

Appendix A – Scoping Exhibits

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Exhibit B – Display Advertisement

Exhibit C – Postcard Mailer

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Exhibit P – Poster Displays

Exhibit Q – Recipients of Project Overview Video

Exhibit R – Recipients of Scoping Meeting Poster Stations Video

Exhibit S – Scoping Comment Period Extension Notifications

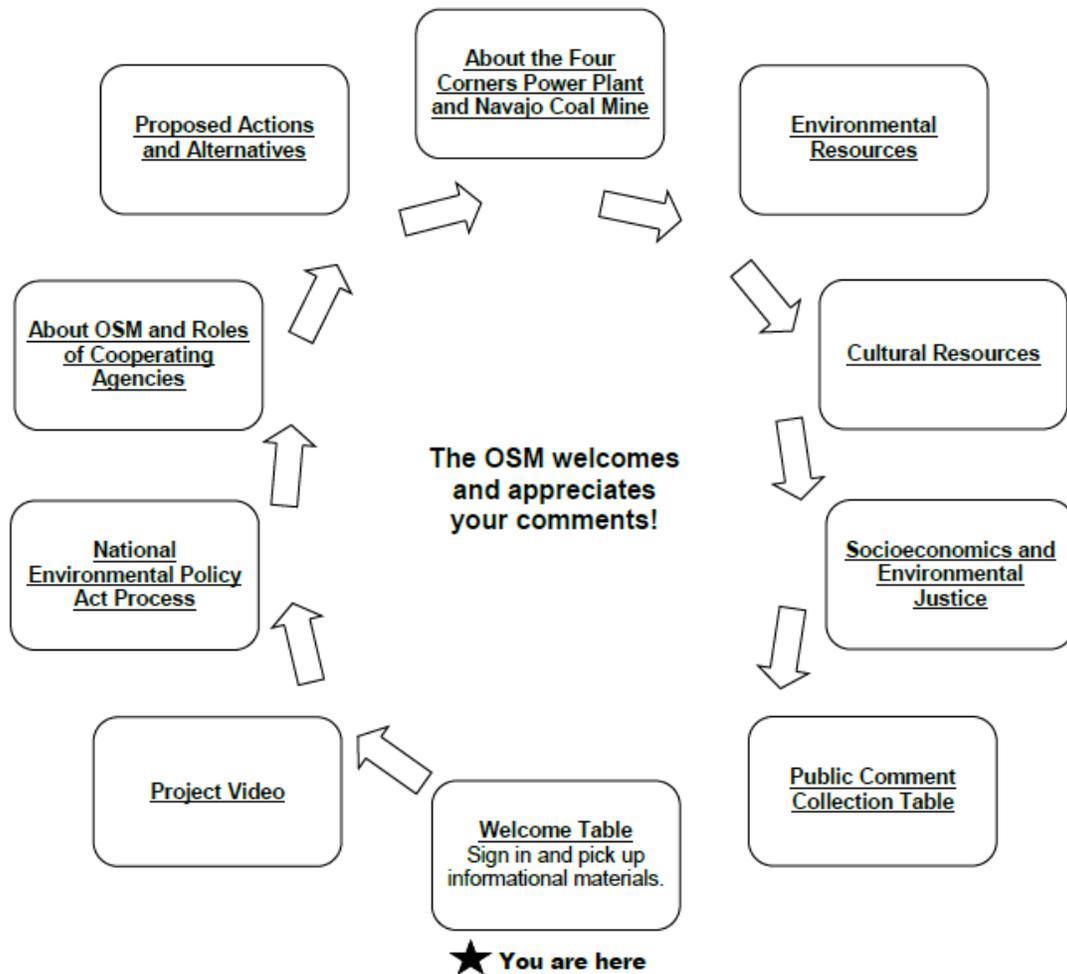
Exhibit T – Media Log

Exhibit L – Poster Station Overview Handout



**Office of Surface Mining Reclamation and Enforcement (OSM)
Four Corners Power Plant and Navajo Mine Energy Project
Environmental Impact Statement**

Welcome to the Public Scoping Meeting



<http://www.wrcc.osmre.gov/FCPPEIS.shtm>

Exhibit M – Comment Form



**Office of Surface Mining Reclamation and Enforcement
Four Corners Power Plant and Navajo Mine Energy Project
Environmental Impact Statement**

Scoping Meeting Comment Form

Comments must be postmarked or received by Sept. 17, 2012, to be considered in the Draft Environmental Impact Statement. Comments may be submitted at the scoping meetings, via email to FCPPNavajoEnergyEIS@osmre.gov or by postal mail, hand delivery or courier to the address below.

MEETING LOCATION: _____ DATE: _____

Please Print

- 1. NAME: _____
- 2. ORGANIZATION (if applicable): _____
- 3. EMAIL ADDRESS: _____
- 4. MAILING ADDRESS: _____

Do you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act (FOIA)? NO YES

Please give this completed form to one of the project team representatives or mail by Sept. 17, 2012, to:

Mr. Marcelo Calle
OSM Western Region
1999 Broadway, Suite 3320
Denver, CO 80202-3050

Comments may be emailed to FCPPNavajoEnergyEIS@osmre.gov.

Exhibit N – Informal Conference Fact Sheet



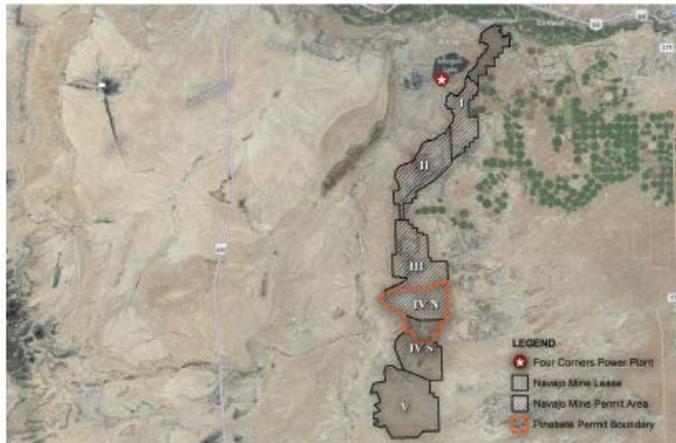
The Office of Surface Mining Reclamation and Enforcement (OSM), a branch of the United States Department of the Interior, was created in 1977 when Congress enacted the Surface Mining Control and Reclamation Act. The Surface Mining Control and Reclamation Act of 1977 (SMCRA) is the primary federal law that regulates the environmental effects of coal mining in the United States. OSM works with States and Tribes to ensure that citizens and the environment are protected during coal mining and that the land is restored to beneficial use when mining is finished.

The OSM Western Region, Denver, Colo., is in the process of reviewing the Proposed Pinabete Mine Plan Permit Application. In addition to OSM's SMCRA review of the Proposed Permit Application, an Environmental Impact Statement (EIS) is being prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).

ABOUT THE NAVAJO COAL MINE AND THE PROPOSED PINABETE MINE PLAN PERMIT APPLICATION

BHP Navajo Coal Company, Navajo Mine Lease Area

In July 1957, the Navajo Nation granted a 33,000-acre mining lease to Utah Construction & Mining Company. Operation of the mine began in 1963 to supply the Four Corners Power Plant with coal. The 33,000-acre mining lease annually produces an average of 8.5 million tons of coal, which is transported via a dedicated rail to the Four Corners Power Plant. The Navajo Mine Lease area is located on tribal trust lands on the Navajo Reservation adjacent to the Four Corners Power Plant.



August 2012

http://www.wrcc.osmre.gov/Current_Initlatives/Navajo_Mine/PinabetePAP.shtm



About Informal Conferences

An Informal Conference provides an opportunity for interested parties to present oral and written statements and any other relevant information to the Regulatory Authority regarding the application for a new permit (30 CFR 773.6(c) Informal Conferences).

OSM is the Regulatory Authority and will be accepting relevant statements on the proposed Pinabete Mine Plan Permit Application, OSM Project Code: NM-0042-A-P01. Statements may be provided orally to a court reporter or provided in writing at this informal conference today.

Today's informal conference is being combined with the Four Corners Power Plant and Navajo Mine Energy Project Open House EIS Scoping Meeting. Please specify to the court reporter if you are providing comments on the EIS Scoping or the Pending Pinabete Permit Application.

Navajo Translators are available.

A stenographic record of the informal conference will be made available by OSM as soon as possible.

ABOUT THE NAVAJO COAL MINE AND THE PROPOSED PINABETE MINE PLAN PERMIT APPLICATION Cont.

BHP Navajo Coal Company Proposed Pinabete Mine Plan Permit Application

BHP Navajo Coal Company (BNCC) submitted an application to OSM to develop a new 5,600-acre permit area for surface coal mining and reclamation operations for post July 6, 2016, Navajo Mine operations. The proposed area is referred to as the Pinabete Mine Plan Permit area, within its existing Navajo Mine Lease. The Pinabete Mine Plan Permit area would supply coal to the Four Corners Power Plant for up to 25 years, beginning in July 2016.

The Proposed Pinabete Permit area consists of portions of the current Navajo Mine permit area (NM-0003F) and unpermitted areas of BNCC's mining lease, located immediately south of the Navajo Mine permit area. The application is submitted to continue surface coal mining and reclamation operations past July 6, 2016 (Navajo Tribal Coal Lease 14-20-603-2505) pursuant to the Code of Federal Regulations (CFR), Title 30, Subchapter E, Part 750.

Environmental impacts from the proposed mine area will be analyzed in the EIS.

BNCC also proposes to relocate approximately 2.8 miles of the Burnham Road (BIA Road 3005; also known as Navajo Road N-5082) to the eastern portion of the Mine Lease. The Burnham Road is a public road that provides, among other things, access for local residents to the Burnham Chapter House. The road relocation is necessary due to the close proximity of the road to mining operations and to improve safety and access for local residents and others using the Burnham Road for local and through traffic.

BNCC's permit revision application was determined by OSM to be administratively complete on May 10, 2012.

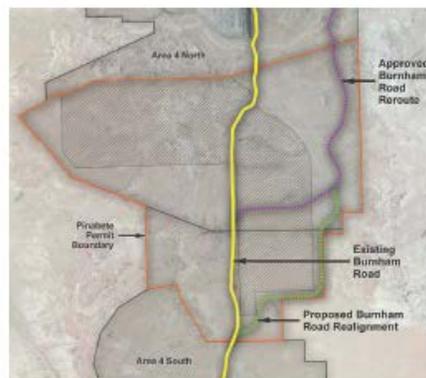
A general location map of the project area is shown at right. The mine permit area is located approximately 6 miles southwest of Fruitland, N.M. The project area is located on USGS 7.5 minute quad maps: The Hogback South, Kirtland S.W., Newcomb N.E., and The Pillar N.W. The proposed project area is located within the following lands of San Juan County, N.M., which are described relative to the New Mexico Principal Meridian:

Township 26 North, Range 15 West

Section: 6, 7, 18

Township 26 North, Range 16 West

Section: 1, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26



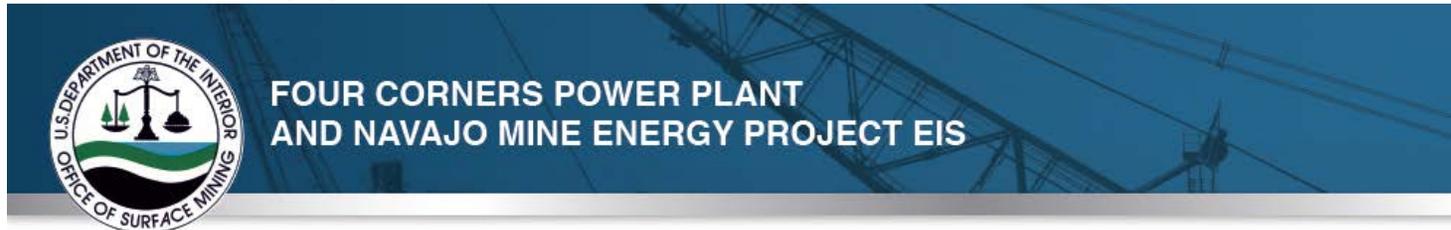
For more information, please contact:

Mychal Yellowman, P.E.
Navajo Mine Team Leader
Office of Surface Mining Reclamation and Enforcement
Western Region Program Support Division
1999 Broadway, Suite 3320
Denver, CO 80202-3050
Phone: 303-293-5049
Fax: 303-293-5032
Email: myellowman@osmre.gov

August 2012

http://www.wrcc.osmre.gov/Current_Initlatives/Navajo_Mine/PinabetePAP.shtm

Exhibit P – Poster Displays



WELCOME

TO THE FOUR CORNERS POWER PLANT AND NAVAJO
MINE ENERGY PROJECT

Environmental Impact Statement Public Scoping Meeting





FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS

NEPA PROCESS AND COMMUNITY INVOLVEMENT

The National Environmental Policy Act (NEPA) requires federal agencies to consider how their proposed actions may impact the environment.

The Office of Surface Mining Reclamation and Enforcement (OSM) is preparing an Environmental Impact Statement (EIS) to assess potential environmental impacts of the proposed actions.

Public involvement is a fundamental part of developing an EIS. Your input will help OSM make a well-informed decision on the proposed actions.

NEPA PROCESS

MILESTONE	DESCRIPTION	ANTICIPATED SCHEDULE
Notice of Intent to prepare an EIS	The public involvement phase begins when the Notice of Intent is published in the Federal Register	July 18, 2012
Scoping Period/Scoping Meetings	Involves the public in identifying the environmental issues to be addressed in the EIS Opportunity for Public Review and Comment	July 18 – Sept. 17, 2012
Draft EIS	Presents the analysis of potential environmental impacts for the proposed actions	Fall 2013
Public Meetings and Comment Period	Provides 60 days for the public to comment on the analysis presented in the Draft EIS Opportunity for Public Review and Comment	Fall 2013
Final EIS	Updates the Draft EIS and includes responses to all public comments received during the public comment period	Summer 2014
30-Day Wait Period	Provides for a 30-day wait period after the Final EIS is published	Summer/Fall 2014
Record of Decision	Follows the 30-day wait period Documents the decision made by OSM	Fall 2014

- Complete
- In Progress
- Next Steps



FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS

ABOUT THE OFFICE OF SURFACE MINING RECLAMATION
AND ENFORCEMENT

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 (SMCRA)

SMCRA ensures that coal mining operations are conducted in an environmentally responsible manner. It also ensures that the land is adequately reclaimed during and following the mining process.

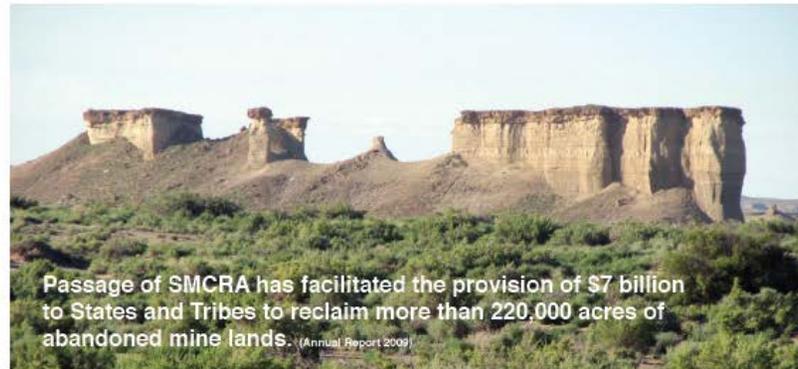
OSM's mission is to carry out the requirements of SMCRA in cooperation with States and Tribes.

OSM:

- Regulates coal mine reclamation
- Protects the environment
- Provides resources to States and Tribes

OSM is the lead agency in preparing the EIS and has the primary responsibility for complying with NEPA.

Since 1977, approximately 23,000 acres of 39,000 acres of coal mining disturbance on Navajo and Hopi lands have been backfilled, graded, top-soiled, and seeded.



OSM is responsible for:

- Approving or denying BHP Billiton Navajo Coal Company's application for a new mine area, known as the Pinabete Permit area
- Approving or denying the 2014 Navajo Mine Permit renewal
- Consulting with U.S. Fish and Wildlife Service for potential impacts to threatened and endangered species
- Consulting with State and Tribal Historic Preservation Officers for potential impacts to cultural and historic resources
- Working with Cooperating Agencies for other regulatory aspects of the EIS





FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS

COOPERATING AGENCIES FOR THE EIS

COOPERATING AGENCIES ASSISTING IN DEVELOPMENT OF THE EIS



Cooperating Agencies and their Roles in this Project

AGENCY	ROLE
Bureau of Indian Affairs	<ul style="list-style-type: none"> • Approve or deny the Four Corners Power Plant Lease Amendment • Approve or deny renewal of rights-of-way for associated transmission lines • Approve or deny realignment of portions of Burnham Road
Navajo Nation	<ul style="list-style-type: none"> • Issue biological opinion for tribally listed threatened and endangered species • Consult with OSM to identify, evaluate, and consider potential impacts to cultural and historic resources • Review and comment on the SMCRA permit application package • Issue Clean Water Act Section 401 water quality certifications • Issue Clean Air Act Title V permit
Hopi Tribe	<ul style="list-style-type: none"> • Issue a biological opinion for tribally listed threatened and endangered species • Consult with OSM for potential impacts to cultural and historic resources
Bureau of Land Management	<ul style="list-style-type: none"> • Issue a decision on the Pinabete Mine Plan to ensure maximum economic recovery of coal
U.S. Environmental Protection Agency	<ul style="list-style-type: none"> • Ensure that emissions from the Four Corners Power Plant comply with the Clean Air Act • Issue National Pollutant Discharge Elimination System Permit
U.S. Fish and Wildlife Service	<ul style="list-style-type: none"> • Issue a biological opinion for threatened and endangered species
U.S. Army Corps of Engineers	<ul style="list-style-type: none"> • Approve or deny permit for fill in waters of the U.S. under the Clean Water Act
National Park Service	<ul style="list-style-type: none"> • Review potential impacts to National Parks in the region



FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS PROPOSED ACTIONS AND ALTERNATIVES

The purpose of the proposed actions is to facilitate ongoing operations at the Four Corners Power Plant and on BHP Billiton Navajo Coal Company's Navajo Mine Lease to provide for long-term, reliable, continuous, and uninterrupted base load electrical power to customers in the southwestern U.S. using a reliable and readily available fuel source.

Proposed Actions

Environmental impacts from the following proposed actions will be analyzed in the EIS:

- **Power Plant Lease Amendment** – Extend the Four Corners Power Plant lease to 2041
- **Energy Transmission Lines** – Renew rights-of-way for transmission lines directly connected to the power plant
- **Navajo Mine 2014 Permit Renewal** – Renew the Navajo Mine SMCRA permit, which is due for renewal in 2014
- **New Coal Mine Area** – Develop a new mine area, referred to as the Pinabete Permit area, within the existing Navajo Mine Lease to supply coal to the power plant for up to 25 years, beginning July 2016

Potential Alternatives

Project alternatives currently under consideration include:

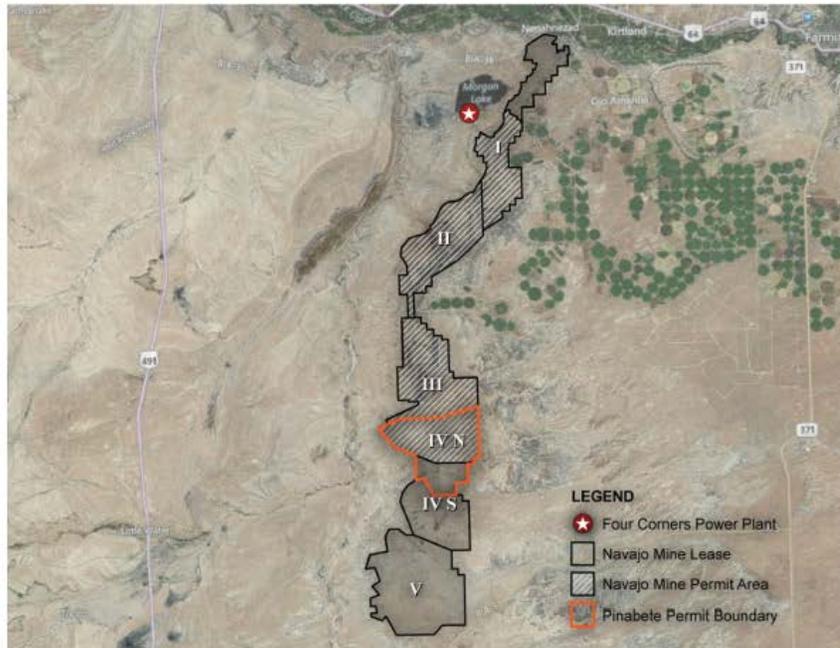
- The proposed actions as described
- A no-action alternative, which would result in expiration of the Four Corners Power Plant lease and associated rights-of-way; expiration of the Navajo Mine SMCRA permit; and no new Pinabete permit
- Other reasonable alternatives that may be identified through the NEPA process, including public and agency comments



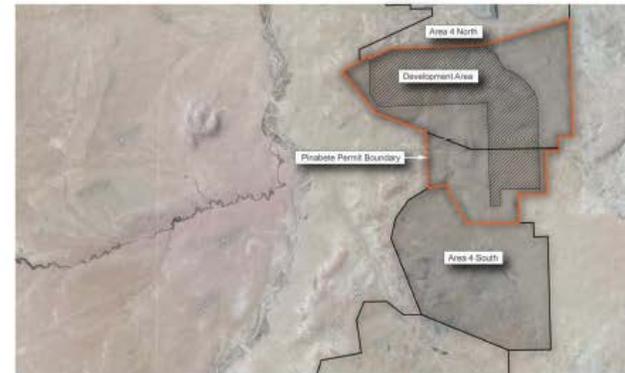


FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS PROJECT AREA

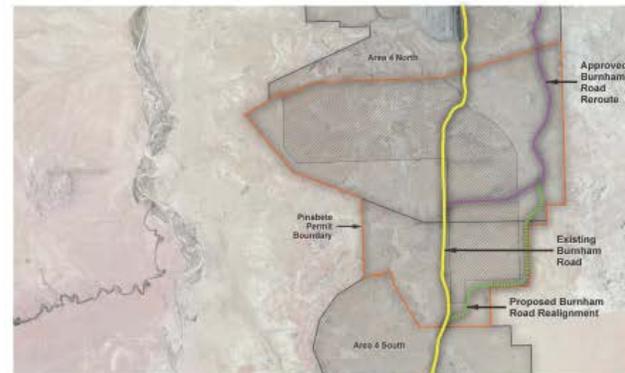
Navajo Mine Lease Area



Proposed Pinabete Development Area

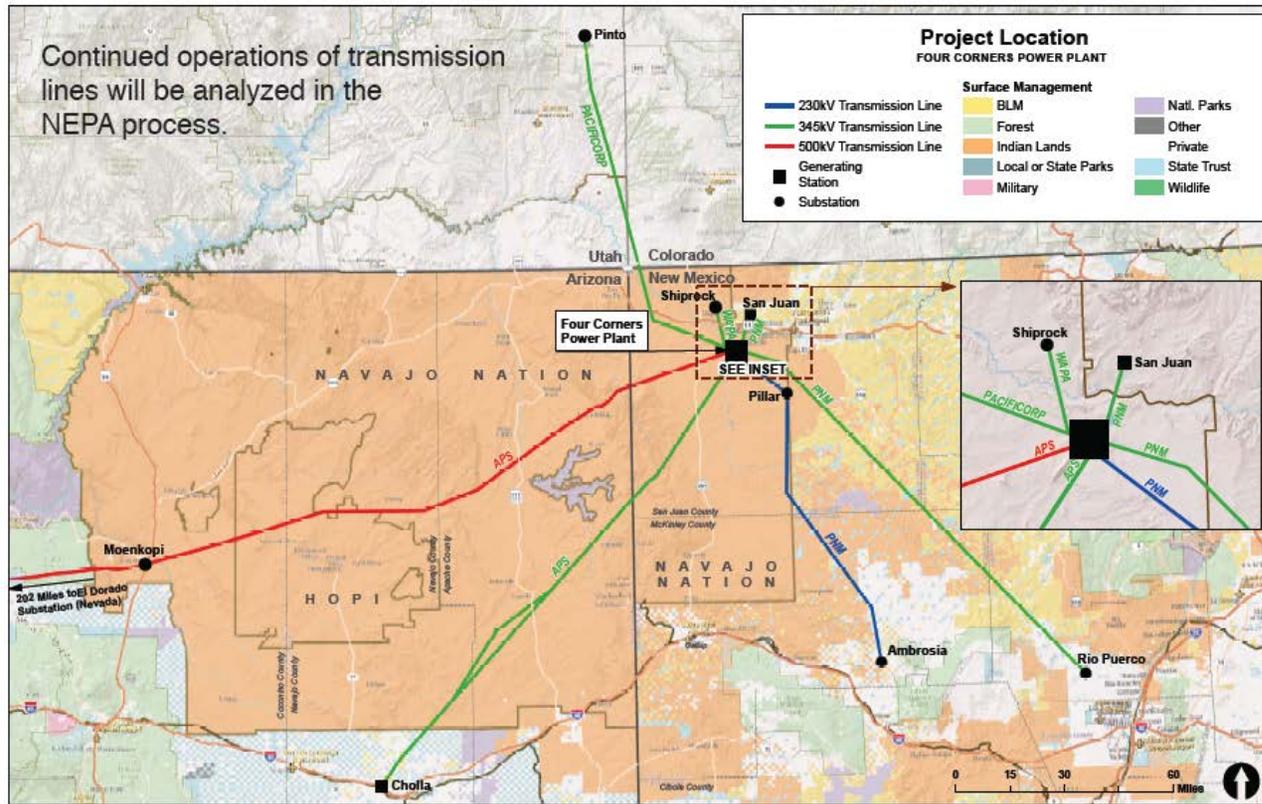


Burnham Road Realignment





FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS PROJECT TRANSMISSION LINES





FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS

ABOUT THE FOUR CORNERS POWER PLANT

ABOUT THE FOUR CORNERS POWER PLANT

The Four Corners Power Plant is located on tribal trust lands in the New Mexico portion of the Navajo Reservation. Approximately 75% of employees at the plant are Native American.

The Four Corners Power Plant is a coal-fired electric generating station and:

- Includes five units generating approximately 2,100 megawatts
- Provides power to more than 500,000 homes in the southwestern United States

CONTINUED OPERATION OF THE POWER PLANT

The desired future operation of the plant site involves:

- Discontinue operation of Units 1, 2 and 3 during or prior to 2014
- Installing pollution control upgrades on Units 4 and 5
- Continued operation of the independent switchyard and transmission lines

This scenario would:

- Substantially reduce coal consumption and air emissions
- Lower power output to approximately 1,500 megawatts
- Expand the ash disposal area in future years within the current plant lease boundary





FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS ABOUT THE NAVAJO COAL MINE

ABOUT THE NAVAJO COAL MINE

In July 1957, the Navajo Nation granted a mining lease to Utah Construction & Mining Company, which as amended is 33,000 acres.

- The coal mine is used solely for the Four Corners Power Plant
- Coal is transported to the power plant via a dedicated rail system
- Approximately 8.5 million tons of coal is mined annually
- The mine provides 500 jobs, and approximately 82% of employees are Native American

DEVELOPMENT OF PINABETE AREA

- In spring 2012, BHP Navajo Coal Company submitted an application to OSM to develop a new 5,600-acre mine area within the existing Navajo Mine Lease area
- This new area is referred to as the Pinabete Permit area
- Proposed mining operations would occur on 3,100 acres of the 5,600-acre new Pinabete Permit area
- The new mine area would supply low-sulfur coal for up to 25 years, at a rate of 5.8 million tons per year

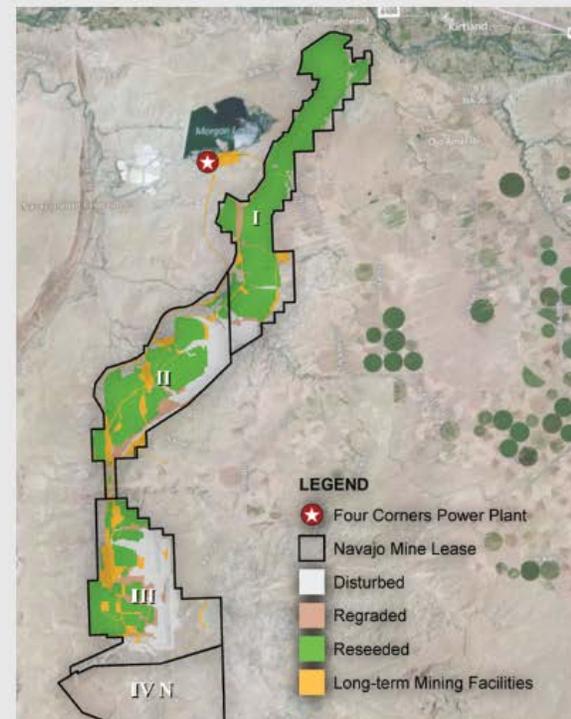




FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS RECLAMATION AND DISTURBANCE

LAND STATUS OF COAL MINING AREA

LAND STATUS	APPROXIMATE ACREAGE <small>(current through June 2011)</small>
Total Disturbance Land which has been disturbed within mining lease	13,000
Total Reclamation Land which has been regraded and seeded	8,000
Long-Term Facilities Land uses, such as roads, industrial facilities, stockpiles or drainage structures, which facilitate active mining	1,800





FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS ENVIRONMENTAL RESOURCES

ENVIRONMENTAL RESOURCES

The EIS will address environmental impacts to the following resources:

- Air Quality
- Biological Resources
- Cultural Resources
- Greenhouse Gases
- Geology and Minerals
- Topography and Soils
- Surface Water
- Groundwater
- Land Use
- Grazing/Agriculture
- Recreation
- Visual Resources
- Noise and Vibration
- Solid/Hazardous Waste
- Public Health and Safety
- Transportation
- Water Rights
- Socioeconomics
- Environmental Justice





FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS

THREATENED, ENDANGERED AND SENSITIVE SPECIES

THREATENED, ENDANGERED AND SENSITIVE SPECIES

In accordance with Section 7 of the Endangered Species Act, OSM is consulting with the U.S. Fish and Wildlife Service to determine potential environmental impacts to threatened and endangered species and their critical habitat as a result of the proposed actions.

OSM will also evaluate impacts to species protected under the Bald and Golden Eagle Act and Migratory Bird Treaty Act.

In addition, OSM requires wildlife and raptor monitoring in compliance with permitting for the Surface Mining Control and Reclamation Act. This includes species listed by the Navajo and Hopi tribes, as well as those listed by the U.S. Fish and Wildlife Service.

The Navajo Nation, Hopi Tribe, and U.S. Fish and Wildlife Service would issue respective biological opinions for listed species.

A sample of threatened, endangered and sensitive species in the area:



Kit fox



Ferruginous hawk



Prairie dog



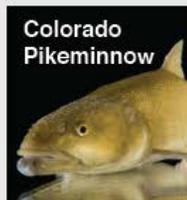
Collared lizard



Badger



Southwestern willow flycatcher



Colorado pikeminnow



Razorback sucker



New Mexico jumping mouse



Yellow-billed cuckoo



Bald eagle



Golden eagle



FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS AIR QUALITY

CLEAN AIR ACT

Air pollution affects visibility. Regional haze is produced by a multitude of sources and activities located across a broad geographic area. Power plant operations impact air quality and contribute to regional haze.

In the 1990 Clean Air Act Amendments, Congress set a national goal of restoring visibility at national parks and wilderness areas to natural conditions. In response, the U.S. Environmental Protection Agency (EPA) issued regulations to improve visibility in national parks and wilderness areas.

Stationary pollution sources such as power plants that were built between 1962 and 1977 are required to install and operate Best Available Retrofit Technology (BART) to reduce pollutants that impact visibility.

Pollution Controls at the Four Corners Power Plant

In October 2010, the EPA proposed a BART rule for the Four Corners Power Plant that included additional:

- Nitrogen oxides (NO_x) controls for all five units
- Particulate controls for Units 1, 2 and 3
- Completion of the above within five years of the final rule effective date

In response, Arizona Public Service provided an alternative to EPA to better address emissions and resolve other existing uncertainties that included:

- Closure of Units 1, 2 and 3 in 2014
- Installation of NO_x controls on Units 4 and 5 by end of 2018
- Resolution of plant obligations under other Clean Air Act programs

The proposed closure of Units 1, 2 and 3, and installation of additional pollution controls on Units 4 and 5 would reduce:

- Nitrogen oxides by 86%
- Mercury by 61%
- Particulates by 43%
- Carbon dioxide by 30%
- Sulfur dioxide by 24%





FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS WATER QUALITY

WATER QUALITY

The U.S. Army Corps of Engineers, EPA, and Navajo Nation are responsible for issuing permits that would allow the coal mine to discharge into U.S. waters.

CLEAN WATER ACT PERMITS

Section 404 – Permits for discharge of fill material:

- A Section 404 permit from the U.S. Army Corps of Engineers would be required to allow BHP Billiton Navajo Coal Company to discharge fill material into waters at specified disposal sites
- Development of the Pinabete Permit area would impact approximately 5 acres of waters of the U.S. over 25 years

Section 402 – Permits for discharge of pollutants:

- A Section 402 permit, known as a National Pollutant Discharge Elimination System Permit, would be required by EPA to allow BHP Billiton Navajo Coal Company to discharge certain pollutants into waters of the U.S.

Section 401 – Water quality certifications:

- The Navajo Nation would be responsible for issuing Section 401 water quality certifications to BHP Billiton Navajo Coal Company





FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS CULTURAL RESOURCES

CULTURAL RESOURCES

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to take into account the effects of proposed actions on historic properties listed on or eligible for listing on the National Register of Historic Places.

OSM will consult with regional tribes and State Historic Preservation Officers to determine whether there would be impacts to cultural and historic resources and how to minimize or avoid impacts.

The NEPA scoping process will also satisfy the public involvement and noticing requirement for Section 106 of the National Historic Preservation Act.

The Proposed Actions will comply with:

- National Historic Preservation Act (NHPA)
- Archaeological Resources Protection Act (ARPA)
- American Indian Religious Freedom Act (AIRFA)
- Native American Graves Protection and Repatriation Act (NAGPRA)
- Navajo Nation Cultural Properties Act (NNCPA)
- Navajo Nation Policy to Protect Traditional Cultural Properties (NNTCP)
- Navajo Nation Guidelines for the Treatment of Historic, Modern, and Contemporary Abandoned Sites (NNTCS)
- Navajo Nation Policy for the Protection of Jishchaa': Gravesites, Human Remains, and Funerary Items (NNJGH)





FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS

TRADITIONAL CULTURAL PROPERTIES

TRADITIONAL CULTURAL PROPERTIES

Traditional Cultural Properties (TCPs) are locations with significance to the beliefs, customs and/or practices of a living community.

- TCPs are defined by their importance in maintaining a community's cultural identity
- They include places associated with religious, spiritual, ceremonial, medicinal, or subsistence practices, customs, or beliefs. Examples include:
 - Rock imagery
 - Rock alignments
 - Stone circles
 - Cairns
 - Natural topographic features
 - Material source areas, or
 - Areas with no distinguishing characteristics
- TCPs are generally considered eligible for the National Register of Historic Places if they are associated with cultural practices or beliefs:
 - Rooted in a community's history
 - Important in maintaining the cultural identity of a community that form the basis of their traditional function within, and perpetual importance to, the cultures of living communities





FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

The EIS will include analyses of how environmental impacts from the proposed actions would affect socioeconomics

Socioeconomics is a broad discipline and includes topics such as employment, household income, business output, property values and disadvantaged populations.

Environmental justice studies are part of the larger socioeconomic analyses in the NEPA process which examine the potential for disproportionate impacts to minority and low-income populations.

Environmental Justice:

- The fair treatment and meaningful involvement of all people, regardless of race, color, national origin or income
- Certain populations should not bear a disproportionate share of environmental impacts

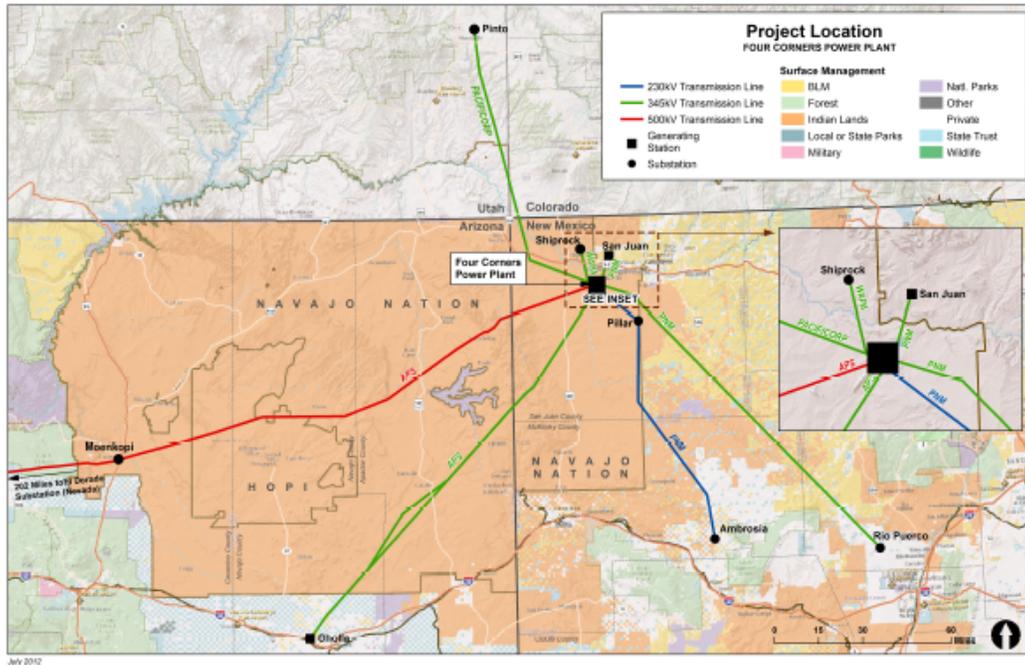
Diné Natural Law informs environmental justice analysis

Diné Natural Law requires that:

The rights to use the land, natural resources, sacred sites, and other living beings must be accomplished through the protocol of offering and these practices must be protected.

(Source: The Fundamental Laws of the Diné, Title 1, Chapter 1, Part 5. Nahaedz'áán dóó Yádlíhí Bít'e'áádóó' Beehaaz'áanii - Diné Natural Law)

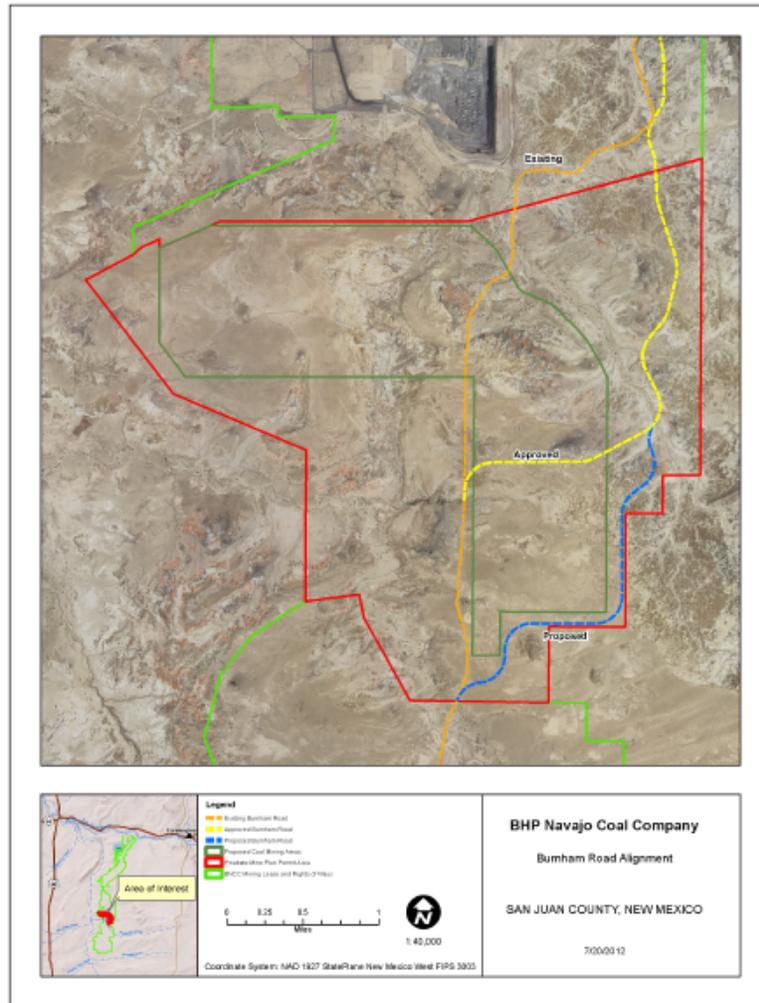




Power Plant Actions

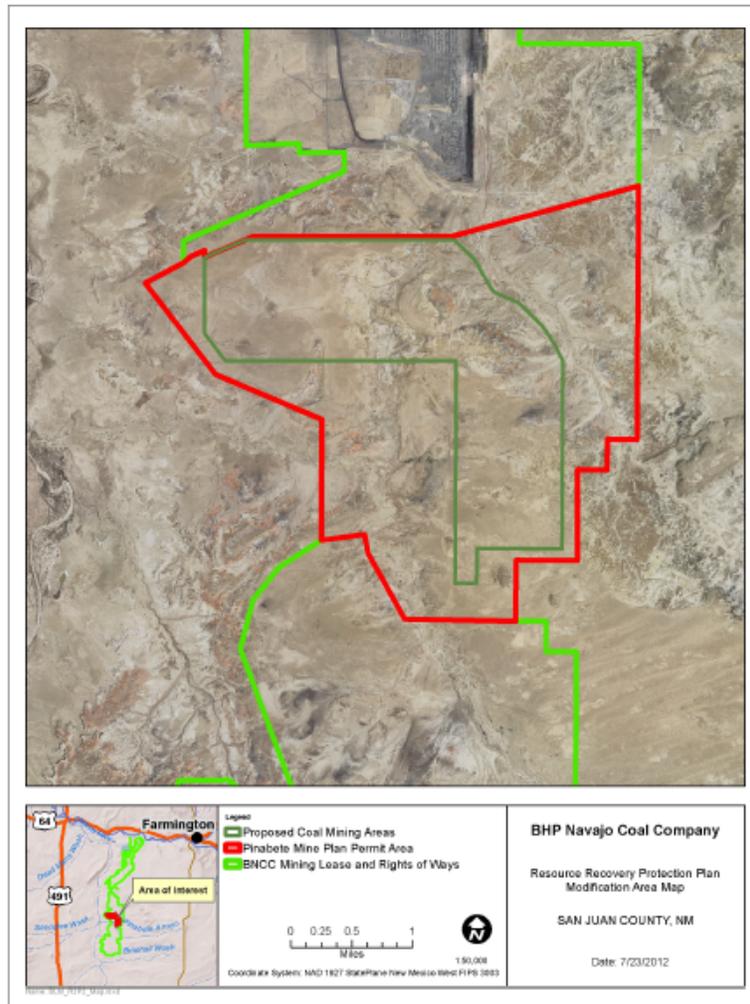
Arizona Public Service (APS) recently executed Lease Amendment No. 3 with the Navajo Nation to extend the term of the lease for Four Corners Power Plant (FCPP) an additional 25 years to 2041. Continued operation of the FCPP is expected to require several Federal actions including:

- Approval by BIA of Lease Amendment No. 3 for the FCPP plant site, pursuant to 25 U.S.C 415. Lease Amendment No. 3 has been signed by President Shelly of the Navajo Nation following Navajo Nation Council approval.
- Issuance by BIA of renewed rights-of-way (ROWs), pursuant to 25 U.S.C. 323, for the FCPP and ancillary facilities such as the pumping station, plant access road, and pipeline; a 500 kV and 345 kV transmission line; and transmission line facilities including the Moenkopi switchyard and ancillary facilities. There is no proposed change to the exterior boundary of the FCPP site, the switch yard, or any of the transmission lines and ancillary facilities as part of the proposed actions. The transmission ROWs cross both Navajo Reservation and Hopi Reservation lands.
- Issuance by BIA of renewed ROWs to Public Service Company of New Mexico (PNM) for existing 345 kV transmission facilities. The transmission facilities are already in place, and will continue to be maintained and operated as part of the proposed action. There is no proposed change to the exterior boundary of the transmission lines and ancillary facilities as part of the proposed actions.



Mining Actions

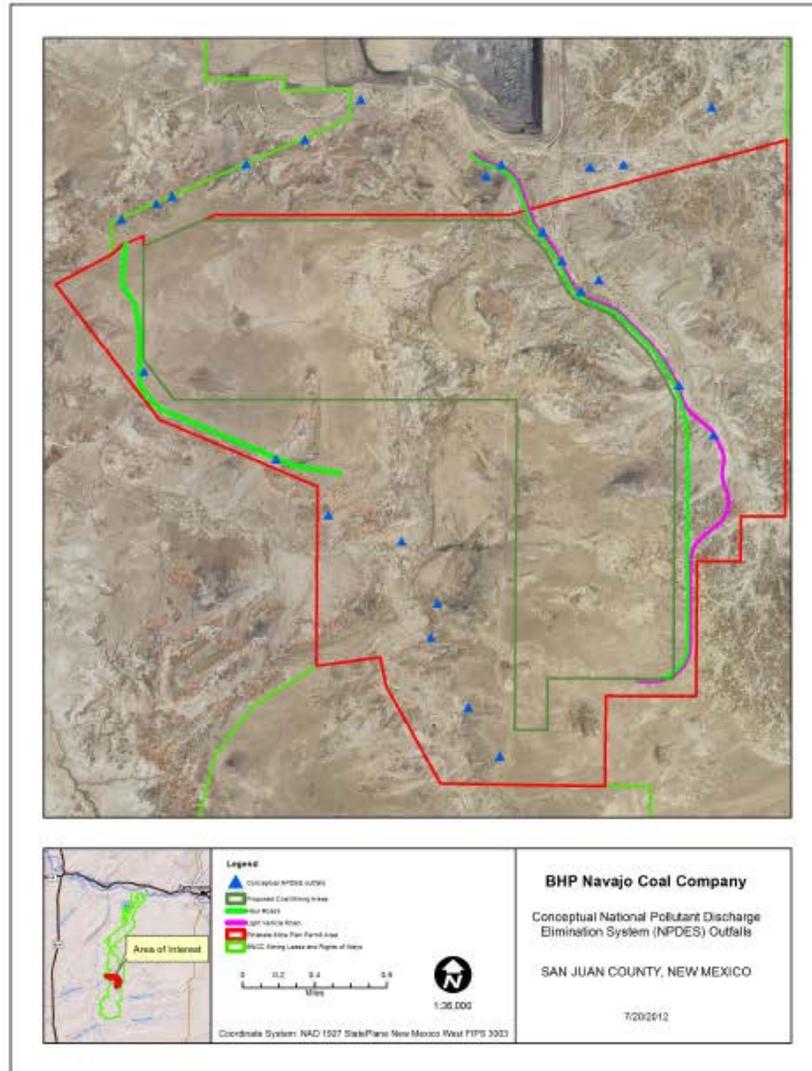
- BIA will consider permits or rights-of-way for access and haul roads, power supply for operations, and related facilities.
- BNCC proposes to relocate approximately 2.8 miles of the Burnham Road (BIA 3005/Navajo Road N 5082) in Areas 4 North and 4 South to avoid proposed mining areas.
- The Burnham Road is a public road that provides access for local residents to the Tiis Tsoh Sikaad (Burnham) Chapter House.
- The road relocation is necessary due to the proximity of the road to proposed mining operations and to improve safety and access for local residents and others using the Burnham Road for local and through traffic.
- The proposed Burnham Road realignment will be reviewed by BIA and Office of Surface Mining Reclamation and Enforcement (OSM).



RESOURCE RECOVERY AND PROTECTION PLAN

The Bureau of Land Management (BLM) has trust responsibilities with the Navajo Nation to ensure the economic recovery of coal reserves on the Navajo Nation. The BLM requires a Resource Recovery and Protection Plan for all coal mining operations requiring an Indian coal lease. This plan requires all coal mining operators to conduct mining operations in a manner that achieves maximum economic recovery of the available coal.

BHP Navajo Coal Company (BNCC) proposes a revision to the existing Resource Recovery and Protection Plan to include the Pinabete Mine Plan for the proposed maximum economic recovery of coal reserves within the BNCC's mining lease. This revision will be reviewed by the BLM.



NPDES Permitting

The United States Environmental Agency (USEPA) has trust responsibilities with the Navajo Nation to administer National Pollutant Discharge Elimination System (NPDES) permit program. Section 402 of the Clean Water Act. The NPDES permit program controls water pollution by regulating point sources, such as pipes, culverts, or man-made ditches that discharge into surface waters of the United States.

BNCC proposes a new Section 402 NPDES permit or a revision to BNCC's existing Section 402 NPDES permit to include new surface water discharge outfalls within Area 3, Area 4 North and Area 4 South. The USEPA will review the NPDES permit or permit revision.

Surface Water Permit

(Clean Water Act Section 404 Permit)

AVOID • MINIMIZE • MITIGATE

AVOID: Corps requires project to avoid environmental impacts where possible

MINIMIZE: Any impacts to surface water must be minimized

MITIGATE: Unavoidable impacts must be addressed, usually by the creation of aquatic habitat elsewhere on the Navajo Nation

Individual Permit

EVALUATE ALTERNATIVES

Select least environmentally damaging practicable alternative



WELCOME

TO THE FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT

Environmental Impact Statement Public Scoping Meeting and
Informal Conference





FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS INFORMAL CONFERENCE



INFORMAL CONFERENCE

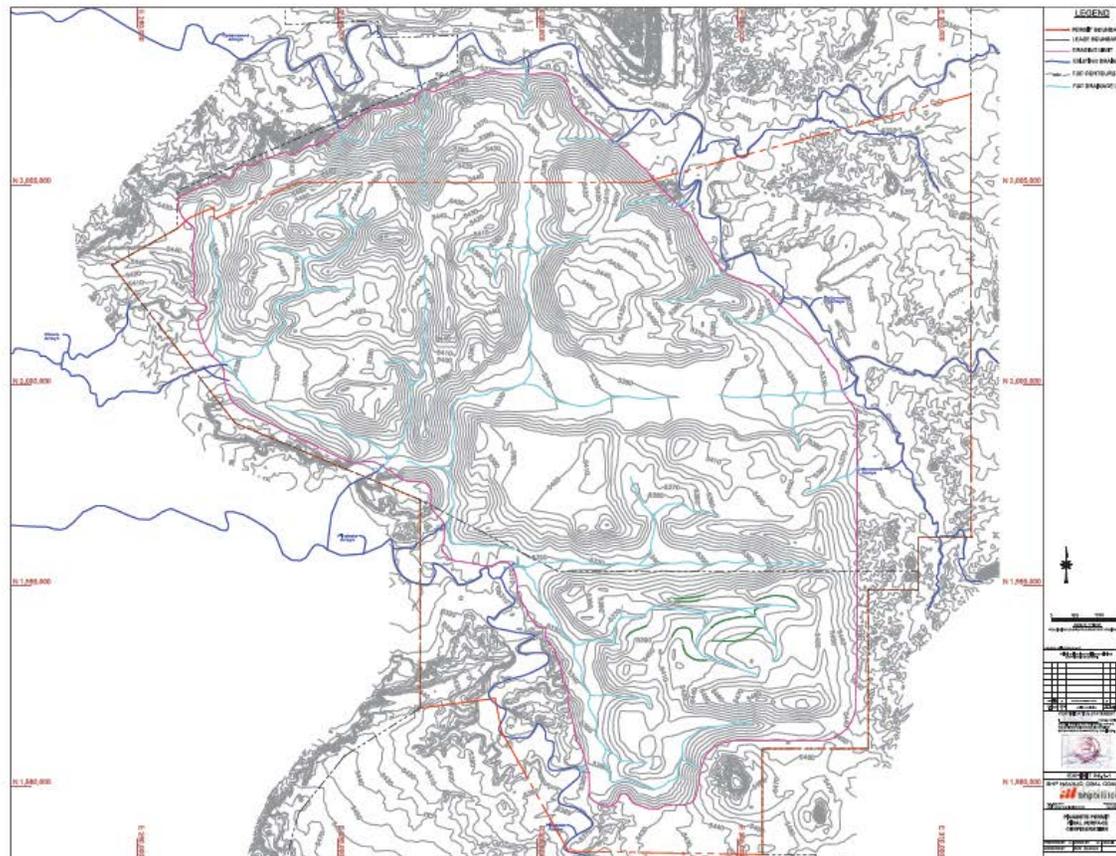
An Informal Conference provides an opportunity for interested parties to present oral and written statements and any other relevant information to the Regulatory Authority regarding the application for a new permit (30 CFR 773.6(c) Informal Conferences).

The Office of Surface Mining Reclamation and Enforcement (OSM) is the Regulatory Authority and will be accepting relevant statements on the proposed Pinabete Mine Plan Permit Application, OSM Project Code: NM-0042-A-P01. Statements may be provided orally to a court reporter or provided in writing at this informal conference today.

- Today's informal conference is being combined with the Four Corners Power Plant and Navajo Mine Energy Project Open House EIS Scoping Meeting. Please specify to the court reporter if you are providing comments on the EIS Scoping *or* the Pending Pinabete Permit Application.
- Navajo Translators are available.
- A stenographic record of the informal conference will be made available by OSM as soon as possible.



FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS PINABETE PERMIT SURFACE CONFIGURATION





FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS PINABETE PERMIT TERM DISTURBANCE SCHEDULE

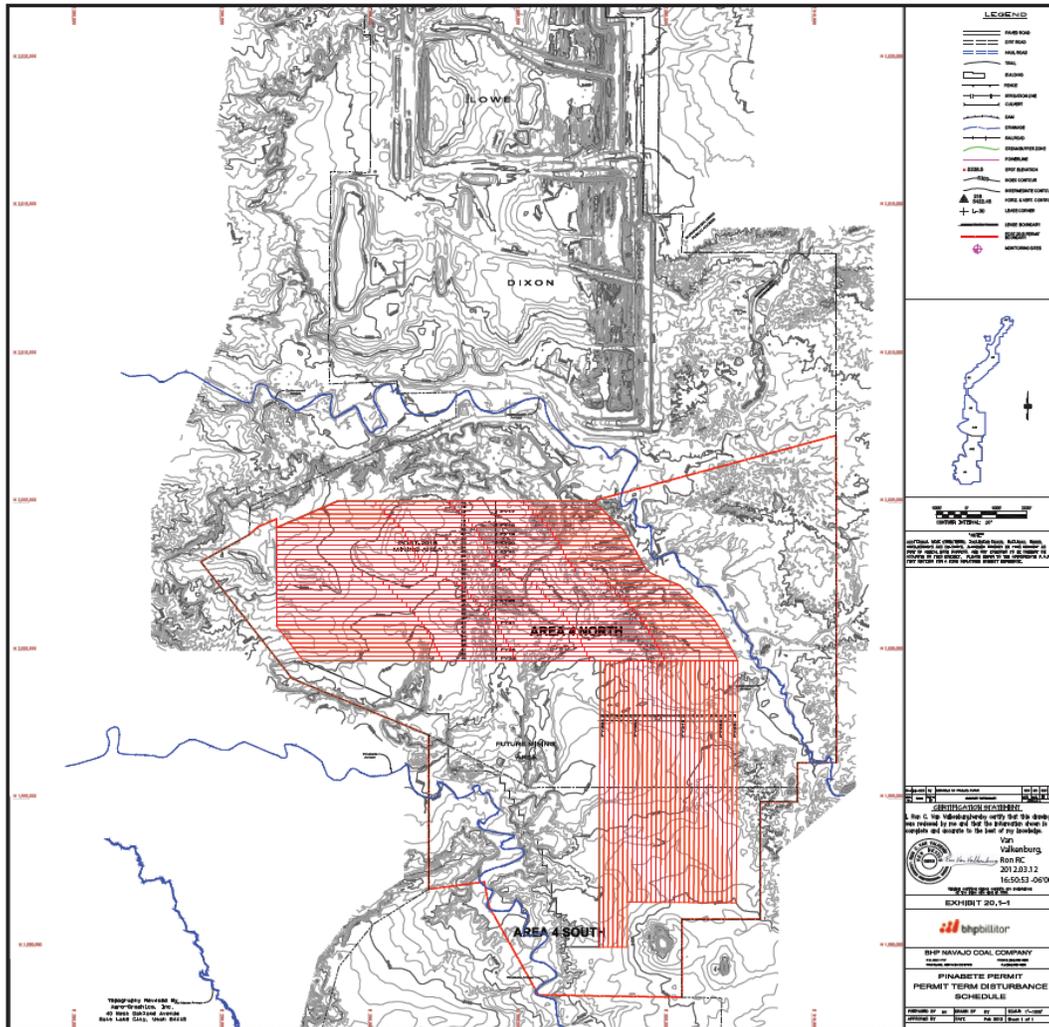


Exhibit Q – Recipients of Project Overview Video

NAME	TITLE	ORGANIZATION	ADDRESS
Clayton Honyumptewa	Manager	Hopi Department of Natural Resources	P.O. Box 123 Kykotsmovi, AZ 86039
Vangie C. Thomas		Navajo Nation, Natural Resources Division	P.O. Box 9000 Window Rock, AZ 86515
Michele Morris	Policy Director	Navajo Nation	P.O. Box 7440 Window Rock, AZ 86515
Micah Loma'omvaya		Hopi Office of the Chairman	P.O. Box 123 Kykotsmovi, AZ 86039
Johnny Naize	Speaker of the 22nd Navajo Nation Council	Navajo Nation Council	P.O. Box 3390 200 Parkway Administration Building 1 Window Rock, AZ 86515
Sherrick Roanhorse	Chief of Staff	Navajo Nation	P.O. Box 7440 Window Rock, AZ 86615
Ben Shelly	President	Navajo Nation	P.O. Box 7440 Window Rock, AZ 86515
R. Darlene Marcus		Office of Congressman Scott Tipton	#10 W. Main St., Suite 107 Cortez, CO 81321
Cal H. Curley		Office of Senator Tom Udall	219 Central Ave. NW, Suite 210 Albuquerque, NM 87102
Pete Valencia	Office of Congressman Ben R. Lujan	U.S. House of Representatives, 3rd District	800 Municipal Drive Farmington, NM 87401
Jim Dumont	Office of Senator Jeff Bingaman	United States Congress	106 B West Main Farmington, NM 87401
James Strickler	Representative	New Mexico House of Representative, 2nd District	2204 N. Santiago Ave. Farmington, NM 87401
Robert Mayes	City Manager	City of Farmington	Administration, 800 Municipal Drive Farmington, NM 87401
John Taschek		New Mexico State Land Office	Farmington Office P.O. Box 3170 Farmington, NM 87402
		Nenahnezad Chapter House	P.O. Box 438 Fruitland, NM 87416
		Tiis Tsoh Sikaad (Burnham) Chapter House	P.O. 7359 Newcomb , NM 87455

Exhibit R – Recipients of Scoping Meeting Poster Stations Video

NAME	ORGANIZATION
Michele Morris	Navajo Nation
Wilson Benally	Burnham Chapter President
Lucinda Yellowman Bennally	Nenahnezad Chapter President
Clayton Honyumptewa	Hopi Tribe
Micah Loma'omvaya	Hopi Tribe

Exhibit S – Scoping Comment Period Extension Notifications

DEPARTMENT OF STATE

[Public Notice 8061]

Culturally Significant Objects Imported for Exhibition Determinations: "Royal Treasures From the Louvre: Louis XIV to Marie-Antoinette"

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition "Royal Treasures from the Louvre: Louis XIV to Marie-Antoinette" imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Fine Arts Museums of San Francisco, San Francisco, CA, from on or about November 17, 2012, until on or about March 17, 2013, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6467). The mailing address is U.S. Department of State, SA-5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522-0505.

Dated: October 3, 2012.

J. Adam Ereli,
Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs,
Department of State.

[FR Doc. 2012-25167 Filed 10-11-12; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35506]

Western Coal Traffic League—Petition for Declaratory Order

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of request for comments.

SUMMARY: The Surface Transportation Board seeks comments from the public addressing the recent discovery that Berkshire Hathaway Inc. (Berkshire), owned or controlled CBEC Railway (CBEC) and White City Terminal Union Railway (WCTU) when it acquired BNSF Railway Company (BNSF) in February 2010, thus subjecting Berkshire's acquisition of BNSF to the Board's jurisdiction pursuant to 49 U.S.C. 11323. Specifically, the Board seeks comments addressing the effect, if any, of this discovery on the post-February 2010 valuation of BNSF's asset base.

DATES: Comments are due by November 8, 2012. Replies are due by November 28, 2012.

ADDRESSES: Comments and replies may be submitted either via the Board's e-filing format or in traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's Web site at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies referring to Docket No. FD 35506 to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001.

FOR FURTHER INFORMATION CONTACT: Valerie Quinn, (202) 245-0382. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.

SUPPLEMENTARY INFORMATION: By a letter dated September 13, 2012, in response to an inquiry from the Board, Berkshire stated that it owned or controlled CBEC and WCTU at the time of Berkshire's acquisition of BNSF in February 2010.¹

¹ On February 12, 2010, Berkshire purchased the common stock of BNSF's parent company that Berkshire did not already own in a transaction valued at \$34.5 million in cash and Berkshire stock (the Purchase Price). See Burlington Northern Santa Fe Corporation, Schedule 13D (Amendment No. 4 to Schedule 13D), at 6 (Feb. 16, 2010), available at <http://www.sec.gov/Archives/edgar/data/934612/000119312510032484/dsc13da.htm>. The Purchase Price reflected a premium of approximately \$22 billion over the net book value of the pre-acquisition BNSF, which was approximately \$13

thus subjecting this transaction to the Board's jurisdiction pursuant to 49 U.S.C. 11323. Berkshire also acknowledged that the 2008 purchase of its initial 60% ownership stake in the Marmon Group, which holds WCTU through one of its subsidiaries, was likely subject to Board jurisdiction. In its letter, Berkshire stated that it intends to fully comply with the requirements of § 11323 by divesting itself of CBEC and WCTU.

The Board responded to Berkshire in a letter dated September 18, 2012, stating that Berkshire is not permitted to own or control multiple carriers without Board authorization, and that according to the facts it disclosed, Berkshire failed to comply with the requirements of § 11323 when it acquired BNSF, and when it first obtained control over both the CBEC and WCTU.² The Board directed Berkshire to submit within 10 days a letter specifying the method and timing by which it proposed to remedy its failure to comply with § 11323, and further stated that the Board would, at that time, consider whether further action is warranted.

By letter dated September 25, 2012,³ Berkshire responded to the Board, stating that it fully intends to complete the divestiture of both WCTU and CBEC to persons that are neither rail carriers, as defined by 49 U.S.C. 10102(5), nor owners of other rail carriers, so that neither divestiture would be subject to Board jurisdiction, pursuant to § 11323, no later than December 31, 2012. Berkshire stated that it and its subsidiaries are currently in the process of valuing both rail carriers and contacting potential transferees. Berkshire proposed to update the Board on the progress of these divestitures on November 1, 2012 and December 1, 2012. The Board replied to Berkshire by letter on October 9, 2012, stating that prompt divestiture is an appropriate remedy under Board precedent, and directing Berkshire to submit written progress reports on November 1, 2012

billion. Out of the \$22 billion, BNSF stated in its 2010 STB Form R-1 annual report that it increased the cost of its tangible assets by approximately \$8.1 billion to reflect their fair market value, and allocated \$14 billion to goodwill.

² An entity that is not a rail carrier must obtain prior Board approval to acquire a railroad line through an asset purchase. See 49 U.S.C. 10901(a)(4). But the acquisition by a non-railroad of a controlling stock interest in a company that owns a railroad line does not trigger § 10901(a)(4). Prior Board approval of the acquisition of a controlling interest in the stock of a rail carrier is only required where the purchaser already controls a rail carrier. See 49 U.S.C. 11323.

³ The September 13, 2012 and September 25, 2012 Berkshire letters, as well as the Board's September 18, 2012 and October 9, 2012 responses, have been added to this docket.

and December 1, 2012, detailing the status of the divestitures. In the same letter, the Board also stated that should any developments or change in circumstances at any other time that affect the course of divestiture arise, Berkshire should bring them to the Board's attention immediately.

On September 28, 2011, the Board opened this proceeding to address the May 2, 2011 petition of the Western Coal Traffic League (WCTL), where WCTL asked the Board to issue an order declaring that the Board will adjust the Uniform Railroad Costing System (URCS) costs of BNSF for calendar year 2010 and subsequent years. In particular, WCTL asked the Board to declare that it will exclude the write-up in BNSF's net investment base attributable to the difference between the BNSF's book value and the price that Berkshire paid to acquire BNSF in 2010, and to make corresponding changes in BNSF's annual URCS depreciation calculations. WCTL argued that the inclusion of the write-up could have an impact in rate cases, the determination of BNSF's revenue adequacy, and other matters. On March 22, 2012, the Board held a public hearing to explore the arguments raised by WCTL, BNSF, and other parties to the proceeding.

The Board now seeks comments from the public on the effect, if any, of Berkshire's non-compliance with § 11323 upon this proceeding. Berkshire's 2010 acquisition of BNSF was and remains subject to the Board's jurisdiction pursuant to § 11323, but Berkshire will not come into compliance until December 31, 2012 (by its estimates). The Board seeks comments on the effect, if any, of Berkshire's non-compliance with § 11323 on the legal and accounting principles that govern acquisition premiums within rail mergers, here the post-February 2010 valuation of BNSF's asset base.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Comments are due by November 8, 2012.
2. Replies are due by November 28, 2012.
3. This decision is effective on its service date.

Decided: October 9, 2012.

By the Board, Rachel D. Campbell,
Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2012-25118 Filed 10-11-12; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF THE TREASURY

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to 5 U.S.C. App. 2, 10(a)(2), that a meeting will be held at the Hay-Adams Hotel, 16th Street and Pennsylvania Avenue NW., Washington, DC, on October 30, 2012 at 11:30 a.m. of the following debt management advisory committee:

Treasury Borrowing Advisory Committee of The Securities Industry and Financial Markets Association.

The agenda for the meeting provides for a charge by the Secretary of the Treasury or his designate that the Committee discuss particular issues and conduct a working session. Following the working session, the Committee will present a written report of its recommendations. The meeting will be closed to the public, pursuant to 5 U.S.C. App. 2, 10(d) and Public Law 103-202, § 202(c)(1)(B)(31 U.S.C. 3121 note).

This notice shall constitute my determination, pursuant to the authority placed in heads of agencies by 5 U.S.C. App. 2, 10(d) and vested in me by Treasury Department Order No. 101-05, that the meeting will consist of discussions and debates of the issues presented to the Committee by the Secretary of the Treasury and the making of recommendations of the Committee to the Secretary, pursuant to Public Law 103-202, 202(c)(1)(B). Thus, this information is exempt from disclosure under that provision and 5 U.S.C. 552b(c)(3)(B). In addition, the meeting is concerned with information that is exempt from disclosure under 5 U.S.C. 552b(c)(9)(A). The public interest requires that such meetings be closed to the public because the Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decisions on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community. When so utilized, such a committee is recognized to be an advisory committee under 5 U.S.C. App. 2, 3.

Although the Treasury's final announcement of financing plans may

not reflect the recommendations provided in reports of the Committee, premature disclosure of the Committee's deliberations and reports would be likely to lead to significant financial speculation in the securities market. Thus, this meeting falls within the exemption covered by 5 U.S.C. 552b(c)(9)(A).

Treasury staff will provide a technical briefing to the press on the day before the Committee meeting, following the release of a statement of economic conditions and financing estimates. This briefing will give the press an opportunity to ask questions about financing projections. The day after the Committee meeting, Treasury will release the minutes of the meeting, any charts that were discussed at the meeting, and the Committee's report to the Secretary.

The Office of Debt Management is responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of Committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552(b). The Designated Federal Officer or other responsible agency official who may be contacted for additional information is Fred Pietrangeli, Deputy Director for Office of Debt Management (202) 622-1876.

Dated: October 3, 2012.

Matthew S. Rutherford,

Assistant Secretary, Financial Markets.

[FR Doc. 2012-24947 Filed 10-11-12; 8:45 am]

BILLING CODE 4810-25-W

INSTITUTE OF PEACE

Notice of Meeting

Date/Time: Wednesday, October 24, 2012 (9:00 a.m.–4:00 p.m.).

Location: 2301 Constitution Avenue NW., Washington, DC 20037.

Status: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98-525.

Agenda: October 24, 2012 Board Meeting; Approval of Minutes of the One Hundred Forty-Fourth Meeting (July 19, 2012) of the Board of Directors; Chairman's Report; President's Report; Update on Management, Budget and Congress; Update on USIP Work in Syria, Afghanistan, Pakistan, Libya, Tunisia, Egypt and Iraq; Board Executive Session; Other General Issues.

Contact: Tessie F. Higgs, Executive Office, Telephone: (202) 429-3836.



Four Corners Power Plant and Navajo Mine Energy Project EIS

NOTICE: Scoping Comment Period Extended to Nov. 1, 2012

The Office of Surface Mining Reclamation and Enforcement (OSM) is in the early stages of preparing an Environmental Impact Statement (EIS) to evaluate the potential environmental impacts from continued operation of the Four Corners Power Plant, rights-of-way renewals for associated transmission lines, renewal of the Navajo Mine Permit in 2014, and a proposed new mine permit area within the existing Navajo Mine Lease area.

In response to requests for an extension of the scoping comment period, OSM is granting a 45-day extension until Nov. 1, 2012.

Community input is requested on the scope, environmental resources and issues to be considered in the Draft EIS. This scoping will also satisfy the public involvement and noticing requirement for Section 106 of the National Historic Preservation Act.

Comments can be submitted via mail, hand delivery, courier, or email.

SUBMIT WRITTEN COMMENTS TO:

Mr. Marcelo Calle, Office of Surface Mining Reclamation & Enforcement—
Western Region, 1999 Broadway, Suite 3320,
Denver, CO 80202-3050; or FCPPNavajoEnergyEIS@osmre.gov
Comments must be postmarked or received by **Nov. 1, 2012**,
to be considered in the EIS.

PROPOSED ACTIONS: In accordance with the National Environmental Policy Act, OSM is conducting an environmental review of the following proposed actions:

- **Power Plant Lease Amendment** – Arizona Public Service recently executed a lease amendment with the Navajo Nation to extend the term of the lease for the Four Corners Power Plant to 2041.
- **Energy Transmission Lines** – Transmission lines directly connected to the power plant and owned by Arizona Public Service and Public Service Company of New Mexico require rights-of-way renewals.
- **Navajo Mine 2014 Permit Renewal** – OSM expects BHP Navajo Coal Company to submit a renewal application in 2014 for its existing Navajo Mine SMCRA Permit.
- **New Coal Mine Area** – BHP Navajo Coal Company is proposing to develop a new mine area, referred to as the Pinabete Mine Permit area, within its existing Navajo Mine Lease to supply coal to the power plant for up to 25 years, beginning July 2016.

Potential environmental impacts from these proposed actions will be analyzed in the EIS.

For more project information, visit <http://www.wrcc.osmre.gov/FCPPEIS.shtm>
or call Mr. Marcelo Calle, OSM EIS Coordinator, at 303-293-5035.



FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT

Environmental Impact Statement

NOTICE:

Scoping Comment Period Extended to Nov. 1, 2012

The Office of Surface Mining Reclamation and Enforcement (OSM) is in the early stages of developing an Environmental Impact Statement (EIS) to evaluate potential environmental impacts from continued operation of the Four Corners Power Plant, rights-of-way renewals for associated transmission lines, renewal of the Navajo Mine Permit in 2014, and a proposed new mine permit area within the existing Navajo Mine Lease area.

In response to requests for an extension of the scoping comment period, OSM is granting a 45-day extension until Nov. 1, 2012.

Your input in this environmental analysis process is important. OSM welcomes your comments to identify the environmental factors that should be considered in the development of the Draft EIS. Your input will help OSM make a well-informed decision on the proposed actions.

How to Submit Comments

Comments must be postmarked or received by Nov. 1, 2012. To submit comments on the proposed actions and environmental factors that should be considered in the EIS:

- Email comments to FCPPNavajoEnergyEIS@osmre.gov;

or

- Send comments via postal mail, hand delivery, or courier to:

Mr. Marcelo Calle
Office of Surface Mining
Reclamation & Enforcement
- Western Region
1999 Broadway, Suite 3320
Denver, CO 80202-3050

To learn more about the project, visit <http://www.wrcc.osmre.gov/FCPEIS.shtm> or call Mr. Marcelo Calle, OSM EIS Coordinator, at 303-293-5035.

Proposed Actions

In accordance with the National Environmental Policy Act, OSM is conducting an environmental review and requests your comments related to these actions:

- **Power Plant Lease Amendment**
Arizona Public Service recently executed a lease amendment with the Navajo Nation to extend the term of the lease for the Four Corners Power Plant to 2041. Environmental impacts from this lease amendment will be analyzed.
- **Energy Transmission Lines**
Transmission lines directly connected to the power plant and owned by Arizona Public Service and Public Service Company of New Mexico require rights-of-way renewals. Environmental impacts from the renewal of rights-of-way permits will be analyzed.
- **Navajo Mine 2014 Permit Renewal**
OSM expects BHP Navajo Coal Company to submit a renewal application in 2014 for its existing Navajo Mine SMCRA Permit. The EIS will therefore also analyze impacts of the 2014 renewal application action.
- **New Coal Mine Area**
BHP Navajo Coal Company is proposing to develop a new mine area, referred to as the Pinabete Mine Permit area, within its existing Navajo Mine Lease to supply coal to the power plant for up to 25 years, beginning July 2016. Environmental impacts from the proposed mine area will be analyzed.

Mr. Marcelo Calle
OSM Western Region
1999 Broadway, Suite 3320
Denver, CO 80202-3050



News Advisory

Office of Surface Mining Reclamation and Enforcement
Washington, D.C.

Contact: Mr. Marcelo Calle
Office of Surface Mining Reclamation and Enforcement (OSM) Western Region
(T) 303-293-5035

PUBLIC SERVICE ANNOUNCEMENT

FOR IMMEDIATE RELEASE

**Four Corners Power Plant and Navajo Mine Energy Project Environmental Impact Statement.
Scoping Comment Period extended to Nov. 1, 2012**

(25 Seconds)

ANNOUNCER OR PRE-RECORDING:

*THIS IS A NOTICE REGARDING THE FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY
PROJECT ENVIRONMENTAL IMPACT STATEMENT.*

THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT HAS EXTENDED THE SCOPING
COMMENT PERIOD TO NOVEMBER 1ST, 2012, FOR THE FOUR CORNERS POWER PLANT AND NAVAJO MINE
ENERGY PROJECT ENVIRONMENTAL IMPACT STATEMENT. FOR MORE INFORMATION ON HOW TO SUBMIT
COMMENTS, CALL 303-293-5035. THAT'S 303-293-5035.



FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT

SCOPING COMMENT PERIOD EXTENDED TO NOV. 1, 2012

The Office of Surface Mining Reclamation and Enforcement (OSM) is preparing an Environmental Impact Statement (EIS) to evaluate the potential environmental impacts from:

- Continued operation of the Four Corners Power Plant
- Rights-of-way renewals for associated transmission lines
- Renewal of the Navajo Mine Permit in 2014, and
- A proposed new mine permit area within the existing Navajo Mine Lease area

In response to requests for an extension of the scoping comment period, OSM is granting a 45-day extension until Nov. 1, 2012.

Comments must be submitted before Nov. 1, 2012, to be considered in the Draft EIS.

Send written comments via postal mail, hand delivery, courier, or email to:

Mr. Marcelo Calle
Office of Surface Mining Reclamation and Enforcement,
Western Region
1999 Broadway, Suite 3320
Denver CO 80202-3050
FCPPNavajoEnergyEIS@osmre.gov

For more information, visit <http://www.wrcc.osmre.gov/FCPPEIS.shtm>
or call Mr. Marcelo Calle, OSM EIS Coordinator, at 303-293-5035.

Exhibit T – Media Log

List of Articles

- Staff Writer. “Comment Period Extended to November 1. Long Overdue Analysis of Four Corners Power Plant Complex.” [San Juan Citizen’s Alliance](#) 17 September 2012.
- Staff Writer. “Feds Extend Public Comment for Four Corners Power Plant and Navajo Mine.” [KUNM Earth Air Waves](#) 12 September 2012.
- Igkiyaani. “Lyle Ben, BIA, 8/15/12 FourCorners PP-Navajo Mine Scoping Mtg.” [YouTube](#) 17 August 2012.
- Igkiyaani. “Paul Clark, OSM Hydrologist 8-15-12 Shiprock.” [YouTube](#) 17 August 2012.
- Staff Writer. “EPA Holding Hearings on Arizona Coal-Fired Power Plants.” [LakePowellLife.com](#) 16 August 2012.
- Staff Writer. “Environmental Meeting Today to Consider Four Corners Power Plant, Navajo Mine.” [Buffalo’s Fire](#) 15 August 2012.
- Randolph, Dan. “Coal Combustion Waste – Why You Should Care.” [The Durango Herald](#) 15 August 2012.
- Slothower, Chuck. “Environmental Meeting Today to Consider Four Corners Power Plant, Navajo Mine.” [Farmington Daily Times](#) 14 August 2012.
- Slothower, Chuck. “Environmental Meeting Today to Consider Four Corners Power Plant, Navajo Mine.” [I4U News](#) 14 August 2012.
- Helms, Kathy. “OSM Kicks Off Meetings on Energy Project.” [Navajo Truth Facebook](#) 11 August 2012.
- Fonseca, Felicia. “EPA Sets Final Rules for Navajo Power Plant.” [Environmental, Health and Safety News](#) 9 August 2012.
- Staff Writer. “Four Corners Power Plant to Undergo EIS.” [The Durango Telegraph](#) 9 August 2012.
- Fonseca, Felicia. “EPA Sets Final Rules for Navajo Power Plant to Lessen Pollutants.” [The Eloy Enterprise](#) 9 August 2012.
- Brashear, Ivy. “New EPA Rules for Four Corners Power Plant Could Reduce Air Pollution.” [The Rural Blog](#) 9 August 2012.
- Fonseca, Felicia. “EPA Sets Rules for Navajo Power Plant.” [Arizona Daily Sun](#) 8 August 2012.
- Fonseca, Felicia. “EPA Sets Final Rules for Four Corners Power Plant.” [Arizona Daily Star](#) 8 August 2012.
- Fonseca, Felicia. “EPA Sets Rules for Navajo Power Plant.” [East Valley Tribune](#) 8 August 2012.

- Slothower, Chuck. “Environmental Meetings to Examine Mine, Power Plant.” [El Paso Times](#) 8 August 2012.
- Slothower, Chuck. “Four Corners Area Weighs Coal Mine, Power Plant Project Impact.” [ENR Southwest](#) 8 August 2012.
- Fonseca, Felicia. “EPA Sets Final Rules for Four Corners Power Plant.” [Farmington Daily Times](#) 8 August 2012.
- Slothower, Chuck. “Environmental Meetings to Examine Mine, Power Plant.” [Renewablesbiz](#) 8 August 2012.
- Fonseca, Felicia. “EPA Sets Final Rules for Navajo Power Plant.” [San Francisco Chronicle](#) 8 August 2012.
- Fonseca, Felicia. “EPA Sets Final Rules for Curbing Haze-Causing Pollutants from Navajo Power Plant.” [The Republic](#) 8 August 2012.
- Slothower, Chuck. “Environmental Meetings to Examine Mine, Power Plant.” [New Mexico State News Blog](#) 7 August 2012.
- Slothower, Chuck. “Environmental Meetings to Examine Mine, Power Plant.” [The Westerner Blog](#) 7 August 2012.
- Slothower, Chuck. “Environmental Meetings to Examine Mine, Power Plant.” [Farmington Daily Times](#) 7 August 2012.
- Staff Writer. “Long Overdue Analysis of Four Corners Power Plant Complex to Begin: Scoping Meetings August 9-18, 2012 across the Region.” [San Juan Citizens Alliance](#) 3 August 2012.
- Staff Writer. “Long Overdue Analysis of Four Corners Power Plant Complex to Begin: Scoping Meetings August 9-18, 2012 across the Region.” [San Juan Citizens Alliance](#) 3 August 2012.
- Staff Writer. “Four Corners Coal Complex to Face Full Environmental Review for the First Time in its 50-year History.” [Green Fire Times](#) 1 August 2012.
- Staff Writer. “An Energy Vision for Four Corners.” [San Juan Citizen’s Report: Summer 2012](#) July 2012.
- Berwyn, Bob. “Energy: Four Corners Power Plant to be Scrutinized.” [Summit County Citizens Voice](#) 20 July 2012.
- Center for Biological Diversity. “Four Corners Coal Complex to Face Full Environmental Review.” [YubaNet](#) 20 July 2012.
- Staff Writer. “Feds Plan Environmental Study of Four Corners Power Plant.” [KOB News Channel 4](#) 19 July 2012.
- Slothower, Chuck. “Facilities to Undergo Tough Environmental Scrutiny as Feds Eye Power Plant, Mine.” [Farmington Daily Times](#) 19 July 2012.
- Slothower, Chuck. “Facilities to Undergo Tough Environmental Scrutiny as Fed Eye Power Plant, Mine.” [Global Association of Risk Professionals](#) 19 July 2012.

- Cowan, Emery. "Coal Mine, Plant Due for Review: Four Corners Energy Complex Must Clear Environmental Hurdle." The Durango Herald 19 July 2012.
- Staff Writer. "VICTORY! Four Corners Coal Complex to Face Full Environmental Review." Western Environmental Law Center 19 July 2012.
- Cassell, Barry. "OSM to Review Impacts of Four Corners Partial Shutdown, Coal Mine Expansion." GenerationHub 18 July 2012.
- Randolph, Dan. "Way Past Due: A New Review for an Old Complex." The Durango Herald 18 July 2012.
- Silva, Christina. "Many Native Americans Live Next to Power Plants." Deseret News 8 July 2012.

San Juan Citizen's Alliance

Comment Period Extended to November 1. Long Overdue Analysis of Four Corners Power Plant Complex

By Staff Writer

September 17, 2012



The Federal Office of Surface Mining and Reclamation Enforcement (OSM) has initiated the preparation of an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) to analyze the coal-fired Four Corners Power Plant (4CPP), complex. This includes the adjacent Navajo Mine in Fruitland, New Mexico, as well as transmission corridors. This initial phase of the EIS, called scoping, consists of OSM and cooperating agencies taking comments from the public regarding issues and impacts to consider. The EIS will be complex, as it analyzes a proposed lease renewal for 4CPP from 2016-2041, a 5,800 acre expansion of Navajo Mine, and right-of-way renewals for power transmission lines that cross Arizona, including through Navajo Nation and Hopi Tribal lands. SJCA has long fought for an EIS of this magnitude and anticipates that scoping will kick off a two to three year EIS process.

Action Needed:

Submit electronic or written comments to OSM by the close of the scoping period on November 1, 2012. The public is invited to submit comments and resource information, and identify issues or concerns to be considered in NEPA compliance process.

- Email comments should be sent to fcppnavajoenergyeis@osmre.gov
- Written comments: Marcello Calle, OSM Western Region, 1999 Broadway, Suite 3320, Denver, Colorado 80202-3050

For background, dates and locations, and talking points for comments, [click here](#).

For further information, contact: Mike Eisenfeld, SJCA New Mexico Energy Coordinator, 505-360-8994

KUNM Earth Air Waves

<http://earthairwaves.kunm.org/2012/09/12/feds-extend-public-comment-for-four-corners-power-plant-and-navajo-mine/>

Feds Extend Public Comment for Four Corners Power Plant and Navajo Mine

By Staff Writer

September 16, 2012

Here at KUNM, we just learned that the Office of Surface Mining Reclamation and Enforcement has just extended the scoping comment period for the Four Corners Power Plant and Navajo Mine Energy Project's Environmental Impact Statement until Nov. 1.

For more information about the project and the public comment period, you can visit http://www.wrcc.osmre.gov/Current_Initiatives/FCNAVPRJ/FCPPEIS.shtm or call 303-293-5035.

YouTube

<http://www.youtube.com/watch?v=Jxuei61We38>

Lyle Ben, BIA, 8/15/12 FourCorners PP-Navajo Mine Scoping Mtg

By Igkiyaani

August 17, 2012

YouTube

Lyle Ben, BIA, 8/15/12 FourCorners PP-Navajo Mine Scoping Mtg

Igkiyaani + Subscribe 20 videos



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Published on Aug 17, 2012 by Igkiyaani

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By Dine' CARE

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Nonprofits & Activism

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YouTube

<http://www.youtube.com/watch?v=2AzmPPd9L14>

Paul Clark, OSM Hydrologist 8-15-12 Shiprock

By Igkiyaani

August 17, 2012

YouTube Navajo mine scoping meeting

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0 likes, 0 dislikes

LakePowellLife.com

www.lakepowelllife.com/index.php?option=com_content&view=article&id=3790:epa-holding-hearings-on-arizona-coal-fired-power-plants&catid=186:latest-local-news&Itemid=18

EPA Holding Hearings on Arizona Coal-Fired Power Plants

By Staff Writer

August 16, 2012



Several public hearings are being held around the state regarding proposed new Environmental Protection Agency rules for coal-fired power plants. Last week, the EPA issued its ruling for the Four Corners power plant. Rather than mandate the plant take one avenue to reduce nitrogen oxide emissions, the EPA is giving the plant's operators a choice.

Arizona Public Service can either upgrade the five units at the plant in northwestern New Mexico or go with its own plan to shut down three units and install pollution controls at the two others.

The EPA is proposing new rules for the plants to reduce pollutants at 18 national parks and wilderness areas in Arizona.

However, Arizona Department of Environmental Quality officials are opposed to forcing plant operators to install expensive pollution control equipment to improve visibility.

DEQ Director Henry Darwin said there would be no discernable identifiable difference in visibility between the less-expensive plan his agency is pushing and what the EPA wants.

The Navajo Generating Station still awaits the EPA's ruling for its plant. Plant officials have said if the EPA goes with the more expensive ruling, it will cost the plant operators to spend \$1.1 billion for new pollution controls. That coupled with the fact the plant is still in lease negotiations with the Navajo Nation, could force the closure of the plant.

Meanwhile, Navajo Nation President Ben Shelly told Governor Jan Brewer this week that that the tribe opposes the more expensive rules. He said that rule proposal

endangers about one-thousand jobs and that the impact of an NGS closure cannot be estimated.

Buffalo's Fire (Picked up from the Farmington Daily Times)

<http://buffalofire.com/environmental-meeting-today-to-consider/>

Environmental Meeting Today to Consider Four Corners Power Plant, Navajo Mine

By Staff Writer

August 15, 2012

FARMINGTON — The U.S. Office of Surface Mining, Reclamation and Enforcement will host a meeting at 5-9 p.m. today at the Farmington Civic Center to discuss the future of Four Corners Power Plant and Navajo Mine.

The federal agency is beginning scoping meetings to set the agenda for an environmental impact statement that will examine the combined effects of the coal mine and coal-burning power plant located on the Navajo Nation west of Farmington.

The series of meetings continues 5-9 p.m. Wednesday at Shiprock High School.

Arizona Public Service Co., operator of the 2,040-megawatt coal plant, seeks to shut down the plant's three oldest units, while retrofitting the two newer stacks to continue operating through 2041.

Mine operator BHP Billiton wants permission to extend the life of the mine and to move into previously unmined areas.

The meetings eventually will lead to a draft environmental impact statement for the plant and coal mine that will consider how they affect the environment, plant and animal species and cultural values.

Both facilities are major taxpayers and employers in San Juan County.

The Durango Herald

<http://durangoherald.com/article/20120816/COLUMNISTS37/708169965/-1/News06>

Coal Combustion Waste – Why You Should Care

By Dan Randolph

August 15, 2012

I grew up in a coal-heated house. Living in northwest Colorado, with many coal mines in the area, many houses had coal furnaces.

I still like the smell of coal smoke; it reminds me of playing outside on a winter afternoon. One of my favorite chores was cleaning out the coal ash and “clinkers,” the big molten chunks of lava-like ash, from the furnace. It was hot, dirty and just right for a young teen.

As with many things, what is quaint to a teen when done on a small scale, is quite different when done on an industrial scale. Coal is a dirty fuel, meaning that a lot of what is put in the furnace doesn't burn into gases and heat. There is a lot of solid waste, whether as very fine ash that goes up the chimney and out as visible air pollution, or as larger waste that stays in the bottom of the furnace or cakes the sides of the furnace.

The amounts are not quaint, either. In San Juan County, N.M., where there are the Four Corners Power Plant and the San Juan Generating Station, over 150 million tons of coal combustion waste have been dumped into either the mines that feed the plants, or in ponds near the San Juan River.

What is the problem with a bit, or a lot, of coal waste? Let's just say it ain't clean. Again, for our two local large plants, in 2010 (the last year we have data) more than 4 million pounds of barium compounds, more than 20,000 pounds of arsenic compounds, over 135,000 pounds of chromium compounds and more than 180,000 pounds of selenium compounds were dumped. These are large amounts of some of the most toxic compounds.

The disposal of coal ash nationwide is a problem. The U.S. Environmental Protection Agency found that living next to a coal ash site can significantly increase your risk of cancer, and it is worse than smoking a pack of cigarettes a day.

Unfortunately, the powers that be want to keep it that way. There have been attempts to prevent scientific analysis of coal waste, and to prevent the regulation of it as hazardous or toxic, even if it clearly is, for many years.

On Aug. 2, a new attempt to prevent meaningful regulation of coal ash was introduced in the U.S. Senate.

This bill, The Coal Ash Recycling and Oversight Act, is nothing more than a political cover-up of a massive problem. It will fail to prevent harm, it will fail to create jobs and it will fail to increase the recycling of coal ash.

Most stupidly of all, to me, is that it prevents public policy to be guided by science. It prevents the EPA from ever regulating coal combustion waste, regardless of how toxic it is. Science is not the only tool for making policy decisions, but in some cases it clearly can help. Why purposefully ignore scientific evidence? Must be because you know there is something bad.

dan@sanjuancitizens.org. Dan Randolph is executive director of the San Juan Citizens Alliance.

Farmington Daily Times

http://www.daily-times.com/ci_21308698/environmental-meeting-today-consider-four-corners-power-plant

Environmental Meeting Today to Consider Four Corners Power Plant, Navajo Mine

By Chuck Slothower

August 14, 2012

FARMINGTON — The U.S. Office of Surface Mining, Reclamation and Enforcement will host a meeting at 5-9 p.m. today at the Farmington Civic Center to discuss the future of Four Corners Power Plant and Navajo Mine.

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The meetings eventually will lead to a draft environmental impact statement for the plant and coal mine that will consider how they affect the environment, plant and animal species and cultural values.

Both facilities are major taxpayers and employers in San Juan County.

I4U News (Picked up from the Farmington Daily Times)

<http://www.i4u.com/2012/08/farmington-nm/plant-environmental-mine-power-four-today-navajo-meeting-consider-corners>

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Navajo Truth Facebook (Picked up from Dine Bureau)

www.facebook.com/navajotruth

OSM Kicks Off Scoping Meetings on Energy Project

By Kathy Helms

August 11, 2012

HOTEVILLA — There was a slim turnout Thursday at the Hopi Village of Hotevilla as the Office of Surface Mining Reclamation and Enforcement kicked off a series of open house scoping meetings to gain public input on environmental impacts related to the Four Corners Power Plant and Navajo Mine Energy Project.

OSM

will evaluate impacts from a proposal to extend operation of the plant and renew rights of way for associated transmission lines, including a 500 kilovolt line that crosses the Navajo and Hopi reservations into California. Comments received during the scoping period will be considered in the development of a Draft Environmental Impact Statement expected to be released in late 2013.

OSM also will analyze the impacts of a 2014 renewal application for BHP Billiton's

Navajo Mine. The federal agency expects BHP Navajo Coal Co. to submit a renewal application in 2014 for its existing Surface Mining Control and Reclamation Act Permit.

In addition, BHP submitted an application to OSM this past spring to develop a new 5,600-acre mine area within its existing lease, referred to as the Pinabete Permit. Pinabete would supply coal to the Four Corners plant for 25 years beginning in July 2016.

The U.S. Environmental Protection Agency's announcement this week that it would give operators of Four Corners plant a choice of either upgrading Units 1-5 or shutting down the three older units and installing controls on Units 4-5 to reduce nitrogen oxide emissions has no impact on the energy project or Arizona Public Service Co.'s current plans for the plant.

"In fact, the alternate plan that they proposed is the one that we first announced in November 2010," Damon Gross, APS media relations, said. "The plan we proposed is good for the Navajo Nation and the surrounding community, electric users in the Southwest and, of course, the environment." APS will continue to pursue the purchase of Units 4-5 from Southern California Edison — which must opt out of the project by 2016 — and shut down of the older units.

Retirement of those units would substantially reduce coal consumption and air emissions and lower the power output of the plant from 2,100 megawatts to approximately 1,500 megawatts.

OSM's Rick Williamson said there are multiple transmission lines that come off of the power plant, including the 500 kilovolt line which extends 202 miles across the reservations and is coming up for lease renewal. No new lines are proposed.

The Environmental Impact Statement will formalize leases approved last year by the Navajo Nation for the power plant and transmission lines, Gross said. "It was approved as one big project, but the focus was on the plant, for a lot of obvious reasons."

Because Southern California Edison will no longer be receiving coal-fired power from the plant after 2016, it will free up capacity on the transmission line. Other utilities possibly could purchase that capacity for their own purposes. "The analogy that I would offer is that transmission lines are like major highways. If someone's not using it, someone else can. If you look at where it's located, it's a hub of a lot of generation in the Southwest," Gross said.

The OSM study will analyze potential environmental impacts to threatened and endangered species, air quality, water quality, socioeconomics, and traditional cultural properties.

Approval of the Pinabete Permit is necessary for continued operation of the power plant after July 2016. “They will basically be out of permitted coal to feed the plant if this permit area isn’t approved,” Williamson said, adding that there was a challenge to the Area 4 North revised application approved earlier this year. It is currently in litigation.

Along with approval of the Pinabete Permit, a realignment of Burnham Road also is needed.

“As they mine south, that road is continually moved over away from blasting and any actual mining activities. It’s a safety issue,” Williamson said.

Assuming continued operation of the power plant and mine, Paul Clark of OSM said it also will be necessary to construct a new disposal area at the plant for coal combustion waste. For nearly 50 years, the waste was used to backfill excavated pits at the mine, but that practice was discontinued several years ago.

“Right now we have no ash disposal going on within the permit area,” Clark said. Instead it is managed at lined ash ponds at the plant. “They have a monitoring program that tracks the quality of any problems that might be associated with disposal and any potential leaching of constituents from the lined ponds.”

The National Environmental Policy Act requires the evaluation of a range of alternatives for the project, including a “no action” alternative which would result in expiration of the power plant lease and associated rights of way, expiration of BHP’s permit from OSM for the Navajo Mine, and no issuance of the Pinabete Permit. If there is no renewal, Williamson said, “that means it would all cease to operate.”

Environmental, Health and Safety News (Picked up from the Associated Press)
<http://ehsmanager.blogspot.com/2012/08/epa-sets-final-rules-for-power-plant.html>

EPA Sets Final Rules for Navajo Power Plant

By Felicia Fonseca

August 9, 2012

The U.S. Environmental Protection Agency has issued its final rule aimed at cleaning up the largest single source of haze-causing pollutants in the country.

Rather than mandate that the Four Corners Power Plant take one avenue to reducing nitrogen oxide emissions, the EPA is giving the plant's operators a choice, regional administrator Jared Blumenfeld told The Associated Press on Wednesday. Arizona Public Service can either upgrade the five units at the northwestern New Mexico plant or go

with its own plan to shut down three units and install pollution controls at the two others.

The actions would cut emissions that can worsen visibility at national parks like the Grand Canyon by 80 percent and 87 percent, respectively.

"It's a commonsense approach that will result in a significant decrease in pollution in spectacular parks like Mesa Verde and Canyonlands, which are crucial to the economy of Four Corners," Blumenfeld said. "And it will improve visibility and clean the air that we breathe."

APS plans to move forward with the plan to shut down some of the units. The deadline to notify the EPA is July 1. The utility would have about five years to implement the rule that also addresses particulate matter.

The EPA gave notice years ago that it would consider whether the Four Corners power plant and a second one on the Navajo Nation would need upgrades to control nitrogen oxide emissions. APS then came forward with a proposal in 2010 to seek majority ownership of two units and shutter the plant's three, more polluting generators. APS would lose 560 megawatts of power from the shutdown but would gain 740 megawatts from Southern California Edison.

APS has received approval from utility regulators in California and Arizona to buy Southern California Edison's 48 percent share of the two units for \$294 million. APS proposed the buyout as a result of the California utility's decision to terminate its interest in the plant in 2016 to comply with that state's laws that prevent utility providers from investing in most coal-fired power plants.

Under the APS proposal, it would permanently shutter three units and install \$290 million in controls at the newer units that were built in 1969 and 1970. APS spokesman Damon Gross said the Navajo Nation, local economy, the utility's customers and the environment would benefit from the plan.

"Our proposal also would allow us to continue to provide high-quality jobs in the region while preserving an important source of reliable, affordable energy for the Southwest," he said.

The power plant provides electricity to about 300,000 households in New Mexico, Arizona and Texas.

One of the remaining hurdles for APS is securing a fuel agreement from BHP Billiton, which supplies the coal to run the plant.

The EPA's decision comes days ahead of a series of public meetings on a study of the environmental impacts of the power plant and the coal mine. Environmental groups, including the San Juan Citizens Alliance, had pushed the U.S. Department of Interior to prepare an environmental impact statement.

Mike Eisenfeld, of the San Juan Citizens Alliance, said he's hopeful that document will include alternatives to transitioning the plant from coal to renewable energy. He would like to see an "economic development scenario that comes forward."

"Perhaps that's renewable energy," he said. "But for us to continue retrofitting a 50-year-old coal plant doesn't make a lot of sense."

For the Navajo Nation, the concern is a loss in an estimated \$9 million a year in coal royalties that would come by shuttering the three units, said tribal spokesman ErnyZah. APS said it would begin decommissioning the units after it closes on the sale of Southern California Edison's shares, which is expected later this year.

"We're ready to take the hit, but it might come a little sooner than we think," Zah said.

The Durango Telegraph

<http://www.durangotelegraph.com/index.cfm/archives/2012/august-09-2012/news/quick-and-dirty/>

Four Corners Power Plant to Undergo EIS

By Staff Writer

August 9, 2012

The Four Corners Power Plant is looking to expand operations over the next few decades, which has triggered an environmental review process for the 2040-megawatt facility west of Farmington.

Local residents will have a chance to learn more and weigh in from 4-8 p.m. Thurs., Aug. 16, at the Durango Public Library.

The plant, which is operated by Arizona Public Service Co., is looking to extend operations until 2041. The current operating agreement expires in 2016. Meanwhile, operators of the adjacent Navajo Coal Mine, which supplies the plant's coal, is proposing a new mine as well as renewal of the permit for its existing mine to meet the plant's demands over the next 25 years.

The mine is operated by BHP Billiton, of Australia. The Bureau of Indian Affairs will oversee approval of the plant, with the Office of Surface Mining, Reclamation and Enforcement overseeing the mine approval.

The environmental impact statement will examine the entire complex's effects on air, water and cultural resources and could take years to complete. It will be the first time the plant, on the edge of the Navajo Nation, has undergone such scrutiny.

Environmental groups lauded the review. The Four Corners plant, along with its smaller neighbor, the San Juan Generating Station, have been in operation since the 1960s and are considered among the dirtiest in the nation.

"What we have down there are two very old, very polluting coal-fired plants," said Josh Joswick, of the San Juan Citizens Alliance. "Right now they are emitting everything from mercury to greenhouse gasses, nitrogen oxide and CO2. This pollution is not confined to New Mexico. We're in the same airshed here."

The plants escaped regulation under the Clean Air Act and were grandfathered in under the assumption they were about to shut down. However, they did not. In 2011, the Environmental Protection Agency proposed a plan to reduce emissions from the Four Corners Plant, and under increasing pressure, APS has proposed to close three of its five units.

The American Lung Association estimates as many as 16,000 people in the region could suffer from lung disease caused by Four Corners Power Plant emissions. Each year, it emits 157 million pounds of sulfur dioxide, 122 million pounds of nitrogen oxides and 2,000 pounds of mercury.

The power plant is one of the largest electricity sources in the United States and the plant and mine employ roughly 1,000 people, mostly Native American.

In addition to Durango, the OSM is hosting open houses in Farmington, Shiprock and in Arizona. Public comment to be considered in the EIS will be taken until Sept. 17. The draft EIS is scheduled for the fall of next year but could take longer.

To comment, go to www.wrcc.osmre.gov/FCPPEIS.shtm or call 303-293-5035.

The Eloy Enterprise (Picked up from the Associated Press)

http://trivalleycentral.com/articles/2012/08/12/eloy_enterprise/top_stories/doc5023dc68f2c53614923770.txt

EPA Sets Final Rules for Navajo Power Plant to Lessen Pollutants

By Felicia Fonseca

August 9, 2012

FLAGSTAFF, Ariz. (AP) — The U.S. Environmental Protection Agency has issued its final rule aimed at cleaning up the largest single source of haze-causing pollutants in the country.

Rather than mandate that the Four Corners Power Plant take one avenue to reducing nitrogen oxide emissions, the EPA is giving the plant's operators a choice, regional administrator Jared Blumenfeld told The Associated Press on Wednesday. Arizona Public Service can either upgrade the five units at the northwestern New Mexico plant or go with its own plan to shut down three units and install pollution controls at the two others.

The actions would cut emissions that can worsen visibility at national parks like the Grand Canyon by 80 percent and 87 percent, respectively.

"It's a commonsense approach that will result in a significant decrease in pollution in spectacular parks like Mesa Verde and Canyonlands, which are crucial to the economy of Four Corners," Blumenfeld said. "And it will improve visibility and clean the air that we breathe."

APS plans to move forward with the plan to shut down some of the units. The deadline to notify the EPA is July 1. The utility would have about five years to implement the rule that also addresses particulate matter.

The EPA gave notice years ago that it would consider whether the Four Corners power plant and a second one on the Navajo Nation would need upgrades to control nitrogen oxide emissions. APS then came forward with a proposal in 2010 to seek majority ownership of two units and shutter the plant's three, more polluting generators. APS would lose 560 megawatts of power from the shutdown but would gain 740 megawatts from Southern California Edison.

APS has received approval from utility regulators in California and Arizona to buy Southern California Edison's 48 percent share of the two units for \$294 million. APS proposed the buyout as a result of the California utility's decision to terminate its interest in the plant in 2016 to comply with that state's laws that prevent utility providers from investing in most coal-fired power plants.

Under the APS proposal, it would permanently shutter three units and install \$290 million in controls at the newer units that were built in 1969 and 1970. APS spokesman Damon Gross said the Navajo Nation, local economy, the utility's customers and the environment would benefit from the plan.

"Our proposal also would allow us to continue to provide high-quality jobs in the region while preserving an important source of reliable, affordable energy for the Southwest,"

he said.

The power plant provides electricity to about 300,000 households in New Mexico, Arizona and Texas.

One of the remaining hurdles for APS is securing a fuel agreement from BHP Billiton, which supplies the coal to run the plant.

The EPA's decision comes days ahead of a series of public meetings on a study of the environmental impacts of the power plant and the coal mine. Environmental groups, including the San Juan Citizens Alliance, had pushed the U.S. Department of Interior to prepare an environmental impact statement.

Mike Eisenfeld, of the San Juan Citizens Alliance, said he's hopeful that document will include alternatives to transitioning the plant from coal to renewable energy. He would like to see an "economic development scenario that comes forward."

"Perhaps that's renewable energy," he said. "But for us to continue retrofitting a 50-year-old coal plant doesn't make a lot of sense."

For the Navajo Nation, the concern is a loss in an estimated \$9 million a year in coal royalties that would come by shuttering the three units, said tribal spokesman ErnyZah. APS said it would begin decommissioning the units after it closes on the sale of Southern California Edison's shares, which is expected later this year.

"We're ready to take the hit, but it might come a little sooner than we think," Zah said.

The Rural Blog (Picked up from the Associated Press)

<http://irjci.blogspot.com/2012/08/new-epa-rules-for-western-power-plant.html>

New EPA Rules for Four Corners Power Plant Could Reduce Air Pollution

By Ivy Brashear

August 9, 2012

The U.S. Environmental Protection Agency has issued its final rule aimed at cleaning up the largest single source of haze-causing pollutants in the country.

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Arizona Daily Sun (Picked up from the Associated Press)

http://azdailysun.com/news/local/epa-sets-final-rules-for-navajo-power-plant/article_cbf8e8b0-e19b-11e1-ba07-001a4bcf887a.html?comment_form=true

EPA Sets Final Rules for Navajo Power Plant

By Felicia Foneca

August 8, 2012

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COMMENTS

- WCorviAugust 8, 2012

"The actions would cut emissions that can worsen visibility at national parks like the Grand Canyon by 80 percent and 87 percent, respectively."

Uhhh, OK NOT at Grand Canyon NP, but parks LIKE Grand Canyon NP. What parks are

like Grand Canyon NP??!?

Point is, there is NO WAY this power plant produces 87% of the pollution at Grand Canyon NP. It is EAST of GC, and the winds blow pollution further east. There ARE NO NATIONAL PARKS east of this powerplant.

Ooops, Great Smokies - but out of cha

- glenmAugust 8, 2012

Navajo Power Plant???

Units 1-3 are owned by APS. Units 4-5 are operated by APS but are owned by SCE, PSCNM, SRP, TEP, and EPE.

Arizona Daily Star (Picked up from the Associated Press)

http://azstarnet.com/business/local/epa-sets-final-rules-for-four-corners-power-plant/article_3fac3df2-e197-11e1-9717-0019bb2963f4.html

EPA Sets Final Rules for Four Corners Power Plant

By Felicia Fonseca

August 8, 2012

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Rather than mandate that the Four Corners Power Plant take one avenue to reducing nitrogen oxide emissions, the EPA is giving the plant's operators a choice, regional administrator Jared Blumenfeld told The Associated Press on Wednesday. Arizona Public Service can either upgrade the five units at the northwestern New Mexico plant or go with its own plan to shut down three units and install pollution controls at the two others.

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East Valley Tribune (Picked up from the Associated Press)

http://hosted2.ap.org/azmes/788acee4e023427bbfc19d9278ac9378/article_2012-08-08-power%20plant-navajo/id-542cdab4a00741438c86567bd400b107

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APS must notify the EPA of its decision by July 1. It then would have about five years to implement the rule that also addresses particulate matter.

APS did not immediately return an early morning call Wednesday from The Associated Press seeking comment.

The EPA gave notice years ago that it would consider whether the Four Corners power plant and a second one on the Navajo Nation would need upgrades to control nitrogen oxide emissions. APS then came forward with a proposal in 2010 to seek majority ownership of the two units and shutter the plant's three, more polluting generators.

APS would lose 560 megawatts of power from the shutdown but would gain 740 megawatts from Southern California Edison.

APS expects to close on the sale of Southern California Edison's 48 percent share of the two units for \$294 later this year. APS proposed the buyout as a result of the California utility's decision to terminate its interest in the plant in 2016 to comply with that state's laws that prevent utility providers from investing in most coal-fired power plants.

Under the APS proposal, it would permanently shutter three units and install \$290 million in controls at the newer units that were built in 1969 and 1970.

The power plant provides electricity to about 300,000 households in New Mexico, Arizona and Texas.

APS still is working on a securing a fuel agreement from BHP Billiton, which supplies the coal to run the plant.

El Paso Times

http://www.elpasotimes.com/newmexico/ci_21259100/environmental-meetings-examine-mine-power-plant

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By Chuck Slothower

August 8, 2012

FARMINGTON A series of public meetings to examine the environmental impact of Four Corners Power Plant and Navajo Mine kicks off Thursday with a meeting in Hotevilla, Ariz.

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Operators of the coal mine and power plant propose to extend the life of the operation by 25 years from agreements that end in 2016, triggering an environmental impact statement. The EIS is an in-depth study on the mine and power plant's effects on air and water quality and cultural resources that may take years.

It is the first time federal agencies have considered the combined effects of the mine and power plant, which reside on the edge of the Navajo Nation west of Farmington.

Environmental groups long have sought such a study.

"Navajo Mine and Four Corners Power Plant have never really been analyzed as far as the impacts of that coal facility," said Dan Randolph, executive director of San Juan Citizens Alliance, an environmental group based in Durango. "We really see the mine and the power plant as functionally one unit."

Four Corners Power Plant is seeking approval from the U.S. Bureau of Indian Affairs of its lease extension with the tribal government, while Navajo Mine requires permission from the Office of Surface Mining, Reclamation and Enforcement to expand into previously unmined areas.

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The power plant can produce up to 2,040 megawatts, and is one of the largest electricity sources in the United States. Facing pressure to reduce air pollution, APS has proposed to close three of the plant's five units.

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All sides involved in the process are keenly aware of the dark cloud hanging over coal, which faces regulatory pressure from the federal government and economic pressure from cheap natural gas.

Even coal mining companies these days are acknowledging environmental issues.

"We recognize the risks which are posed by global warming," said Fourie. "Over time, the world has to switch over from coal to less carbon-intensive forms of energy."

Fourie noted closing the plant's three oldest units will substantially cut emissions of carbon dioxide a gas linked to heating Earth's climate and nitrogen oxide, which contributes to haze.

However, coal still provides the backbone of America's electric grid, and BHP Billiton and APS anticipate a need to continue their operation through 2041.

"These are not things which are going to change overnight," Fourie said.

Public comment will be accepted at the meetings, which will help shape the scope of the EIS study. The federal agencies will produce a draft EIS, followed by another round of public hearings and then a final EIS.

Meeting schedule

Aug. 9
3-7 p.m.
Hotevilla Youth and Elderly Center
1 Main St., Hotevilla, AZ 86030

Aug. 10
5-9 p.m.
Friday, Aug. 10, 2012
Montezuma-Cortez High School
206 W. 7th St., Cortez, CO 81321

Aug. 11
9 a.m.-1 p.m.
Burnham Chapter House
Burnham

Aug. 13
5-9 p.m.
Nenahnezad Chapter House
Fruitland

Aug. 14
5-9 p.m.
Farmington Civic Center
200 W. Arrington St., Farmington

Aug. 15
5-9 p.m.

Shiprock High School
U.S. 64 and AZ 504A W., Shiprock

Aug. 16
4-8 p.m.
Durango Public Library
1900 E. 3rd Ave., Durango, CO 81301

Aug. 17
5-9 p.m.
Navajo Nation Museum
Highway 264, Postal Loop Road, Window Rock, AZ 86515

Aug. 18
11 a.m.-3:00 p.m.
Indian Pueblo Cultural Center
2401 12th St. NW, Albuquerque

ENR Southwest (Picked up from The Daily Times)
http://southwest.construction.com/yb/sw/article.aspx?story_id=175688647

Four Corners Area Weighs Coal Mine, Power Plant Project Impact

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August 8, 2012

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Farmington Daily Times (Picked up from the Associated Press)

http://www.daily-times.com/farmington-news/ci_21265819/epa-sets-final-rules-four-corners-power-plant

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Renewablesbiz

<http://www.renewablesbiz.com/article/12/08/environmental-meetings-examine-mine-power-plant>

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Knight-Ridder

San Francisco Chronicle (Picked up from the Associated Press)

<http://www.sfgate.com/news/article/EPA-sets-final-rules-for-Navajo-power-plant-3771861.php>

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The Republic (Picked up from the Associated Press)

<http://www.therepublic.com/view/story/7e51c73c251a41ccb45ad910be6c4549/AZ--Power-Plant-Navajo>

EPA Sets Final Rules for Curbing Haze-Causing Pollutants from Navajo Power Plant

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New Mexico State News Blog (picked up from the Farmington Daily Times)

<http://newmexiconews.blogspot.com/2012/08/environmental-meetings-to-examine-mine.html>

Environmental Meetings to Examine Mine, Power Plant- Farmington Daily Times

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Operators of the coal mine and power plant propose to extend the life of the operation by 25 years from agreements that end in 2016, triggering an environmental impact statement. The EIS is an in-depth study on the mine and power plant's effects on air and water quality and cultural resources that may take years.

It is the first time federal agencies have considered the combined effects of the mine and power plant, which reside on the edge of the Navajo Nation west of Farmington.

Environmental groups long have sought such a study.

"Navajo Mine and Four Corners Power Plant have never really been analyzed as far as the impacts of that coal facility," said Dan Randolph, executive director of San Juan Citizens Alliance, an environmental group based in Durango. "We really see the mine and the power plant as functionally one unit."

Four Corners Power Plant is seeking approval from the U.S. Bureau of Indian Affairs of its lease extension with the tribal government, while Navajo Mine requires permission from the Office of Surface Mining, Reclamation and Enforcement to expand into previously unmined areas.

The power plant is operated by Arizona Public Service Co., while the mine is operated by BHP Billiton, an Australia-based mining company.

JacFourie, president of BHP Billiton's New Mexico Coal division, said the company is committed to being open and transparent throughout the EIS study.

"We are not concerned about it," he said. "In fact, we think it's a good thing."

The power plant can produce up to 2,040 megawatts, and is one of the largest electricity sources in the United States. Facing pressure to reduce air pollution, APS has proposed to close three of the plant's five units.

The plant and mine are major economic engines for the Four Corners, and particularly the job-starved Navajo reservation. The operations employ about 1,000 workers, 80 percent of whom are American Indian.

BHP Billiton is San Juan County's largest private employer, with annual payroll exceeding \$800 million. "It brings really good, high-paying jobs to the area," said Norman Benally, a BHP Billiton spokesman.

BHP Billiton spends \$130 million annually on suppliers and vendors, and \$1.6 million in community donations, Benally said.

All sides involved in the process are keenly aware of the dark cloud hanging over coal, which faces regulatory pressure from the federal government and economic pressure from cheap natural gas.

Even coal mining companies these days are acknowledging environmental issues.

"We recognize the risks which are posed by global warming," said Fourie. "Over time, the world has to switch over from coal to less carbon-intensive forms of energy.

Fourie noted closing the plant's three oldest units will substantially cut emissions of carbon dioxide — a gas linked to heating Earth's climate — and nitrogen oxide, which contributes to haze.

However, coal still provides the backbone of America's electric grid, and BHP Billiton and APS anticipate a need to continue their operation through 2041.

"These are not things which are going to change overnight," Fourie said.

Public comment will be accepted at the meetings, which will help shape the scope of the EIS study. The federal agencies will produce a draft EIS, followed by another round of public hearings and then a final EIS.

The Westerner Blog (Picked up from the Farmington Daily Times)

http://thewesterner.blogspot.com/2012_08_05_archive.html

Environmental Meetings to Examine Mine, Power Plant

By Chuck Slothower

August 7, 2012

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Farmington Daily Times

http://www.daily-times.com/ci_21260087/environmental-meetings-examine-mine-power-plant

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San Juan Citizens Alliance

<http://www.sanjuancitizens.org/>

Long Overdue Analysis of Four Corners Power Plant Complex to Begin: Scoping Meetings August 9-18, 2012 across the Region

By Staff Writer

August 3, 2012

The Federal Office of Surface Mining and Reclamation Enforcement (OSM) has initiated the preparation of an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) to analyze the coal-fired Four Corners Power Plant (4CPP), complex. This includes the adjacent Navajo Mine in Fruitland, New Mexico, as well as transmission corridors. This initial phase of the EIS, called scoping, consists of OSM and cooperating agencies taking comments from the public regarding issues and impacts to consider. The EIS will be complex, as it analyzes a proposed lease renewal for 4CPP from 2016-2041, a 5,800 acre expansion of Navajo Mine, and right-of-way renewals for power transmission lines that cross Arizona, including through Navajo Nation and Hopi Tribal lands. SJCA has long fought for an EIS of this magnitude and anticipates that scoping will kick off a two to three year EIS process.

Action Needed:

Participate in scoping meetings, provide comments at meetings or submit electronic or written comments to OSM by the close of the scoping period on September 17, 2012. At the scoping meetings, the public is invited to submit comments and resource information, and identify issues or concerns to be considered in NEPA compliance process.

- Email comments should be sent to fcppnavajoenergyeis@osmre.gov
- Written comments: Marcello Calle, OSM Western Region, 1999 Broadway, Suite 3320, Denver, Colorado 80202-3050

For background, dates and locations, and talking points for comments, [click here](#).

For further information, contact: Mike Eisenfeld, SJCA New Mexico Energy Coordinator, 505-360-8994

San Juan Citizens Alliance

<http://www.sanjuancitizens.org/mine-talking-points-background-7-2012.pdf>

Long Overdue Analysis of Four Corners Power Plant Complex to Begin: Scoping Meetings August 9-18, 2012 across the Region

By Staff Writer

August 3, 2012



The Federal Office of Surface Mining and Reclamation Enforcement (OSM) has initiated the preparation of an Environmental Impact Statement under the National Environmental Policy Act (NEPA) to analyze the coal-fired Four Corners Power Plant, the adjacent Navajo Mine in Fruitland, New Mexico, and transmission corridors. This initial phase of the EIS is scoping – where OSM and Cooperating Agencies are taking comments from the public as to what issues and impacts should be considered in the proposal to run the Four Corners Power Plant through the 2040's, expand mining and transmit the power to markets across the U.S. Southwest. The EIS will be complex – given that the

purpose of the analysis includes providing a lease renewal for Four Corners Power Plant from 2016-2041, proposing an 5,800 acre expansion of Navajo Mine, and potentially approving right-of-way renewals for transmission lines that cross Arizona, including through Navajo Nation and Hopi Tribal lands. SJCA has long fought for an EIS of this magnitude and anticipates that scoping will kick off a two to three year EIS process.

Background

The Four Corners Power Plant is a 2,040-megawatt (MW) coal plant in Fruitland, New Mexico on Navajo Nation lands, approximately 15 miles southwest of Farmington, New Mexico. The plant is located on the south side of San Juan River corridor with another coal plant, the San Juan Generating Station, sited on the north side of the San Juan River.

The Four Corners Power Plant came online in 1963. The majority owner of Four Corners Power Plant is Arizona Public Service (APS). The Four Corners Power Plant was the first mine-mouth generation station to take advantage of the large deposits of sub-bituminous coal in the Four Corners region. The Navajo Mine, run by BHP Billiton Navajo Coal Company, is the sole source of coal for Four Corners Power Plant. The plant's five units provide power to about 300,000 households in New Mexico, Arizona, California and Texas. Due to the plant's location on the Navajo Nation, the Environmental Protection Agency Region 9 (San Francisco) has oversight responsibilities for the Clean Air Act. The current ownership of the Four Corners Power Plant is broken down among a number of utilities:

Unit/Owner (% ownership)

1, 2, 3/APS (100%)

4, 5/Southern California Edison (48%), APS (15%), El Paso Electric (7%), Public Service Company of New Mexico (13%), Salt River Project (10%), Tucson Electric Power (7%).



Southern California Edison announced plans to divest of their ownership in Four Corners PowerPlant in late 2010. On October 19, 2010, the U.S. Environmental Protection Agency published a proposal to require APS to retrofit the Four Corners Power with up-to-date air pollution controls to reduce regional haze. APS submitted a counter proposal (Supplemental) to EPA proposing to purchase Southern California Edison's shares in Units 4 and 5, and shutting down Units 1-3 of the Four Corners Power Plant. APS hopes to run the Four Corners Power Plant as a 1,500MW facility in the future, pending approval of Regional Haze Program requirements.

What:

Scoping Meetings for Four Corners Power Plant/Navajo Mine/Transmission Corridors

When/Where:

Hotevilla, Arizona, on Thursday, August 9, 2012, from 3:00 p.m. to 7:00 p.m. at the Hotevilla Village.

Cortez, Colorado, on Friday, August 10, 2012, from 5:00 p.m. to 9:00 p.m. at the Montezuma-Cortez High School.

Burnham, New Mexico, on Saturday, August 11, 2012, from 9:00 a.m. to 1:00 p.m. at the Burnham Chapter House, Navajo Indian Reservation.

Nenahnezad, New Mexico, on Monday, August 13, 2012, from 5:00 p.m. to 9:00 p.m. at the Nenahnezad Chapter House, Navajo Indian Reservation.

Farmington, New Mexico, on Tuesday, August 14, 2012, from 5:00 p.m. to 9:00 p.m. at the Farmington Civic Center.

Shiprock, New Mexico, on Wednesday, August 15, 2012, from 5:00 p.m. to 9:00 p.m. at the Shiprock High School.

Durango, Colorado, on Thursday, August 16, 2012, from 4:00 p.m. to 8:00 p.m. at the Durango Public Library.

Window Rock, Arizona, on Friday, August 17, 2012, from 5:00 p.m. to 9:00 p.m. at the Navajo Nation Museum.

Albuquerque, New Mexico, on Saturday, August 18, 2012, from 11:00 a.m. to 3:00 p.m. at the Indian Pueblo Cultural Center.

Action Needed:

Participate in scoping meetings, provide comments at meetings or submit electronic or written comments to OSM by the close of the scoping period on September 17, 2012. At the scoping meetings, the public is invited to submit comments and resource information, and identify issues or concerns to be considered in NEPA compliance process.

- Email comments should be sent to fcppnavajoenergyeis@osmre.gov
- Written comments: Marcello Calle, OSM Western Region, 1999 Broadway, Suite 3320, Denver, Colorado 80202-3050

Issues and Impacts to bring forth at Scoping Meetings / Written Comments :

Contact: Mike Eisenfeld, SJCA New Mexico Energy Coordinator, 505-360-8994

OSM has identified the following preliminary issues and potential impacts:

- Threatened and endangered species, including the Razorback sucker (*Xyrauchen texanus*), Colorado pikeminnow (*Ptychocheilus Lucius*), and Southwestern Willow Flycatcher (*Empidonax traillii extimus*)
- Air quality and climate change
- Surface and ground water quality

- Environmental Justice considerations
- Cultural and historic resources
- Biological resources
- Visual resources
- Public Health
- Socioeconomics
- Noise and vibration

SJCA intends to write detailed scoping comments including, but not limited to, the following preliminary points:

- Given the nearly 50 year history of the Four Corners Power Plant and the high levels of pollution from the facility, the EIS needs to include a human health assessment with data from Center for Disease Control, Environmental Protection Agency, Navajo Nation, Indian Health Services and the states of Utah, Colorado, New Mexico, and Arizona. The EIS needs to disclose disproportionate impacts that may be occurring to the people of the Four Corners Region. Four Corners Power Plant is the top coal plant emitter of Nitrogen oxides (NOx) in the United States with 44,649 tons/year emitted in 2006 (data from EPA). Every year, its air pollution contributes to 44 premature deaths, 800 asthma attacks, 42 asthma-related emergency room visits, and other health impacts, at an estimated cost of \$341

million. (http://www.catf.us/coal/problems/power_plants/existing/map.php?state=New_Mexico). Four Corners Power Plant has a notorious pollution legacy directly affecting diverse communities in the region, a number of National Parks and Monuments, and regional smog levels, the nearest being Mesa Verde National Park, which is 40 miles to the north.

- The Four Corners Power Plant emits pollution that affects a wide region of influence. The EIS should, at a minimum, consider the Region of Influence to be a 200-mile radius from the Four Corners Power Plant/Navajo Mine/Transmission Corridor Complex. The water quality/water quantity issues at San Juan River need to be fully assessed in the EIS.

- BHP acknowledged the issue of climate change in a letter to SJCA on May 21, 2012: “..we are very aware of the impact of the use of coal for electricity production on climate change and the need to address the risks posed by unmitigated climate change.”¹ SJCA agrees. Therefore, the EIS must fully scientifically analyze the climate change impacts of the Four Corners Power Plant/Navajo Mine complex to date, and projected to the future.

- The EIS must evaluate cumulative impacts accurately, including the significant impacts of the San Juan Generating Station, the adjacent coal plant located approximately 10 miles from Four Corners Power Plant.

- The EIS must disclose the permits and regulatory compliance that allow Coal Combustion Waste (CCW) to be stored permanently on the Four Corners Power Plant Lease Site. The EIS must thoroughly analyze the impacts of the nearly 50 years of backfilling coal combustion waste in the excavated pits in the Navajo Mine. Current hydrological monitoring data must be incorporated into the EIS and evaluated. For nearly forty years, from 1971 to 2008, CCW was backfilled in mined-out pits of the Navajo Mine and simply dumped in unlined surface “disposal cells” between Morgan Lake (cooling pond for Four Corners Power Plant) and the Chaco River. As of 2000, BHP had disposed of 50-55 million tons of CCW in the Navajo Mine, covering approximately 230 acres. The CCW was placed in disposal pits with the intention that the pits serve as a permanent repository after final reclamation of the mine. BHP accepted approximately 1.9 million cubic yards (“mcyd”) of CCW from FCPP annually.

CCW consists of fly ash, scrubber sludge and bottom ash. CCW from the FCPP was historically used as backfill material in the Navajo Mine until the practice was recently ceased at the Navajo Mine. Seventeen potentially toxic elements are commonly present in CCW: aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, chromium, copper, lead, manganese, mercury, molybdenum, nickel, selenium, vanadium, zinc and radionuclides. When CCW becomes saturated with water, leaching of these toxic elements may occur.

A 2008 TRI (Toxic Release Inventory) Chemical Data Form from BHP Navajo Coal Company and posted on U.S. Environmental Protection Agency’s website² shows that arsenic, mercury, lead and selenium, amongst many other chemicals, are being permanently dumped into the mine (as part of BHP’s Coal Combustion Waste dumping practice) and are labeled by the TRI as “landfill.”

From 2000-2008, BHP permanently dumped CCW that contains approximately: 1,000,000 lbs of Barium; 150,000 lbs of vanadium; 150,000 lbs. of manganese compounds; 100,000 lbs. of lead compounds; 90,000 lbs. of copper compounds; 70,000 lbs. of zinc compounds; 45,000 lbs. of chromium compounds; 45,000 lbs. of nickel compounds; 10,000 lbs. of selenium compounds; 10,000 lbs. of thallium compounds; 10,000 lbs. of cobalt compounds; 8,000 lbs. of arsenic; and 500 lbs. of mercury compounds. BHP stopped reporting its toxic releases in 2009.

- The combined impacts of the Navajo Mine and Four Corners Power Plant must be accurately assessed in the EIS. Adding to the toxics at Navajo Mine are the following emissions from Four Corners Power Plant (2006 data which represents historic trends):

Air Pollutant/Reason for Concerns/Annual Emissions
Nitrogen oxides/Forms smog, respiratory irritant/44,649 tons
Sulfur dioxide/Forms haze, acid rain, respiratory irritant/15,192 tons
Mercury/Potent neurotoxin/487 pounds

Carbon dioxide/Global warming/16,395,797 tons

In 2009, the power plant released or disposed of more than 4,064,181 pounds of toxic materials.

Toxic Release Inventory data:

http://oaspub.epa.gov/enviro/tris_control.tris_print?tris_id=87416FRCRNCOUNT

- Requirement of EIS to develop a Reasonable Range of Alternatives, including an Alternative addressing renewable energy potential on the Navajo Nation for economic development and job creation to replace the aging Four Corners Power Plant. SJCA will include the request for an analysis of utilizing the mine/plant site for renewable energy production.
 - The EIS must include a clean up/reclamation plan for those resources significantly impacted by the historic legacy of the Four Corners Power Plant/Navajo Mine legacy.
-

Green Fire Times

<http://greenfiretimes.com/2012/08/energy-newsbytes-2/>

Four Corners Coal Complex to Face First Full Environmental Review for the First Time in its 50-year History

By Staff Writer

August 1, 2012

The federal Office of Surface Mining, Reclamation and Enforcement has announced plans to undertake a combined “Environmental Impact Statement and Endangered Species Act” consultation for the entire coal complex at the Four Corners Power Plant, which is located in northwestern New Mexico along the San Juan River. It will be the first comprehensive environmental analysis of the power plant and the Navajo Mine that feeds it in the complex’s 50-year history. The study is expected to take years to complete.

The decision comes as the agency faces two pending lawsuits from Diné (Navajo) activists and conservation groups related to permitting actions at the complex. One suit challenges the agency’s failure to protect endangered species from coal pollution under the Endangered Species Act; another challenges the adequacy of a National Environmental Policy Act review authorizing the mine’s expansion.

The Four Corners Power Plant provides electricity to California, Arizona, New Mexico and Texas. It emits more nitrogen oxides than any other coal-fired power plant in the United States. Nitrogen oxides are associated with respiratory disease, heart attacks and

strokes. The plant also emits CO₂, mercury, selenium and other heavy metals into the air and water, further polluting nearby communities, farmlands, lakes, rivers and habitat for endangered species.

“We have worked for decades to get an accurate assessment of the impacts from the Four Corners Power Plant and Navajo Mine,” said Anna Frazier of Diné CARE. “Navajo communities have endured significant impacts to water, land, air, public health and our culture, which must now be considered. We are hopeful that data from the Indian Health Service, Centers for Disease Control and Prevention and the EPA will be incorporated in the Environmental Impact Statement.”

The effects of coal combustion at the 2,040-megawatt power plant, mining at BHP Billiton’s 13,000-acre Navajo Mine and waste disposal will all be analyzed, as will impacts of right-of-way renewals for transmission line corridors. The Office of Surface Mining will also formally consult with the US Fish and Wildlife Service to ensure that proposed actions at the complex comply with federal laws that protect threatened and endangered species.

Notice of the review invites “environmentally preferred alternatives” to be introduced by the public for analysis, alternatives that could include transition to renewable-energy facilities. Public comments on the development of the draft EIS are due Sept. 17.

Other groups involved in the pending lawsuits commented on the planned environmental review:

“For decades coal pollution has been affecting people, lakes, rivers and farmland in the San Juan Basin, and it’s even driving endangered fish toward extinction,” said Taylor McKinnon, public lands campaigns director with the Center for Biological Diversity. “This long-overdue analysis is an important step along the way to an equitable transition to clean, renewable energy solutions that help people and the environment.”

“Pollution from coal mining and coal-fired power plants threaten New Mexico’s precious water resources,” said Brian Shields, Amigos Bravos executive director. “We are hopeful and pleased that those threats can now be fully analyzed and exposed to public scrutiny.”

“The agency has a responsibility to address pollution from the mine and the power plant as a whole,” said Megan Anderson of the Western Environmental Law Center. “Moreover, it’s just plain common sense for it do so; pretending that the people and environment surrounding this area are suffering impacts from only one source at a time just ignores the fact that this mine and power plant sit next to each other and operate as a mine-to-mouth complex.”

Power Plant Emissions Decision Postponed

Last month the Environmental Protection Agency gave NM officials, Public Service Company of New Mexico (PNM) and other partners 90 days to decide how to address the nitrogen oxide, sulfur dioxide and other pollutants discharged into the air from the coal-fired San Juan Generating Station, the state's largest single source of energy. The plant also provides power to Arizona, California and Utah.

The 1,800-megawatt power plant, which is over 40 years old, is only about 30 percent efficient. The rest goes out the smokestack. An EPA mandate calls for PNM to equip the plant with selective catalytic reduction (SCR) technology within five years to reduce haze in the northwest region of the state where there is a large Native American population, as well as national parks and wilderness areas. Obstruction of sacred places by the dark haze is of particular concern to Native people of the Southwest; however, wind currents also transport the haze hundreds, if not thousands, of miles.

NM Gov. Susana Martinez and PNM have challenged the EPA order in federal court. The state supports the use of selective non-catalytic reduction technology on the plant's boilers rather than building steel structures outside the stacks and using SCR. That approach would reportedly will cost \$77 to \$345 million, compared with the EPA's plan, which PNM says will cost \$750 to \$805 million and will result in higher rates for customers. Environmental groups have disputed those projections. Public Regulation Commissioner Doug Howe has suggested that there are other options, such as replacing some of San Juan's units with natural gas combined-cycle units, using SCR on the others, and augmenting it with renewable energy.

Navajo President Ben Shelly sent a letter to the EPA supporting the state/PNM proposal. The San Juan Generating Station employs almost 400 people, many of them Navajo. There are also many Navajo coal miners.

Navajo Generating Station Contends with EPA Emissions Mandate

The Navajo Generating Station (NGS) near Page, Arizona is one of the coal-fired power plants targeted by the current EPA mandate for emissions cleanup. The proposed rule changes regarding haze would force the 2,250-megawatt plant to install new emissions controls that could cost more than \$1.1 billion, according to the manager of the plant, the Salt River Project (SRP). Such costs could force the power plant and the nearby Kayenta coal mine to shut down, the utility says.

A study commissioned by SRP released in February by the L. William Seidman Research Institute at Arizona State University entitled "Navajo Generating Station and Kayenta Mine: An Economic Impact" states that Arizona's economy could take a \$20 billion hit

and lose about 113,000 mining and utility sector jobs, measured from 2011-2044, if the power plant and mine shut down.

The power plant and mine are both on Navajo Nation land and employ mostly Navajo workers; 538 at the power plant and 430 at the mine. The Navajo Nation would also lose about \$25 million a year in leasing and royalty fees, the study says.

The NGS provides electricity to customers in Arizona, California and Nevada. It also provides the power for pumping Colorado River water for the Central Arizona Project, which supplies water to central and southern Arizona.

San Juan Citizen's Report: Summer 2012

<http://www.sanjuancitizens.org/otherpages/Newsletters/July-2012-newsletter-web-res.pdf>

An Energy Vision for Four Corners

By Staff Writer

July 2012



Since 2005 SJCA, Diné CARE, and partner organizations have fought to get a full, legally required, analysis of the Navajo Mine and the Four Corners Power Plant that it supplies. The 50-year-old power plant, located in Fruitland, New Mexico, produces the highest nitrogen oxide emissions in the country. (Nitrogen oxides, a key component of smog, are associated with multiple public health impacts.) We have been to court three times over the responsible agencies and operating companies' refusal to comply with the law on this issue. On July 18, 2012 the federal Office of Surface Mining Reclamation and Enforcement initiated the preparation of an Environmental Impact Statement to analyze the combined impacts of the coal-fired 4CPP, the Navajo Mine, and their associated power line corridors. The EIS process is an unprecedented opportunity for our communities to engage to shape our region's energy and economic future. We will keep you updated.

Summit County Citizens Voice

<http://summitcountyvoice.com/2012/07/20/energy-four-corners-power-plant-to-be-scrutinized/>

Energy: Four Corners Power Plant to be Scrutinized

By Bob Berwyn

July 20, 2012

SUMMIT COUNTY — After 50 years of operation, the Four Corners Power Plant will get a hard look from federal officials, who are planning an environmental study to scrutinize cumulative impacts from one of biggest coal-burning operations in the country.

The plant, operated by Arizona Public Service Co., provides power to about 300,000 households in New Mexico, Arizona, California and Texas. It has been operating since 1963.

“We have worked for decades to get an accurate assessment of the impacts from the Four Corners Power Plant and the Navajo Mine,” said Anna Frazier, of Diné CARE. “Navajo communities have endured significant impacts to water, land, air, public health and our culture which must now be considered. We are hopeful that public-health data from entities including Indian Health Service, Centers for Disease Control and Prevention and EPA will be incorporated correctly in the EIS,” she said.

Diné CARE is one of the groups with pending lawsuits related to permitting actions at the power plant and associated coal mine. One suit challenges the agency’s failure to protect endangered species from coal pollution under the Endangered Species Act; another challenges the adequacy of a National Environmental Policy Act review authorizing the mine’s expansion.

Possibly seeing the writing on the wall, the Office of Surface Mining, Reclamation and Enforcement said this week it will review the entire “mine-to-mouth” coal complex located in northwestern New Mexico along the San Juan River.

“The connectivity of Four Corners Power Plant and Navajo Mine is essential in evaluating the potential future of the coal complex, given the nearly 50-year perspective of impacts to the Four Corners Region from coal-derived electricity generation,” said Mike Eisenfeld, New Mexico energy coordinator at the San Juan Citizens Alliance. “The proposed EIS will be a huge undertaking requiring accurate analyses.”

The studies will evaluate the effects of coal combustion at the 2,040-megawatt power plant, the effects of mining at BHP Billiton’s 13,000-acre Navajo Mine and the effects of coal combustion waste disposal; it will also analyze impacts associated with transmission corridors that deliver electricity to markets.

The Office of Surface Mining will also conduct formal consultation with the U.S. Fish and Wildlife Service to ensure that the proposed actions at the coal complex comply with federal laws that protect threatened and endangered species.

The notice invites “environmentally preferred alternatives” to be introduced by the public for analysis, including a transition to renewable-energy facilities. Public comments on the development of the draft Environmental Impact Statement are due Sept. 17, 2012.

“For decades coal pollution has been affecting people, lakes, rivers and farmland in the San Juan Basin, and it’s even driving endangered fish toward extinction,” said Taylor McKinnon, public lands campaigns director with the Center for Biological Diversity. “This long-overdue analysis is an important step along the way to an equitable transition to clean, renewable energy solutions that help people and the environment.”

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Built in 1962, Four Corners Power Plant provides electricity to California, Arizona, New Mexico and Texas; it emits more nitrogen oxides than any other coal-fired power plant in the United States. Nitrogen oxides are associated with respiratory disease, heart attacks and strokes. It also emits CO₂, mercury, selenium and other heavy metals into the air and water, further polluting nearby communities, farmlands, lakes, rivers and habitat for endangered species.

YubaNet

<http://yubanet.com/enviro/Four-Corners-Coal-Complex-to-Face-Full-Environmental-Review.php#.UCRc9KCceFk>

Four Corners Coal Complex to Face Full Environmental Review

By Center for Biological Diversity

July 20, 2012

FARMINGTON, N.M. July 19, 2012 — The Office of Surface Mining, Reclamation and Enforcement announced plans on Wednesday to undertake a single “Environmental Impact Statement and Endangered Species Act” consultation for the entire mine-to-mouth coal complex at Four Corners Power Plant, in northwestern New Mexico along the San Juan River. It will be the first comprehensive environmental analysis of the entire coal complex’s impacts in its 50-year history.

The decision comes as the agency faces two pending lawsuits from Diné (Navajo) activists and conservation groups related to permitting actions at the coal complex. One suit challenges the agency’s failure to protect endangered species from coal pollution under the Endangered Species Act; another challenges the adequacy of a National Environmental Policy Act review authorizing the mine’s expansion.

“We have worked for decades to get an accurate assessment of the impacts from the Four Corners Power Plant/Navajo Mine. Navajo communities have endured significant impacts to water, land, air, public health and our culture which must now be considered. We are hopeful that public-health data from entities including Indian Health Service, Centers for Disease Control and Prevention and EPA will be incorporated correctly in the EIS,” said Anna Frazier of Diné CARE.

“The connectivity of Four Corners Power Plant and Navajo Mine is essential in evaluating the potential future of the coal complex, given the nearly 50-year perspective of impacts to the Four Corners Region from coal-derived electricity generation,” said Mike Eisenfeld, New Mexico energy coordinator at the San Juan Citizens Alliance. “The proposed EIS will be a huge undertaking requiring accurate analyses.”

The analyses will evaluate the effects of coal combustion at the 2,040-megawatt power plant, the effects of mining at BHP Billiton’s 13,000-acre Navajo Mine and the effects of coal combustion waste disposal; it will also analyze impacts associated with transmission corridors that deliver electricity to markets. The Office of Surface Mining will also conduct formal consultation with the U.S. Fish and Wildlife Service to ensure that the proposed actions at the coal complex comply with federal laws that protect threatened and endangered species. The notice invites “environmentally preferred alternatives” to be introduced by the public for analysis, alternatives that could include transition to renewable-energy facilities. Public comments on the development of the draft Environmental Impact Statement are due Sept. 17, 2012.

Other groups involved in the pending lawsuits commented on the planned environmental review and noted that a comprehensive review of the coal complex was long overdue.

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KOB News Channel 4 (Picked up from the Associated Press)

<http://www.kob.com/article/stories/S2696031.shtml?cat=525>

Feds Plan Environmental Study of Four Corners Power Plant

By Staff Writer

July 19, 2012

FARMINGTON, N.M. (AP) - The federal government says it will study the environmental impacts of a northwestern New Mexico power plant and the coal mine that feeds it.

Environmental groups had pushed the U.S. Department of Interior to prepare an environmental impact statement for the Four Corners Power Plant and Navajo Mine.

The Farmington Daily Times reports that the study announced this week is expected to take years to complete.

The federal Office of Surface Mining, Reclamation and Enforcement also is examining the impacts of right-of-way renewals for transmission lines, the plant's lease with the Navajo Nation and a proposed mine expansion.

Arizona Public Service operates the plant near Farmington.

Farmington Daily Times

http://www.daily-times.com/farmington-news/ci_21108106/facilities-undergo-tough-environmental-scrutiny-feds-eye-power?source=rss

Facilities to Undergo Tough Environmental Scrutiny as Feds Eye Power Plant, Mine

By Chuck Slothower

July 19, 2012



FARMINGTON — A federal agency announced Wednesday it will begin an environmental analysis of Four Corners Power Plant and Navajo Mine that is sure to bring heightened regulatory scrutiny of the facilities west of Farmington.

The U.S. Department of Interior's Office of Surface Mining Reclamation and Enforcement intends to prepare an environmental impact statement, the agency said in a Federal Register notice published Wednesday.

The EIS is a major federal study that could take years to complete. It will analyze several related impacts of the mine and power plant.

Environmental groups, including the San Juan Citizens Alliance based in Durango, Colo., had pushed for the study.

Mike Eisenfeld, New Mexico energy coordinator for the group, said the development is "the result of many years of work by us to get to where we're at."

Four Corners Power Plant is regarded as one of the nation's dirtiest coal-burning plants. The facility produces 2,040 megawatts of electricity that is transmitted throughout the West.

Operator Arizona Public Service Co. has announced plans to shut down the three oldest of the plant's five units after purchasing Southern California Edison's interest in the plant for \$294 million.

The study will examine three main areas:

- APS' lease extension with the Navajo Nation, signed in March by Navajo President Ben Shelly. The lease extension allows the plant to continue operating on the Navajo Nation site through 2041.

"We are pleased the Office of Surface Mining is moving forward, and we will provide whatever support is needed," said APS spokesman Damon Gross.

- Transmission lines connected to the plant owned by APS and Public Service Company of New Mexico require right-of-way renewals.

- BHP Billiton's proposal to mine a 5,600-acre area at Navajo Mine called the Pinabete Permit area. The new area would allow Navajo Mine to provide the plant coal at a rate of 5.8 million tons per year.

Navajo Mine, adjacent to the power plant, is the plant's sole supplier of coal. Portions of the mine are exhausted from decades of mining.

The proposal would allow for coal production for up to 25 years beginning in July 2016. OSM also expects BHP Billiton to submit a renewal application in 2014 for existing areas of Navajo Mine.

Eisenfeld said it makes sense to evaluate the power plant and mine together.

"The two facilities are inherently connected, and any analysis of the environmental impacts needs to include both facilities," he said.

The EIS will analyze potential impacts on air quality and climate change, water quality, public health, cultural and historic resources, visual aspects, threatened and endangered species and other areas.

Global Association of Risk Professionals (Picked up from The Farmington Daily Times)
<http://www.garp.org/risk-news-and-resources/risk-headlines/story.aspx?newsId=50031>

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The Durango Herald

<http://durangoherald.com/article/20120720/NEWS01/707209912/-1/s>

Coal Mine, Plant Due for Review: Four Corners Energy Complex Must Clear Environmental Hurdle

By Emery Cowan

July 19, 2012

Local environmental groups applauded an announcement Wednesday that the federal government will conduct a full environmental review of the Four Corners Power Plant and the Navajo Coal Mine in northwestern New Mexico.

The Office of Surface Mining, Reclamation and Enforcement will hold a public meeting about the Environmental Impact Study process from 4 to 8 p.m. Aug. 16 at the Durango Public Library. At that meeting residents can submit written and oral comments about what the federal department should consider.

Comments can be emailed to: fcppnavajoenergyeis@osmre.gov

Comments can also be mailed to:

Marcelo Calle, OSM Western Region,

1999 Broadway, Suite 3320

Denver, Colorado 80202-3050.

Letters and emails should include the subject line "Four Corners-Navajo Mine EIS Comments."

The Office of Surface Mining, Reclamation and Enforcement will prepare an Environmental Impact Statement for the entire mine and power plant complex. The process will be the first comprehensive environmental analysis of the complex' impacts

in its 50-year history, according to a news release sent out by several environmental groups.

“In many ways, this is an affirmation that this is a significant project, and it warrants a thorough Environmental Impact Statement,” said Mike Eisenfeld, New Mexico energy coordinator at the San Juan Citizens Alliance. The fact that the impact statement will evaluate the power plant and the coal mine is an acknowledgement that the two entities are “connected and need to be looked at together,” Eisenfeld said.

The Office of Surface Mining’s analysis will evaluate the effects of coal combustion at the power plant, the effects of mining at the Navajo Coal Mine, the effects of coal combustion waste disposal and the effects associated with transmission corridors that deliver electricity to California, Arizona, New Mexico and Texas.

The office also will consult with the U.S. Fish and Wildlife Service to ensure that proposed actions at the coal complex comply with federal laws protecting threatened and endangered species.

The impact statement, which could take up to 2½ years to complete, will determine whether the facility will continue to operate beyond 2016, Eisenfeld said.

Dual permit requests from the Navajo Coal Mine and the Four Corners Power Plant triggered the Environmental Impact Statement process. The Navajo Mine requested a permit to expand its area and the power plant requested a 25-year permit renewal that would include a project to improve emissions controls. Environmental reviews are required by law before the issuances of such permits.

BHP Billiton, which operates the Navajo Mine, agrees that it is appropriate for the Office of Surface Mining to conduct a thorough review of impacts of the coal complex, said JacFourie, president of the company’s New Mexico coal operations.

“We’re a company committed to operating in a responsible manner and part of that is that we are transparent about how we operate and what impacts we’re having,” Fourie said.

The Four Corners Power Plant was built in 1962 and emits more nitrogen oxides than any other coal-fired power plant in the United States, the San Juan Citizens Alliance news release said.

As a part of the process of drafting the Environmental Impact Statement, the Office of Surface Mining will accept comments from the public that identify issues or concerns the agency should consider.

Those comments are due Sept. 17.

Western Environmental Law Center

<http://www.westernlaw.org/article/victory-four-corners-coal-complex-face-full-environmental-review>

VICTORY! Four Corner Coal Complex to Face Full Environmental Review

By Staff Writer

July 19, 2012

For First Time in Coal Complex's 50-year History, Environmental Review Will Fully Expose Pollution Problems

Location: FARMINGTON, N.M.

The Office of Surface Mining, Reclamation and Enforcement announced plans on Wednesday to undertake a single "Environmental Impact Statement and Endangered Species Act" consultation for the entire mine-to-mouth coal complex at Four Corners Power Plant, in northwestern New Mexico along the San Juan River. It will be the first comprehensive environmental analysis of the entire coal complex's impacts in its 50-year history.

The decision comes as the agency faces two pending lawsuits from Diné (Navajo) activists and conservation groups related to permitting actions at the coal complex. One suit challenges the agency's failure to protect endangered species from coal pollution under the Endangered Species Act; another filed by the Western Environmental Law Center challenges the adequacy of a National Environmental Policy Act review authorizing the mine's expansion.

"We have worked for decades to get an accurate assessment of the impacts from the Four Corners Power Plant/Navajo Mine. Navajo communities have endured significant impacts to water, land, air, public health and our culture which must now be considered. We are hopeful that public-health data from entities including Indian Health Service, Centers for Disease Control and Prevention and EPA will be incorporated correctly in the EIS," said Anna Frazier of Diné CARE.

"The connectivity of Four Corners Power Plant and Navajo Mine is essential in evaluating the potential future of the coal complex, given the nearly 50-year perspective of impacts to the Four Corners Region from coal-derived electricity generation," said Mike Eisenfeld, New Mexico energy coordinator at the San Juan Citizens Alliance. "The proposed EIS will be a huge undertaking requiring accurate analyses."

The analyses will evaluate the effects of coal combustion at the 2,040-megawatt power plant, the effects of mining at BHP Billiton's 13,000-acre Navajo Mine and the effects of coal combustion waste disposal; it will also analyze impacts associated with transmission corridors that deliver electricity to markets. The Office of Surface Mining will also conduct formal consultation with the U.S. Fish and Wildlife Service to ensure that the proposed actions at the coal complex comply with federal laws that protect threatened and endangered species. The notice invites "environmentally preferred alternatives" to be introduced by the public for analysis, alternatives that could include transition to renewable-energy facilities. Public comments on the development of the draft Environmental Impact Statement are due Sept. 17, 2012.

Other groups involved in the pending lawsuits commented on the planned environmental review and noted that a comprehensive review of the coal complex was long overdue.

"For decades coal pollution has been affecting people, lakes, rivers and farmland in the San Juan Basin, and it's even driving endangered fish toward extinction," said Taylor McKinnon, public lands campaigns director with the Center for Biological Diversity. "This long-overdue analysis is an important step along the way to an equitable transition to clean, renewable energy solutions that help people and the environment."

"Pollution from coal mining and coal-fired power plants threaten New Mexico's precious water resources," said Brian Shields, Amigos Bravos executive director. "We are hopeful and pleased that those threats can now be fully analyzed and exposed to public scrutiny."

"The agency has a responsibility to address pollution from the mine and the power plant as a whole," said Megan Anderson of the Western Environmental Law Center. "Moreover, it's just plain common sense for it do so; pretending that the people and environment surrounding this area are suffering impacts from only one source at a time just ignores the fact that this mine and power plant sit next to each other and operate as a mine-to-mouth complex."

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To learn more about WELC's lawsuit against the Navajo mine expansion, click [here](#).

GenerationHub

<http://generationhub.com/2012/07/18/osm-to-review-impacts-of-four-corners-partial-shut>

OSM to Review Impacts of Four Corners Partial Shutdown, Coal Mine Expansion

By Barry Cassell

July 18, 2012



The U.S. Office of Surface Mining plans to write an environmental impact statement covering a range of things, including the retirement of part of the coal-fired Four Corners power plant in New Mexico and new area for the **BHP Billiton** coal mine that feeds that plant its only coal.

OSM said in a July 18 Federal Register notice that the EIS will analyze the impacts of several related actions.

- It will look at **BHP Navajo Coal Co.’s** (BNCC) proposed Pinabete mine permit area and the Navajo mine permit renewal, both of which are located on the Navajo Reservation in San Juan County.
- The EIS will analyze the impacts for the **Arizona Public Service Co.’s** (APS) proposed Four Corners Power Plant (FCPP) lease amendment, located on the Navajo Reservation in San Juan County, and associated transmission line rights-of-way renewals for lines located on the Navajo and Hopi Reservations in San Juan County, N.M., and Navajo, Coconino and Apache counties in Arizona.
- The EIS will also analyze impacts for the **Public Service Co. of New Mexico** (PNM) transmission line rights-of-way renewal associated with the FCPP and located on the Navajo Reservation in New Mexico.

OSM is taking “scoping” comments until Sept. 17 on what should be covered by the EIS. “The purpose of the Project is to facilitate ongoing operations at the FCPP, and on BNCC’s Navajo Mine Lease to provide for long-term, reliable, continuous, and

uninterrupted baseload electrical power to customers in the southwestern U.S., using a reliable and readily available fuel source,” said OSM.

The Navajo Nation, U.S. Bureau of Indian Affairs (BIA), U.S. Bureau of Land Management, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. National Park Service and U.S. Army Corps of Engineers will cooperate with OSM in the preparation of the EIS.

The FCPP, located on tribal trust lands in the New Mexico portion of the Navajo Reservation, is a coal-fired electric generating station, which currently includes five units generating about 2,100 MW, and provides power to more than 500,000 customers. APS operates the FCPP, and recently executed Lease Amendment No. 3 with the Navajo Nation to extend the term of the lease for the FCPP an additional 25 years, to 2041. Continued operation of the FCPP is expected to require several federal actions, including:

- Approval from BIA of Lease Amendment No. 3 for the FCPP plant site. Lease Amendment No. 3 has been signed by the Navajo Nation after Navajo Nation Council approval.
- Issuance by BIA of renewed rights-of-way for the FCPP plant site and its switchyard and ancillary facilities; for a 500 kV transmission line and two 345 kV transmission lines; and for ancillary transmission line facilities, including the Moenkopi Switchyard, an associated 12 kV line, and an access road. The existing facilities are located on the Navajo Reservation, except for the 500 kV line which crosses both Navajo and Hopi tribal lands. No upgrades to the transmission lines or ancillary transmission line facilities are planned as part of the proposed project.
- Issuance by the BIA of renewed rights-of-way to PNM for the existing 345 kV transmission facilities. No upgrades to these transmission lines are planned as part of the proposed project.

Plans in the works to shut down part of Four Corners for clean-air reasons

“The desired future operation of the FCPP plant site involves removing Units 1, 2, and 3 from service on or before 2014, installing pollution control upgrades on Units 4 and 5, and continued operation of the independent switch yard and transmission lines,” OSM noted. “This scenario would substantially reduce coal consumption and air emissions, and lower the power output of the plant to approximately 1,500 megawatts. The ash disposal area would expand in future years within the current FCPP lease boundary. There is no proposed change to the exterior boundary of the FCPP site, the switch yard, or any of the transmission lines and ancillary facilities as part of the proposed actions.”

BNCC proposes to develop a new, approximately 5,600-acre permit area, called the Pinabete permit. This proposed permit area lies within the boundaries of BNCC’s existing Navajo mine lease, which is located adjacent to the FCPP on tribal trust lands on

the Navajo Reservation. BNCC proposes to conduct mining operations on an approximately 3,100-acre portion of the proposed Pinabete permit area. Pinabete, in conjunction with the mining of any reserves remaining within the existing Navajo mine permit area, would supply low-sulfur coal to the FCPP at a rate of approximately 5.8 million tons per year. Development of the Pinabete area and associated coal reserves would use surface mining methods and, based on current projected customer needs, would supply coal to FCPP for up to 25 years beginning in 2016. Pinabete would include previously permitted but undeveloped coal reserves within Area IV North of the Navajo mine lease, and unpermitted and undeveloped coal reserves in a portion of Area IV South of the existing Navajo mine lease.

The partial shutdown of Four Corners has been in the works for some time. **Pinnacle West Capital Corp.** (NYSE: PNW), the parent of APS, is working on a buy of the part of the Four Corners plant owned by **Southern California Edison**. The plan is to buy SCE's 739 MW interest in Four Corners Unit 4-5, then shut 560 MW of capacity within Units 1-3 for clean-air reasons. APS would also need to spend about \$300m for new emissions controls on the surviving coal capacity. APS already owns 100% of Units 1-3. The shutdown of those units, plus the buy of the SCE interests, will reduce the plant's overall capacity from 2,100 MW to 1,540 MW, and increase APS's entitlement from the plant from 791 MW to 970 MW.

SCE, a subsidiary of **Edison International** (NYSE: EIX), is seeking with this planned sale to comply with California greenhouse gas policy that essentially makes in-state utilities shed their interests in any coal-fired electricity being imported into the state.



About the Author

Barry Cassell

Chief analyst, coal sector. Cassell has covered the coal industry for more than 23 years, most recently as editor of SNL Energy's *Coal Report*. He was formerly with *Coal Outlook* for 15 years as the publication's editor and contributing writer, and prior to that he was editor of *Coal & Synfuels Technology* and associate editor of *The Energy Report*. Cassell has a bachelor's degree from Central Michigan University.

The Durango Herald

<http://durangoherald.com/article/20120719/COLUMNISTS37/707199974>

Way Past Due: A New Review for an Old Complex

By Dan Randolph

July 18, 2012

The federal Office of Surface Mining Reclamation and Enforcement on Wednesday began the official process of preparing an Environmental Impact Statement for the Four Corners Power Plant and the Navajo Mine, which supplies it.

This is a long overdue review, and one that is critical to our region.

Approximately 15 miles southwest of Farmington, these 50-year-old facilities have had a tremendous impact to the Four Corners. The power plant is one of the dirtiest in the nation, even after numerous upgrades through the decades. The smoke plume from the plant was visible from space during the early years of space flight and today is a major source for the nearly ever-present haze extending up and down the San Juan River watershed.

The power plant is the largest source of air pollution in New Mexico. It is the top coal-plant emitter of nitrogen oxides in the United States, with 44,649 tons emitted in 2006 (data from the Environmental Protection Agency). Every year, its air pollution contributes to 44 premature deaths, 800 asthma attacks, 42 asthma-related emergency-room visits, and other health effects, at an estimated cost of more than \$341 million (www.catf.us/coal/problems/power_plants/existing/map.php?state=New_Mexico).

The Navajo Mine has a long history of protest by the people displaced by the mine and affected by the blasting and fugitive dust. For decades, the millions of tons of solid waste produced by the power plant were dumped in unlined mine pits with the potential for leaching of toxics into the San Juan River.

For all too long, these facilities have avoided any comprehensive review of their effects to the region. In 2005, San Juan Citizens Alliance and Diné CARE challenged a 13-page Environmental Assessment for a 3,200-acre expansion of the mine. When the federal court found that assessment lacking and denied the permit for expansion, the mine and the Office of Surface Mining Reclamation responded with another Environmental Assessment, this time for 830 acres. This permit now is under challenge in court, as well.

At the heart of these challenges to the mine permit expansions is the failure of the Office of Surface Mining Reclamation to consider effects beyond the immediate mine area – such as the burning of coal, an obvious outcome of the mining. Impacts such as disposal of the waste; the water use (more than 24,000 acre-feet of San Juan River water each year for the power plant alone); or the human health effects of the air

pollution; water quality in the San Juan River; and the native fish that are barely surviving because of high levels of mercury and selenium.

If the Office of Surface Mining Reclamation and Enforcement and other agencies live up to the promise of a full and thorough review, it will provide an opportunity for our region to explore not only the legacy of 50 years of coal mining and burning, but also what we want our next 50 years to include.

Do we need or want to continue on the current path, or do we shift to being a source of renewable, clean energy and clean industry? We have a wonderfully creative region, set in a uniquely beautiful landscape. We now have a new opportunity to help craft an economy to match.

dan@sanjuancitizens.org. Dan Randolph is executive director of the San Juan Citizens Alliance.

Deseret News

<http://www.deseretnews.com/article/765588668/Many-Native-Americans-live-next-to-power-plants.html?pg=1>

Many Native Americans Live Next to Power Plants

By Christina Silva

July 8, 2012





MOAPA, Nev. — Beyond the ancestral hunting fields and the rows of small, sparse homes, the cemetery at the Moapa River Indian Reservation sprawls across a barren hill with the tombstones of tribal members who died young.

Their deaths haunt this small desert community outside Las Vegas. Children play indoors, afraid they might be next. Hoping to keep out the air they believe is killing their people, tribal elders keep their windows shut and avoid growing food on the land where their ancestors once found sustenance.

The Moapa Paiutes need not travel far to stare down their perceived enemy: The coal-powered plant blamed for polluting the southern Nevada reservation's air and water is visible from nearly every home.

"Everybody is sick," said Vicki Simmons, whose brother worked at the Reid-Gardner Generating Station for 10 years before dying at age 31 with heart problems. Across the country, a disproportionate number of power plants operate near or on tribal lands. NV Energy maintains its plant near the Moapa Paiute reservation is safe and has been upgraded with the required clean emissions technologies.

Meanwhile, local, state and federal health agencies say they cannot conduct accurate health studies to verify the tribe's complaints because the sample size would be too small.

In all, about 10 percent of all power plants operate within 20 miles of reservation land, according to an Associated Press analysis of data from the U.S. Environmental Protection Agency. Many of those 51 energy production centers are more than a half-century old and affect roughly 48 tribes living on 50 reservations. Fewer than 2 percent of all people in the United States identify as Native American and only a small portion live on tribal land.

In many cases, Native American leaders have long embraced energy development as an economic opportunity for communities battling widespread unemployment.

But a growing backlash has some tribal leaders questioning whether the health and environmental risks associated with energy production has put their people in harm's way. While it's not conclusive that coal operations pose a direct danger to reservation residents, the Moapa Paiutes are one of several tribes demanding the closure of their neighborhood power plants.

Sherry Smith, a history professor who co-edited the book "Indians and Energy: Exploitation and Opportunity in the American Southwest," said hardly anyone paid attention or were aware of potential environmental consequences when the power plants were built decades ago.

Among the nation's 564 diverse tribal entities, energy production is widely debated. Many support environmental protections as a natural extension of American Indian values. But tribal leaders also aspire to protect their culture by keeping members on the reservation. Jobs and economic opportunity are necessary, energy production proponents say, and power plants fill the gap.

On one end of the spectrum is the Navajo Nation, the country's largest reservation, with five power plants near or on its sprawling territory in the Southwest. The tribe has embraced coal production as a central component of its economy, and Navajo officials traveled to Washington in June to oppose proposed EPA regulations to make the plants more environmentally sound. The new requirements would kill jobs, tribal leaders said.

On the other side of the debate have been members of tribes such as the Moapa Paiutes and the Northern Cheyenne of Montana, which for years blamed local energy companies for the health woes plaguing residents on their reservations.

In Moapa, Yvette Chevalier said she became ill within weeks of moving last year to the reservation, which sits 2 miles from the decades-old coal plant that sometimes infuses nearby skies with gray fumes. Gary Lee said he recently lost 40 pounds because of health troubles.

Former Tribal Chairman Vernon Lee said it's not unusual for members to be hospitalized.

"There have been a lot of heart attacks," Lee said. "Many young people died." When coal is burned, carbon dioxide, sulfur dioxide, nitrogen oxides and mercury compounds are released into the air, according to the EPA. Research has shown those fine particles can be linked to serious health problems, including premature death.

Children, who breathe more often, and senior citizens, who tend to have health problems agitated by pollution, are particularly vulnerable, said Colleen McKaughan, an associate director in the EPA's air division.

In Montana, the Northern Cheyenne live near the state's largest coal-power plant, the Colstrip Steam Plant. The four-unit power plant operated by PPL Montana produces 2,200 megawatts of electricity and is one of the largest employers in eastern Montana with roughly 400 workers. Many in the tribe want it shut down.

In northeastern Utah, the Ute Indian Tribe has threatened to sue Deseret Power over pollution from its 30-year-old plant on the reservation, which generates 500-megawatts of electricity. Ozone readings in the region can reach nearly twice the limit considered safe by the EPA, especially during winter months.

"They are legitimately concerned about the impact the power plant has on the reservation," said Michael Harris, a lawyer representing the tribe.

Harris said some tribal members have complained of asthma attacks and cancer clusters and the plant might be to blame. Deseret Power did not respond to a request for comment.

To be sure, tribes fighting energy companies are the exceptions.

The massive Four Corners Steam Plant sits on Navajo land in Fruitland, N.M., where the Arizona Public Service Company says it generates 2,040 megawatts of electricity and serves New Mexico, Arizona, California and Texas.

Tribal members who work at the power plants earn roughly triple the average Navajo family income of about \$20,000 per year. The tribe expects to receive more than \$7 million annually from the two power plants on its land under its latest lease proposals.

"A lot of our own people who are critical of coal are not understanding the economic benefits," said Stephen Etsitty, executive director of the Navajo Nation Environmental Protection Agency.

"It's easy to perceive a problem when you see a big power plant smoke stack ... but that often causes you not to look at other areas of concern."

In Moapa, Simmons — whose 31-year-old brother passed away after working at Reid Gardner Generating Station — can see the Nevada power plant from her kitchen window. It reminds her of her brother's death.

She also frets for her 24-year-old son, who works at the plant and comes home with ash-covered skin. His wife is pregnant with Simmon's first grandchild.

"The land is poisoned," she said. "I don't even open my window because I don't like to look at it."