U.S. Department of the Interior
Office of Surface Mining Reclamation and Enforcement

Proposed Permit Application, Black Mesa-Kayenta Mine, Navajo and Hopi Indian Reservations, Arizona

Volume 2 - Comments and Responses

Final Environmental Impact Statement
OSM-EIS-25

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U.S. Office of Surface Mining Reclamation and Enforcement

Director

HP6960

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MISHONGNOVI COMMUNITY OFFICE

PETITION

ATTENTION:

Hopi Tribal Chairman
Hopi Tribal Council
Peabody Coal Company
Office of Surface Land Mines
Environmental Protection Agency
Bureau of Indian Affairs

A HYDR 03B — Be advised that we the undersigned members of the Village of Mishongnovi are deeply concerned about the affects the mining of coal, by Peabody Coal Company, has had on our water resources. This is most evident in our springs drying up, our farms not producing crops, and our range wells drying up.

B GENR 08 — Our village leaders have been and are still opposed to use of our water for mining operations. Our water is our life and we stand firm with our leaders in opposition to future use of our water for this purpose.

C HYDR 01A — Future negotiations for new leases or extensions of permits must have village input. Alternative methods for transportation of coal must be found.

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D GENR 04

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PETITION FOR THE ELDERLY TRADITIONAL NAVAJOS AND THEIR CHILDREN (THE YOUNGER GENERATION), WHO ARE THE PRESENT RESIDENT WITHIN THE PCC LEASED AREA

A SOC 05

We, the Traditional Navajos and families who residence within the PCC Leased Area are petitioning this to the Navajo Tribal Government, the Federal Government(OSM) and the Peabody Coal Company.

We have lived all our lives and our children have been raised at the same place we live now. We believe that we have been ignored, most neglected, most impacted, most misused, most misunderstood and most misinterpreted. We also believe that we have been left out of(forgotten and never discuss) any of the negotiation between the Navajo Tribal Government, The Federal Government, and the Peabody Coal Company. The impact reports and other studies in the past have little or nothing to say about the decline of our well-being in every area of our livelihood. If the mining is going to go on, we would like to request for a better communication between the traditional people who living in the PCC Leased Area. and the Peabody Coal Company. We are told that we are getting many benefits from the mine but we don't see any and if there are any benefits where do they go?

We are requesting the follow:

1. Better communication (an interpreter who can write down what we say in the Navajo language and could have them document. We would like to have all the promises of the Peabody documented so there will be no more word of mouth promises.

2. Public safety training for the families living in the PCC Leased Area.

3. Discussion of how to channel some of the benefits to the the residents of the PCC Leased Area. Such benefits as: Jobs priority for the local residents and etc.

B GENR 04

	NAME	CEN#	AGE
1.	Marie Lahe	501853	
2.	Sheila Yazzie	304-973 (527-86-7874)	24
3.	Elsie Begay	507,375	29
4.	Mike Benally		
5.	David Benally Jr.	501,515	
6.	Norman Benally	507,377	24

228

gentlemen, and I hope that our comments will be taken seriously, and that some of these directions are taken into consideration. Thank you.

229 MR. JOHN GREGG: I would like to make a few statements. My name is John Gregg. I live right across the street over here. Now I just want to get this straight. Now you are here to ask us if it's okay if you have Peabody come over here and make this really big swimming pool, but where are you going to get the water to put in it? What good is all of these reservoirs without water? I don't want that.

I was born here, and I spent my earlier years here, and I remember water down there, more often than now. My mom use to tell me to stay away from there. That main reason was because there was always water.

The water has gone down, and my answer to you being here is no, we don't want that. They can just build a rail to take the coal down there to Winslow like before. These people need the water. All they are doing with it is taking coal. That is their own purpose of the water.

A HYDR 01A

We have a few more purposes for that water here. There is a lot of water going out of here, a serious amount. On any one given day, the amount of water they put through there would keep these fields for some of these people, wet all year around. Have any of you been over there to see how much water goes through?

MR. RUTLEDGE: We have all been there.

MR. GREGG: Did you think about how many fields

229

that water could take care of? They have an alternative to get the coal down to Bull Head City, or wherever it is they are taking it.

They have alternative ways of getting it down there. They could build a railway, they could truck it down, they could fly it down, they can pack it down on their backs for all I care. The only alternative that we have is hopes that you are really here to help us. That is all I have to say.

230 MR. WILLIAM GARCIA: Good evening, my name is William Garcia. Are you people from Washington, or where are you from?

MR. RUTLEDGE: Denver.

MR. GARCIA: Denver. Okay, welcome to our village, we are glad to have you here. I have one question before I make some comments. Once the water is shut down the slurry line into the Mohave generating station, what happens there. Can someone tells me what happens? Is it immediately burned then, or does it have to run out onto beds and dry up? What happens, can someone tell me that?

MR. RUTLEDGE: I believe it is used in the cooling towers of the power plant. That is what's in the IS.

MR. GARCIA: So how does the coal get burned then?

MR. RUTLEDGE: It is a standard pole fired boiler process.

MR. GARCIA: So they burn it with the water it? Is that how they do it?

MR. RUTLEDGE: No, I think I understand what you mean. The water is separated first.

MR. GARCIA: Oh, okay.

MR. RUTLEDGE: Most of it.

MR. GARCIA: Okay. I was wondering how they separated the coal in the water. I was born here down at the lower village, and I have been a life long member of this community except for times when I have been away.

When I was a teenager, pre-teen, my grandfather, Guessyma, use to own some sheep, and I use to herd sheep with him -- yes with him and for him in the summer time and also in the winter time when I was on break from school.

In the summer time or any other time when we herd sheep up this way, up the valley, as a young boy the first thing that he taught us was where the water -- where the places were to drink for us.

A HYDR 01B

So there are several sites up there, you know, ten fifteen miles up the wash here where I new there was water. So in the summer time when I am herding sheep, I don't have to carry a bag of water or anything, because I know where the water is.

When we are in there herding sheep, we are above on top, and we go down once in a while and we drink some water. There is always a clear spot and we'd always have it clean. There might be a frog in there, but we still drank it.

Some places it was drenched real heavily. You know

the water was there. This was like in the late 50's into the middle 60's. Now when you go up there to those same places, it is semi wet. There is no water dripping, nothing.

Some places you don't even know there was water there before coming up. So to me when I look at that, that just implies that the water that would have been there dried up for some reason. In my mind I would say that it is because the water table is falling so rapidly that now these places where it seeped out, it is no longer there.

One day I remember when we brought our sheep late at night, we ate -- we were way up about ten miles from here, and after we ate, my grandfather, we always asked him things, and one evening he asked us -- I was with one of my cousins, he says, "Well guys, what do you think of this land here? What do you think of the land we kind of been talking about for several nights?", our response was, "Well it is just there. It is just there, you know, and we use it now and then, maybe to farm on and to herd our sheep. There is really nothing to it."

B GENR 10

He said, "Look at yourself. Look at your body, what do you have? You got some parts there, it looks pretty simple on the outside, but on the inside, inside of you as a person you have a soul, you have a heart. You have some blood running through your body to keep your vital organs going.", and he said, "It is the same thing with the land. The land has a soul, the land that we are on has a soul, it has a heart. It also has its own blood. The blood running through

it are the streams to keep it alive, to keep us alive."

I always remember that, so to me, after I kind of learned that concept, it wasn't just there anymore. There was a purpose behind it just like there is a purpose here for each and every one of us. We are not just here.

So to me it is just not there anymore. It is everything. It is our whole life. If we are doing this -- if we are doing things to it that we shouldn't be doing, like sucking the water up, we are basically raping our own mother, and this has got to stop.

If we let it go on then it would be a shame on us. Us individuals who should speak out and say no more. I don't have anything against coal mining, not that much. I do have some feelings on it, but I guess if the lights in Los Vegas need to be on, the coal has to be mined.

C HYDR 01A

Like John Gregg just mentioned, there are alternative ways of getting this coal over to the west here, at Mohave generating station, so let's start looking at those alternatives, because I guarantee you that if we continue to draw this lifeline from mother Earth, then we will no longer exist, just as if someone stuck a needle in your arm and sucked out all the blood, you would be nothing, you would be dead, so that is what I have to say to you. Thank you.

231a MR. WILLIAM NUMKENA: Good evening, my name is William Numkena, from Moenkopi. I to was raised here in the village like the others, my predecessors have said to. I do to have concerns about this water being used for slurry.

Now I am farming down below here on what is called the Curley Valley, on the south side of the wash, and we use that water from the wash that comes down from up the Black Mountain area during the winter. Now the only time we have been able to irrigate there is in the early spring.

We usually start in February, all of those farmer down that way, and by the middle of May each year now for the past, at least 25 years, it has been drying up. Now water comes down there now, except when it rains, and then you have all of that muddy water, and we don't use that.

A HYDR 03B

Even now, our water level I know is down, because I haul water for my horse during the winter from the Moenkopi Spring. It is not as much flowing out of the spring, especially now. During the summer it is worse, it is a lot less. So I know the water level is down.

If all that water that is being used for the slurry goes down to that generating station for more years, I know we will be dried up. Our reservoirs up above here don't hold us much water anymore either.

There use to be lots of water up there and we had that running down so that people can irrigate their farms during the winter for the early planting, but not anymore because there isn't enough water flowing down, and there is not enough water stored away for the summer use. This is the main thing that I want to bring to your attention, thank you.

MR. RUTLEDGE: Thank you, William. Does anyone else want to say something?

1 P R O C E E D I N G S

2 **240** MR. SIDNEY: Good afternoon, everyone. I want to
3 welcome the representatives from Office of Surface Mining that
4 are here this afternoon, welcome to Hopi. And also to express
5 the appreciation to the response from our Hopi people for
6 coming here, because we have waited for a long time for this
7 opportunity. And this opportunity is here now for us to
8 express our concerns. And many of our concerns are going to
9 be addressed when we come together in unity and talk about the
10 concerns we have in regards to the coal mining at Black Mesa.
11 Excuse me, representatives Office Mining. Let me
12 take a minute.
13 (Spoke in Hopi.)
14 I want to submit my statement for the record. What
15 I'd like to do is just make it a brief summary. I believe
16 it's more informed that much of the time be devoted to the
17 Hopi public to express their testimony here this afternoon,
18 it's a limited time.
19 Again, I want to say that it's a good opportunity
20 now that we are engaged in having the public hearings because
21 one of the important things with Hopi has been is I believe
22 what we are trying to work toward, the main concern is our
23 cultural and environmental concerns, and especially as it
24 relates to the use of water.
25 First of all, let me say that I have written a
26 letter to you and I'm asking for extension on behalf of the
27 Hopi people on the time period. That we feel that because

A GENR 01

395

1 this is a vital concern, that we need additional time. In my
2 letter, we're asking for about 43 additional days to allow us
3 to make the necessary comments to Office of Surface Mining.
4 Back when the first scoping was -- the scoping
5 hearing was held out here several years ago, I expressed at
6 that time the concern over water, employment and cultural
7 impact. My testimony and the concern is still in that same
8 regard. That we as Hopi people have lived here a very long
9 time. Through the evidence, the only tribe that has the most
10 authenticated history. The use of coal by our people in
11 traditional methods -- even before the Europeans came here,
12 we had use of it. And that is a concern to us at the time and
13 it is still today.
14 Even at the time that Peabody Coal moves off the
15 Hopi land, that we're still going to remain here. And the
16 concerns of how we're going to progress and continue as Hopi
17 people is very important to us. And that is one of the
18 reasons why that I feel the additional time is very important
19 at this time.
20 In regards to the water, much of our people are now
21 experiencing springs are not producing the water they used to.
22 Some of the washes are not having the water year round due to
23 some of the regulations that have dams built at the mine.
24 Those kinds of informed factors must be considered.
25 I might state here that at the present time, Peabody
26 Coal and the federal government are using a report entitled
27 "CHIA" that our position is that that is not enough and that

B HYDR 03A

should not be used to base decisions on continuance of usage of water in Black Mesa. Because our understanding is that CHIA was based on United States Geological Information which was not total factual information. It was based on estimates and thereby it created a unified or a summarized position that there was no significant impact. That is very important to express here that CHIA should not be used; we should do something beyond.

I also want to state here that through the process of renegotiation, it has given us an opportunity to look at another way of looking at the use of water at Black Mesa. That is that we agreed on a three party study on the use of water: Peabody, Navajo and Hopi. We have had some meetings, we have now agreed on an agenda to look at. But I believe it is still the Hopi's position is our primary position is to look at the water usage and how we can refrain from the use of water for other than the Hopi's needs in the future.

C HYDR 04E

The water study requires that in nine years, we're to submit a report to the Secretary of Interior. But we also agree that we don't need to wait nine years, that when we see significant impacts based on factual data, that the Secretary of Interior has to carry out its trust responsibilities to address an alternative for transportation of water.

The other important relates to water is that we feel the water study should not be only at Black Mesa area where the mining is actually done. It should be conducted to the wide area where some of our traditional people know that these

are the veins that feed the underwater system which gives us the springs and the necessary water through our windmill. That is very important.

I might say here, also, that when I spoke about employment, some of the remarks in regard to Peabody's position is that they have 1002 people working at the mine, and they say that 95% are native people. But I'm going to state here that there are today only five Hopis working at the mine. And that is something that was not the purpose of having the benefits totally on one side.

D SOC 03

But let me make a clarification. We aren't looking at the monetary benefits. To Hopi, money and traditional respect is something that's made. What's important to us is what is going to continue our livelihood as Hopi people and how we carry out our traditional teachings, and how we're going to continue to be a Hopi people who have had the evaluations, who have had the initiative, as well as the concern for the environment.

E SOC 02

I know that when we talk about the Peabody Coal Mine, there are many opinions. But we are talking about something that happened in 1966. Today, the unification with the Hopi people to express our concern may be the best avenue, and probably is the best avenue, for us to address the EIS process, which we are thankful for. We now have the attention of your office, of your responsibility to come to us as you look at evaluating and possibly using, and hopefully using this as a means of issuance of the permit. That is something

HP6967

that is very important for our general public to express, and I'm glad that we have this kind of attendance to support that kind of an effort. It's very much needed.

I must state lastly here that I know, as well as some of our legal people, the Office of Surface Mining has a legal responsibility for carrying out the process that we are in today. But I might add on that, in the past the Hopi people have never -- have never been consulted to offer what comments we have and concerns we have. But after all, because it's our land, it should be that Hopi should have --be the most important forerunner of consultation. That is very important to us. Because I stated earlier, when everybody is gone, we're going to be here. And we're going to have to take the impact of how -- what we prepare for our younger generation.

This is more or less a summarized statement, and I'm going to leave this for the record, and I appreciate the time afforded to me. The rest of the time will be our Hopi people and the other people that are concerned to offer their testimony.

Thank you very much for giving me the time.

MR. RUTLEDGE: Thank you.

MR. SIDNEY: First of all, I believe that you have a process that you're following and this is their hearing.

I look in the audience, I'm glad to see some of the council members here. What we have done is try to give the best public attention and awareness so that you all come here.

This is something that maybe you're in a better position to answer what are really the procedures in this process. I will also convey your concern. I kind of know what you're talking about in this question, and I appreciate that.

A GENR 10

241 MR. ELGEAN JOSHEVANA: My main concern is regarding the CHIA. From what I've seen of the EIS, the draft EIS, it appears to me that there is quite a down-playing of the impact, both to the surface water runoff and the aquifers that are to be used in the mining processes.

I know that there are a lot of very high concern regarding the use of that much water coming out of there, because I kind of have an idea that an acre-foot of water is like taking three of those big tanks that sits up here on the hills to provide the village of water. An acre-foot is just about that much water if those were full, three of them. And that is a lot of water, considering the amount it's taking the plans of Peabody, the amount that is going to be used.

What I hoped would be that the Tribal Council would have some foresight maybe to divert some of that down into the Hopi villages. Now, right now my position is based on that alone, which is quite a disturbance, I am opposed to the continued mining at Black Mesa.

B GENR 10

I wish that the Chairman of the Tribal Council could have had similar fortitude to either say yes, continue mining, or no, don't continue mining, based on his study of the draft EIS. But as a citizen speaking only for myself now, right now, I'm not representing anybody, that is my feeling.

C SOC 03

As far as the socioeconomic statement in the draft EIS, it's very disturbing if mining is going to continue that we have right now five Hopi people working up there in the -- what used to be called the joint use area, a 50/50 split of resources with a very disproportionate amount of Hopi working up there. With the projected employment of Hopi to increase to 17 in the year 2006, that's not a very significant impact as far as having an economic beneficial impact for Hopi people. Compared with the projected over 1300 for the Navajo employees.

D HYDR 01B

We all are aware, or at least I think those of us who have had the opportunity to study the retrieval of natural resources from the ground that coal is not something that can rejuvenate itself. I think we are kind of skeptical also as far as the water drawdown from the N-aquifer. We seem to be under, or people try to put us under the impression that this is alright for the Hopi people.

We have a nature of trying to preserve as much as we can of the resources that we use, natural and those that we have domestically raised. Our lands are not very moist all the time. We have a hard time doing our farming and therefore, we have that nature of trying to preserve as much as we can making things last.

E GENR 02

And we are aware that those who are surrounding us, the Navajo, have a different view. Their nature is to exploit, use up resources, and move on. And this also seems to be the similar nature of the white people. And this is a

great concern of mine, because as I understood you correctly, the preferred alternative of the Peabody permit application package is for approval. This to me kind of indicates that you've come in here already with a preconceived attitude that the permit application will be approved. I really don't think that that is a fair approach, because we are, after all, the rightful users of this land area.

We are a small tribe, of course, and it's possible that this big of an operation can very well include national politics. And national politics can persuade certain entities to make the decisions as the government would like to have them made, regardless of what we say here today in opposition to continued mining at Black Mesa.

What I would also like to ask at this time is perhaps, it might be unusual and may be not preferred by you, but I'd like to see a show of consensus, either pro mining or cut out mining from the Black Mesa, a consensus here of those that are present today, at some point during our hearings. I don't know if that would have any impact on what the final decision will be on the permit application package from Peabody.

This is about all that I have to say at this time, and possibly reserve myself for further discussions later. For that, I apologize. My name is Elgean Joshevana and I'm not representing anybody. I just have these feelings and concerns about the draft EIS. Thank you.

242 MS. FERMINA BANYACYA: My name is Fermina Banyacya

and I'm from this village of Kykotsmovi. And right now, I am speaking for myself in regards to this proposed permit application at Black Mesa - Kayenta Mine issue.

I was hoping that the Chairman would be here, also. Is he here? Alright, well, thank you.

And also then, too, Elgean Joshevana.

(Speaks in Hopi.)

A GENR 10

For or, you know, against. But I don't think it -- a very few Hopi people here today, and I don't think that would be fair.

(Speaks in Hopi.)

I just want to state to you myself that I am saying no to Peabody strip mining and using our water for the slurry pipeline. And when I went to school, BIA school, I was taught that if you want something, you said yes, and when you didn't want something, you said no. And I am saying no to you now. I do not want any more strip mining and using our water.

I am sure that we, as a Hopi people, are able to make our livelihood without the royalties that come out from Peabody. Yes, I think the Tribal Council has benefited from the royalties, but as far as people and improvements or whatever, I see nothing that has come out of it for the Hopi people as a whole.

And so right now, I got this permit to get coal last year for the first time, and I went after coal two times for myself. And also because I was curious as to see what was going on up there.

So for myself, I am saying no to strip mining and using up our water.

INTERPRETER FOR MS. SMITH: I am here as an interpreter for Katherine Smith of Big Mountain area.

243 INTERPRETATION OF MS. SMITH: Thank you for allowing me to come here as a friend and as a neighbor to the Hopi Reservation and allowing me to speak before you.

Is the Chairman here? She would like to ask him a question.

INTERPRETER FOR MS. SMITH: She would like to ask the Chairman a question of the purpose of Big Mountain, the actual specifics of Big Mountain and specifics of coal she's not familiar with. Those are the questions she would like to ask of him.

[The Vice Chairman was present and a discussion occurred off the microphone.]

INTERPRETATION OF MS. SMITH: Her specific issue about the mountain, within the traditions of this young lady, I wish I had the specific interpretation, the right interpretation, to state that. However -- it is a mountain --

MS. SMITH: It is a lady mountain on that side, the Big Mountain side. And they were trying to kill it for the mine. This is deliberate where they're working on the code.

Even he doesn't understand my question.

And Chairman, he has been there for a long time, he live there, and I want this question for this mountain, what

243

is this code.

INTERPRETATION OF MS. SMITH: She's concerned with the employment issue of the Hopi tribal members within the Peabody area and the employment of the Navajos of 3000 or more at the Peabody area.

Money is not of importance to her, and that is one issue she would like to discuss at this time. Money does cause lies.

Thirdly, we are putting more revenues into the corporation of the Anglo society.

Lastly, her son-in-law passed on recently because of the strip mining results. It has been told to her that it was based upon diabetes matters. She thinks that is not true.

A SOC 03

Her final issue, this is the final issue, is the water right usage. She is concerned with the waters that have been transferred from here to various parts of the state. The tribal members, including both Navajo and Hopi, use these waters and the growth of the two tribes as far as population is concerned, you know, we do have the rights to our water. And this is what she is concerned with.

B HYDR 03B

Thank you very much.

INTERPRETER: She was asking about the Hopi culture knowledge up in that area?

INTERPRETER FOR MS. SMITH: Yes. What is the cultural significance of the Big Mountains. She is wanting to know about tradition from the Hopi interpretation. Her interpretation is, perhaps, a little different.

244

244 MR. DENNIS CHATTER: I'm originally from Deltown area. I'm here as a concerned citizen.

I have not read the draft of the EIS. However, based upon some concerns, I have two statements -- actually two statements that need to be resolved.

One is two of my greatest assets -- two of the greatest values that I have is my family. My family may include myself, my immediate family, tribal members, as well as my neighbors. Those are important to me.

A SOC 03

Secondly is my home. My home, as I explained, is in the nearby area. However, the reservation is also my home. And it is important to me that strip mining in this particular case, you know, there is an issue that I am concerned with, and that is one, if it should become approved, basically my friends, I would like to see them not only as the laborers, but I would like to see my friends in the upper management level.

These are hard issue concerns simply because I, myself, have experienced that and I've seen the downfall of that.

The land issue is the other issue I'd like to talk about. And that is simply because I have always been growing up to become -- water is very important. It is so important to me that I have to share those not only with my own immediate family again, but again, with my friends. Water costs us money. If you look at water interpretations of buying it through a local convenience store, it's a dollar a

B SOC 04

gallon, maybe even more nowadays.

Coal is also important; fire is important. Sure. But the actual issue here is revenue, generating revenue and sales of it. But we haven't talked about the very important fact of which is water.

C GENR 07

If you look at the projections, we're looking at perhaps about 21 years introduction of the coal for 292 million which you stated. Just simply looking, sitting back there a moment ago, in 21 years based on the current results of the 7 million tons of coal and the 5 million tons of the operations of the two mines, it only comes out to about 252 million tons there in the 21 years. There is still 40 million tons remains questionable.

D SOC 03

In the end I would like to conclude. And that is if this does become like again they indicated previously, I sure hope I'd like to see some of my own people, some of these tribal members people here, to be not only employees but I'd like to see them at the management level.

The last thing is to employ non-recruit individuals. I appreciate the opportunity.

A HYDR 01B

245 MR. BOB RHODES: I'm from Hotevilla, and I'm a member of the Hotevilla Water Association, although I'm not representing them in any official capacity.

I have three concerns that I'd like to bring to your attention. One is first the water usage. And one thing using the figures that are provided by your office, it would appear that this area will completely run out of water, no matter

what is done, in the year 2060. Because at that time, more will be taken out of the N-aquifer than would go into the N-aquifer. This seems to be the case no matter what, whether the mine continues or the mine does not continue.

B HYDR 01A

For other people's information, not everyone is familiar with how many gallons are in an acre-foot. And according to the computer, and of course computers never make errors, my computer shows there are 325,851.4 gallons in every acre-foot. So a little over 325,851 gallons per acre-foot. That means that using the water for the slurry, 1.5 billion gallons of water per year is used for the slurry pipeline in an area where alternative transportation is possible and where water is precious. It seems to me that's an irresponsible use of water.

C HYDR 01B

Also in the Environmental Impact Study, it talks about the aquifer, the N-aquifer, beginning to replenish itself starting in 2007, at which time the annual depletion from the aquifer, according to your projection, is 6.88 acre-feet per year. And going down -- let's see, over the last five years, the water table has been decreasing, at which time only 6.0 to 6.53 acre-feet per year has been taken out of the aquifer. So you're saying that at a time when more will be taken out than over the last five years, the water table will rise, when over the last five years, it has been decreasing. I have a hard time understanding that.

Okay. The second issue is the one of earthquakes.

And according to the Arizona Earthquake Center, there were two earthquakes with epicenters near Peabody in 1971, one in 1987, and one in 1988. The Earthquake Center has applied to put seismological equipment at Peabody in order to study this a little bit more carefully and determine the depth from which these earthquakes are centering. Their nearest equipment is now in Flagstaff. So far, they've not been approved to go up there and do that.

According to them, there are two possible causes and maybe more, but two possible causes that we discussed for the earthquakes that have been happening in the Peabody area. One is that the water coming out of the N-aquifer is causing hollow places, which then cave in. In which case, the aquifer is being essentially destroyed. The second possibility is that the earth is rebounding, which it likely does any time a great amount of earth is moved. They're saying that any time you move a mountain, the earth rises where that mountain was and rebounds.

D GEOL 01

Whatever the case, the question that I have is what are the results of this earthquake? They're not addressed in your environmental impact study and the scope of the environmental impact study apparently did not include that.

It seems to me that there are effects on people, effects on sacred sites, and could be dramatic effects on water.

The third issue that I have you may be able to answer, and maybe the tribal people need to answer that. We

seem to be analyzing only a part of the picture. The side is going to get me no matter what. On the JUA and on District 6, we're analyzing the effects of the Peabody lease and the Kayenta Mine lease, and that's all that you are here to address at this time. To me, that's a little bit like a patient in a hospital who has a headache and so you give him some aspirins for the headache, but you forgot that he also has pneumonia and a broken leg, so you didn't talk about those.

We also, I understand, have some other leases that are in effect on the JUA and through the -- perhaps even in District 6. I'm wondering whether there are other leases which may have an effect on the environment, and the study that you're conducting now, or the study that you have prepared, deals with only a part of the overall issue.

The question is the cumulative effects, then, of the study that you're doing along with everything else that's being leased and the other activities that are happening. The question then, very briefly, would be -- and perhaps you can answer that just in a word -- are there other leases and either planned or in effect for mineral excavation on the JUA, or the former JUA, and/or the District 6 area?

E GENR 08

MR. RUTLEDGE: I'll break the rules and try to answer it.

MR. RHODES: Just yes or no.

MR. RUTLEDGE: The Office of Surface Mining is not aware of any other leases in the area for coal mining or any

other purpose that I know of. Sometimes there's confusion, but the action before us, what's analyzed by the Office of Surface Mining, is permitting only within the existing Peabody leases, no other leases.

MR. RHODES: Perhaps, then, this question is not pertinent. The question then would be to the Tribal Council or to the chairman or vice chairman as to whether there are other leases that this would be only a part of the effect on the environment and should be considered as only a part of the effect, and the interrelation with other leasing possibilities would need to be considered as part of the scope of this statement.

Would the chairman or vice chairman care to answer that? Are there other leases either pending or current for the JUA or District 6?

F SOC 11

VICE CHAIRMAN: None that we're aware of.

G HYDR 01B

MR. RHODES: Okay. In conclusion, then, the overall -- my overall observations are that the draft EIS is very optimistic and views the situation with rose colored glasses. The conclusions on Chapter 4, pages 25, 75, and 76 indicating the short term and long term impacts of the mining operation as negligible seem to me to be very questionable. And the elements of the earthquake and the cumulative effects of all the leases in relation to what's happening on District 6 and in the nearby environment, including pollution from the power plants and other such things, has been left out.

H GEOL 01

I GENR 09

Thank you for this opportunity to address you.

246 MR. GENE FREDRICKS: Ladies and Gentlemen, members of the Hopi Tribe, members of the Hopi Tribal Council, friends and visitors, I would like to welcome you to the village of Kykotsmovi, originally Oraibi. I'm a native of Old Oraibi. And I still use my old address for mail, Old Oraibi, Arizona.

I would like to make a statement for the Peabody Coal Company and whomever is connected with it. That is, people from the state, people from the United States Department of the Interior, people of the BIA, and also the members of the Hopi Tribe and citizens.

First let me call upon myself. I was born on June 6, 1906, at Old Oraibi. That is the historical history on the day which the progressives and the traditionals had a contradiction at the old village, when Hotevilla people were driven out. So I remember that. My mother told me all about it.

But first, let me say to qualify my statements, which I know a lot of you will probably question. But I was sent to the Bureau of Indian school after I attended the state school down here when I was a child. I was transported over to Sherman Institute. I stayed until 1921 which was the term that I was to stay there. But after that, I came home and then I went back and I stayed until 1930.

Now, being a member of the Hopi Tribe traditionalists and progressive from my father's side and my mother's side, they taught me all the philosophies of the Hopi. I was myself initiated into the priesthood at Old

1 Oraibi. There are two societies, the Hackina priesthood and
2 those priests, you see them at the ceremonies. But I've never
3 practiced, because I was influenced by the education
4 department -- of the Department of Interior.
5 This is the philosophy that was set up for the
6 Hopi's by my uncle, Chief Lolarore. So the Hopis were
7 required to send off to the schools. Because that was the
8 only alternative that they could get out under the pressure
9 of the United States government. Or else they would be sent
10 to a long march like the Navajos did and to Ft. Redondo. So
11 that was a compromise.
12 But there are those who are believers in Hopi way
13 of life; they don't want their children to be educated, mainly
14 from Hotevilla. So that was the conflict -- contradiction of
15 philosophies.
16 But I learned these trades at the Bureau of Indian
17 school in Riverside. It was a military system. A system
18 where we get up early morning, go to bed when we were told to
19 go to bed. We drilled, we learned self discipline.
20 And I have never yet said that the BIA schools are
21 at fault. They learned me -- taught me how to do certain
22 things in every trade, from tailoring, shoemaking,
23 blacksmithing, carpentering, mechanics, all the way down.
24 Music, taught me music. I'm a musician. I play all over the
25 United States, big cities. I still play my horn.
26 So I want the people to know here, the Hopis, that
27 their schools are important. They cannot afford to run their

1 own schools, even though some don't agree. But they could
2 make it better if the school boards are aware. And a lot of
3 these older people that I knew at the time were cowboys,
4 ranchers, cattle owners. They are here, some of them are
5 gone. They make their living out of it.
6 I came back in the days of the Depression, 1934.
7 I was forced to come home because of the sister that was dying
8 in Phoenix's Indian School. And I came up here, I saw the
9 conditions. I stayed and I helped my father and mother on the
10 farm doing what was necessary.
11 I was the first one to set up shop here on the
12 reservation, mechanical. And then the Bureau came in and I
13 worked during those Depression days in Keames Canyon, a dollar
14 a day, ten cents an hour.
15 UNIDENTIFIED SPEAKER: We're not here for the
16 history of the people.
17 MR. FREDERICKS: Okay. I'll tell you why. That's
18 the trouble with the young kids. You don't understand and
19 you don't listen. I will show you here in this tape
20 recording. It was made by my friend who died.
21 But let me get to the point. I believe the question
22 before this body is to analyze the component parts of our
23 endeavor. I believe once we understand the important parts
24 we are responsible for, we can make an approach in a more
25 sensible and logical manner. Isn't that what we're here for?
26 I ask you. That is what we are here for, to understand what
27 this problem is.

A SOC 04

It is my concern and interest is to understand, is to stand before you today. So I ask your permission to give me your time and undivided attention and later, you can review and analyze my statement. If I cannot be permitted, then I can't talk.

First thought that comes to my mind is economy. All sorts and all its aspects. It is everyone's. It concerns every aspect of our lives and without proper management and control, it can ruin everything. Economy is any form -- is only a vehicle which society rides. And we must be aware of the danger if we ride it for our own interest and enjoyment. What we take out of nature, especially natural resources, will be depleted tomorrow, which nature took millions and billions of years to accumulate and store on the earth.

The question is up to us. Now, I'm not talking about Peabody, you and me. Because we are responsible, too, how this comes about. What shall we do? Or what will we do?

This question is -- this testimony is oral. It is not -- it is in a form just handwritten on my paper here. But I want to know if this type of thing is permissible, or do you want something to be documented before you can present it here?

MR. RUTLEDGE: Are you requesting whether you can go ahead and play the tape?

MR. FREDERICKS: Yes, that's another one. But what I am saying is -- that also come in with this question. I

will play the tape for the benefit of the Hopis only. Because it is a reference to them. The question that man asked back there.

MR. RUTLEDGE: How long will the tape take?

MR. FREDERICKS: It will take about two -- two, three minutes.

MR. RUTLEDGE: Three or four minutes? Alright.

(Mr. Fredericks played a tape in Hopi.)

MR. FREDERICKS: That's the point that I wanted to stress here. He asked the same question. Is oral testimony legal, or does it have to be written? You've asked for a statement either oral or written. Are they both legal?

MR. RUTLEDGE: That's right.

MR. FREDERICKS: That's the question he asked, because the Tribal Council refuses to accept oral statements in the past. He has died; he was the chief of Polaca. Died several years.

Now, I come to the point of what the man is talking about. But I want you to understand why we are here, you young people. I've been a member of this Tribal Council since 1934. I've held all the offices: representative, vice chairmanship and the chairmanship. I've worked for the Bureau, Interior Department. I worked for education, I worked for the Air Force during the war. I was appointed when the new superintendent arrived that I was to take care of the land and water maintenance program on this reservation. I retired in 1967.

Now, I have worked on this reservation with the people, the ranchers. And we have by the appropriation of the Interior Department obtained money to drill wells.

I've also worked on Kaibeb Reservation and Navajo Reservation. I was a mechanic and I had a crew that we repair these things for the ranchers. So I'm very aware of what the situation was then.

I've worked with the drillers, well drillers. I asked them questions. The oil company came in here, too, and they've drilled wells trying to get oil here. Two back there, one back here, and one back in Polaca area. They didn't get anything. But you can't get any information from them. But the well drillers, they gave me information, where the water is, what the strata is.

Now, they have shown me and taught me that the geologists from Holbrook, a geologist from Holbrook came out and we worked with the Bureau. I went around locating places where we can drill wells. So I know where our water comes from and what depth we go to before we get water. We didn't have to go too far.

Now, they taught me that the water bearing strata is at an angle toward the Fepotic Hole. It outcrops back here 20 miles. At the Kachina Point, you can see the strata, bearing strata. That is where we get our springs. At the time when there was lots of water, but as time goes on, we are also hampered by what nature does to us.

So there is two things that are against us, nature

itself and unrestricted use of the underground water. Now, you have told us that this environmental study would take so many years. But by the time you get this study completed, you are pumping slurry lines, coal somewhere else, the water. You're pumping every day. So the water is depleting. How many years would it come back once it's depleted?

B HYDR 01A

So I know that it has an effect upon this area. I've been down where I have drilled wells just to see what was going on with the track. I went to a windmill that wasn't even pumping. I saw a dead cow out there next to the trough. There were some animals out there standing around. A man asked me to go up there and set up his pump for him. I went south of there and I put up the pump. And why didn't the guy take care of it?

MR. RUTLEDGE: Gene, we've been at it for 30 minutes now. There are several other folks who would like to talk. Could you possibly summarize it and wrap it up, please?

MR. FREDERICKS: Okay. But the water is depleting, the table is depleting. And in the meantime, your study, you're still pumping. Is that right?

MR. RUTLEDGE: That's correct.

C HYDR 01B

MR. FREDERICKS: Okay. So laying in that strata, in that angle, the highest part will draw back. Understand? So this area is depleted of water. You may have a lot of water back there. You're not concerned. But we are here. We have to go deeper to get to bearing strata. But the tribe has no money. That's the point I want to stress out to you.

MR. RUTLEDGE: Thank you very much. We appreciate your testimony.

MR. FREDERICKS: But this tape in here is to remind the Tribal Council to be more cautious. And I hope you understand, because I went through this whole system here in this Tribal Hall.

247 MR. PERRY HONANI: Good afternoon, Ladies and Gentlemen. My name is Perry Honani and I'm from the village of Sipaulovi, Second Mesa. I'll try to make it as brief as I can.

A HYDR 01A

I believe the Hopi people have long awaited this opportunity to address this very important issue concerning our water and the coal mine which is being mined by the Peabody Coal Company in Black Mesa. I believe most of the Hopi people are concerned with this mining operation concerning more so water, which is being used to transport by slurry pipeline into Nevada or to the generating station down there, Mojave, which is depleting our water, water table, and which cannot be replenished or rejuvenated right away. It will take a very long time.

We need this water for domestic use and our lives are dependent on water. As we all know, Hopi people take water as the most important resource we have on our reservation. We believe through prophecy that we are sitting on -- state out what we are sitting on, and I think this is what we are talking about, this water. The most valuable resource that the Hopi Tribe -- the Hopi people have. So we

need this water real, real desperately.

B GENR 10

I believe these hearings are just, I would say, a farce. You want to go through and we're going to keep on trying. We get defeated today or many more times, and it could bring us back to a David and Goliath situation again. I believe we are going to the procedures just to obtain another contract to take another 30 years -- to make a 30 year contract, which I think most of us are aware of. And I think it's all cut and dried, and yet we are talking about this here.

The government is backing the big corporation, which makes it very difficult for the smaller side like us to try to buck the system.

Now, I would like to address the Hopi Tribe and the Hopi Tribal Council. How are we going to stop this wasteful operation? That is the most important concern, I believe, of the Hopi Tribe. I think we all do not want this operation to continue. But how are we going to stop this process, getting another contract? Hand it out to a big corporation.

And like I said, I'd like to address the tribe, the whole tribe. They should get together and find a solution. That's what -- I think that's our only alternative. And alternatives that I have written down here is one could be that we can transport this coal without using the slurry line. Perhaps building a rail -- rail spur into Flagstaff, or trucking.

Also to replenish our water. They could build a

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C HYDR 01A

canal from Lake Powell down here to replenish our water which is being depleted. This I believe would be more helpful to the tribe. And like I had mentioned, that you have the backing of the U.S. government with the corporations, the big corporations. They're not going to quit until they get it, one way or another. But I believe if we all stand together and find a solution how we can combat this Goliath, that we can come out ahead. Perhaps by, like I said, building a canal to get water down here. That's one alternative.

I'd also like -- let me point out the fact that a railroad can be built if they are to use this coal and transport this coal instead of using our water. I think water is the main issue that we all are concerned about as Hopi people.

That's about all I have, and thank you.

248 MR. ROBBIE HONANI: Thank you. I thank you for the opportunity to address OSM at this hearing. My name is Robbi Honani and I represent the village of Sipaulovi and the Hopi Tribal Council, and also am Chairman of the Resources Committee for the Tribal Council. But today I just represent myself as an individual who is concerned about operations and the environmental issues that are being addressed in this study.

First of all, I would also like to reiterate what my dad has said. And I think Sam Shing said last night that the government goes through this process of going through, getting input from the people, but yet they do not seem to

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A HYDR 03A

A HYDR 04E

consider these -- these inputs seriously. They don't take it seriously. OSM has come to the villages and through the towns and they've already made up their minds. And I think Elgean already stated that earlier this morning -- this afternoon that that decision is to issue the permit for the life of the mine. However, I would still like to address some concerns, even if it falls on deaf ears.

Number one, everyone has expressed their concerns of using water and depletion of the water table. The OSM study referred to as the CHIA indicates that "there is no significant impact to the hydrological system." I ask how can this be, when Peabody has over 160 impoundments, water impoundments on the mine, and five to six major permanent impoundments that hold the water back and does not allow this water to travel down to Peabody. You all know that even the holding back of the water, it cannot reach the outlying cities or whatever, then there is an impact.

The information is given out that those water impoundments hold more water than the reservoir at Moenkopi, and I think that the holding capacity of Moenkopi Reservoir is around 15,000 acre-feet and just one of those that is located on the Moenkopi Wash holds more than that. I think that the farmers and ranchers that are here can tell you highly educated hydrologists that when you block the water upstream, there will be no flow of water downstream. But yet, that is the findings of CHIA. How can the Hopi Tribe convince OSM to change those findings? That is my first concern,

revisit that issue.

The second one is that a few people here have expressed their concern over the social and economic issues in the EIS. There's an unfair economic benefit between the Hopi and Navajo. There's less than 10 Hopi people working at the Peabody Mine and over 800 Navajos. Peabody has built the town of Kayenta for the Navajo and for other employees. They have erected a trailer court for its non-Indian employees and flies their top management people every day from Flagstaff, and then flies them back again. Yet there is no trailer court for the Hopi people. And also there is no major road system going up to Peabody.

B SOC 03

All taxes in the form of education monies go to the public -- Kayenta Public School District. Does the Hopi get any of these monies? No. Does Hopi have a trailer court for its people? No. Is Peabody or the state helping the tribe in getting the Turquoise Trail built? No. This means all these taxes that are being paid to the state, we're not getting help from that. The State of Arizona receives twice as much money as taxes than the Hopi Tribe does in actual revenues. The tribe receives approximately $8 million in coal royalty, yet the State of Arizona receives between $18 to $20 million in taxes a year. Only a mere drop of that comes back to the Hopi, such as these wheat programs and these incidental programs that we have. None of that money comes back to the tribe.

C SOC 04

Social impact of the mine is great, in that our

traditional dry farming is being affected due to the drop in the water table. Our springs are being dried up, which are also tied to our religion and lives. It is hard for Hopi to get jobs and Peabody -- at Peabody Mine because of lack of roads from Hopi to Peabody. It is difficult for Hopis to travel back and forth to the mine because Hopis like to stay within their villages and homes to attend their ceremonies.

D HYDR 03B

D HYDR 01B

E SOC 03

A third concern I have is cultural resources. This has also not been addressed. There is inadequate information on this in the EIS. What are we going to do with the remains of our ancestors that have been excavated at one of the -- one of America's largest historical excavation of its original -- aboriginal peoples? Currently there are over 1000 Hopi ancestral remains at the Southern Illinois University. What are we to do with these remains? We do not have a museum to house these remains, and we cannot house any of the artifacts, such as the pottery, tools, everything that they have found at the mines. There are additional sites being encountered every day and more is being found in the plant mining area. Is the government or Peabody helping us to build our museum? No. We are having a difficult time trying to finance the museum that would hopefully house some of these remains.

F CULT 02

Additional comments on the mining is the mixing of the Black Mesa -- Black Mesa Mine coal and the Kayenta Mine coal. Because Black Mesa Mine, which is our current JUA, or the past JUA area, that mine has low sulfur content, which means that it burns better. The coal in the Kayenta Mine is

G SOC 04

high in sulfur, and Peabody has had over 11 warnings from EPA over the last year. And because the sulfur in the Kayenta Mine is too high.

And you also in your presentation earlier said that only the Kayenta Mine goes to the Page Mine. That's untrue, because both -- from both mines they are being mixed, but we are not being adequately compensated for our high quality coal. It has to be mixed with the lower quality coal at Kayenta.

H SOC 04

Another one is the surface water that is being held back up at Peabody. I think the EPA or whoever issued out the NPDS last year or the year before that, they issued -- they finally got that to -- issued that to Peabody. Yet, when we recalculated our monies for our water, Peabody started using impounded water for dust control, and we are not being compensated for this surface water, either.

I HYDR 03A

I think that it was very ironic when they got issued the NPDS, which means that water can be released up to 24 hours after a rainfall or anything like that, that water should be released downstream. But it hasn't been released downstream. Therefore, all the washes downstream has dried up. I think the Hopi people at Moenkopi last night reiterated that to OSM, how can you say that with all these impoundments upstream there's no effect downstream? And I think as a last statement, that the permanent water impoundments will only, again, benefit the Navajo people and there is no benefits to the Hopi people downstream.

Thank you.

249 MR. LEIGH JENKINS: Thank you. My name is Leigh Jenkins, and I'm the director for the tribe's Cultural Preservation Office. I have a written statement as well as supporting documents I'd like to submit for the record. And I'll just summarize the statement that we will submit. Primarily the issues I think that have been highlighted before are primarily the same issues that I'll reiterate again.

A HYDR 01A

One is in regards to the use of water by Peabody to transport coal to the Mojave Generating Station. Several figures have been thrown around regarding the usage of water, and I finally consulted our tribal hydrologist, and I think this might be a better working figure to work with right now. But I think what I'd like to tell the public right now is the volume of water that's being used just for the slurry line. I think the graphics here on the slide presentation indicate that they're probably going to use at a maximum about 3000 what they're calling acre-feet of water per year for the slurry line. To the layman, $3000 is very hard to imagine, to even comprehend what it's talking about. You translate that into gallons, I think it gives you a better picture of what kind of water we're using from the Navajo sandstone, which is the aquifer we're talking about.

An acre-foot of water is approximately 300,000 gallons of water. You times that, the 3000 acre-feet of water necessary to transport coal the 300 miles up to Mojave to Bull Head City, you're talking about 900,000 gallons of water per

27 there is no benefits to the Hopi people downstream.

27 Head City, you're talking about 900,000 gallons of water per

A SOC 02

B GENR 10

1 year. You divide that more by the number of days it takes
2 that slurry to run, which is every day, and you're talking at
3 least 24,000, 25,000 gallons of water per day necessary to
4 transport that coal to Mojave.
5 in an hour, it takes a little over a thousand
6 gallons of water required to fill that huge slurry line, to
7 pressurize it and pump it down there. That's a lot of water,
8 and I think foremost that -- foremost of an issue that has
9 been presented by, you know, people like the Chief of Old
10 Oraibi, who is here, who was here a while ago, over and over
11 again, that irregardless there's no impact on the water table,
12 that Peabody is maintaining. I think the message is quite
13 clear that water should not be a source of transportation
14 period. And as the Cultural Preservation Officer for the
15 tribe, I think that's the position we're going to have to
16 take.
17 I know there is an agreement signed back in 1964
18 that basically gives Peabody the right to use water up through
19 the year 2005. In 1964, the tribe probably was not as well
20 represented, nor as well versed in some of the negotiations
21 that were taking place then. So my feeling is that I feel
22 taking everything in to proper perspective, I think the issue
23 and the issue of using water for transportation of coal should
24 be discussed again. I think Peabody has to come up with
25 alternative transportation.
26 The other party that is being missed and being not
27 held responsible on the water issue is Mojave Generating

1 Plant. Last year, the plant itself grows $1.5 billion in
2 electricity. And what is the tribe receiving out of that?
3 You know, for over close to 15 years, we are receiving
4 something like 50 cents, a little over 50 cents per acre-feet
5 of water. That's been changed over the last couple of years
6 since the lease was renegotiated. The cost now for using
7 water is now about 150 per acre-feet right now up to a certain
8 limit. But that's really not the issue. I think the message
9 again is quite clear that there has to be an alternative way
10 to transport coal other than by water.
11 That's the first issue that I'd like to bring up.
12 And again, I'd like to let the Office of Surface Mining know
13 that this presentation here will be elaborated on more as the
14 tribe prepares its final statement noting the August 18th
15 deadline right now.
16 The other one that I'd like to allude to right now
17 is what the Chairman and others have talked about, and that
18 is the impact on cultural resources.
19 One, I think the permit language, the language in
20 the permit itself unfortunately does not recognize, because
21 of, I suppose, laws are in place, the cultural and the legal
22 interest of the Hopis on a lot of the Pueblo 1, 2, and 3
23 basket maker eras, the sites and so forth that are attributed
24 to those. The tribe has never relinquished its interest in
25 those sites up there. As a matter of fact, there are strong
26 cultural ties by Hopi clans up to those sites.
27 The fact of the matter is right now is that what's

C CULT 02

found on Navajo land, exclusive Navajo land, is considered the property of the Navajo tribe. And unfortunately the permit itself reinforces that by not recognizing the tribe's interest.

We are in sore need of a repository out here to house some of those artifacts. I think the mitigation, and in this case the mitigation means how the sites are to be handled when excavation is actually going to occur, I think has to also involve the Hopi tribe almost on a continuous basis right now. Unfortunately, because of the lack of resources here locally, we haven't paid attention or we haven't had an opportunity to really be involved. But I think if you look at some of the photographs that our mining and natural resources people have on file, I think you're going to find the way that they're handling the -- some sites, the mitigation in itself is very, very poor.

D CULT 02

As an example, they found some pit houses. So Southern Illinois University, which was the firm or the university that was hired by Peabody to do the surveys, and the archaeological clearance and some of the planning up there, simply recommended that in that case, that site is supposed to be left undisturbed. Well, you look at some of the photographs, I think you'll find it very disturbing how they went about doing that. The site itself was disturbed, okay, but the photographs show a big mound sticking up right in front of a mining area and right on top of the pit homes, you know. And that's -- that's how some of it are being

handled.

E CULT 03

I think there probably should be better ways to handle the preservation of the ruins, some of the petroglyphs, some of the spring areas, certainly the eagle nesting sites have to be addressed. I know in the EIS, they're finding a lot of falcon nesting, hawk nesting up there, and how that's being affected right now I think has to be addressed, too.

And then finally the fact that human remains of -- are currently being housed up in Southern Illinois University. We find very little evidence that there's any serious planning to even coordinate with the tribes to rebury those human remains and given proper burials -- reburials again.

F HYDR 03B

And then finally in conjunction with what Mr. Honani talked about before, I think the concern regarding the use of surface water up at Peabody. Surface water, of course, is much different than what the language in the permit talks about in terms of having Peabody access surface water. Ground water, you know, because of agreements can be accessed by Peabody. I don't find any evidence that Peabody has ever been given permission to use surface water. They're doing that right now to do things like dust control, for example, and some other activities up there. And our office is seriously recommending that the tribes and Peabody meet on this and resolve this issue regarding the surface --use of surface water.

Let me see. As part of our office's responsibility,

we are in the process of further elaborating on the petition that has been circulating for the past couple of days in conjunction with the comments on the EIS. And the signatures -- this is being made available primarily to members of the Hopi tribe. We will be passing that petition over to the villages with -- completed in Mishongnovi. We're working on Sipaulovi with Kykotsmovi, we've hit the tribal complexes here.

G GENR 10

And our next effort right now will be to circulate that petition regarding the use of water to haul coal. We'll be passing it down to Moenkopi and to the First Mesa areas. And it's available at our office. Our staff are available. Check with the community development officers or specialist to see if the petition is there. I will be around for a little while if there's any other one, other Hopis who want to sign the petition right now, it's available right now. But the petition merely reads, "We, the members of the Hopi Tribe, hereby strongly protest Peabody Coal Company's use of our natural resources, water, to transport coal. We demand and request that Peabody Coal immediately cease the use of water to deliver coal to the generating plants, and further demand that the Hopi Tribal Council, the Navajo Tribal Council, the Office of Surface Mining, and the Bureau of Indian Affairs put pressure on Peabody to immediately seek alternative means to transport coal. Water is among our most precious resource and we feel that the millions of gallons of water being pumped to feed the slurry lines are affecting our springs and impacting

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the cultural way of life."

Thank you.

UNIDENTIFIED SPEAKER: Just for my own clarification, based on your seeking alternative means of transporting coal, are you then in favor of continued mining?

MR. JENKINS: Well, that's strictly a tribal council decision.

UNIDENTIFIED SPEAKER: As an individual.

MR. JENKINS: An individual right now?

UNIDENTIFIED SPEAKER: Yes.

MR. JENKINS: Am I in favor of mining?

UNIDENTIFIED SPEAKER: Yes. In your statement of you're seeking alternative transportation of coal.

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MR. JENKINS: I think taking into perspective the economic factors that affect both me and you, I think as a response, an individual to you, I think Robbi alluded to the socioeconomic impacts, too.

The tribe at the present time receives close to over 70% of its revenues from the coal mine. I think if the mining was to halt, I think that has to be considered.

So from a personal standpoint, I think if there is proper planning and involvement by the tribe in some of the issues, I think mining -- at this point in time as a response to you, I would probably say that the mine is, in itself, could continue. But I think the water issue, cultural resources issue, has to be definitely resolved within the time frame that the new permit is going to have to be issued.

J SOC 04

J SOC 02

UNIDENTIFIED SPEAKER: Leigh, would you tell the people how much money are we getting, what percentage are we getting right now from the mining? Like what's the revenue we're getting? Like on the new proposal, the new mining that was going to open up at Big Mountain, the Hopis are going to get 10% and the Navajos are going to get 10%. And Peabody is going to get 51%. You're telling me that that's our revenue for the Hopi people?

MR. JENKINS: That's right. People who really understand the financial arrangements that are in place -- I allude to the fact that over the past 10 to 15 years, the tribe is only receiving, what, 50 some cents.

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250 MR. HONANI POLEQUAPTEWA: My name is Honani Polequaptewa. I'm directing the panel here on behalf of myself, and also I believe the community at the various projects around the state.

As myself, I'm very uninformative about this issue at hand right now. And as indicated earlier in the program that there was about 600 publications sent out to various areas, and I have not seen it until today.

To go along with the chairman's earlier letter sent to you for extension, I would like to strongly suggest that the time be extended to give the community more time to evaluate to get feedback from that from a different level, larger level, that is, to the panel here.

We have members who are away right now. And that is a strong feedback, the panel which you are seeking right

B GENR 05

now, information you are requesting from the community or the people of the Hopi. We are the people. That is the first issue.

The second issue is information given out today on statistics, people's pleas, I strongly -- since I don't have the information right now on hand, myself educated on this issue, I can tell right now that it is a purpose or an issue that needs to be addressed strongly. I would like to request the panel here to strongly reevaluate the draft on the information given out today.

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Third, I know that there is with our technology today seen as cause level various areas, there are alternative ways of transportation resource. Coal itself is obsolete. I don't know why we still use it. So I'd like the panel here to realize that, too, if they've looked into that, that there are alternatives. And I see that Peabody hasn't -- in the program, the presentation, there was no information on that, that there are alternatives, to seek other transportation if water is not -- was not there. Is there another one, do they propose an alternative transportation of coal to the sources?

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Last, I would just like to say that -- I guess I would just like to finish with that, that I'd really like to have the opportunity for that extension to familiarize ourselves with the publication, to give back the feedback to you that you seek.

Thank you.

251 MR. STETSON LOMAKEMA: I'm not going to give you my

A SOC 04

date of birth, because I'm going to be short.

I don't have anything written. I came unprepared, just coming and hoping to get a chance to voice our opinion.

I'm here to represent the Polacca Stock Growers Association. I was urged just last night by our association president that we should speak up.

Our concern -- well, we're looking at two things. Monies coming in from the coal mine to the tribe; that's another subject -- wherever it's going, we don't know. And of course, we benefit from going up there, hauling coal for our heat during winter.

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But the main concern is the water that's being used to pump coal all the way to Nevada. We just saw the gallons of water that's used to pump that coal out that far. And you all know, I guess I'm really representing the stock growers, those people who raise stock. I see a lot of trucks hauling water barrels in their trucks these past two months. We would like the Peabody to go with some other alternative to transport the coal. I'm sure with all the technologies that are being in use now, they will come up with some way of transporting that.

We're not really talking against stopping the coal mining. Hopefully in the future, we will get more money from it, as the gentleman pointed out. If we don't, then we probably go against strip mining up there.

So there's a lot of subject to be discussed, but a small group which is about only 15 members, we don't have much

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C GENR 01

voice. But our feeling is that we should combine the villages throughout the reservation and this way, we'll have more input from more individuals who are not here. And maybe this way our concerns would be stronger and Peabody would hopefully listen to us, to the Hopi people. This is just a little handful. Of course, you know, that's not much of a voice. We need more input from more people. Your ideas will be good.

There's a lot of concerns about environmental impacts and traditional situations out there. These things need to be discussed in various group meetings, then combined to all other villages throughout the Hopi reservation to present. And this extension that our chairman is asking for, I think, is good. Because this will take a long time.

I thank you very much.

252 MS. REBEKAH MASAYESVA: I have a statement here that I would like to read.

I have compiled figures to demonstrate the enormous magnitude of the quantity of water mined and used by Peabody Coal Company. Water use by Peabody for slurry line comes from underground water contained in what is called the N-aquifer which is made up of porous rock of windgate sandstone, Kayenta formation and Navajo sandstone. From 1974 to 1979, Peabody used about 3700 acre-feet, or 1.2 billion gallons, of N-aquifer water annually, according to data compiled by the U.S. Geological Survey in 1983. The total amount of water taken in 1979 was 5700 acre-feet, including Peabody's 3700 acre-

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feet, making Peabody the largest single user of underground water.

One point two billion gallons will fill 23.5 million 50 gallon barrels, the type of barrels used by Hopis to haul drinking water. If 23.5 million barrels of water is lined up side by side, it will cover a distance of 8900 miles, or one-third of the way around the earth's equator. Water used by Peabody from 1974 to 1979 will fill 141 million barrels of water, enough to go around the equator two times.

It is estimated that Hopis use an average of 30 gallons of water daily. If each of the 10,000 Hopis actually use this amount daily, the entire Hopi tribe will use less than one acre-foot of water daily, or 360 acre-feet annually. At this rate, it will take the entire Hopi tribe 10 years to use the same amount of water used by Peabody in just one year.

Peabody has about 16 more years of mining under the existing lease. That's 200 million tons of coal. Add another 17 years, which is 180 million tons under the new lease, and you can imagine the quantity of water that could and will be used if the slurry continues.

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Water is a scarce and valuable resource in the dry Southwest. Western water is already over appropriated and studies indicate there is not enough water to satisfy the rapidly growing demands of metropolitan centers, such as Phoenix and Tucson. As the population spirals upward, the demand of our water will become extremely critical. Therefore the pumping of pure underground water for slurrying of coal

is unconscionable and must stop.

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Neither OSM or Peabody can ignore this issue. It will not go away; we will continue to demand that Peabody begin planning an alternative mode of transporting coal.

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Because water pumping has been a serious concern of our Hopi people we must have additional time for our Hopi public to thoroughly understand and comment on Peabody's impact on our water.

Thank you.

253 MR. VERNON MASAYESVA: Thank you very much. My name is Vernon Masayesva. I am the vice chairman of the Hopi Tribe.

A SOC 02

I want to identify several areas where the Black Mesa EIS is deficient and inadequate. I will only note these areas briefly today in the interest of allowing other people to speak. I would like these comments entered in the public records. We will be sending detailed correspondence to OSM before the closing date of the public comment period.

Number one, the EIS fails to identify the economic importance of agriculture in the Moenkopi area. The baseline analysis outlined in Chapter 3 does not describe existing farming. And the potential economic impact to farming due to loss of water is not identified in Chapter 4 of the EIS.

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The baseline analysis of tribal government fiscal conditions does not extend beyond 1985 or 1986. The revenues from new leases that came into effect in 1988 as a result of renegotiated lease with Peabody are not shown, but the new

C SOC 04

costs -- sorry, the revenues from the new leases that came into effect in 1988 as a result of renegotiated lease with Peabody is shown, but the new cost to the tribe as a result of those leases are not shown. The Hopi tribe has incurred hundreds of thousands of dollars of extra costs since 1985. These need to be included in the EIS fiscal analysis.

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Number three, the EIS does not describe the process that Peabody will have to follow to identify Hopi sacred sites. The EIS does not describe the process that OSM worked out with the Hopi Tribe and Navajo Tribes, and there is no evidence that Peabody will follow this process. Hopi sacred sites must be protected. We will send detailed comments on these and other issues in the next few weeks.

I believe most people that have provided statements have expressed concerns, and I'd like to just, in addition to my statement about the deficiencies in the report, I'd like to just get a little bit philosophical and make a few comments.

But first of all, I'd like to first of all extend my appreciation for you people, for being here and being here to do -- to listen. I think that is something that Hopis have always criticized outsiders for is that they never come to listen to us, they always come to talk at us. But I think these last few nights, you have done listening, serious listening to the concerns of not only the Hopi and Navajos, but other people who have an interest in protecting the earth.

I'm sure that you are here because the federal

government requires that this process be undertaken. But I think that as a result of this meeting, the emotional attachments to the land that have been expressed by all the commentors, that you are not going to go away from this process and forget it. You are going to be effected by this. And because you will be effected by this, that this exercise we're going through will have serious consequence in terms of benefits for human kind in terms of protecting the earth and doing everything that we have to do to do a good job.

E SOC 02

I'm sure that you will be under a lot of pressure, not to make decisions that would be contrary to Peabody and certainly to those people that you have to answer to, but I hope that as a result of this hearing, that you will walk away with a whole new understanding that this is a life and death situation for the Hopi people, that this is not just a matter of digging up coal and making money off of it.

I wish people who control Peabody would come here and listen to the people as you are listening to the people. To them -- and they, to me, control the definition of what is an insignificant impact, or moderate, or major impact. To me, everything is tied to the dollar. But as you can understand very well from the testimony, that that is not the most important thing to the Hopi people. That it is the spirit of the land. That the land is a living organ, that it breathes. Because the Hopis say that it is the underground water that sucks in, that breathes in the rain. That this is a Hopi belief that one of the elders told you about. So I think it's

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important that we understand this, and I'm sure that as a result of these hearings, that you have understood. Not only have you understood, but you have felt the emotions of the people and their deep concern for what is happening with the mine at Black Mesa. And that you will do a good job in protecting the land, the environment, the culture, and everything else that's going to be impacted by the mining.

Thank you very much.

254 MR. DENNIS TEWA: I hope you people don't mind me standing around -- sitting here all day. First I want to welcome you people to the Hopi land. My name is Dennis Tewa and I'm a spokesperson for Moenkopi, and also representing the second half from Old Oraibi.

I want to make statements, but most of the people have already taken that. So I don't know what I'm going to talk about.

You are aware of what they're talking about here, the Hopi people, is that we, the Hopi people, are very conservative people. Our issue is that water is a major issue in this. Because in Moenkopi, I do a lot of farming and I also am a rancher. I've been farming for 35 years plus. And I used to irrigate from the Moenkopi Wash, but no more, it dries up by the month of June. And I remember that in my childhood, even up to my adulthood, that the Wash used to flow all the time. But the time when the mining start in the '60s, it diminishes, it was gone. No more water.

When I used to work for the BIA, I used to be a

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wells mechanic helper, I worked on the wells. All those water wells have dropped down to a hundred feet -- the water table, I'm talking about. And the CHIA report from Tucson made a statement that AD is going to damage the Hopi land. And there's the evidence right there.

And when the hydrologist, when they study, they're only looking at the theory part. all they do is work on their assuming, the theory. There are no circumstance, they don't have the x-ray vision to look into the ground. As a matter of fact, they probably don't even know how much gallons we have left in our aquifer.

We, the Hopi people, consider ourselves an expert, because we think we control the nature. What I'm getting at is this is the most arid country, one of the most arid countries in the world, and we need that water. That is why we do Kachina dances during the summer, just to get a drop of rain. And to us, this water is worth more than gold, or the money. Maybe we cannot stop the mining of the coal, but we sure would like to stop the use of water.

If the Congress can build a $500 million war plane to kill people with, I don't see why they cannot build a railroad to transport the coal to save lives. What I'm saying is we heard through the grapevine that the southern people in Arizona are looking up here for water in the future. If we can let them have it to save lives, we will take consideration. But to use water for coal, the answer is no.

So that's about all I can make on it. We didn't

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