



## 25TH NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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### Resources and Development Committee focuses on reclamation and community concerns with proposed Peabody renewal application



Resources and Development Committee members discussed reclamation plans and community concerns during a recent work session on the proposed Peabody renewal application.

**FOREST LAKE CHAPTER** – On Feb. 3, the Resources and Development Committee (RDC) hosted a follow-up work session with the Black Mesa Review Board (BMRB) on the proposed five-year renewal application for Peabody Western Coal Company to complete reclamation and post-mining activities at the Kayenta Mine.

Navajo Nation departments and agencies provided updates, including the Navajo Tribal Utility Authority (NTUA), Navajo Area Bureau of Indian Affairs (BIA), Division of Natural Resources (DNR) Office of Surface Mining (OSM), Navajo Nation Environmental Protection Agency (NNEPA), and the Department of Water Resources (DWR).

RDC Chair Brenda Jesus said community members remain concerned about post-mining progress and questioned whether adequate reclamation plans have been developed and implemented.

“During our last meeting in November, community members voiced air quality and water reclamation as top priorities,” Chair Jesus said. “We’re here today to see if a reclamation plan has been developed and what can be done to move it forward.”

Chair Jesus asked BIA Navajo Region representative Bertha Spencer for an update on releasing bond funding to Peabody. Spencer said ongoing litigation limits the agency’s ability to provide details.

“The BIA has a trust responsibility to the Nation to ensure these responsibilities are fulfilled,” Chair Jesus said. “We need an update on the process, not the litigation.”

Chair Jesus requested a formal memorandum outlining the impacts of the litigation. Spencer said she would relay the request to the regional director.

OSM Senior Environmental Engineer William Skeet summarized the history of mining operations at the Kayenta Mine and the federal actions contributing to the current reclamation and renewal process.

NTUA Deputy General Manager Rez P. Kontz provided an update on the Many Mules water delivery project. Kontz said the Indian Health Service is in the process of transferring Phase One of the Many Mules system.

"There are leaks and repairs that must be addressed before we can turn it on," Kontz said.

Kontz explained that NTUA will operate the water extension line but the wells and storage tank that supply the line remain under the mine's control and will continue to be operated by mine staff.

"Once the mine is fully closed, NTUA will operate the on-site wells and tanks," he said.

"The largest tank on the premises holds five million gallons and can supply 1,100 homes for a month," Kontz said. "There is concern about adequate water turnover. IHS' solution is to periodically flush the tank to waste to circulate the water."

DWR Principal Hydrologist Robert Kirk said the former Black Mesa mining operations have affected the N-Aquifer to some extent.

"The confined portion of the N-Aquifer is under a tremendous amount of pressure," Kirk said, noting that most recharge occurs in the Shonto region.

Kirk said annual recharge to the N-Aquifer is approximately 14,260 acre-feet. "We are in a more than 20-year drought that has significantly affected surface water and shallow aquifers," he said.

On air quality, NNEPA Executive Director Stephen Etsitty said the last Title V permit was issued in 2016 and terminated when the Kayenta Mine closed in 2019.

"My recommendation is to stay engaged with the federal government on the land they used until they correct everything they're responsible for," Etsitty said.

Kirk added that updates are needed from the Minerals Department and noted that the Bureau of Land Management oversees much of the reclamation process, including Hopi Partitioned Land.

Council Delegate Germaine Simonson called for action, saying community members have endured mining impacts for too long.

"Peabody said they will return the land in as good condition as it was received. Community members have tried to reintroduce native plants unsuccessfully," Simonson said. "This shows reclamation efforts so far are not working. Let's get this settled."

BMRB Forest Lake Vice President Fern Benally thanked the RDC and participating agencies for their updates. Community members also commended the RDC for holding the follow-up work session and bringing Executive Branch department heads to the table, noting that the Committee had kept its word.

RDC Vice Chair Casey Allen Johnson directed divisions and programs to respond to questions and provide clarifications.

"We're taking a step toward solving and mediating this reclamation and restoration," Vice Chair Johnson said. "We need all leadership at the table."

The Resources and Development Committee will continue public outreach and follow up on the proposed renewal application.

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