# Navajos & Hopis Fight Office of Surface Mining's Decision on Peabody Coal's Black Mesa Project

Contributed by Black Mesa Water Coalition
09 December 2008

Denver, CO - A delegation of 35 Navajo and Hopi tribal members met with the U.S. Office of Surface Mining (OSM) on Tuesday to try to stop more devastation by Peabody Coal. The "Record of Decision" (ROD) is the final stage of the permitting process for the proposed "Black Mesa Project."

It would grant Peabody Coal Company a "life-of-mine" permit-- expanded mining operations and rights to tap the fresh water of the already stressed Navajo aquifer.

For three hours the Navajo and Hopi representatives met with OSM officials and presented documents and petitions ratified by their communities that urge OSM to suspend their decision. Their unified statement read, "Although we represent two different tribes, we come today united to protect our shared land and water. Water is the life source to both our peoples, and Peabody has failed to understand this connection. If the Office of Surface Mining grants a permit to Peabody, our way of life and spiritual balance will be severely disrupted and altered. Currently, we are already suffering the damage this industry has caused over the past 30 years. We believe OSM has been negligent in fulfilling the NEPA process, and if OSM issues a "Record of Decision" that would be a breach of the Federal Trust Responsibility. United we ask the Office of Surface Mining to stop the "Record of Decision" process."

OSM Western Regional Director Al Klein stated, "The Environmental Impact Statement process is finalized, the decision before us is very minor, and we are on track to release it on Dec. 15." The tribal representatives expressed the weight of this decision and that it is not a "minor" decision. They also gave testimony to the many aspects of their life, culture, and spirituality that would be severely impacted if the project was approved. Gordon Isaac, a Navajo tribal member and veteran of the Gulf War told the officials, "Peabody is not just digging into topsoil. They are tearing into people's lifeways."

While most of the delegation -- including Hopi Tribal Chairman Ben Nuvamsa -- was inside meeting with OSM officials at their Denver headquarters, 60 local supporters accompanied the rest of the Navajo and Hopi delegation outside to rally, protest, and show support, including dropping a 10ft by 16ft banner from a nearby parking garage that read, "Navajo & Hopi Say NO COAL MINING!" Support was not only outside of the building. OSM's telephone and fax lines were bombarded with calls of support and written requests to postpone the "Record of Decision" (ROD) from across the country, until the next Presidential Administration takes office.

After listening to three hours of emotional testimony, OSM was asked if they would simply consider suspending the record of decision. Director Klein replied, "We have a set of regulations, and when a

company puts on paper in their application how they will fulfill the requirements, we do not have discretion. We have to grant them a permit...At this point we will not be changing the calender of events on this decision."

This decision comes in the midst of Hopi political turmoil. Chairman Nuvamsa came to represent the Hopi and Tewa people in the battle to protect the water and lands from further coal mining in Black Mesa, AZ. "Due to lack of representation on the Hopi Tribal Council, the Village of Tewa was never afforded the opportunity to participate in any discussion of the Draft EIS as it applies to Hopi people and land," stated Chairman Nuvamsa.

"Hopis believe that this time of year is a very sacred and sensitive time that prevents us from stepping outside our home area, because it's the time of renewal for all life. We are taught not to be disruptive and confrontational during this time. It is such a big sacrifice for us to be here in Denver, but OSM continues to release critical decisions during this time; so many of our people have not been able to to voice their grave concerns about this Black Mesa Project. We feel an obligation to our families, clans, and future, so we have come here despite our cultural restrictions." says Racheal Povatah, a Hopi tribal member.

Navajo and Hopi citizens were given 45 days to comment on a revised "Black Mesa Project" Draft Environmental Impact Statement (EIS) and were never offered a public commenting period. Requests for commenting period extensions were denied by OSM as well as requests for OSM to come to Navajo and Hopi lands for question and answer meetings.

Arizona Congressman, and leading candidate for Secretary of Interior in the Obama Administration, Raúl M. Grijalva has asked current Secretary of the Interior Dirk Kempthorne to suspend further consideration of Peabody's permit. "At present, OSM is rushing to approve a life-of-mine permit, first without making the permit revisions sufficiently available for public review, and then without adequate environmental review."

"Mining at Black Mesa has caused springs on Hopi lands to dry up and jeopardized the sole source of drinking water for many Hopis and Navajos," stated Grijalva. "The Secretary, as the trustee for Native American tribes, must ensure that mining is done responsibly on tribal lands and that tribes actually want mining to occur. This project does not meet that test."

In addition, 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 decision not only premature-- but in direct

conflict with the requirements of the National Environmental Policy Act. According to former Hopi Tribal Chairman, Vernon Masayesva, "No customer means no project – you can't do an EIS unless you have a real project, yet OSM is going ahead with getting a life-of-mine permit."

Black Mesa Navajo and Hopi residents are concerned about how this project will impact the future of their homelands given the history of Peabody's unwise use of the Navajo Aquifer. "For decades coal and water from our lands have been taken to power Los Angeles and Las Vegas. Yet, we have have suffered the loss of our sole source drinking water to accommodate the over consumption of these areas," says Wahleah Johns, Co-Director of Black Mesa Water Coalition.

Black Mesa, as well as Big Mountain, is the ancestral homeland to thousands of Navajo and Hopi families and is regarded as a sacred mountain to the Navajo people and plays an integral role in the cultural survival for the future generations of both the Navajo and Hopi people.

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Released Tuesday December 9th, 2008

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Black Mesa Indigenous Support:

http://blackmesais.org/

Black Mesa Peabody Coal Debate by Emily Pavelle:

http://wiki.colby.edu/display/es298b/Black+Mesa+Peabody+Coal+Debate