aquifer for current and future drinking water supply.*

- ✓ **The C-Aquifer well field would result in 55 Leupp area residences experiencing reduced access to their lands or possible relocation.**
- ✓ **The Black Mesa Project EIS continues to rely on outdated hydrologic models, which is different from real-world monitoring data!**
- ✓ **This plan does NOT include water distribution to Navajo and Hopi communities, ONLY to Peabody.** Tribal Water Distribution system is not in the current proposal.
- ✓ There has not been adequate study of the impacts on the hydrological balance within the major population centers of the Black Mesa area on the Hopi and Navajo reservations OR on the surrounding areas.
- ✓ There is inadequate study of the potential impacts on Lower Little Colorado River and potential water shortages to the ever-expanding populations of the Colorado Plateau.
- ✓ The Black Mesa Project EIS only looks at water as a way of transporting coal; it removes from consideration other less-harmful ways of transporting the coal to the Mohave Generating Station.
- ✓ Peabody failed to provide sufficient information demonstrating the C-aquifer is a viable supply of water and that withdrawals will not have adverse hydrological or wildlife impacts.

Coal Washing Facility – *To wash coal before it is slurried is unacceptable. The Southwest is in one of the worst droughts recorded. Coal is one of the dirtiest fossil fuels around, washing coal is not going to help and it is a bad idea.*

- ✓ The project does not include critical data needed to assess the potential environmental consequences of the facility.
- ✓ There is no information provided on the water requirements for this facility and what the potential impacts would be on the N-aquifer.
- ✓ The disposal of wash water and ultra-fine refuse into unlined coal pits that sit above the N aquifer would have adverse effects on both the land and the ground water.
- ✓ There is no discussion on the treatment and release of coal waste generated by coal washing in violation of federal regulations that prevent disposal in unlined coal mine pits.
- ✓ There will be construction and operational environmental impacts of such a large coal washing facility, including diesel exhaust and other air pollution.
- ✓ Compliance with Clean Water Act needs to be followed.
- ✓ A coal washing facility would waste water during one of the Southwest's worst droughts on record, water that should be used for human consumption and agricultural.

Impoundment and Sedimentation – *Due to Peabody impoundments, millions of gallons of water is no longer present resulting in less water for farming, migratory birds and wildlife.*

- ✓ Peabody's use 266 sediment structures & impoundments fails to follow impoundment limits for water sequestration. Even when the Moencopi Wash is completely dry and farmers have no water to irrigate their crops, the water impoundments are still full of untreated and unreleased water. This water should be treated and released for downstream farmers and all living inhabitants of the riparian habitat along Moencopi Wash, providing consistent flows along Moenkopi Wash.
- ✓ The birds that traditionally migrated to Moencopi Wash no longer come because the wash has dried up. Instead of letting the water evaporate in lonely impoundments, PWCC must treat and release impoundment water. OSM must demonstrate they are protecting the wildlife that depends upon this water like migratory birds and endangered species like the Mexican Spotted Owl.
- ✓ Existing impoundments can hold over 5,500 acre feet with an evaporative loss of 1,000 acre feet per year

Subsidence/ Land Disturbance on Black Mesa – Local residents of Black Mesa have documented signs of sinkholes, or subsidence, such as piping and land fractures which indicate groundwater drainage. These are occurring not only in valleys, but also on hills and over vast areas.

- ✓ OSM must investigate the source of these problems and if they are caused from groundwater pumping, OSM must stop PWCC from resuming the pumping of the N-Aquifer.

Effects on the cultural & spiritual practices of the Dine and Hopi People – It is important to preserve the traditional foods and medicines of the Navajo and Hopi people. Peabody's plan could impact the people and culture and the reduction in naturally occurring growth of traditional foods and herbal medicines.

- ✓ Safeguard of Navajo and Hopi livelihood & religion. Water, especially the N-aquifer, is the source of important seeps and springs that play critical roles Navajo and Hopi day-to-day spiritual practices.
- ✓ Preservation of cultural and national heritage and natural resources of indigenous peoples of the southwest.
- ✓ Industrial use of groundwater is disrespectful to water and the people who have depend on this water for countless generations. Water should be used for human consumption and preserve for future generations of Black Mesa and Leupp communities.

★ **There must be an adequate extension of the commenting period for the Black Mesa Project Draft EIS.** OSM has limited the opportunities for participation in the EIS process. There has not been adequate time to review the 758-page EIS and the public hearings are being held during a very difficult time.

- ✓ EIS is a 758-page document that was quietly released without proper notification.
- ✓ OSM timed the release to overlap with Hopi, Christian and Jewish spiritual holidays, limiting these communities ability to review and comment.
- ✓ OSM is holding public hearings during early January when travel due to winter conditions limits our communities' ability to attend.
- ✓ A two-week extension does not sufficiently acknowledge the above problems of this commenting period!
- ✓ We demand at least a 50-day extension of the Draft Black Mesa Project EIS commenting period, in order to adequately review and understand the proposals of this EIS.

Other Issues of Concern:

- **Bonding Issues** – Currently, Peabody has no bond on the ground water, nor has OSM studied what precautionary measures are being done in order to ensure that damage has not already or will be done to the N Aquifer. PWCC must be forced to put up a bond to make sure that if the N-Aquifer is permanently harmed, there will be money to bring other water into the area. PWCC must also be forced to put up a bond to make sure that if more subsidence happens, there will be money to restore the land.
- **This EIS must demonstrate compliance with the Endangered Species Act.**
- **Clean Air Act Compliance** – Local residents that live near the Coal Mine operation have reported health impacts, such as respiratory problems due to the unsettling of soil and silica dust during the operation of the coal mining facilities. Compliance with the protection of human health and the environment has not been addressed and people are getting sick!
- **The Black Mesa Mine currently lacks a coal purchaser.** The only purchaser of the Black Mesa mine coal for the past 30 + years has been the Mohave Generating Station, which recently closed. Salt River Project, the only active owner of the Mohave Generating Station, is funding the Black Mesa project EIS. This means that private funds are being used to fund a public agency and its environmental review! This is a conflict of interest!