

Dirk Kempthorne
Secretary
Department of Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Kempthorne:

I am writing to request your urgent attention and immediate action regarding a matter of highest importance to the integrity of your trust responsibility and to the credibility of the Department of the Office of Surface Mining, Reclamation and Enforcement (OSM).

I request that you direct OSM to suspend all activity on the Black Mesa Project Final Environmental Impact Statement (DOI DES 08-49, OSM-EIS-33). The Record of Decision (ROD) for the Black Mesa Project Final EIS will be announced by Dec. 7, 2008 and I strongly urge you to not give the applicant, Peabody Western Coal Company, a permit to mine more coal in Black Mesa, AZ.

OSM has rushed to approve a life-of-mine permit, first without making the permit revisions sufficiently available for public review, and then without adequate environmental review. The power plant that previously used Black Mesa Mine coal shut down, and there is no other proposed use for the coal whose mining would be permitted by OSM. As a result, there is no actual proposed project involving Black Mesa Mine coal to be analyzed, making the pending EIS not only premature, but in direct conflict with the requirements of the National Environmental Policy Act.

The current proposal would also grant the applicant continued access to Navajo Aquifer water for the life-of-mine operations. For over thirty years, Peabody Coal Company's coal-slurry operation has a depleted precious drinking water and the drying of many sacred springs to the Navajo and Hopi as a result of using the Navajo Aquifer. The Navajo Aquifer is the only source of drinking water for Black Mesa tribal residents. OSM's current proposal to grant a permit for a mine-with no potential customers-and indefinite use of water rights to the Navajo Aquifer is an affront to tribal communities, and if allowed to proceed, would be a clear failure to meet the Secretary of the Interior's trust responsibility to the people of the Hopi Tribe and Navajo Nation.

Thank you for your consideration,

Sincerely,