

Four Corners Power Plant and  
Navajo Mine Energy Project  
DEIS

APPENDIX

E

COORDINATION & CONSULTATION  
RECORDS



Four Corners Power Plant and  
Navajo Mine Energy Project  
DEIS

APPENDIX

# E.1

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APPENDIX

# E.2

SCOPING SUMMARY REPORT



# Scoping Summary Report

Four Corners Power Plant and  
Navajo Mine Energy Project

33716001.00





Prepared for:



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Appendix A Scoping Exhibits

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# 1 Introduction

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The Office of Surface Mining Reclamation and Enforcement (OSM), Western Region, Denver, CO, held nine open house scoping meetings from 9 August 2012 to 18 August 2012, for the Four Corners Power Plant and Navajo Mine Energy Project Environmental Impact Statement (EIS). The purpose of the scoping meetings was to provide an opportunity for the public and other agencies to learn about and comment on the proposed actions and environmental resources to be analyzed in the Draft EIS. Efforts to notify the public, media, government agencies, and elected officials about the open house scoping meetings were conducted in accordance with the National Environmental Policy Act (NEPA) and the Public Involvement Plan developed for the Four Corners Power Plant and Navajo Mine Energy Project EIS. This scoping also served to satisfy the public involvement and noticing requirement for Section 106 of the National Historic Preservation Act. Additionally, two of the meetings also served as informal conferences for the Pinabete Mine Plan Surface Mining Control and Reclamation Act Permit application. Interested parties were provided an opportunity to provide written or oral comments related to this new permit.

This scoping summary report includes detailed information about public involvement and outreach activities conducted by OSM during the scoping period from 18 July 2012 to 1 November 2012.

## 2 Summary of Activities Conducted During Scoping Period

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### 2.1 Notification Activities

The following notifications were prepared and distributed to inform the public of the project and the open house scoping meetings:

#### **Federal Register Notice**

On 18 July 2012, OSM published a Notice of Intent (NOI) in the Federal Register (Exhibit A), which announced the intent to prepare an EIS for the Four Corners Power Plant and Navajo Mine Energy Project, described the proposed actions, and provided the locations, dates, and times of the open house scoping meetings. This NOI initiated a 60-day scoping period, which was scheduled to end on 17 September 2012.

#### **Display Advertisement**

Display advertisements (Exhibit B) were placed in the following 13 newspapers: *Arizona Daily Sun*, *Navajo-Hopi Observer*, *Hopi Tutuveni*, *Cortez Journal*, *Four Corners Free Press*, *Farmington Daily Times*, *San Juan Sun*, *Navajo Times*, *The Durango Herald*, *The Durango Telegraph*, *Gallup Independent*, *The Tribune News*, and *Albuquerque Journal*. As listed in Table 2-1, the first series of display advertisements occurred within three days of the Federal Register notice and at least 15 days prior to the local scoping meeting. The second and third publication dates occurred consecutively the day of and day prior to the local scoping meeting (assuming the local newspaper was published daily).

**Table 2-1 Newspaper Advertisements for Scoping Meetings**

NEWSPAPER	MEETING LOCATIONS THE AD COVERED	DATES OF ADVERTISEMENT
Arizona Daily Sun (daily)	Hotevilla, AZ	24 July 2012 8 August 2012 9 August 2012
Navajo-Hopi Observer (Wednesdays)	Hotevilla, AZ Tiis Tsoh Sikaad (Burnham,) Chapter House, NM Nenahnezad, NM Shiprock, NM Window Rock, AZ	25 July 2012 1 August 2012 8 August 2012 15 August 2012
Hopi Tutuveni (1st and 3rd Tuesday of each month)	Hotevilla, AZ	7 August 2012
Cortez Journal (Tuesdays, Thursdays and Saturdays)	Cortez, CO	24 July 2012 7 August 2012 9 August 2012
Four Corners Free Press (monthly)	Cortez, CO	2 August 2012
Farmington Daily Times (daily)	Tiis Tsoh Sikaad (Burnham) Chapter House, NM Nenahnezad, NM Farmington, NM Shiprock, NM	24 July 2012 10 August 2012 11 August 2012 12 August 2012 13 August 2012 14 August 2012 15 August 2012
San Juan Sun (Wednesdays)	Tiis Tsoh Sikaad (Burnham) Chapter House, NM Nenahnezad, NM Farmington, NM Shiprock, NM	25 July 2012 1 August 2012 8 August 2012 15 August 2012
Navajo Times (Thursdays)	Tiis Tsoh Sikaad (Burnham) Chapter House, NM Nenahnezad, NM Shiprock, NM Window Rock, AZ	26 July 2012 9 August 2012 16 August 2012
The Durango Herald (daily)	Durango, CO	24 July 2012 15 August 2012 16 August 2012
The Durango Telegraph (Thursdays)	Durango, CO	26 July 2012 9 August 2012 16 August 2012
Gallup Independent (daily)	Window Rock, AZ	24 July 2012 17 August 2012
The Tribune-News (Wednesdays and Fridays)	Window Rock, AZ	25 July 2012 15 August 2012 17 August 2012
Albuquerque Journal (daily)	Albuquerque, NM	24 July 2012 17 August 2012 18 August 2012

**Postcard Mailer**

A postcard mailer (Exhibit C) was sent to 453 individuals on the project mailing list on 26 July 2012. The postcard announced the preparation of the Draft EIS, described the proposed actions, and provided information on comment submittal, the project website, and the open house scoping meeting locations, dates, and times.

**Stakeholder Notification Letter**

A notification letter (Exhibit D), signed by Mr. Marcelo Calle, OSM EIS Coordinator, was mailed to 440 federal, state, and local government agencies and elected officials on 27 July 2012. The letter provided detailed information about the proposed actions, scoping process, and comment submittal, and announced the locations, dates, and times of the open house scoping meetings.

**Public Service Announcement**

A public service announcement (PSA) (Exhibit E) providing the dates and times of the local open house scoping meetings was distributed to 31 local radio stations (Exhibit F). The PSA was translated and recorded in Navajo and Hopi. The English release and the Navajo and Hopi audio files were disseminated to radio stations based on the language of the radio station.

**Notification Flier**

A member of the public outreach team physically placed notification fliers (Exhibit G) at appropriate community centers, post offices, libraries, grocery stores, gas stations, trading posts, town halls, and other gathering places (Exhibit H) throughout the Four Corners region to further reach tribal community members and remote locations where interested stakeholders potentially resided. The flier provided the open house scoping meeting locations, dates, and times, and provided information on how to submit comments.

**Information Repositories**

Public information repositories were established at 29 locations (Exhibit I) in the Four Corners region, including chapter houses, libraries, OSM offices, and Bureau of Indian Affairs offices. A binder containing the display advertisement and materials provided at the open house scoping meetings, including a copy of the posters, the poster station overview, the fact sheet booklet and the comment form, was sent to each of the information repositories with a letter requesting the binder be put on display and made available for public viewing. Additional copies of the fact sheet booklet were mailed to the information repositories after the completion of the open house scoping meetings.

## 3 Open House Scoping Meetings

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Nine open house scoping meetings were held at the following locations, dates, and times shown in Table 3-1.

**Table 3-1 Public Scoping Open House Schedule**

MEETING LOCATION	VENUE	DATE	TIME
Hotevilla, AZ	Hotevilla Village	9 August 2012	3 to 7 p.m.
Cortez, CO	Montezuma-Cortez High School	10 August 2012	5 to 9 p.m.
Burnham, NM	Tiis Tsoh Sikaad (Burnham) Chapter House**	11 August 2012	9 a.m. to 1 p.m.
Nenahnezad, NM	Nenahnezad Chapter House**	13 August 2012	5 to 9 p.m.
Farmington, NM	Farmington Civic Center	14 August 2012	5 to 9 p.m.

Shiprock, NM	Shiprock High School	15 August 2012	5 to 9 p.m.
Durango, CO	Durango Public Library	16 August 2012	4 to 8 p.m.
Window Rock, AZ	Navajo Nation Museum	17 August 2012	5 to 9 p.m.
Albuquerque, NM	Indian Pueblo Cultural Center	18 August 2012	11 a.m. to 3 p.m.

\*\*Scoping meetings at the Tiis Tsoh Sikaad (Burnham) and Nenahnezad Chapter Houses also served as informal conferences for the Proposed Pinabete Mine Plan Permit Application.

The scoping meetings were held in an informal open house format where members of the public could arrive at any time during the four-hour event. Staff team members at the welcome station greeted meeting attendees and encouraged them to sign in to receive project information and future notifications. A fact sheet booklet (Exhibit K), poster station overview (Exhibit L) and comment form (Exhibit M) were distributed to attendees, along with verbal direction on the organization and flow of the poster stations established around the room. An additional fact sheet (Exhibit N) and comment form (Exhibit O) was developed for the informal conferences that were held concurrently with the open house scoping meetings at the Tiis Tsoh Sikaad (Burnham) and Nenahnezad Chapter Houses.

Poster stations covered the following topics:

- Welcome and sign-in
- Project overview video
- NEPA process
- About OSM, Surface Mining Control and Reclamation Act and cooperating agencies
- Proposed actions and alternatives
- About the Four Corners Power Plant, Navajo Coal Mine and transmission lines
- Environmental resources
- Cultural resources
- Socioeconomics and Environmental Justice
- Written and oral comment collection stations

The poster stations included between one and four posters (Exhibit P), as well as copies of the fact sheet booklet and comment forms. Subject matter experts from OSM, cooperating agencies, and contractors staffed each poster station to answer questions and provide project information.

The project overview video station had chairs, headphones, and a screen set up for meeting attendees to watch the video. The project overview video was available in English, Navajo, and Hopi. The project overview video is further described below.

A comment collection station, which included tables, chairs, and pens, was also set up to facilitate the submission of written comments from the public. Members of the public were encouraged to fill out comment forms to ensure their comments would be included in the official record and considered in the development of the Draft EIS. Individuals could submit completed forms at the meetings or mail them to the address provided on the comment forms. Two court reporters were available at each scoping meeting to record oral comments. At scoping meetings held on the Navajo and Hopi Reservations, Navajo and Hopi interpreters were available to interpret oral comments and also assist attendees conversing with project team members. Meeting attendees were also informed that they could email comments to [FCPPNavajoEnergyEIS@osmre.gov](mailto:FCPPNavajoEnergyEIS@osmre.gov).

### 3.1 Attendance

Meeting attendees were encouraged to sign in at the welcome table. The information below reflects the number of meeting attendees who chose to sign in. Media attendance reflects the persons who identified themselves as media. In total, 455 people signed in at the open house scoping meetings.

- Meeting 1, Hotevilla, AZ: Twenty-eight (28) people attended; media included reporters from the Navajo-Hopi Observer and Gallup Independent; tribal government representation included a member of the Hopi Tribal Council; a Navajo Nation Tribal Delegate; nongovernmental organization (NGO) representation included a member from the Sierra Club.
- Meeting 2, Cortez, CO: Twenty-four (24) people attended; NGO representation included a member from the San Juan Citizens Alliance.
- Meeting 3, Burnham, NM: Thirty-nine (39) people attended; tribal government representation included a staff member from the Navajo Nation Environmental Protection Agency; NGO representation included members from the San Juan Citizens Alliance and the Diné Citizens Against Ruining Our Environment (CARE).
- Meeting 4, Nenahnezad, NM: Fifty-three (53) people attended; NGO representation included Diné CARE.
- Meeting 5, Farmington, NM: One hundred and thirty-five (135) people attended; media included reporters from the Farmington Daily Times; federal, state, and local government representation included staff members from the Bureau of Land Management, New Mexico Department of Cultural Affairs, New Mexico State Land Office, San Juan Soil and Water Conservation District, and the Farmington city manager; elected official representation included Representative James Strickler and staff members from the office of Senator Jeff Bingaman and office of Congressman Ben L. Lujan; tribal government representation included a staff member from the Navajo Nation Environmental Protection Agency; NGO representation included members from the San Juan Wildlife Federation, San Juan Center for Independence, and Diné CARE.
- Meeting 6, Shiprock, NM: Fifty-four (54) people attended; tribal government representation included the president and chief of staff of the Navajo Nation and a staff member from the Navajo Nation Environmental Protection Agency; NGO representation included members from the San Juan Citizens Alliance, and Diné CARE.
- Meeting 7, Durango, CO: Forty-seven (47) people attended; media included a reporter from the Four Corners Free Press; government representation included a staff member from the La Plata County Planning Department; tribal government representation included a staff member from the Navajo Nation Environmental Protection Agency; elected official representation included a staff member from the office of Congressman Scott Tipton; NGO representation included members from the San Juan Citizens Alliance.
- Meeting 8, Window Rock, AZ: Thirty-two (32) people attended; tribal government representation included a staff member from the Navajo Nation Environmental Protection Agency; NGO representation included members from the Sierra Club, and Diné CARE.
- Meeting 9, Albuquerque, NM: Forty-three (43) people attended; tribal government representation included the council speaker of the Navajo Nation, Navajo Nation director of policy and management, and a staff member from the Navajo Nation Division of Natural Resources; elected official representation included a staff member from the office of Senator Tom Udall.

### 3.2 Project Overview Video

A project overview video was prepared to present project details to the viewer in a concise and consistent manner. The video provided an overview of the NEPA process, the proposed actions, and environmental resource areas to be considered. The project overview video was made available in English, Navajo, and Hopi at the open house scoping meetings. On 31 August 2012, a DVD with the English, Navajo, and Hopi video files was mailed to government and tribal representatives who attended a scoping meeting (Exhibit Q) and to the Tiis Tsoh Sikaad (Burnham) and Nenahnezad Chapter Houses.

### 3.3 Open House Scoping Meeting Poster Stations Video

A video of the poster stations at the open house scoping meetings was developed using footage filmed at the scoping meetings. The poster stations video provided an overview of the open house scoping meetings and informal conferences and provided a look at the poster stations, including information from the subject matter experts staffing each poster station. The video was translated into Navajo and Hopi and on October 4, 2012, a DVD with the English, Navajo, and Hopi video files was mailed to select government and tribal representatives (Exhibit R) and the Tiis Tsoh Sikaad (Burnham) and Nenahnezad Chapter Houses.

## 4 Comments Summary

The table below reflects the number of written and oral comments received at the nine scoping meetings and also specifies the number of oral comments interpreted into English. During the public comment period, 65 oral comments and 469 written comments were received. Table 4-1 shows the number of both oral and written comments received at each scoping meeting. The public submitted 399 written comments via mail and email following completion of the scoping meetings.

**Table 4-1 Public Scoping Meeting Comment Summary**

MEETING DATE	MEETING LOCATION	WRITTEN COMMENTS RECEIVED AT MEETING	ORAL COMMENTS RECEIVED AT MEETING
9 August 2012	Hotevilla, AZ	7	7 (1 through interpreter)
10 August 2012	Cortez, CO	2	0
11 August 2012	Tiis Tsoh Sikaad (Burnham) Chapter House, NM, NM	2 (1 through interpreter)	9 (3 through interpreter)
13 August 2012	Nenahnezad, NM	8 (2 through interpreter)	13
14 August 2012	Farmington, NM	35	16 (1 through interpreter)
15 August 2012	Shiprock, NM	5	11
16 August 2012	Durango, CO	5	3
17 August 2012	Window Rock, AZ	4	5
18 August 2012	Albuquerque, NM	2	1
	<b>Total</b>	<b>70</b>	<b>65</b>

## Summary

This section is intended to illustrate the predominant issues the public identified during the nine scoping meetings held from 9 August 2012 to 18 August 2012, and the subsequent extended comment period (through November 1, 2012). It is not meant to capture all aspects of the comments or to serve as a legal record. Figure 4-1 depicts the relative number of comments per topic from all comments received during the public scoping period. Some of the concerns and questions expressed by the public include (not prioritized):

- Concerns about air quality, water quality, and public health
- Support for the economic benefits from the operation of the Four Corners Power Plant and Navajo Coal Mine
- Support for open house style meetings and the way in which information was presented and communicated
- Preference for public meeting format instead of open house style meetings
- Opposition to coal as a source of energy; support for alternative energy sources
- Support for APS and BHP Billiton’s contributions to local communities
- Concern about proximity of transmission lines to residents and sacred Native American sites
- Inadequacy of disposal of coal fly ash
- Inquiries about public access to air and water quality data collected by APS and BNCC

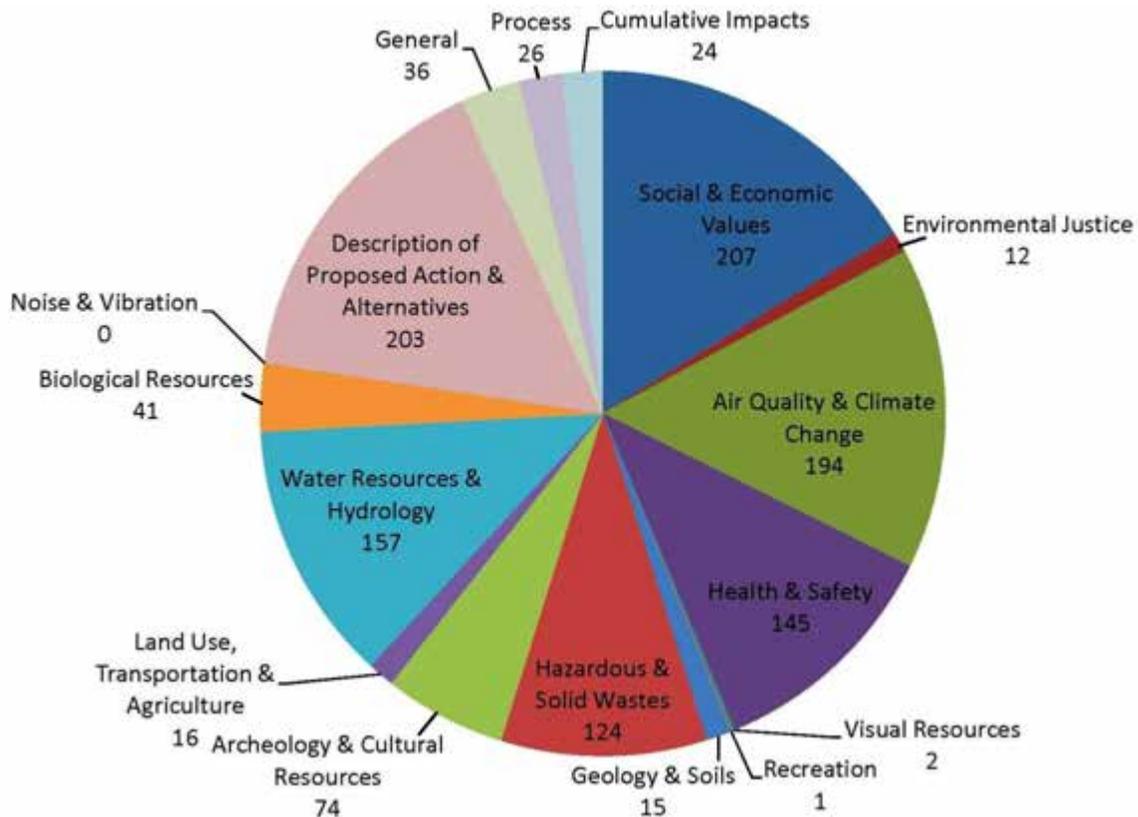


Figure 4-1 Distribution of Scoping Comments Received by Type

## 5 Scoping Comment Period Extension Notification Activities

OSM extended the scoping comment period from 17 September 2012 to 1 November 2012, which provided an additional 45 days for the public to submit comments. The following notifications (Exhibit S) were prepared and distributed to inform the public of the scoping comment period extension.

### Federal Register Notice

OSM published a revision on October 12, 2012 to the Federal Register notice published 18 July 2012, which announced the 45-day extension of the scoping comment period.

### Display Advertisement

A display advertisement was placed in four newspapers that are widely read in the Four Corners region and on the Navajo and Hopi reservations: *Farmington Daily Times*, *Navajo-Hopi Observer*, *Navajo Times*, and *Hopi Tutuveni*. As shown in Table 5-1, the display advertisement was published once in each of these four newspapers.

**Table 5-1 Display Advertisement Publication Summary**

NEWSPAPER	COVERAGE	DATES OF ADVERTISEMENT
Farmington Daily Times (daily)	Farmington, Shiprock, Newcomb, Fruitland	11 September 2012
Navajo-Hopi Observer (Wednesdays)	Western Navajo and Hopi Reservations	12 September 2012
Navajo Times (Thursdays)	Navajo Nation, Window Rock, Shiprock	13 September 2012
Hopi Tutuveni (1st and 3rd Tuesday of each month)	Hopi Reservation	18 September 2012

### Postcard Mailer

A postcard mailer was sent to 843 individuals and stakeholders on the project mailing list on 10 September 2012 and an additional 203 individuals on 17 September 2012. Scoping meeting attendees who provided a postal mailing address received the postcard.

### Public Service Announcement

A PSA was distributed to 31 local radio stations. The PSA was translated into Navajo and Hopi. The English release and Navajo and Hopi audio files were disseminated to radio stations based on the language of the radio station.

### Notification Flier

A notification flier was disseminated to nine libraries and six chapter houses to further reach tribal community members and remote locations where interested stakeholders potentially resided. The libraries and chapter houses that were asked to post the flier for public viewing were the Albuquerque, Cortez, Durango, Farmington, Hopi Reservation, Navajo Nation, Octavia Fellin (Gallup), Shiprock, and Tuba City public libraries and the Chinle, Coalmine Canyon, Nenahnezad, Shiprock, Tiis Tsoh Sikaad (Burnham), and Upper Fruitland chapter houses.

## Email

On 18 September 2012, OSM sent an email to 20 additional individuals who provided an email address but did not provide a postal mailing address. The email included an attachment PDF of the postcard notification.

# 6 Media Coverage

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The following news articles discussed the Four Corners Power Plant and Navajo Mine Energy Project EIS and/or the open house scoping meetings.

## Summary

There were 40 articles published in local, regional, and national newspapers between 8 July 2012 and 17 September 2012. These articles, or announcements, publicized the open house scoping meetings, comment channels, and scoping comment period extension. Some articles were published in a blog or Op-Ed piece to encourage support or opposition to the project. Several articles were picked up by a variety of other newspapers and websites. Full articles are provided in Exhibit T.

## 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.
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- Fonseca, Felicia. "EPA Sets Final Rules for Navajo Power Plant." San Francisco Chronicle 8 August 2012.
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# Appendix A – Scoping Exhibits

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**Exhibit A – Federal Register Notice**

**Exhibit B – Display Advertisement**

**Exhibit C – Postcard Mailer**

**Exhibit D – Stakeholder Notification Letter**

**Exhibit E – Public Service Announcement**

**Exhibit F – Public Service Announcement Distribution Database**

**Exhibit G – Notification Flier**

**Exhibit H – Notification Flier Distribution Database**

**Exhibit I – Information Repository Locations Database**

**Exhibit J – Open House Scoping Meeting Internal Room Layout and Staffing Plan**

**Exhibit K – Fact Sheet Booklet**

**Exhibit L – Poster Station Overview Handout**

**Exhibit M – Comment Form**

**Exhibit N – Informal Conference Fact Sheet**

**Exhibit O – Informal Conference Comment Form**

**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**



## Appendix

### Exhibit A – Federal Register Notice

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the BLM has determined that these proposed supplementary rules would not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

#### *Executive Order 12988, Civil Justice Reform*

The BLM has determined that these proposed supplementary rules would not unduly burden the judicial system and that they meet the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

#### *Executive Order 13175, Consultation and Coordination With Indian Tribal Governments*

The BLM has found that these proposed supplementary rules do not include policies that would have tribal implications.

#### *Information Quality Act*

The Information Quality Act (Section 515 of Pub. L. 106–554) requires Federal agencies to maintain adequate quality, objectivity, utility, and integrity of the information that they disseminate. In developing these supplementary rules, the BLM did not conduct or use a study, experiment, or survey or disseminate any information to the public.

#### *Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

These proposed supplementary rules would not constitute a significant energy action. The proposed supplementary rules would not have an adverse effect on energy supplies, production, or consumption, and have no connection with energy policy.

#### *Paperwork Reduction Act*

These proposed supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

#### *Author*

The principal author of these supplementary rules is Stanley Buchanan, Boise District Law Enforcement Ranger, Bureau of Land Management.

For the reasons stated in the Preamble, and under the authority of 43 CFR 8365.1–6, the Morley Nelson Snake River Birds of Prey NCA, Bureau of Land Management, proposes to issue supplementary rules for BLM-administered lands covered under the Snake River Birds of Prey NCA RMP, to read as follows:

#### **Supplementary Rules for the Morley Nelson Snake River Birds of Prey National Conservation Area**

##### *Definitions*

**Rock Climbing:** A sport/technique in which participants climb up, down or across natural rock formations, usually with ropes and other equipment. Rock climbing is similar to scrambling (another activity involving the scaling of hills and similar formations), but climbing is generally differentiated by its sustained use of hands to support the climber's weight as well as to provide balance.

**Rappelling:** A descent of a vertical surface, as a cliff or wall, by sliding down a belayed rope that is passed under one thigh and over the opposite shoulder or through a device that provides friction, typically while facing the surface and performing a series of short backward leaps to control the descent.

**Improved Campsite:** A specific location identified by the BLM for camping. Improved campsites include individual sites in developed campgrounds and developed recreation sites for camping that may or may not contain picnic tables, shelters, parking sites, and/or grills. All improved campsites are identified by a BLM map or sign.

**Open Fires:** Any fire not in a BLM-approved metal fire ring.

On BLM-administered public land within the Morley Nelson Snake River Birds of Prey National Conservation Area, you must comply with the following supplementary rules:

1. Rock climbing and rappelling are prohibited on all lands administered by the BLM within the NCA.
2. Open fires are prohibited on all lands administered by the BLM within the NCA. Campfires may only be located on improved campsites within BLM-approved metal fire rings on all lands administered by the BLM within the NCA. Additional restrictions may be imposed during periods of high fire danger.
3. Paintball guns and equipment may not be used within the Snake River Canyon or within ¼ mile of the canyon rim.

**Penalties:** On public lands under Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a) and 43 CFR 8360.0–7, any person who violates any of these supplementary rules may be tried before a United States Magistrate and fined no more than \$1,000 or imprisoned for no more than 12 months or both. Such violations may also be subject to

enhanced fines provided for by 18 U.S.C. 3571.

**Steven A. Ellis,**

*Bureau of Land Management, State Director, Idaho.*

[FR Doc. 2012–17448 Filed 7–17–12; 8:45 am]

**BILLING CODE 4310–GG–P**

#### **DEPARTMENT OF THE INTERIOR**

#### **Office of Surface Mining Reclamation and Enforcement**

#### **Notice of Intent To Initiate Public Scoping and Prepare an Environmental Impact Statement for the Four Corners Power Plant and Navajo Mine Energy Project**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of Intent to initiate public scoping and prepare an Environmental Impact Statement.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4231–4347; the Council on Environmental Quality's (CEQ) regulations for implementing NEPA, 40 CFR Parts 1500 through 1508; and the Department of the Interior's (DOI) NEPA regulations, 43 CFR Part 46, the Office of Surface Mining Reclamation and Enforcement (OSM), Western Region (WR), Denver, Colorado, intends to prepare an Environmental Impact Statement (EIS). The EIS will analyze the impacts for several related actions. It will analyze impacts for the BHP Navajo Coal Company (BNCC) Proposed Pinabete Permit and for the Navajo Mine Permit Renewal, both of which are located on the Navajo Reservation in San Juan County, New Mexico. The EIS will also analyze the impacts for the Arizona Public Service Company (APS) Proposed Four Corners Power Plant (FCPP) lease amendment, located on the Navajo Reservation in San Juan County, New Mexico, and associated transmission line rights-of-way renewals for lines located on the Navajo and Hopi Reservations in San Juan County, New Mexico and Navajo, Coconino and Apache Counties in Arizona. The EIS will also analyze impacts for the Public Service Company of New Mexico (PNM) transmission line rights-of-way renewal associated with the FCPP and located on the Navajo Reservation in New Mexico. This Notice refers to these proposals collectively as the "Project." OSM is requesting public comments on the scope of the EIS and significant issues that should be addressed in the EIS.

**DATES:** This notice initiates the public scoping process. To ensure consideration in developing the draft EIS, we must receive your electronic or written comments 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.

We will host public scoping meetings where you may submit written and oral comments. These open house public scoping meetings will be held at the following locations:

- 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.

Times, dates, and specific locations for these meetings will also be announced through the OSM WR Web site <http://www.wrcc.osmre.gov/FCPPEIS.shtm>, press releases, local newspapers, radio announcements and other media, at least 15 days prior to each event.

Hopi and Navajo interpreters will be present at meetings on the Hopi and Navajo Reservations.

If you require reasonable accommodations to attend one of the meetings, contact the person listed under **FOR FURTHER INFORMATION CONTACT** at least one week before the meeting.

**ADDRESSES:** Comments may be submitted in writing or by email. At the top of your letter or in the subject line of your email message, please indicate that the comments are "Four Corners-Navajo Mine EIS Comments."

- *Email comments should be sent to:* [fcppnavajoenergyeis@osmre.gov](mailto:fcppnavajoenergyeis@osmre.gov).
- *Mail/Hand-Delivery/Courier:*

Written comments should be sent to: Marcelo Calle, OSM Western Region, 1999 Broadway, Suite 3320, Denver, Colorado 80202-3050.

**FOR FURTHER INFORMATION CONTACT:** For further information about the Project and/or to have your name added to the mailing list, contact: Marcelo Calle, OSM Project Coordinator, at 303-293-5035. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Project
- II. Background on the Four Corners Power Plant
- III. Application for the Pinabete Mine Permit and the Navajo Mine Permit Renewal
- IV. Alternatives and Related Impacts Under Consideration
- V. Public Comment Procedures

**I. Background on the Project**

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 base load electrical power to customers in the southwestern U.S., using a reliable and readily available fuel source. The Project proposes to accomplish this while complying with tribal trust responsibilities, both to support economic opportunities on Navajo Nation and Hopi tribal trust lands, and to help provide for economic development of the Navajo Nation and Hopi Tribe through lease and right-of-way revenues, royalties, tribal taxes and jobs. The EIS will address the direct, indirect, and cumulative impacts of these actions at the FCPP, the proposed Pinabete Permit area, and the existing Navajo Mine Permit area, including any connected Federal actions relating to operations on the Navajo Mine Lease and at FCPP.

At this time the Navajo Nation, Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), U.S. Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service

(USFWS), National Park Service (NPS), and U.S. Army Corps of Engineers (USACE) will cooperate with OSM in the preparation of the EIS. The USACE will use this public scoping as part of the Clean Water Act (CWA) Section 404, 33 U.S.C. 1344, permitting public noticing process. The USACE will have material available on the proposed impacts to waters of the United States, and will accept comments during the meetings described below. This scoping process is intended to fulfill the USACE's public meeting or hearing requirement for the proposed action.

OSM will conduct compliance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) (NHPA Section 106) as provided for in 36 CFR 800.2(d)(3) concurrently with the NEPA process, including public involvement requirements and consultation with the State Historic Preservation Officer and Tribal Historic Preservation Officer. Native American tribal consultations will be conducted in accordance with applicable laws, regulations, and Department of Interior policy, and tribal concerns will be given due consideration, including impacts on Indian trust assets. Federal, tribal, state, and local agencies, along with other stakeholders that may be interested in or affected by the Federal agencies' decisions on the Project, are invited to participate in the scoping process and, if eligible, may request or be requested by OSM to participate as a cooperating agency.

Interested persons may view information about the proposed Project on our Web site at <http://www.wrcc.osmre.gov/FCPPEIS.shtm>. The Web site contains information related to the comment period during which persons may submit comments, and the locations, dates, and times of public scoping meetings.

As part of its consideration of impacts of the proposed Project on threatened and endangered species, OSM will conduct formal consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (ESA), 16 U.S.C. 1536, and its implementing regulations, 50 CFR Part 400. Formal consultation will consider direct and indirect impacts from the proposed Project, including operation of the FCPP, continuing operation and maintenance of existing transmission lines and ancillary facilities, and all mining and related operations within the Navajo Mine Lease.

In addition to compliance with NEPA, NHPA Section 106, and ESA Section 7, all Federal actions will be in compliance with applicable requirements of the Indian Business Site

Leasing Act, 25 U.S.C. 415; the General Right-of-Way Act of 1948, 25 U.S.C. 323–328; the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201–1328; the CWA, 33 U.S.C. 1251–1387; the Clean Air Act, 42 U.S.C. 7401–7671q; the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001–3013; and Executive Orders relating to Environmental Justice, Sacred Sites, and Tribal Consultation, and other applicable laws and regulations.

## II. Background on the Four Corners Power Plant

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 approximately 2,100 megawatts, and provides power to more than 500,000 customers. Nearly 80 percent of the employees at the plant are Native American. APS operates the FCPP, and recently executed a lease amendment (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, pursuant to 25 U.S.C. 415. Lease Amendment No. 3 has been signed by the Navajo Nation after Navajo Nation Council approval.
- Issuance by BIA of renewed rights-of-way, pursuant to 25 U.S.C. 323, for the FCPP plant site and its switchyard and ancillary facilities; for a 500 kilovolt (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; (collectively the “Existing Facilities”). The Existing Facilities are located on the Navajo Reservation, except for the 500 kV transmission line which crosses both Navajo and Hopi tribal lands. The Existing Facilities are already in place and would continue to be maintained and operated as part of the proposed action. 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. The transmission facilities are already in place, and will continue to be maintained and operated as part of the proposed action. No upgrades to these transmission lines are planned as part of the proposed Project.

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. 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.

## III. Application for the Pinabete Mine Permit and the Navajo Mine Permit Renewal

Concurrent with the proposed FCPP lease amendment approval and renewed rights-of-way grant 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. The proposed Pinabete Permit area would, in conjunction with the mining of any reserves remaining within the existing Navajo Mine Permit area (Federal SMCRA Permit NM0003F), supply low-sulfur coal to the FCPP at a rate of approximately 5.8 million tons per year. Development of the Pinabete Permit 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. The proposed Pinabete Permit area 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. Approval of the proposed Pinabete Permit is expected to require several Federal actions, including:

- Approval by OSM of the new SMCRA permit.
- Approval by the BLM of a revised Mine Plan developed for the proposed maximum economic recovery of coal reserves.
- Approval of a Section 404 Individual Permit by the USACE for the impacts to waters of the United States from proposed mining activities.

- Approval of a Section 402 National Pollutant Discharge Elimination System (NPDES) permit or permit revision by the EPA.

- Approval by the BIA of a proposed realignment for approximately 2.8 miles of BIA 3005/Navajo Road N–5082 (Burnham Road) in Area IV South to avoid proposed mining areas.

- Approval or grant of permits or rights-of-way for access and haul roads, power supply for operations, and related facilities by the BIA.

In addition, OSM expects BNCC to submit a renewal application in 2014 for its existing Navajo Mine SMCRA Permit No. NM00003F. The EIS will therefore also address alternatives and direct, indirect, and cumulative impacts of the 2014 renewal application action.

## IV. Alternatives and Related Impacts Under Consideration

The proposed actions will be considered in a single EIS that will address alternatives and direct, indirect, and cumulative impacts of the Project.

Alternatives for the Project that are under consideration include:

- (a) The proposed actions described above;
- (b) A no action alternative, which would result in the expiration of the FCPP lease and associated rights-of-way, but would not result in the expiration of BNCC’s Navajo Mine Lease; and
- (c) Any environmentally preferable alternatives that may be identified in accordance with 40 CFR Part 1500 and 43 CFR Part 46.

The purpose of the public scoping process is to determine relevant issues that could influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS and related compliance efforts. The final range of reasonable alternatives to be considered will be determined based in part on the comments received during the scoping process.

At present, 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; and

- Noise and vibration.

#### V. Public Comment Procedures

In accordance with the CEQ's regulations for implementing NEPA and the DOI's NEPA regulations, OSM solicits public comments on the scope of the EIS and significant issues that it should address in the EIS.

Written comments, including email comments, should be sent to OSM at the addresses given in the ADDRESSES section of this notice. Comments should be specific and pertain only to the issues relating to the proposals. OSM will include all comments in the administrative record.

If you would like to be placed on the mailing list to receive future information, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, above.

Hopi and Navajo interpreters will be present at meetings on the Hopi and Navajo Reservations.

If you require reasonable accommodation to attend one of the meetings, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** at least one week before the meeting.

#### Availability of Comments

OSM will make comments, including name of respondent, address, phone number, email address, or other personal identifying information, available for public review during normal business hours. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments may not have standing to appeal the subsequent decision.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—will be publicly available. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be available for public review to the extent consistent with applicable law.

Dated: June 8, 2012.

**Allen D. Klein,**

*Regional Director, Western Region.*

[FR Doc. 2012-17437 Filed 7-17-12; 8:45 am]

BILLING CODE 4310-05-P

#### INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1189 (Final)]

#### Large Power Transformers From Korea; Revised Schedule for the Subject Investigation

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**DATES:** *Effective Date:* July 12, 2012.

**FOR FURTHER INFORMATION CONTACT:** Edward Petronzio (202-205-3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:** On February 16, 2012, the Commission established a schedule for the conduct of the final phase of the subject investigation (77 FR 16559, March 21, 2012). The Commission is revising its schedule as follows: the Commission will make its final release of information on August 3, 2012; and final party comments are due on August 7, 2012.

For further information concerning this investigation see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

**Authority:** This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: July 12, 2012.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2012-17416 Filed 7-17-12; 8:45 am]

BILLING CODE 7020-02-P

#### DEPARTMENT OF JUSTICE

#### Notice of Lodging of Consent Decree Modification Under the Clean Water Act

Notice is hereby given that on July 2, 2012, a proposed Consent Decree Modification ("Modification") in *United States and State of New Hampshire v. City of Portsmouth, New Hampshire*, Civil Action No. 09-CV-283-PB, was lodged with the United States District Court for the District of New Hampshire.

The Modification modifies a Consent Decree between the parties which was entered by the federal district court on September 24, 2009 ("Decree"). The Decree resolved claims of the United States and State of New Hampshire against the City of Portsmouth, New Hampshire (the "City"), pursuant to Section 301(a) of the Clean Water Act ("CWA"), 33 U.S.C. 1301(a).

The Decree required the City, among other things, to control discharges from the combined sewer overflow ("CSO") outfalls, propose a schedule for construction of a secondary wastewater treatment facility for approval by the United States Environmental Protection Agency, and upon inclusion of the schedule in the Decree, comply with the construction schedule. The City encountered unexpected geological conditions that impaired the City's ability to meet the previously-designated CSO mitigation construction schedule. The Modification extends the completion deadline for the CSO projects by one year—until October 2014. Pursuant to the requirements in the Decree, the City proposed a detailed schedule for constructing secondary treatment facilities. The Modification requires the City to complete construction of secondary treatment facilities by March, 2017.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Modification. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, and either emailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States and State of New Hampshire v. City of Portsmouth, New Hampshire*, Civil Action No. 09-CV-283-PB, D.J. Ref. 90-5-1-1-09308.

During the public comment period, the Modification, may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the

Exhibit B – Display Advertisement

	<b>The Office of Surface Mining Reclamation and Enforcement INVITES YOU TO PARTICIPATE IN THE Four Corners Power Plant and Navajo Mine Energy Project EIS</b>
<p>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. 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.</p>	<b>Open House Information Sessions</b> Arrive at any time during the specified hours. There will not be a formal presentation.
<b>The OSM welcomes your input!</b> Attend an open house information session to learn about the project and speak to project team members. Comments will be accepted at the meeting and can also be submitted via mail, hand delivery, courier, or email. <b>SUBMIT WRITTEN COMMENTS TO:</b> Mr. Marcelo Calle, OSM Western Region, 1999 Broadway, Suite 3320, Denver, CO 80202-3050 FCPPNavajoEnergyEIS@osmre.gov Comments must be postmarked or received by Sept. 17, 2012, to be considered in the EIS.	<p><b>Hotevilla, AZ: Thursday, Aug. 9, 3 to 7 p.m.</b> <i>(Hopi interpreters available)</i> Hotevilla Village, Auditorium 1 Main St., Hotevilla, AZ 86030</p> <p><b>Cortez, CO: Friday, Aug. 10, 5 to 9 p.m.</b> Montezuma-Cortez High School, The Commons Area 206 W. Seventh St., Cortez, CO 81321</p> <p><b>Burnham, NM: Saturday, Aug. 11, 9 a.m. to 1 p.m.</b> <i>(Navajo interpreters available)</i> Tiis Tsoh Sikaad (Burnham) Chapter House, Large Meeting Room 12 miles east of U.S. 491 on Navajo Route 5, and half-mile south on Navajo Route 5080</p> <p><b>Nenahnezad, NM: Monday, Aug. 13, 5 to 9 p.m.</b> <i>(Navajo interpreters available)</i> Nenahnezad Chapter House, Multipurpose Hall County Road 6675, Navajo Route 365, Fruitland, NM 87416</p> <p><b>Farmington, NM: Tuesday, Aug. 14, 5 to 9 p.m.</b> Farmington Civic Center, Exhibition Hall 2 200 W. Arrington St., Farmington, NM 87401</p> <p><b>Shiprock, NM: Wednesday, Aug. 15, 5 to 9 p.m.</b> <i>(Navajo interpreters available)</i> Shiprock High School, Commons Highway 64 W, Shiprock, NM 87420</p> <p><b>Durango, CO: Thursday, Aug. 16, 4 to 8 p.m.</b> Durango Public Library, Program Room 1 1900 E. Third Ave., Durango, CO 81301</p> <p><b>Window Rock, AZ: Friday, Aug. 17, 5 to 9 p.m.</b> <i>(Navajo interpreters available)</i> Navajo Nation Museum, Resource Room Highway 264, Postal Loop Road, Window Rock, AZ 86515</p> <p><b>Albuquerque, NM: Saturday, Aug. 18, 11 a.m. to 3 p.m.</b> Indian Pueblo Cultural Center, Silver and Turquoise Room 2401 12th St. NW, Albuquerque, NM 87104</p>
<b>PROPOSED ACTIONS:</b> In accordance with the National Environmental Policy Act, OSM is conducting an environmental review of the following proposed actions:	
<p>• <b>Power Plant Lease Amendment</b> – 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.</p> <p>• <b>Energy Transmission Lines</b> – 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.</p> <p>• <b>Navajo Mine 2014 Permit Renewal</b> – OSM expects BHP Navajo Coal Company to submit a renewal application in 2014 for its existing Navajo Mine SMCRA Permit.</p> <p>• <b>New Coal Mine Area</b> – 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.</p> <p>Potential environmental impacts from these proposed actions will be analyzed in the EIS.</p> <p>For more project information, visit <a href="http://www.wrcc.osmre.gov/FCPEIS.shtm">http://www.wrcc.osmre.gov/FCPEIS.shtm</a> or call Marcelo Calle, OSM EIS Coordinator, at 303-293-5035.</p>	

## Exhibit C – Postcard Mailer



# FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT

## Environmental Impact Statement

**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.

Your input in this environmental analysis process is important. OSM welcomes your comments to identify the environmental issues 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

There are a number of ways you can submit comments on the proposed actions and environmental factors that should be considered in the EIS. Comments must be postmarked or received by **Sept. 17, 2012**.

- Attend an open house scoping meeting (see reverse for meeting information);
- Email comments to [FCPPNavajoEnergyEIS@osmre.gov](mailto:FCPPNavajoEnergyEIS@osmre.gov); or
- Send comments via postal mail, hand delivery or courier to:

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

### 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 2018. Environmental Impacts from the proposed mine area will be analyzed.

### Open House Scoping Meetings

Please attend one of the following meetings to learn about the project and speak to project team members. This scoping will also satisfy the public involvement and noticing requirement for Section 106 of the National Historic Preservation Act. Arrive at any time during the hours specified.

<b>HOTEVILLA, Ariz.</b> (Hopi interpreters available) <b>Thursday, Aug. 9, 3 to 7 p.m.</b> Hotevilla Village (Hotevilla Youth and Elderly Center), Auditorium 1 Main St., Hotevilla, AZ 86030	<b>FARMINGTON, N.M.</b> <b>Tuesday, Aug. 14, 5 to 9 p.m.</b> Farmington Civic Center, Exhibition Hall 2 200 W. Arrington St., Farmington, NM 87401
<b>CORTEZ, Colo.</b> <b>Friday, Aug. 10, 5 to 9 p.m.</b> Montezuma-Cortez High School, The Commons Area 206 W. Seventh St., Cortez, CO 81321	<b>SHIPROCK, N.M.</b> (Navajo interpreters available) <b>Wednesday, Aug. 15, 5 to 9 p.m.</b> Shiprock High School, Commons Highway 64 W, Shiprock, NM 87420
<b>BURNHAM, N.M.</b> (Navajo interpreters available) <b>Saturday, Aug. 11, 9 a.m. to 1 p.m.</b> Tlis Tsoh Sikaad (Burnham) Chapter House, Large Meeting Room 12 miles east of U.S. 491 on Navajo Route 5, and half-mile south on Navajo Route 5080	<b>DURANGO, Colo.</b> <b>Thursday, Aug. 16, 4 to 8 p.m.</b> Durango Public Library, Program Room 1 1900 E. Third Ave., Durango, CO 81301
<b>NENAHNEZAD, N.M.</b> (Navajo interpreters available) <b>Monday, Aug. 13, 5 to 9 p.m.</b> Nenahnezad Chapter House, Multipurpose Hall County Road 6675, Navajo Route 365 Fruitland, NM 87416	<b>WINDOW ROCK, Ariz.</b> (Navajo interpreters available) <b>Friday, Aug. 17, 5 to 9 p.m.</b> Navajo Nation Museum, Resource Room Highway 264, Postal Loop Road Window Rock, AZ 86515
	<b>ALBUQUERQUE, N.M.</b> <b>Saturday, Aug. 18, 11 a.m. to 3 p.m.</b> Indian Pueblo Cultural Center, Silver and Turquoise Room 2401 12th St. NW, Albuquerque, NM 87104

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.

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

Exhibit D – Stakeholder Notification Letter



United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
Western Region Office  
1999 Broadway, Suite 3320  
Denver, CO 80202-3050



July 27, 2012

Dear Sir or Madam:

SUBJECT: PREPARATION OF ENVIRONMENTAL IMPACT STATEMENT (EIS)  
FOR THE FOUR CORNERS POWER PLANT AND NAVAJO MINE  
ENERGY PROJECT

This letter is to inform you that the Office of Surface Mining Reclamation and Enforcement (OSM), Western Region, Denver, Colo., is preparing 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 accordance with the National Environmental Policy Act of 1969, OSM and cooperating agencies will evaluate the environmental impacts associated with 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. 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.

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- **Navajo Mine 2014 Permit Renewal** - OSM expects BHP Navajo Coal Company to submit a renewal application in 2014 for its existing Navajo Mine Surface Mining Control and Reclamation Act (SMCRA) Permit No. NM0003F. 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.

The purpose of the proposed actions is to facilitate ongoing operations at the Four Corners Power Plant and on BHP Navajo Coal Company's Navajo Mine Lease to provide long-term, reliable, continuous and uninterrupted base load electrical power to customers in the southwestern United States using a reliable and readily available fuel source. The proposed actions would comply with tribal trust responsibilities to support economic opportunities on Navajo Nation and Hopi tribal trust lands and to help provide for economic development of the Navajo Nation and Hopi Tribe through lease and right-of-way revenues, royalties, tribal taxes and jobs. The EIS will address the direct, indirect, and cumulative impacts of these connected and other actions at the Four Corners Power Plant, the proposed Pinabete Mine Permit area, and the existing Navajo Mine Permit area, including any other connected federal actions relating to operations on the Navajo Mine Lease and at the Four Corners Power Plant.

Environmental issues to be addressed in the EIS include, but are not limited to, the following resource areas: threatened and endangered species, air quality and climate change, surface and ground water quality, environmental justice, cultural and historic resources, biological resources, visual resources, public health, socioeconomics, and noise and vibration.

Cooperating agencies for the development of the EIS include the Bureau of Indian Affairs, Navajo Nation, Hopi Tribe, Bureau



of Land Management, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and National Park Service.

Compliance with the National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act obligations will be accompanied by compliance with other applicable requirements of, without limitation, the Indian Business Site Leasing Act, the General Right-of-Way Act of 1948, the Surface Mining Control and Reclamation Act, the Clean Water Act, the Clean Air Act, the Native American Graves Protection and Repatriation Act, and Executive Orders relating to Environmental Justice, Sacred Sites, and Tribal Consultation, and related laws and regulations.

The public is encouraged to submit written comments through Sept. 17, 2012. OSM is holding nine open house scoping meetings to support an early and open public involvement process for determining the scope of issues to be addressed in the EIS. Open house scoping meetings will inform the public of the proposed actions and give community members an opportunity to submit comments. Input from the public will be used to help identify environmental issues to be analyzed in the EIS and will help OSM make a well-informed decision on the proposed actions. This scoping will also satisfy the public involvement and noticing requirement for Section 106 of the National Historic Preservation Act.

Members of the public may arrive at any time during each open house scoping meeting. Project team members will be available to provide information and answer questions about the proposed actions. Navajo and Hopi interpreters will be present at the open house scoping meetings on the Navajo and Hopi Reservations noted below. The open house scoping meeting schedule is as follows:

**Hotevilla, AZ: - Hopi interpreters available**  
**Thursday, Aug. 9, 3 to 7 p.m.**  
Hotevilla Village (Hotevilla Youth and Elderly Center),  
Auditorium  
1 Main St., Hotevilla, AZ 86030



**Cortez, CO:**

**Friday, Aug. 10, 5 to 9 p.m.**

Montezuma-Cortez High School, The Commons Area  
206 W. Seventh St., Cortez, CO 81321

**Burnham, NM: - Navajo interpreters available**

**Saturday, Aug. 11, 9 a.m. to 1 p.m.**

Tiis Tsoh Sikaad (Burnham) Chapter House, Large Meeting Room  
12 miles east of U.S. 491 on Navajo Route 5, and half-mile  
south on Navajo Route 5080

**Nenahnezad, NM: - Navajo interpreters available**

**Monday, Aug. 13, 5 to 9 p.m.**

Nenahnezad Chapter House, Multipurpose Hall  
County Road 6675, Navajo Route 365, Fruitland, NM 87416

**Farmington, NM:**

**Tuesday, Aug. 14, 5 to 9 p.m.**

Farmington Civic Center, Exhibition Hall 2  
200 W. Arrington St., Farmington, NM 87401

**Shiprock, NM: - Navajo interpreters available**

**Wednesday, Aug. 15, 5 to 9 p.m.**

Shiprock High School, Commons  
Highway 64 W, Shiprock, NM 87420

**Durango, CO:**

**Thursday, Aug. 16, 4 to 8 p.m.**

Durango Public Library, Program Room 1  
1900 E. Third Ave., Durango, CO 81301

**Window Rock, AZ: - Navajo interpreters available**

**Friday, Aug. 17, 5 to 9 p.m.**

Navajo Nation Museum, Resource Room  
Highway 264, Postal Loop Road, Window Rock, AZ 86515

**Albuquerque, NM:**

**Saturday, Aug. 18, 11 a.m. to 3 p.m.**

Indian Pueblo Cultural Center, Silver and Turquoise Room  
2401 12th St. NW, Albuquerque, NM 87104

Regardless of whether you are able to participate in the open house scoping meetings, you may send written comments via postal mail, hand delivery or courier to:



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

You may also email your written comments to **FCPPNavajoEnergyEIS@osmre.gov**. All comments must be postmarked or received by the end of the comment period on **Sept. 17, 2012**, to be considered in the development of the Draft EIS.

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

Sincerely,

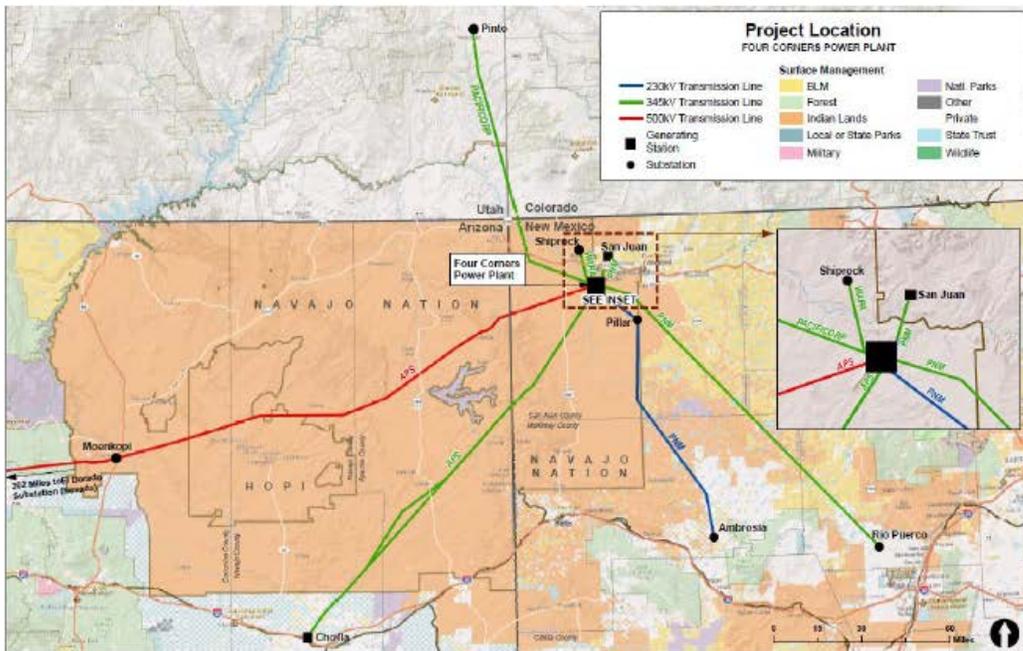
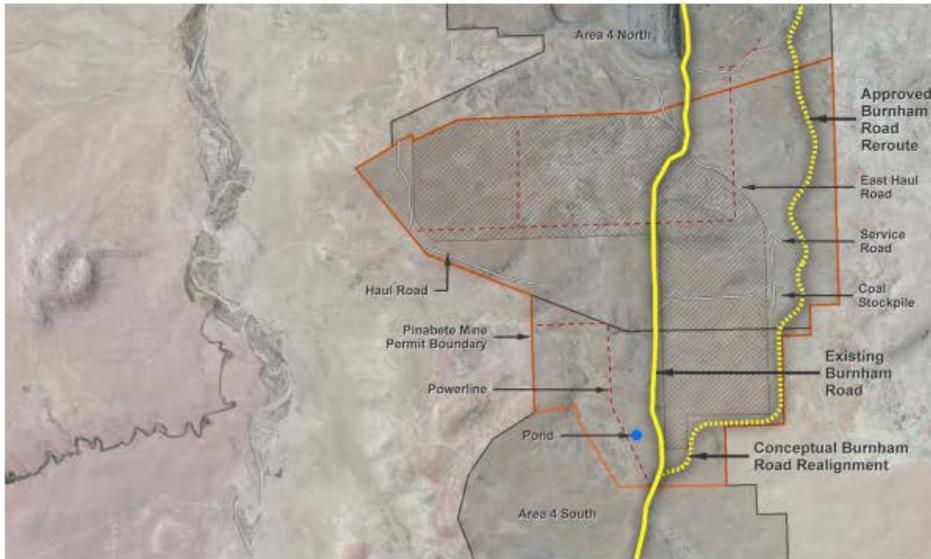


Marcelo Calle  
EIS Coordinator

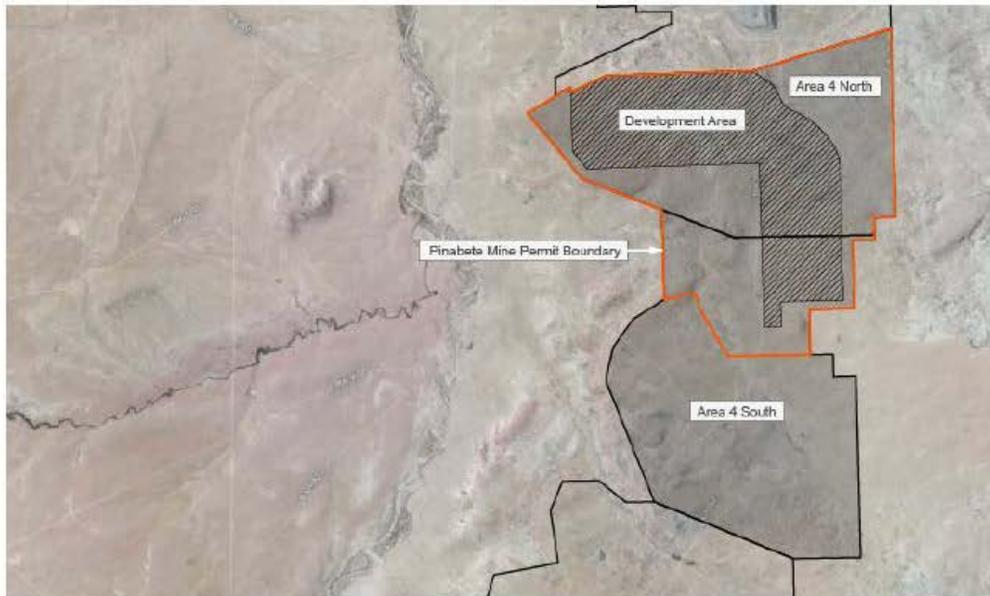
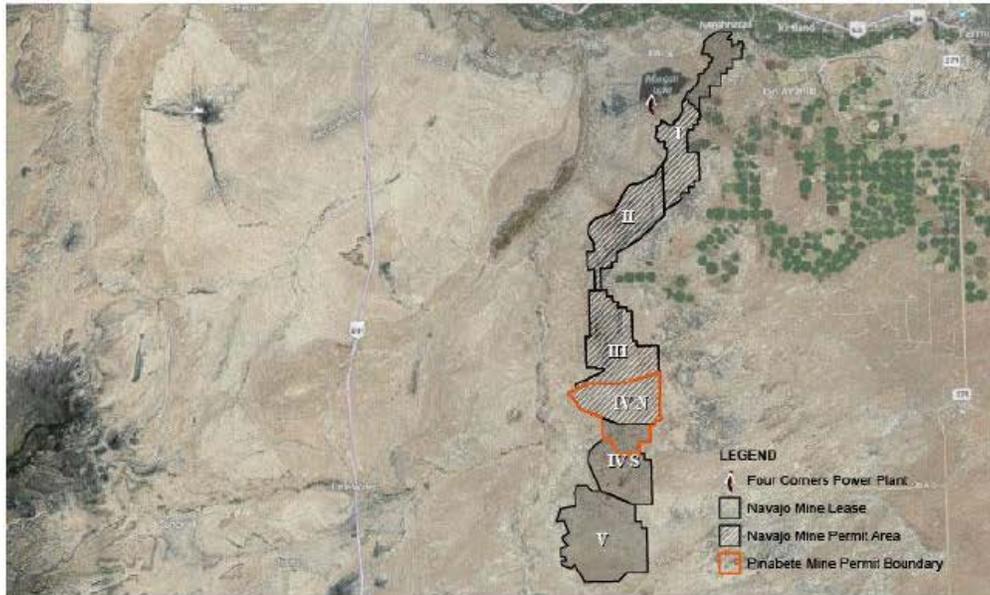
Enclosure: Four Corners Power Plant and Navajo Mine Energy  
Project Area Maps (two pages)



Enclosure (continued): Four Corners Power Plant and Navajo Mine Energy Project Area Maps



Enclosure: Four Corners Power Plant and Navajo Mine Energy Project Area Maps



## Exhibit E – Public Service Announcement



### News Advisory

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

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

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#### ***PUBLIC SERVICE ANNOUNCEMENT***

**Open House Scoping Meetings for  
Four Corners Power Plant and Navajo Mine Energy Project**

July 31, 2012

(30 – 50 Seconds)

**FOR IMMEDIATE RELEASE**

ANNOUNCER OR PRE-RECORDING

THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT INVITES THE PUBLIC TO ATTEND OPEN HOUSE SCOPING MEETINGS TO PROVIDE INPUT ON THE FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT. THE SCOPING MEETINGS ARE IN PREPARATION FOR AN ENVIRONMENTAL IMPACT STATEMENT THAT WILL EVALUATE POTENTIAL ENVIRONMENTAL IMPACTS FROM CONTINUED OPERATION OF THE FOUR CORNERS POWER PLANT, RIGHTS-OF-WAY RENEWALS FOR TRANSMISSION LINES, RENEWAL OF THE NAVAJO COAL MINE PERMIT, AND A PROPOSED NEW MINE PERMIT. THIS SCOPING WILL ALSO SATISFY THE PUBLIC INVOLVEMENT AND NOTICING REQUIREMENT FOR SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT.

THE SCOPING MEETINGS WILL TAKE PLACE ON *(Select appropriate date)*

AUGUST 9TH, AT HOTEVILLA VILLAGE FROM THREE TO SEVEN P-M,  
AUGUST 10TH, AT MONTEZUMA-CORTEZ HIGH SCHOOL FROM FIVE TO NINE P-M,  
AUGUST 11TH, AT BURNHAM CHAPTER HOUSE (TIIS TSOH SIKAAD) FROM NINE A-M TO ONE P-M,  
AUGUST 13TH, AT NENAHNEZAD CHAPTER HOUSE IN FRUITLAND FROM FIVE TO NINE P-M,  
AUGUST 14TH, AT FARMINGTON CIVIC CENTER FROM FIVE TO NINE P-M,  
AUGUST 15TH, AT SHIPROCK HIGH SCHOOL FROM FIVE TO NINE P-M,  
AUGUST 16TH, AT DURANGO PUBLIC LIBRARY FROM FOUR TO EIGHT P-M,  
AUGUST 17TH, AT THE NAVAJO NATION MUSEUM IN WINDOW ROCK FROM FIVE TO NINE P-M,  
AUGUST 18TH, AT THE INDIAN PUEBLO CULTURAL CENTER IN ALBUQUERQUE FROM ELEVEN A-M TO THREE P-M,

FOR MORE INFORMATION, PLEASE CALL 303-293-5035. THAT'S 303-293-5035.

**Exhibit F – Public Service Announcement Distribution Database**

<b>RADIO STATION</b>	<b>LANGUAGE</b>	<b>MEETING LOCATIONS THE PSA COVERED</b>	<b>DATES AND TIMES PSA AIRED</b>	<b>RECORDING AIRED</b>
Navajo Nation Radio Network (NNRN) - KABR-FM, KTDB-FM, KRMH-FM, KGLP-FM, KYAT-FM, KHAC-AM, KWIM-FM,KTBA-AM	Navajo and English		Airs at different times for each station	English PSA text version
KTBA-AM	Navajo and Hopi	Hotevilla, Ariz. Window Rock, Ariz. Albuquerque, N.M.	Run start date: Aug. 7, Three times a day between 7 and 8 a.m., 12 and 1 p.m., and 2 and 4 p.m.	PSA text version in English and Navajo
KHAC-AM	Navajo and English	Nenahnezad, N.M. Farmington, N.M. Durango, Colo. Window Rock, Ariz. Albuquerque, N.M.	Run start date: Aug. 7, Three times a day between 7 and 8 a.m., 12 and 1 p.m. and 2 and 4 p.m.	PSA text version in English and Navajo
KWIM-FM	Navajo and English	Window Rock, Ariz. Albuquerque, N.M.	Run start date: Aug. 7, Three times a day between 7 and 8 a.m., 12 and 1 p.m., and 2 and 4 p.m.	PSA text version in English and Navajo

KTNN-AM	Navajo	Nenahnezad, N.M. Farmington, N.M. Window Rock, Ariz. Albuquerque, N.M.	Run start date: Aug. 3 or Aug. 6, At least once a day, times varied based on DJ's scheduling	Shortened version of English PSA listing the Fruitland, Farmington, Window Rock, and Albuquerque meetings
KNDN-AM	Navajo and English	Cortez, Colo. Nenahnezad, N.M. Farmington, N.M. Durango, Colo. Albuquerque, N.M.	Run start date: Aug. 11, Airing around two to three times a day at minimum depending on availability	Aired pre-recorded PSAs in Navajo for the Burnham and Nenahnezad meetings; Aired live readings of PSA for the meetings held on Aug. 14 through Aug. 18.
KYAT-FM	Navajo and English	Window Rock, Ariz. Albuquerque, N.M.	Run start date: Aug. 15, Airing one to two times per day	Shortened version of PSA in English and Navajo listing the Shiprock, Durango, Window Rock, and Albuquerque meetings
KGLP-FM	English	Window Rock, Ariz. Albuquerque, N.M.	Aug. 7 at 12:30 p.m.; may air more due to availability	PSA text version in English
KUYI-FM	Hopi and English	Hotevilla, Ariz.	Run start date: Aug. 3, Daily at 12 p.m. and 5 p.m. during the community calendar segment	Brief condensed version of PSA in English stating that various meetings will be held and listing the phone number for details on the meeting locations
KSJD-FM	English	Cortez, Colo.	Run start date: Aug. 7, Daily at 9 a.m. and 6 p.m.	PSA text version in English - only mentioning meetings in Shiprock and Cortez since that is where radio signal reaches and due to time availability

KVFC-AM	English	Cortez, Colo. Nenahnezad, N.M. Farmington, N.M. Shiprock, N.M. Durango, Colo.	Run start date: Aug. 10 or Aug. 11, Five to six times per day at various times throughout the day	PSA text version in English
KENN-AM	English	Nenahnezad, N.M. Farmington, N.M. Shiprock, N.M.	Run start date: Aug. 10 or Aug. 11, Five to six times per day at various times throughout the day	PSA text version in English
KGAK-AM	English	Window Rock, Ariz. Albuquerque, N.M.	Run start date: Aug. 2, Three to four times per day, times during the day vary	PSA text version in English, Announcing meetings approx. four days ahead of time
KKOB-AM	English	Nenahnezad, N.M. Farmington, N.M. Albuquerque, N.M.	Aired as a news story on Aug. 2 and also ran on sister stations KKLB-AM and KMGA-FM	Used PSA text version in English to develop news story
KKOB-FM	English	Albuquerque, N.M.	Aired as news story on Kkob-AM and sister stations KKLB-AM and KMGA-FM on Aug. 2	Used PSA text version in English to develop news story
KSUT, KUSW-FM	English	Nenahnezad, N.M. Farmington, N.M. Shiprock, N.M.	Run start date: Aug. 2, Airing twice per day during the community calendar segment at 11:30 a.m. and 3 p.m.; PSA is also posted on the online community calendar	PSA text version in English - slightly shortened for air time but included all main details
KUUT-FM	English	Nenahnezad, N.M. Farmington, N.M. Shiprock, N.M.	Run start date: Aug. 2, Airing twice per day during the community calendar segment at 11:30 a.m. and 3 p.m.; PSA is also posted on the online community calendar	PSA text version in English - slightly shortened for air time but included all main details

KSJE-FM	English	Nenahnezad, N.M. Farmington, N.M. Shiprock, N.M. Albuquerque, N.M.	Run start date: Aug. 13 or Aug. 14, included in a newscast and then aired once a day or every other day.	PSA text version in English
KDNG-FM	English	Durango, Colo.	Run start date: Aug. 2, Airing twice per day during the community calendar segment at 11:30 a.m. and 3 p.m.; PSA is also posted on the online community calendar	PSA text version in English - slightly shortened for air time but included all main details
KUTE-FM	English	Cortez, Colo. Nenahnezad, N.M. Farmington, N.M. Durango, Colo. Albuquerque, N.M.	Run start date: Aug. 2, Airing twice per day during the community calendar segment at 11:30 a.m. and 3 p.m.; PSA is also posted on the online community calendar	PSA text version in English - slightly shortened for air time but included all main details
KDUR-FM	English	Durango, Colo.	Unknown	Unknown
KDGO-AM	English	Durango, Colo.	Run start date: Aug. 10 or Aug. 11, Five to six times per day at various times throughout the day	PSA text version in English
KANW-FM	Spanish, Bilingual	Albuquerque, N.M.	Unknown - only sponsored PSAs are guaranteed air time; PSA was added to a list of around 30 that announcers choose from to fill free air time	Unknown

KUNM-FM	English	Albuquerque, N.M.	Run start date: 4-7 days before each meeting, Will air once a day or every other day depending on time availability	PSA English text version - individual announcements for all meetings read from the community calendar
KIVA-AM	English	Albuquerque, N.M.	Unknown	Unknown
KABQ-AM	English	Albuquerque, N.M.	Unknown	Unknown
KABQ-FM	English	Albuquerque, N.M.	Unknown	Unknown
KWRK-FM (Sister outlet of KTNN-AM)	English	Window Rock, Ariz. Albuquerque, N.M.	Run start date: Aug. 15, At least once a day, times varied based on DJ's scheduling	Shortened PSA in English that mentions the Shiprock, Durango, Window Rock, and Albuquerque meetings
KYVA-AM (Sister outlet of KYAT-FM)	English	Window Rock, Ariz. Albuquerque, N.M.	Run start date: Aug. 16, Aired one to two times per day	Shortened version of PSA in English or Navajo (depending on language of station) listing the Durango, Window Rock and Albuquerque meetings
KYVA-FM (Sister outlet of KYAT-FM)	English	Window Rock, Ariz. Albuquerque, N.M.		
KXXI-FM (Sister outlet of KYAT-FM)	English	Window Rock, Ariz. Albuquerque, N.M.		



## FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT

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### OPEN HOUSE SCOPING MEETINGS

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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

OSM is hosting open house scoping meetings to provide information about the proposed actions and to solicit public comments about environmental issues to address in the Draft EIS. This scoping will also satisfy the public involvement and noticing requirement for Section 106 of the National Historic Preservation Act. Arrive at any time during the specified hours.

- **Hotevilla, AZ:**  
(Hopi interpreters available)  
**Aug. 9, 3 to 7 p.m.**  
Hotevilla Village, Auditorium
- **Cortez, CO:**  
**Aug. 10, 5 to 9 p.m.**  
Montezuma-Cortez High School,  
The Commons Area
- **Burnham, NM:**  
(Navajo interpreters available)  
**Aug. 11, 9 a.m. to 1 p.m.**  
Tiis Tsoh Sikaad (Burnham) Chapter House,  
Large Meeting Room
- **Nenahnezad, NM:**  
(Navajo interpreters available)  
**Aug. 13, 5 to 9 p.m.**  
Nenahnezad Chapter House, Multipurpose  
Hall
- **Farmington, NM:**  
**Aug. 14, 5 to 9 p.m.**  
Farmington Civic Center, Exhibition Hall 2
- **Shiprock, NM:**  
(Navajo interpreters available)  
**Aug. 15, 5 to 9 p.m.**  
Shiprock High School, Commons
- **Durango, CO:**  
**Aug. 16, 4 to 8 p.m.**  
Durango Public Library, Program Room 1
- **Window Rock, AZ:**  
(Navajo interpreters available)  
**Aug. 17, 5 to 9 p.m.**  
Navajo Nation Museum, Resource Room
- **Albuquerque, NM:**  
**Aug. 18, 11 a.m. to 3 p.m.**  
Indian Pueblo Cultural Center, Silver and  
Turquoise Room

#### Comments must be submitted by Sept. 17, 2012, to be considered in the Draft EIS

Send written comments via postal mail, hand delivery or courier to:  
Mr. Marcelo Calle, OSM Western Region, 1999 Broadway, Suite 3320, Denver CO 80202-3050  
Comments may also be emailed to: [FCPPNavajoEnergyEIS@osmre.gov](mailto:FCPPNavajoEnergyEIS@osmre.gov)

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

**Exhibit H – Notification Flier Distribution Database**

<b>MEETING LOCATION THE FLIER COVERED</b>	<b>LOCATION THE FLIER WAS POSTED</b>	<b>CATEGORY</b>	<b>STREET ADDRESS</b>
Cortez, Colo.	Spruce Tree Coffeehouse	Coffee House	319 E. Main St.
	Ute Coffee Shop	Coffee House	17 S. Broadway
	Cortez Cultural Center	Community Center	25 N. Market St.
	Cortez Recreation Center	Community Center	425 Roger Smith Ave.
	City Market	Grocery Store	508 E. Main St.
	Safeway Store	Grocery Store	1580 E. Main St.
	Chevron	Gas Station	717 S. Broadway
	Fraley Sinclair	Gas Station	110 N. Broadway
	Crystal Brite Laundry 7 Dry	Laundromat	126 N. Pinon Drive
	Speedy Wash Laundry Mat	Laundromat	1215 E. Main St.
	Mesa Verde National Park	National Park	Visitor's Center
	U.S. Post Office Cortez	Post Office	35 S. Beech St.
	Notah Dineh Trading Company and Museum	Trading Post	345 W. Main St.
Stagecoach Trading Post	Trading Post	7399 Hwy 160	
Farmington, N.M.	BHP Billiton New Mexico Coal	Business	300 W. Arrington St.
	Farmington Chamber of Commerce	Business	100 W. Broadway
	Durango Joe's Coffeehouse	Coffee House	1501 E. 20th St.
	Bonnie Dallas Senior Center	Community Center	109 E. La Plata St.
	Farmington Civic Center	Community Center	200 W. Arrington St.
	Farmington Recreation Center	Community Center	1101 Fairgrounds Road
	Sycamore Park Community Center	Community Center	1051 Sycamore St.
	Chevron	Gas Station	2834 E. Main St.
	Natural Grocers	Grocery Store	Corner of 20th and Butler
	Smith's Food and Drug	Grocery Store	600 E. 20th St.
	Apache Queen Laundry	Laundromat	204 E. Apache St.

MEETING LOCATION THE FLIER COVERED	LOCATION THE FLIER WAS POSTED	CATEGORY	STREET ADDRESS
	Crown Cleaners and Laundry	Laundromat	2025 N. Sullivan Ave.
	Farmington Public Library	Library	2101 Farmington Ave.
	E3 Children's Museum and Science Center	Museum	302 N. Orchard Ave.
	Farmington Museum at Gateway Park	Museum	3041 E. Main St.
	U.S. Post Office Farmington	Post Office	1207 San Juan Blvd.
	U.S. Post Office Farmington	Post Office	Corner of 20th and Fairview
	Navajo Trading Co.	Trading Post	126 E. Main St.
	Valencia Trading Post	Trading Post	506 W. Maple St.
Durango, Colo.	Durango Joe's Coffeehouse	Coffee House	732 E. College Drive
	Durango Joe's Coffeehouse	Coffee House	12th and Camino Del Rio
	Durango Joe's South Coffeehouse	Coffee House	1125 S. Camino Del Rio, Ste. 350
	Ft. Lewis Community College, Student Union	College	1000 Rim Drive
	The Commons - multiple offices, including SW Community College	College	701 Camino Del Rio
	Durango Community Recreation Center	Community Center	2700 Main Ave.
	Albertson's	Grocery Store	311 W. College Drive
	Durango Public Library	Library	1900 E. Third Ave.
	U.S. Post Office Durango	Post Office	222 W. Eighth St.
Albuquerque, N.M.	Flying Star Café	Coffee House	4026 Rio Grande Blvd. NW
	Flying Star Café	Coffee House	3416 Central Ave. SE
	Flying Star Café	Coffee House	4501 Juan Tabo Blvd. NE
	Flying Star Café	Coffee House	8001 Menaul Blvd. NE
	Central New Mexico Community College Student Services Center	College	525 Buena Vista Drive SE
	Southwestern Indian Polytechnic Institute	College	9169 Coors Blvd. NW
	University of New Mexico Student Union	College	Building 60, Suite 3020, 1 University of New

MEETING LOCATION THE FLIER COVERED	LOCATION THE FLIER WAS POSTED	CATEGORY	STREET ADDRESS
			Mexico
	Alamosa Community Center	Community Center	6900 Gonzales Road SW
	Barelas Community Center	Community Center	801 Barelas Road SW
	Cesar Chavez Community Center	Community Center	7505 Kathryn Ave. SE
	Dennis Chavez Community Center	Community Center	715 Kathryn Ave. SE
	Heights Community Center	Community Center	823 Buena Vista Drive SE
	Herman Sanchez Community Center	Community Center	1830 William St. SE
	Jeanne Bellamah Center	Community Center	11516 Summer Ave. NE
	Jewish Community Center	Community Center	5520 Wyoming Blvd. NE
	Loma Linda Community Center	Community Center	1700 Yale Blvd. SE
	Mesa Verde Community Center	Community Center	7900 Marquette Ave. NE
	McKinley Community Center	Community Center	3401 Monroe St. NE
	Singing Arrow Community Center	Community Center	13001 Singing Arrow Road SE
	Taylor Ranch Community Center	Community Center	4900 Kachina St. NW
	Valley Del Norte Community Center	Community Center	1812 Candelaria Road NW
	Whittier Center	Community Center	1100 Quincy St. SE
	Cherry Hills Library	Library	6901 Barstow St. NE
	Erna Ferguson Library	Library	3700 San Mateo Blvd. NE
	Ernie Pyle Library	Library	900 Girard Blvd. SE
	Lomas/Tramway Public Library	Library	9808 Eastridge Drive

<b>MEETING LOCATION THE FLIER COVERED</b>	<b>LOCATION THE FLIER WAS POSTED</b>	<b>CATEGORY</b>	<b>STREET ADDRESS</b>
	Los Griegos Public Library	Library	1000 Griegos Road NW
	Main Library	Library	501 Copper Ave. NW
	North Valley Library	Library	7704 Second St. NW
	San Pedro Library	Library	5600 Trumbull Ave. SE
	South Valley Library	Library	3904 Isleta Blvd. SW
	Taylor Ranch Library	Library	5700 Bogart St. NW
	Tony Hillerman Library	Library	8205 Apache Ave. NE
	Indian Pueblo Cultural Center	Museum	2401 12th St. NE
	U.S. Post Office, Albuquerque Downtown	Post Office	201 Fifth St. SW

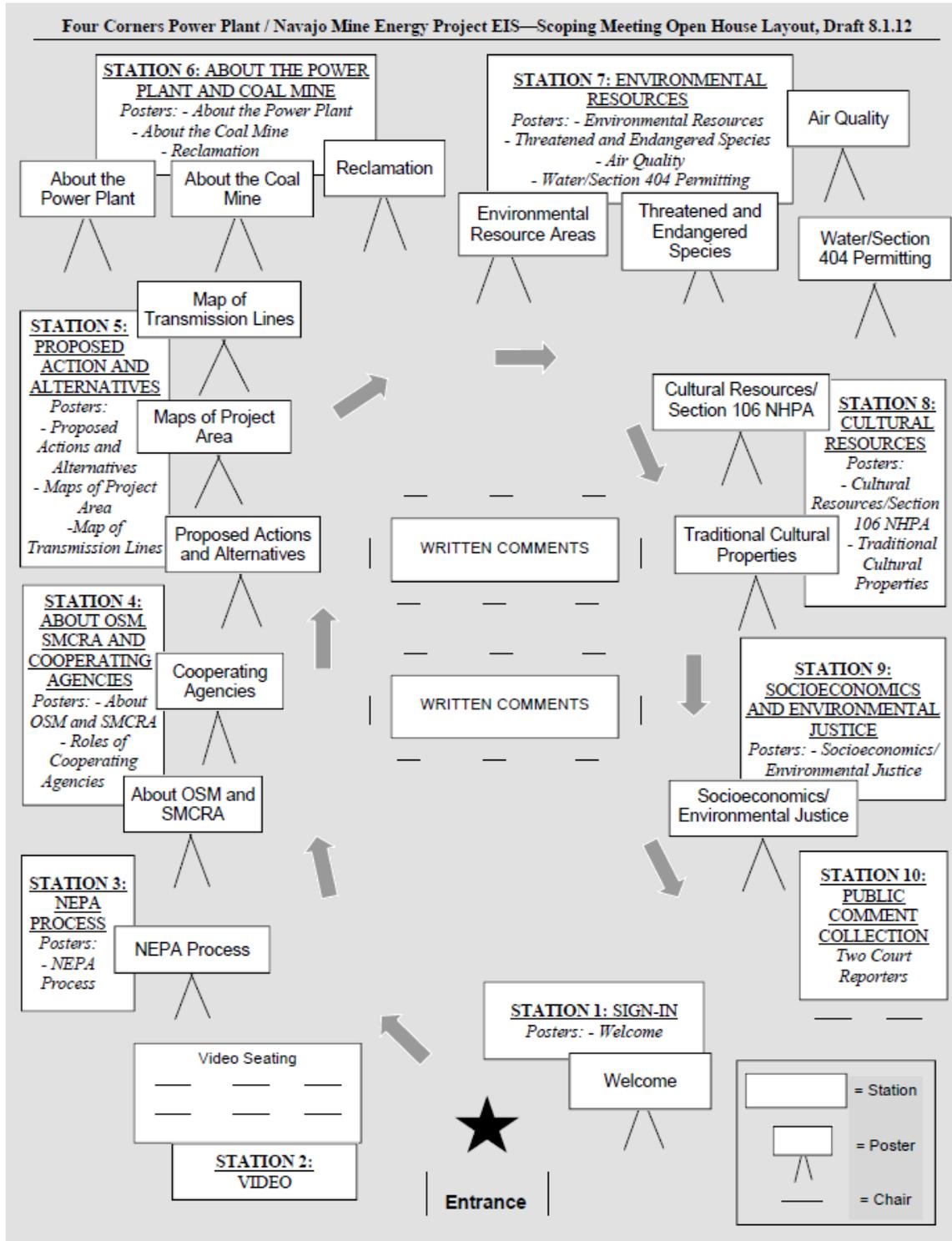
## Exhibit I – Information Repository Locations Database

TYPE OF LOCATION	NAME	MAILING ADDRESS	PHYSICAL ADDRESS
Navajo Nation	Navajo Nation Library	P.O. Box 9040 Window Rock, AZ 86515	Highway 264 Post Office Loop Road Window Rock, AZ 86515
Navajo Nation	Navajo Nation Division of Natural Resources, Minerals Department	P.O. Box 9000 Window Rock, AZ 86515	Executive Office Building 1-2636 Window Rock Blvd. Window Rock, AZ 86515
Hopi Reservation	Hopi Public Mobile Library (Hopi Reservation)	P.O. Box 123 Kykotsmovi, AZ 86039	1 Main St. c/o Hopi Education Department Kykotsmovi, AZ 86039
Public Library	Albuquerque Main Library	501 Copper Ave. NW Albuquerque, NM 87102	501 Copper Ave. NW Albuquerque, NM 87102
Public Library	Cortez Public Library	202 N. Park St. Cortez, CO 81321	202 N. Park St. Cortez, CO 81321
Public Library	Durango Public Library	1900 E. Third Ave. Durango, CO 81301	1900 E. Third Ave. Durango, CO 81301
Public Library	Farmington Public Library	2101 Farmington Ave. Farmington, NM 87401	2101 Farmington Ave. Farmington, NM 87401
Public Library	Octavia Fellin Public Library (Gallup)	115 W. Hill Ave. Gallup, NM 87301	115 W. Hill Ave. Gallup, NM 87301
Public Library	Shiprock Branch Library	Farmington Public Library 2101 Farmington Ave. Farmington, NM 87401	U.S. Highway 491 Shiprock, NM 87420
Public Library	Tuba City Public Library	P.O. Box 190 Tuba City, AZ 86045	78 Main St. Tuba City, AZ 86045
Chapter House	Chinle Chapter House	P.O. Box 1809 Chinle, AZ 86503	Highway 191
Chapter House	Coalmine Canyon Chapter House	P.O. Box 1464 Tuba City, AZ 86045	Highway 160 and Main St.
Chapter House	Nenahnezad Chapter House	P.O. Box 438 Fruitland, NM 87416	County Road 6675, Navajo Route 365
Chapter House	Shiprock Chapter House	P.O. Box 3810 Shiprock, NM 87420	East on Highway 64

Chapter House	Tiis Tsoh Sikaad (Burnham) Chapter House	P.O. Box 7359 Newcomb, NM 87455	12 miles east of U.S. 491 on Navajo Route 5, and half-mile south on Navajo Route 5080
Chapter House	Upper Fruitland Chapter House	P.O. Box 1257 Fruitland, NM 87416	N562 Building #006-001, North of Highway N36 Fruitland, NM 87416
OSM Office	Office of Surface Mining Reclamation and Enforcement, Albuquerque Area Office	505 Marquette Ave., NW, Suite 1200 Albuquerque, NM 87102	505 Marquette Ave., NW, Suite 1200 Albuquerque, NM 87102
OSM Office	Office of Surface Mining Reclamation and Enforcement, Farmington Area Office	501 Airport Drive, Suite 208 Farmington, NM 87401	501 Airport Drive, Suite 208 Farmington, NM 87401
OSM Office	Office of Surface Mining Reclamation and Enforcement, Western Region	1999 Broadway, Suite 3320 Denver, CO 80202-3050	1999 Broadway, Suite 3320 Denver, CO 80202-3050
Bureau of Indian Affairs Office	Chinle Agency	P.O. Box 7H Chinle, AZ 86503	Navajo Route 7, Building 136-C Chinle, AZ 86503
Bureau of Indian Affairs Office	Eastern Navajo Agency	P.O. Box 328 Crownpoint, NM 87313	Highland Road Code Talker St., Building 222 Crownpoint, NM 87313
Bureau of Indian Affairs Office	Fort Defiance Agency	Branch of Natural Resources P.O. Box 1060, MC N463 Gallup, AZ 87301	Bonita Drive, Building 251-3 Fort Defiance, AZ 86504
Bureau of Indian Affairs Office	Hopi Agency	P.O. Box 158 Keams Canyon, AZ 86034	100 Main St. Keams Canyon, AZ 86034
Bureau of Indian Affairs Office	Ramah Navajo Agency	HC-61, Box 14 Ramah, NM 87321	HC-61, Box 14 Ramah, NM 87321
Bureau of Indian Affairs Office	Shiprock Agency	P.O. Box 3538 Shiprock, NM 87420	Nataani Nez Complex Building, Second Floor Highway 491 South
Bureau of Indian Affairs Office	Southern Pueblos Agency	1001 Indian School Road, NW Albuquerque, NM 87104	1001 Indian School Road, NW Albuquerque, NM 87104

Bureau of Indian Affairs Office	Southern Ute Agency	P.O. Box 315 Ignacio, CO 81137	383 Ute Road, Building 1 Ignacio, CO 81137
Bureau of Indian Affairs Office	Ute Mountain Ute Agency	P.O. Box KK Towaoc, CO 81334	Phillip Coyote, Sr. Memorial Hall 440 Sunset Blvd. Towaoc, CO 81334
Bureau of Indian Affairs Office	Western Navajo Agency	P.O. Box 127 Tuba City, AZ 86045	East Highway 160 and Warrior Drive Tuba City, AZ 86045

**Exhibit J – Open House Scoping Meeting Internal Room Layout and Staffing Plan**



Station	Posters	Fact Sheets/ Handouts	Other	Staffers [to be identified]
<b>Station 1:</b> <b>Welcome and Sign-in</b>	<ul style="list-style-type: none"> <li>1. Welcome poster</li> </ul>	<ul style="list-style-type: none"> <li>Poster Station Room Layout handout</li> <li>Comment Form handout</li> </ul>	<ul style="list-style-type: none"> <li>Sign-in sheets</li> <li>(5) Clipboards</li> <li>Pens</li> <li>(8) Media kits</li> <li>(1) Table</li> <li>(2) Chairs</li> <li>(1) Easel</li> </ul>	<p><b>Sign-In Table:</b>  Alfreda Cornfield  Ken Bahe  Tania Fragomeno  Kara Mulvihill</p> <p><b>Staff floaters to monitor and assist as needed:</b>  Lewis Michaelson, Dolph or Nikki,  Lewis + two language interpreters</p> <p><b>Media Interface:</b>  Rick Williamson</p>
<b>Station 2:</b> <b>Video</b>	N/A	N/A	<ul style="list-style-type: none"> <li>TV/Video Player or Laptop</li> <li>(8-10) Chairs</li> <li>(4) Headphones</li> <li>Small sign that describes looping/languages available</li> </ul>	Kara Mulvihill
<b>Station 3:</b> <b>NEPA Process</b>	<ul style="list-style-type: none"> <li>2. NEPA Process poster</li> </ul>	<ul style="list-style-type: none"> <li>Project Fact Sheet</li> </ul>	<ul style="list-style-type: none"> <li>Comment Form</li> <li>(1) Table</li> <li>(1) Chair</li> <li>(1) Easel</li> </ul>	<p>These 3 can rotate:  Kate Bartz (roaming)  Carlos Jallo  Marcelo Calle (roaming)</p>

Station	Posters	Fact Sheets/ Handouts	Other	Staffers [to be identified]
<b>Station 4:</b> <b>About OSM, SMCRA</b> <b>and Roles of</b> <b>Cooperating Agencies</b>	<ul style="list-style-type: none"> <li>• 3. About OSM and SMCRA poster</li> <li>• 4. Roles of Cooperating Agencies poster</li> </ul>	<ul style="list-style-type: none"> <li>• Project Fact Sheet</li> </ul>	<ul style="list-style-type: none"> <li>• Comment Form</li> <li>• (1) Table</li> <li>• (2) Chairs</li> <li>• (2) Easels</li> </ul>	<p>Mychal Yellowman  Rick Williamson (roaming)  Any cooperating agencies (except ACOE, who will be at diff table)</p>
<b>Station 5:</b> <b>Proposed Actions and</b> <b>Alternatives</b>	<ul style="list-style-type: none"> <li>• 5. Proposed Actions and Alternatives poster</li> <li>• 6. Maps of Project Area poster</li> <li>• 7. Map of Transmission Lines poster</li> </ul>	<ul style="list-style-type: none"> <li>• Project Fact Sheet</li> </ul>	<ul style="list-style-type: none"> <li>• Comment Form</li> <li>• (1) Table</li> <li>• (2) Chairs</li> <li>• (2) Easels</li> </ul>	<p>Rick Williamson (roaming)  Harrilene Yazzie (roaming)  Lyle Ben</p>
<b>Station 6:</b> <b>About the Four Corners</b> <b>Power Plant and the</b> <b>Coal Mine</b>	<ul style="list-style-type: none"> <li>• 8. About the Power Plant poster</li> <li>• 9. About the Coal Mine poster</li> <li>• 10. Reclamation poster</li> </ul>	<ul style="list-style-type: none"> <li>• Project Fact Sheet</li> </ul>	<ul style="list-style-type: none"> <li>• Comment Form</li> <li>• (1) Table</li> <li>• (2) Chairs</li> <li>• (2) Easels</li> </ul>	<p>About the Power Plant: Dan Tormey or Megan Schwartz  About the mine: Gene Hays, Marcelo Calle, Karen Jass  Reclamation: Lawrence Begay, Krishna Baskota, Gene Hays, Marcelo Calle, Karen Jass,</p>

Station	Posters	Fact Sheets/ Handouts	Other	Staffers [to be identified]
<b>Station 7: Environmental Resources</b>	<ul style="list-style-type: none"> <li>• 11. Environmental Resource Areas poster</li> <li>• 12. Threatened and Endangered Species poster</li> <li>• 13. Air Quality poster</li> <li>• 14. Water/ Section 404 Permitting poster</li> </ul>	<ul style="list-style-type: none"> <li>• Project Fact Sheet</li> </ul>	<ul style="list-style-type: none"> <li>• Comment Form</li> <li>• (1) Table</li> <li>• (2) Chairs</li> <li>• (4) Easels</li> </ul>	Env. Resource Poster: <b>All at table</b> T&E poster: <b>Alex Birchfield, Craig Kling</b> Air Quality: <b>Brad Boyes</b> Water/404: <b>Paul Clark, Deanna Cummings</b>
<b>Station 8: Cultural Resources</b>	<ul style="list-style-type: none"> <li>• 15. Cultural Resources/ Section 106 NHPA poster</li> <li>• 16. Traditional Cultural Properties poster</li> </ul>	<ul style="list-style-type: none"> <li>• Project Fact Sheet</li> </ul>	<ul style="list-style-type: none"> <li>• Comment Form</li> <li>• (1) Table</li> <li>• (2) Chairs</li> <li>• (1) Easel</li> </ul>	<b>Kurt Schweigert or Terry Rudolph</b>
<b>Station 9: Socioeconomics and Environmental Justice</b>	<ul style="list-style-type: none"> <li>• 17. Socioeconomics and Environmental Justice poster</li> </ul>	<ul style="list-style-type: none"> <li>• Project Fact Sheet</li> </ul>	<ul style="list-style-type: none"> <li>• Comment Form</li> <li>• (1) Table</li> <li>• (2) Chairs</li> <li>• (1) Easel</li> </ul>	<b>David Kiernan or Craig Bloxham, Ben Pogue</b>
<b>Station 10: Public Comment Collection</b>	<ul style="list-style-type: none"> <li>• Small table sign</li> </ul>	<ul style="list-style-type: none"> <li>• Project Fact Sheet</li> </ul>	<ul style="list-style-type: none"> <li>• Comment Form</li> <li>• (2-4) Tables</li> <li>• (6-8) Chairs</li> <li>• Pens</li> <li>• Collection Envelope</li> <li>• (1) Table-top easel</li> </ul>	Staff floater  <b>Two court reporters</b>

Exhibit K – Fact Sheet Booklet



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 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, CO, is preparing an Environmental Impact Statement (EIS) to evaluate potential environmental impacts from a proposal to extend operation of the Four Corners Power Plant, renew rights-of-way for associated transmission lines, renew the Navajo Mine Permit in 2014, and issue a new mine permit area within the existing Navajo Lease area. This proposed new mine permit area is referred to as the Pinabete Permit. The EIS is being prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).

While OSM is the lead agency for preparation of the Four Corners Power Plant and Navajo Mine Energy Project EIS, it works with several other agencies to ensure the development of a comprehensive and thorough environmental analysis. These other agencies are referred to as "cooperating agencies." A cooperating agency is any agency, other than the lead agency, that has jurisdiction by law or special expertise concerning a proposal. Cooperating agencies for the EIS include the Bureau of Indian Affairs, Navajo Nation, Hopi Tribe, Bureau of Land Management, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and National Park Service.

**The National Environmental Policy Act**

Before U.S. federal agencies proceed with major federal actions, they must consider the potential impacts their proposed activities may have on the human, natural or cultural environment. An environmental analysis is mandated by the National Environmental Policy Act of 1969 (NEPA). NEPA requires federal agencies to examine the potential environmental effects of their actions to allow for more informed decision-making. An Environmental Impact Statement (EIS) is a detailed public document that provides an assessment of the potential effects a federal action may have on the environment. Community and agency involvement is a critical part of the NEPA process.



## COOPERATING AGENCIES ASSISTING IN DEVELOPMENT OF THE EIS

FEDERAL AGENCY	RESPONSIBILITIES/ACTIONS
Office of Surface Mining and Reclamation	<ul style="list-style-type: none"> <li>Act as lead agency in preparing the EIS</li> <li>Approve or deny the application for a new mine area, known as the Pinabete Permit area</li> <li>Approve or deny the 2014 Navajo Mine Permit renewal</li> <li>Act as lead agency for Section 7 consultation with U.S. Fish and Wildlife Service and for National Historic Preservation Act Section 106 consultation</li> </ul>
Bureau of Indian Affairs	<ul style="list-style-type: none"> <li>Approve or deny the lease amendment for the Four Corners Power Plant</li> <li>Approve or deny renewal of associated rights-of-way for existing transmission lines and switchyards</li> <li>Approve or deny proposed realignment of Burnham Road within the Navajo Mine Lease area</li> </ul>
Navajo Nation	<ul style="list-style-type: none"> <li>Issue a biological opinion for tribally listed threatened and endangered species</li> <li>Consult with OSM to identify, evaluate, and consider potential impacts to cultural and historic resources</li> <li>Review and comment on the Surface Mining Control and Reclamation Act permit application package</li> <li>Issue Clean Water Act Section 401 water quality certifications</li> <li>Issue Title V Clean Air Act permit</li> </ul>
Hopi Tribe	<ul style="list-style-type: none"> <li>Issue a biological opinion for tribally listed threatened and endangered species</li> <li>Consult with OSM for potential impacts to cultural and historic resources</li> </ul>
Bureau of Land Management	<ul style="list-style-type: none"> <li>Issue a decision on the Pinabete Mine Plan to ensure maximum economic recovery of coal</li> </ul>
U.S. Environmental Protection Agency	<ul style="list-style-type: none"> <li>Ensure emissions comply with the Clean Air Act</li> <li>Issue a decision on the National Pollutant Discharge Elimination System permit application for the Pinabete area under Section 402 of the Clean Water Act</li> </ul>
U.S. Fish and Wildlife Service	<ul style="list-style-type: none"> <li>Issue a biological opinion for threatened and endangered species under Section 7 of the Endangered Species Act</li> </ul>
U.S. Army Corps of Engineers	<ul style="list-style-type: none"> <li>Approve or deny permit for fill in waters of the United States under Section 404 of the Clean Water Act</li> </ul>
National Park Service	<ul style="list-style-type: none"> <li>Review potential impacts to National Parks in the region</li> </ul>

## ABOUT THE FOUR CORNERS POWER PLANT AND NAVAJO COAL MINE

### Four Corners Power Plant

The Four Corners Power Plant is one of the largest coal-fired electric generating stations in the United States. The plant includes five units and generates approximately 2,100 megawatts, providing power to more than 500,000 homes in New Mexico, Arizona, California and Texas. The plant, operated by Arizona Public Service, is located on tribal trust lands in the New Mexico portion of the Navajo Reservation. Approximately 75 percent of employees at the plant are Native American.

The desired future operation of the Four Corners Power Plant site involves discontinuing operation of Units 1, 2 and 3 during or prior to 2014, installing pollution control upgrades on Units 4 and 5, and continued operation of the independent switchyard and transmission lines. This scenario would substantially reduce coal consumption and air emissions and lower the power output of the plant to approximately 1,500 megawatts. In future years, the ash disposal area would expand within the current Four Corners Power Plant lease boundary.

### BHP Billiton Coal Company Navajo Mine Lease Area

In July 1957, the Navajo Nation granted a mining lease to Utah Construction & Mining Company, which as amended is 33,000 acres. 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. Approximately 82 percent of employees at the coal mine are Native American.

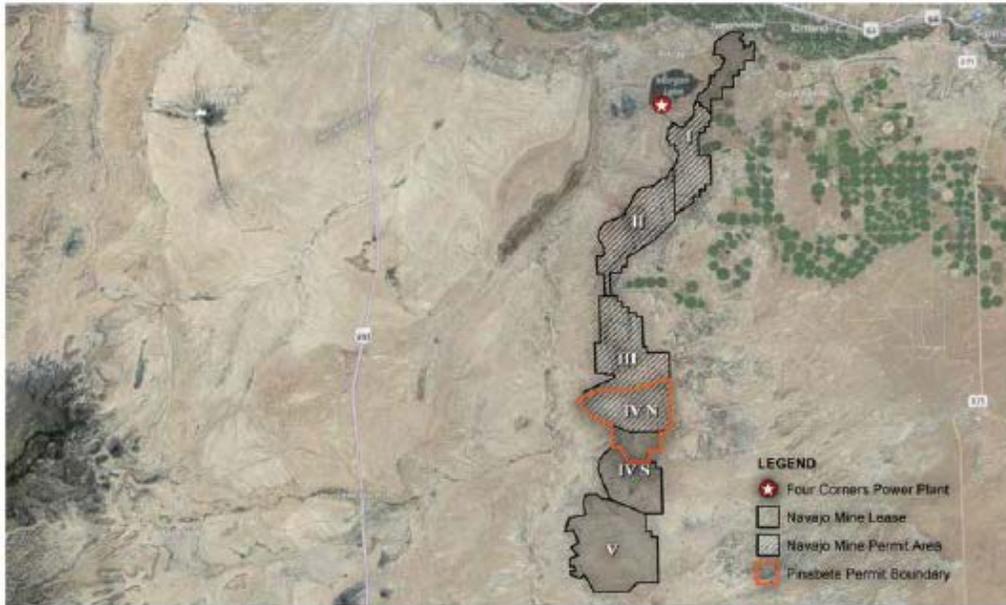


## PROPOSED ACTIONS AND ALTERNATIVES

In accordance with NEPA, OSM and cooperating agencies will evaluate the direct, indirect and cumulative environmental impacts associated with the following proposed actions:

- **Power Plant Lease Amendment** – Arizona Public Service, as operating agent and on behalf of participant owners of the Four Corners Power Plant, recently executed a lease amendment (Lease Amendment No. 3) with the Navajo Nation to extend the term of the lease for the Four Corners Power Plant an additional 25 years, to 2041. Under the lease amendment, Arizona Public Service would proceed with discontinuing operation of Units 1, 2 and 3; installing emission reduction equipment on Units 4 and 5; and expanding the ash disposal area within the existing power plant boundaries. Environmental impacts from this lease amendment will be analyzed in the EIS.
- **Energy Transmission Lines Rights-of-Way Renewals** – Existing transmission lines owned and operated by Arizona Public Service or Public Service Company of New Mexico require rights-of-way renewals within the period of time this NEPA review is conducted. These transmission lines are considered connected actions to the continuing operation of the mine and power plant. There would be no new transmission lines. However, the environmental impacts from the continued operations of the transmission lines, in the event the rights-of-way permits are renewed, will be analyzed in the EIS.
- **Navajo Mine 2014 Permit Renewal** – OSM expects BHP Billiton Navajo Coal Company to submit a renewal application in 2014 for its existing Navajo Mine Surface Mining Control and Reclamation Act Permit (No. NM0003F). Therefore, the EIS will also analyze impacts of the 2014 renewal application.
- **New Coal Mine Area** – In spring 2012, BHP Billiton Navajo Coal Company submitted an application to OSM to develop a new 5,600-acre mine area, referred to as the Pinabete Permit area, within its existing Navajo Mine Lease. The Pinabete Permit area would supply coal to the Four Corners Power Plant for up to 25 years, beginning in July 2016. Environmental impacts from the proposed mine area will be analyzed in the EIS.

## FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT AREA MAP



### Alternatives

The NEPA process requires the evaluation of a range of alternatives to the proposed actions. The EIS will analyze the proposed actions and a "no action" alternative, as well as other reasonable alternatives that may be identified through the NEPA process, including public and agency comments. The range of reasonable alternatives to be considered will be determined based, in part, on public input received during the scoping process.

The no-action alternative would result in expiration of the Four Corners Power Plant lease and associated rights-of-way; expiration of BHP Billiton Navajo Coal Company's Surface Mining Control and Reclamation Act permit for the Navajo Mine; and there would not be a new Pinabete permit.



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

August 2012

## ENVIRONMENTAL RESOURCES TO BE ANALYZED

### 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. OSM requires wildlife and raptor monitoring in compliance with Surface Mining Control and Reclamation Act permitting. 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.**



Environmental resource areas to be studied in the EIS are listed below. The public is encouraged to provide input on these or other environmental resource areas for consideration in the Draft EIS.

- Threatened and endangered species
- Air quality and climate change
- Surface and ground water quality
- Socioeconomics and environmental justice
- Cultural and historic resources
- Biological resources
- Visual resources
- Noise and vibration
- Public health and safety
- Land use and recreation
- Transportation
- Geology and minerals
- Topography and soils
- Agriculture and grazing
- Water rights
- Solid/hazardous waste

### Air Quality

The Navajo Nation Environmental Protection Agency and the U.S. Environmental Protection Agency are both involved with the review of the continued operations of the power plant. The Clean Air Act's Regional Haze Rule requires the use of Best Available Retrofit Technology (BART) at older coal-fired power plants to reduce haze and improve visibility. In October 2010, the U.S. Environmental Protection Agency issued a proposed BART rule for the Four Corners Power Plant, which included installing additional nitrogen oxide and particulate controls. As part of BART compliance, approval of the lease renewals and the continued operation of the power plant would require the installation of additional nitrogen oxide controls on Units 4 and 5 by July 2018, and Units 1, 2 and 3 would close by January 2014.





### Water Quality

Several Clean Water Act permits are needed for the proposed actions. In spring 2012, BHP Billiton Navajo Coal Company submitted an application to the U.S. Army Corps of Engineers for a Clean Water Act Section 404 permit that would allow the coal mine to discharge fill material into waters at specified disposal sites. Development of the Pinabete Permit area would impact approximately 5 acres of arroyos and dry channels over 25 years.

A Clean Water Act Section 402 permit, known as a National Pollutant Discharge Elimination System (NPDES) permit, is issued by the U.S. Environmental Protection Agency for discharge of certain pollutants into waters of the United States by industrial operators. The Navajo Nation would be responsible for issuing Section 401 water quality certifications to BHP Billiton Navajo Coal Company. BHP Billiton Navajo Coal Company is in the process of preparing an application for this permit.

### Socioeconomics and Environmental Justice

The EIS will include analysis of how potential environmental impacts from the proposed actions could affect socioeconomics. Socioeconomics is a broad discipline and includes topics such as employment, tribal revenues, household income, business output, property values and disadvantaged populations. In the context of this project, the EIS will include a study of the socioeconomic effects of continued operations, the no action alternative (discontinuing operations at the mine and power plant), and any other reasonable alternatives identified.

In 1994, President Clinton issued Executive Order 12898, which requires federal agencies to consider environmental justice in carrying out their missions. Agencies are required to identify and address disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority and low-income populations. Environmental justice studies are part of the larger socioeconomics analysis in the NEPA process.

Diné Natural Law will inform the environmental justice analysis and 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. Nahasdzáán dóó Yádilhil Bits'áádeé' Beehaz'áanii- Diné Natural Law).

### Cultural Resources and National Historic Preservation Act

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 Tribal and State Historic Preservation Officers to determine whether there would be potential impacts to cultural and historic resources and how to minimize or avoid impacts. Tribal concerns will be given due consideration, including potential impacts on Indian trust assets.



## NEPA PROCESS AND COMMUNITY INVOLVEMENT

**Community involvement is a critical part of the NEPA process.** The public participates in the NEPA process by helping to identify environmental issues and potential alternatives during the scoping period and by evaluating the analysis of the proposed actions and alternatives during the public review period. All public comments are considered, and OSM will not proceed with any proposed actions until the NEPA process is complete. The table on page 8 describes the steps of the NEPA process and identifies the opportunities for public involvement.



### How to Submit Comments on the EIS

In August 2012, OSM is holding nine open house scoping meetings to inform the public about the proposed actions and to receive comments on relevant issues to be considered in the EIS (see table on page 8 for schedule). During each open house, informational poster stations and project team representatives will be available to provide the public with an opportunity to learn more about the NEPA process and the proposed actions and alternatives currently under consideration. This scoping will also satisfy the public involvement and noticing requirement for Section 106 of the National Historic Preservation Act.

**Government agencies, elected officials, tribes, organizations and individuals are encouraged to participate and comment in any of the following ways:**

- Submit written or oral comments at the open house scoping meetings
- Submit comments via email at [FCPPNavajoEnergyEIS@osmre.gov](mailto:FCPPNavajoEnergyEIS@osmre.gov)
- Send written comments via postal mail, hand delivery or courier to:

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

All comments must be postmarked or received by the end of the comment period on Sept. 17, 2012, to be considered in the Draft EIS.

### For More Information

Informational materials and project documents will be made available on the project website at <http://www.wrcc.osmre.gov/FCPPEIS.shtm>. More project information can also be obtained by calling Mr. Marcelo Calle, OSM EIS Coordinator, at 303-293-5035.

**The public's participation in the EIS will help OSM make more informed decisions about the proposed actions. The scoping public comment period is from July 18, 2012, to Sept. 17, 2012. There will be an additional opportunity for the public to comment after the release of the Draft EIS, which is anticipated in fall 2013.**

## NEPA PROCESS AND TIMELINE

MILESTONE	DESCRIPTION	ANTICIPATED SCHEDULE
Notice of Intent (NOI) to Prepare an EIS	Publication of the NOI in the Federal Register starts the initial public involvement phase. Notices are also published in local newspapers.	July 18, 2012
Scoping Period	<p>The scoping process actively involves the public and other agencies in identifying the environmental issues to be addressed in the EIS and other potential alternatives to accomplish the purpose and need.</p> <p>The scoping period for this EIS provides for nine open house scoping meetings and a 60-day public comment period.</p> <p style="color: #0056b3; font-weight: bold;">Opportunity for Public Review and Comment</p>	<p style="color: #0056b3; font-weight: bold;">Scoping Period:</p> July 18 – Sept. 17, 2012 <p style="color: #0056b3; font-weight: bold;">Open House Scoping Meetings:</p> Hotevilla, AZ – Aug. 9 Cortez, CO – Aug. 10 Burnham, NM – Aug. 11 Nenahnezad, NM – Aug. 13 Farmington, NM – Aug. 14 Shiprock, NM – Aug. 15 Durango, CO – Aug. 16 Window Rock, AZ – Aug. 17 Albuquerque, NM – Aug. 18
Draft EIS	The Draft EIS presents the analysis of potential environmental impacts for the proposed actions and alternatives. Public comments received during the scoping period are considered in the development of the Draft EIS. A notice announcing availability of the Draft EIS will be published in the Federal Register and local newspapers. The Draft EIS will be filed with the U.S. Environmental Protection Agency and made available to interested parties.	Fall 2013
Public Meetings and Comment Period	<p>NEPA regulations require a minimum of 45 days for the public to comment on the analysis presented in the Draft EIS. Comments may be submitted at public meetings, via U.S. mail or email.</p> <p style="color: #0056b3; font-weight: bold;">Opportunity for Public Review and Comment</p>	Fall 2013
Final EIS	The Final EIS is an update to the Draft EIS and includes responses to all comments received during the public meetings and comment period. A notice announcing availability of the Final EIS will be published in the Federal Register and local newspapers. The Final EIS will be filed with the U.S. Environmental Protection Agency and made available to interested parties.	Summer 2014
30-Day Wait Period	Regulations provide for a 30-day wait period after the Final EIS is published before the agency may take final action.	Summer/Fall 2014
Record of Decision	After the 30-day wait period, OSM will select an alternative and issue a Record of Decision. A notice of the Record of Decision will be published in the Federal Register and local newspapers and made available to interested parties.	Fall 2014

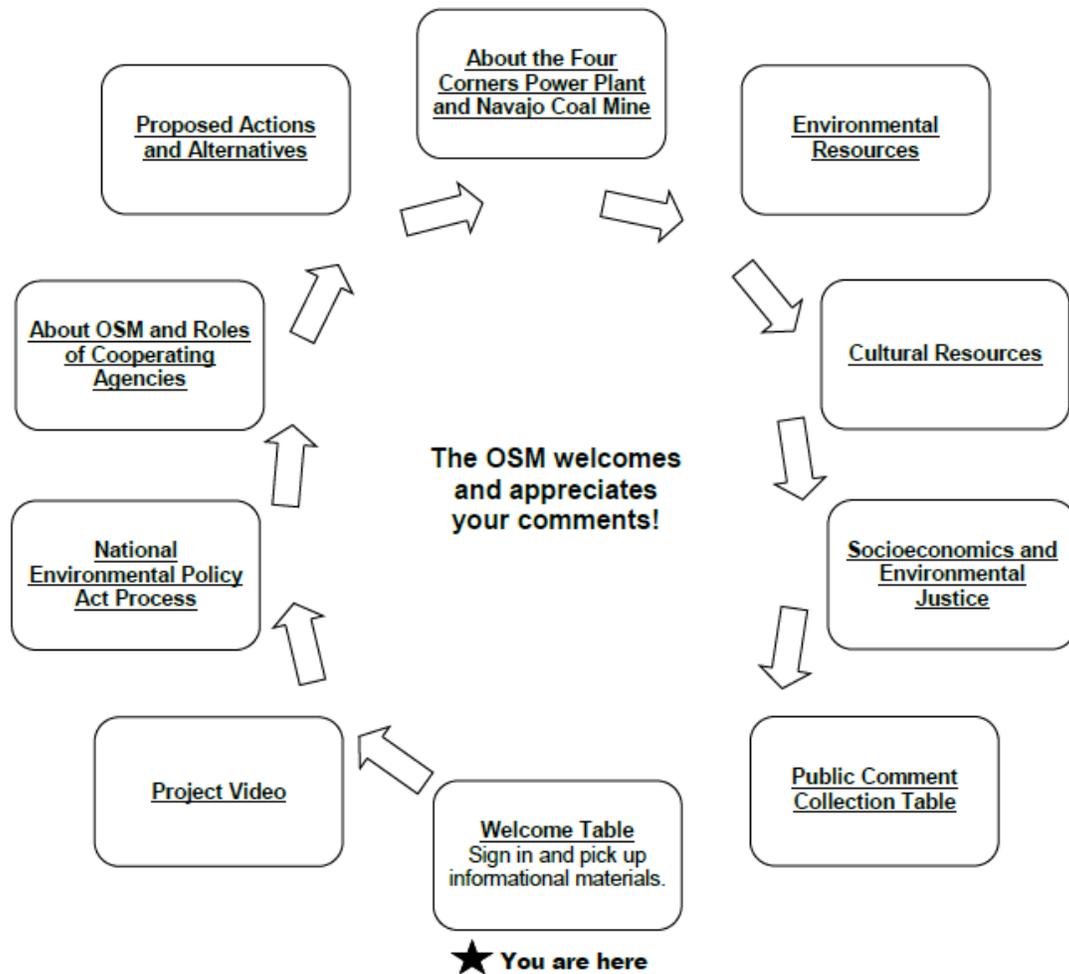
Complete
  In Progress
  Next Steps

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 N – Informal Conference Fact Sheet



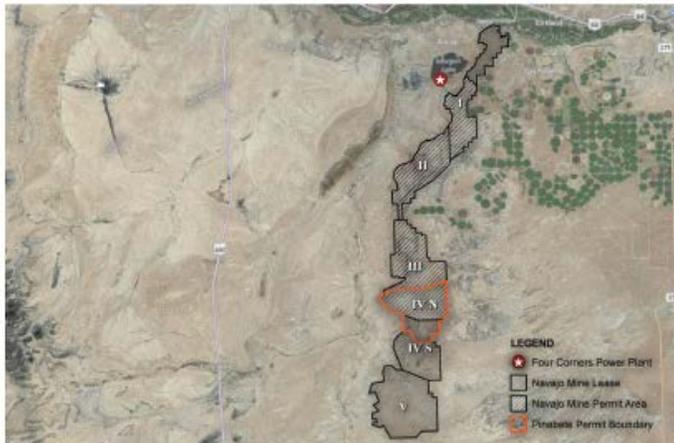
The Office of Surface Mining Reclamation and Enforcement (OSM), a branch of the United States Department of the Interior, was created in 1977 when Congress enacted the Surface Mining Control and Reclamation Act. The Surface Mining Control and Reclamation Act of 1977 (SMCRA) is the primary federal law 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](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.

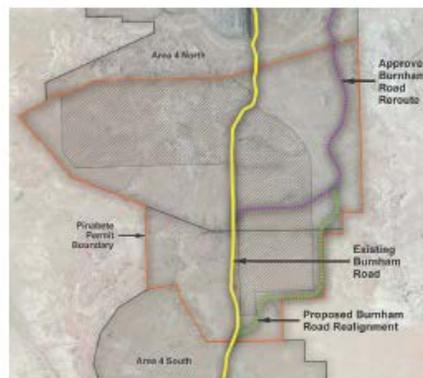
A general location map of the project area is shown at right. The mine permit area is located approximately 6 miles southwest of Fruitland, N.M. The project area is located on USGS 7.5 minute quad maps: The Hogback South, Kirtland S.W., Newcomb N.E., and The Pillar N.W. The proposed project area is located 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](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 <b>Opportunity for Public Review and Comment</b>	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 <b>Opportunity for Public Review and Comment</b>	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.

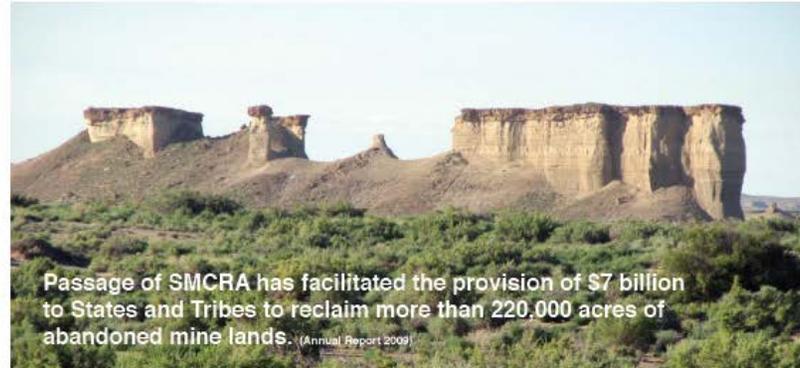
**OSM's mission is to carry out the requirements of SMCRA in cooperation with States and Tribes.**

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



## 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:

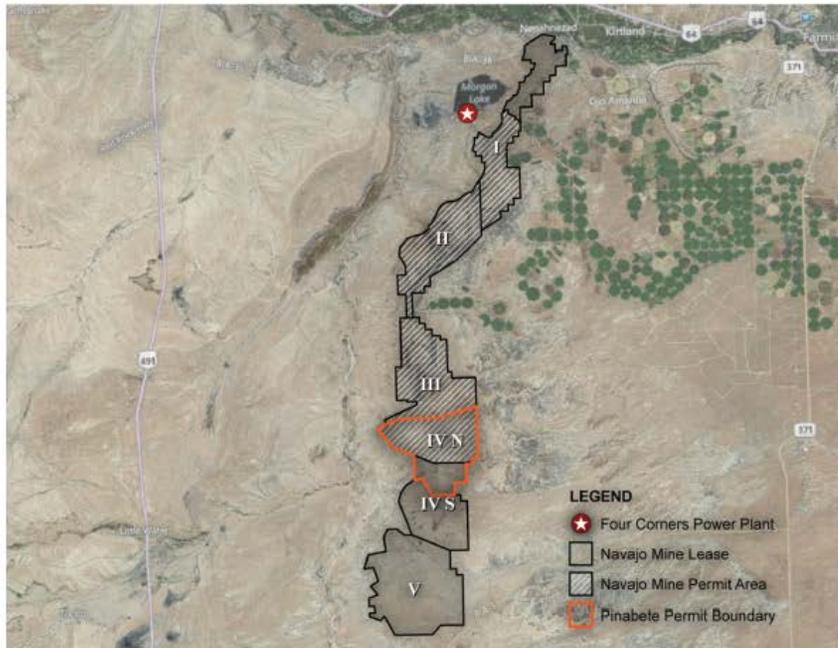
- The proposed actions as described
- A no-action alternative, which would result in expiration of the Four Corners Power Plant lease and associated rights-of-way; expiration of the Navajo Mine SMCRA permit; and no new Pinabete permit
- Other reasonable alternatives that may be identified through the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





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

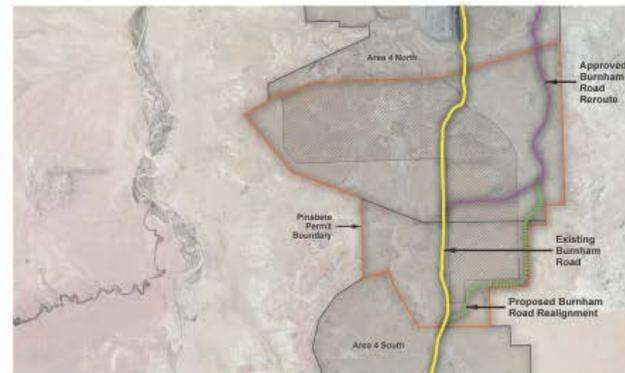
## Navajo Mine Lease Area



## Proposed Pinabete Development Area

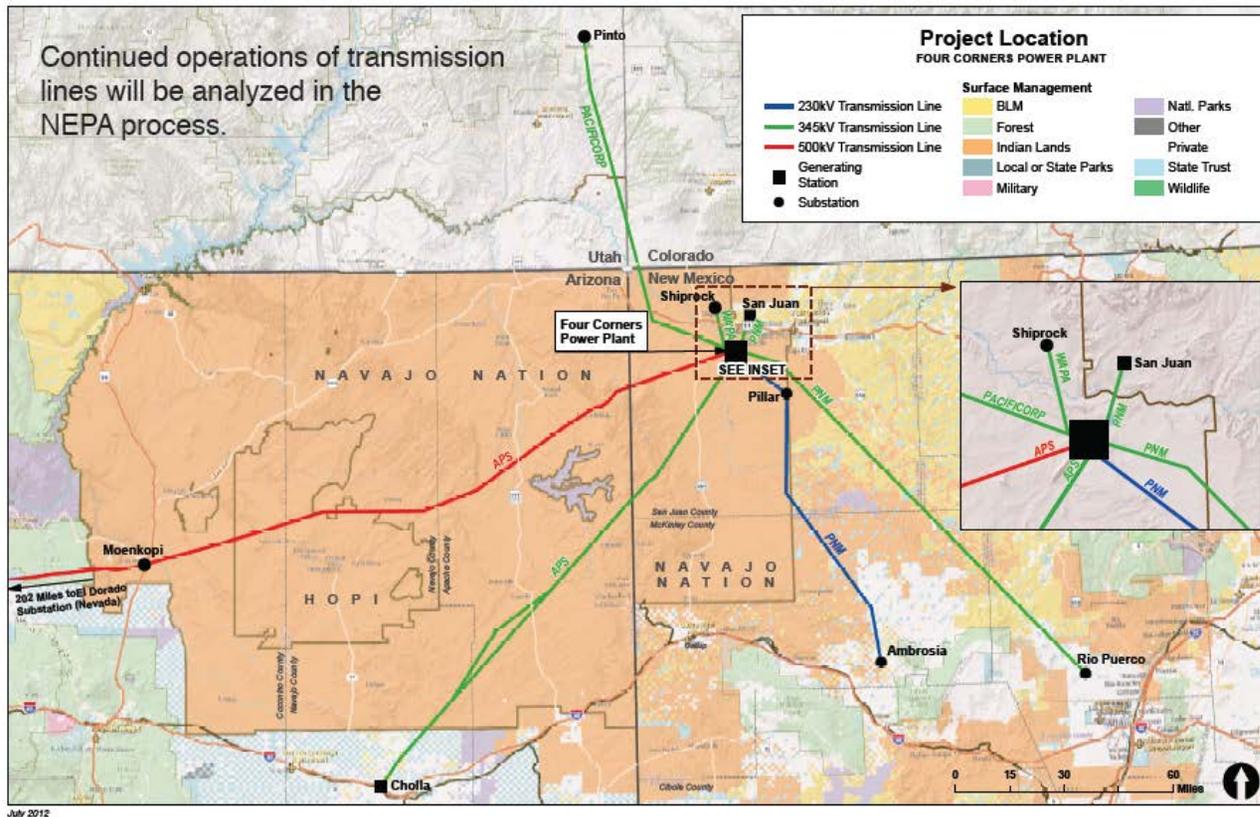


## Burnham Road Realignment





# 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

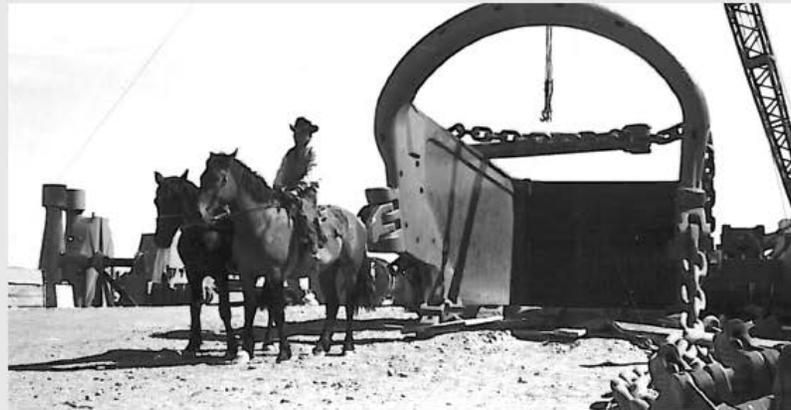
### ABOUT THE NAVAJO COAL MINE

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

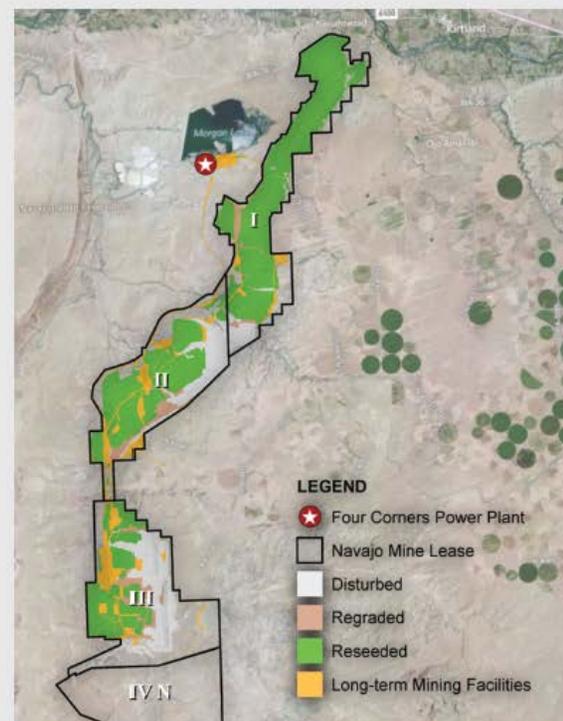




# FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS RECLAMATION AND DISTURBANCE

## LAND STATUS OF COAL MINING AREA

LAND STATUS	APPROXIMATE ACREAGE (current through June 2011)
<b>Total Disturbance</b> Land which has been disturbed within mining lease	13,000
<b>Total Reclamation</b> Land which has been regraded and seeded	8,000
<b>Long-Term Facilities</b> 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<sub>x</sub>) 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<sub>x</sub> 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

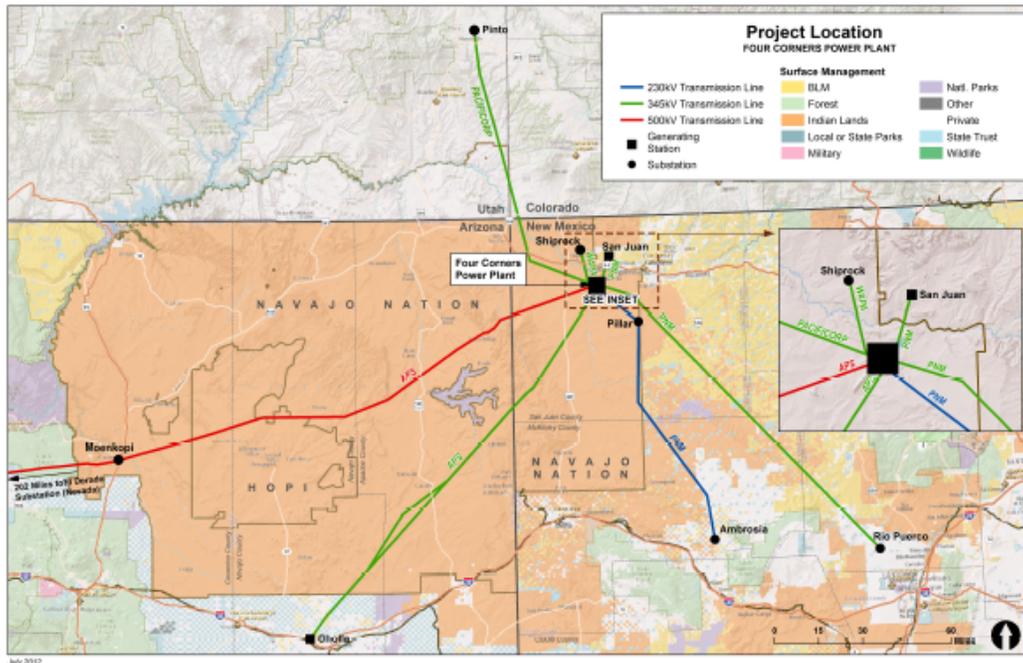
#### Diné Natural Law informs environmental justice analysis

##### 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. Nahaadzáán dóó Yádlíhí Bíté'áádóó' Beehaaz'áanii - Diné Natural Law)

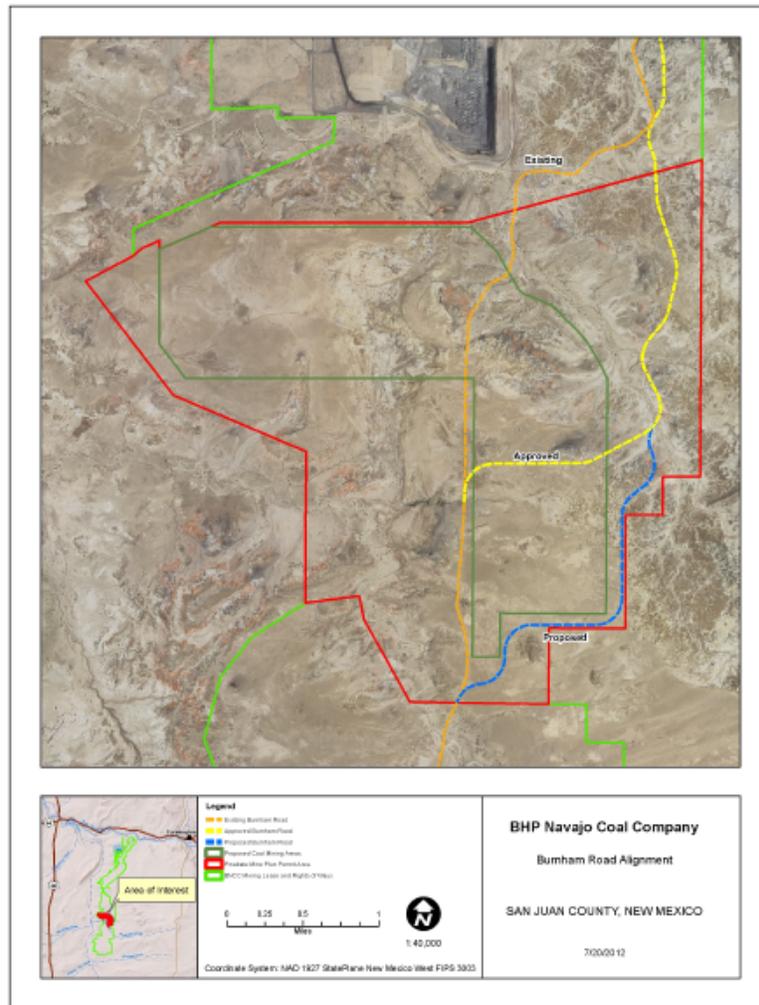




### Power Plant Actions

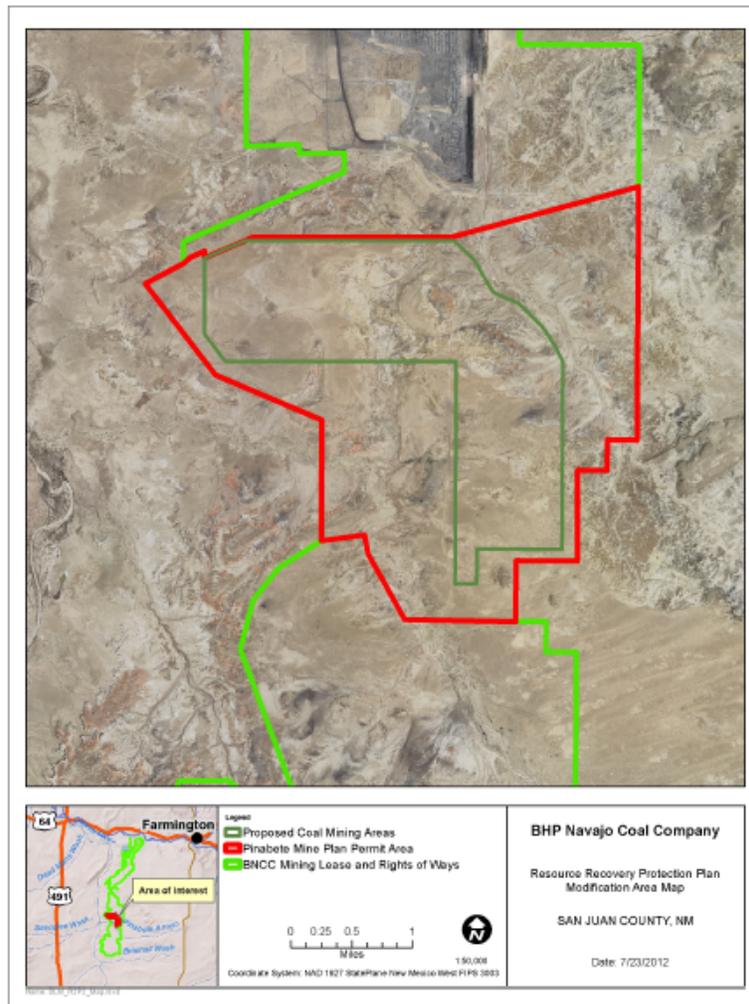
Arizona Public Service (APS) recently executed Lease Amendment No. 3 with the Navajo Nation to extend the term of the lease for Four Corners Power Plant (FCPP) an additional 25 years to 2041. Continued operation of the FCPP is expected to require several Federal actions including:

- 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

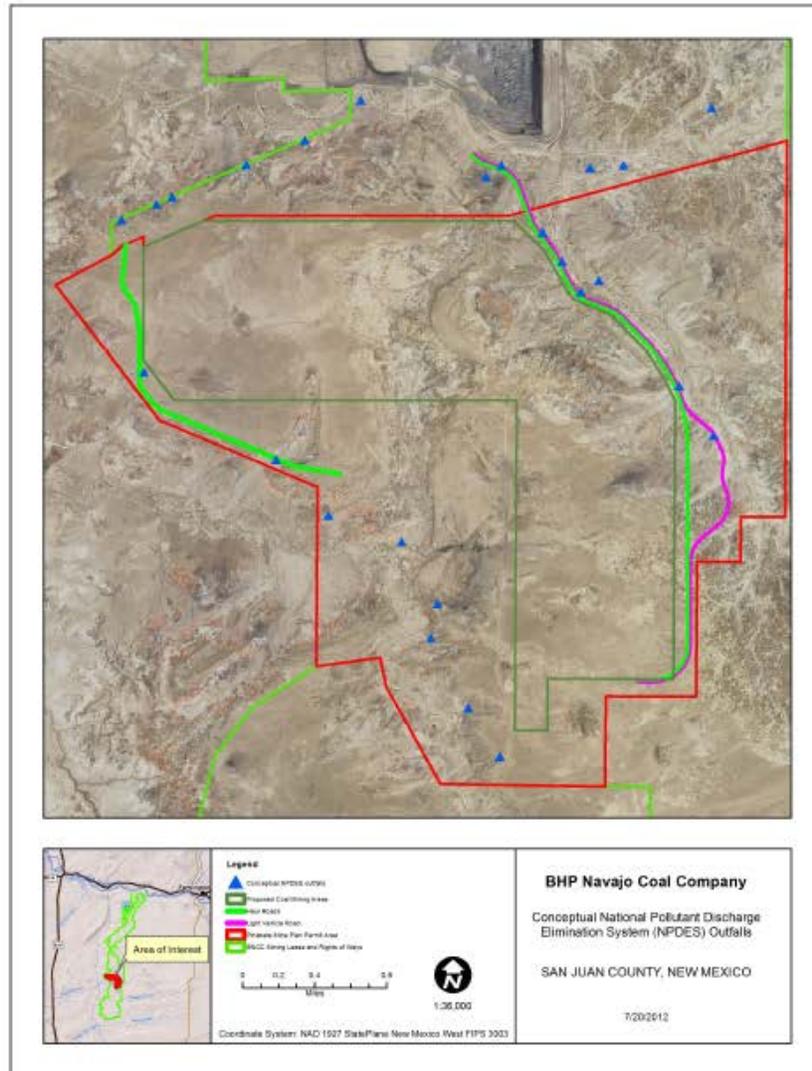
- BIA will consider permits or rights-of-way for access and haul roads, power supply for operations, and related facilities.
- BNCC proposes to relocate approximately 2.8 miles of the Burnham Road (BIA 3005/Navajo Road N 5082) in Areas 4 North and 4 South to avoid proposed mining areas.
- The Burnham 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 Pollution 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)**

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## **AVOID • MINIMIZE • MITIGATE**

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**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**

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### **EVALUATE ALTERNATIVES**

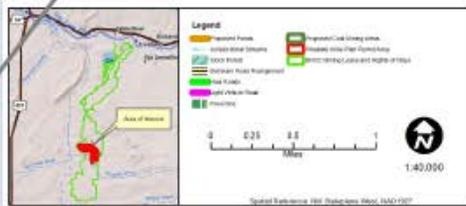
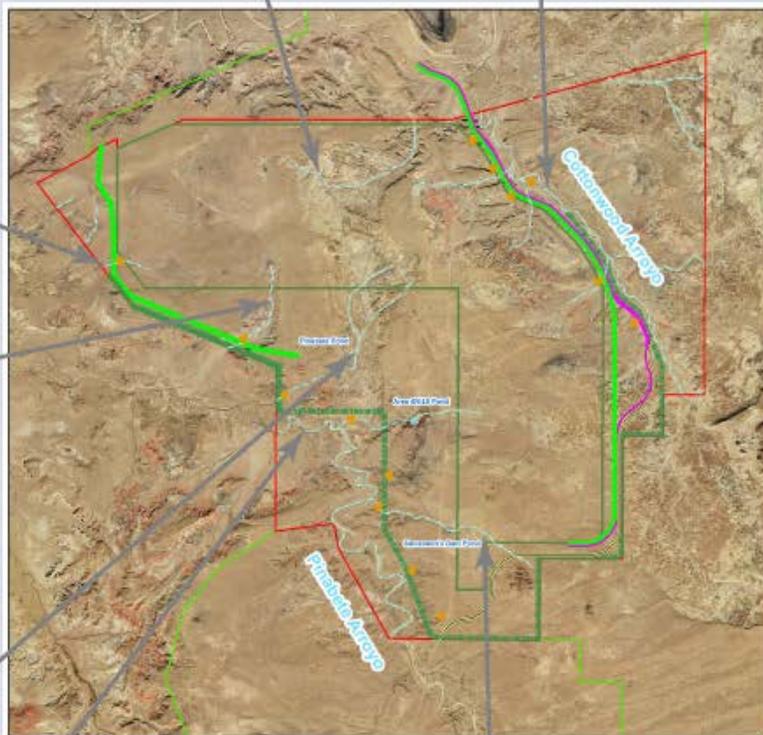
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**Select least environmentally damaging practicable alternative**

# U.S. Army Corps of Engineers



US Army Corps of Engineers®



**BNCC Pinabete Mine Plan Individual Permit Application**  
Proposed Mine Plan Areas 4 North and South  
NAVAJO MINE  
SAN JUAN COUNTY, NEW MEXICO  
7/24/2012





# 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

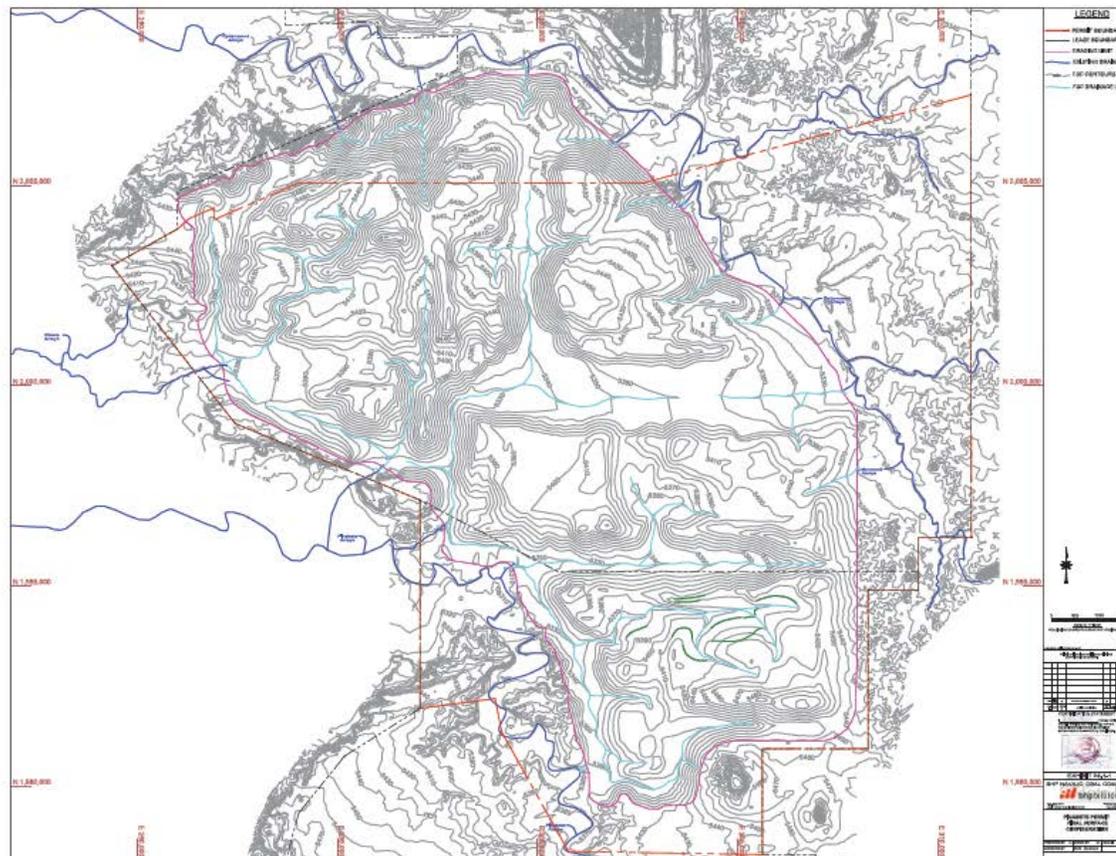
**An Informal Conference provides an opportunity for interested parties to present oral and written statements and any other relevant information to the Regulatory Authority regarding the application for a new permit (30 CFR 773.6(c) Informal Conferences).**

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.

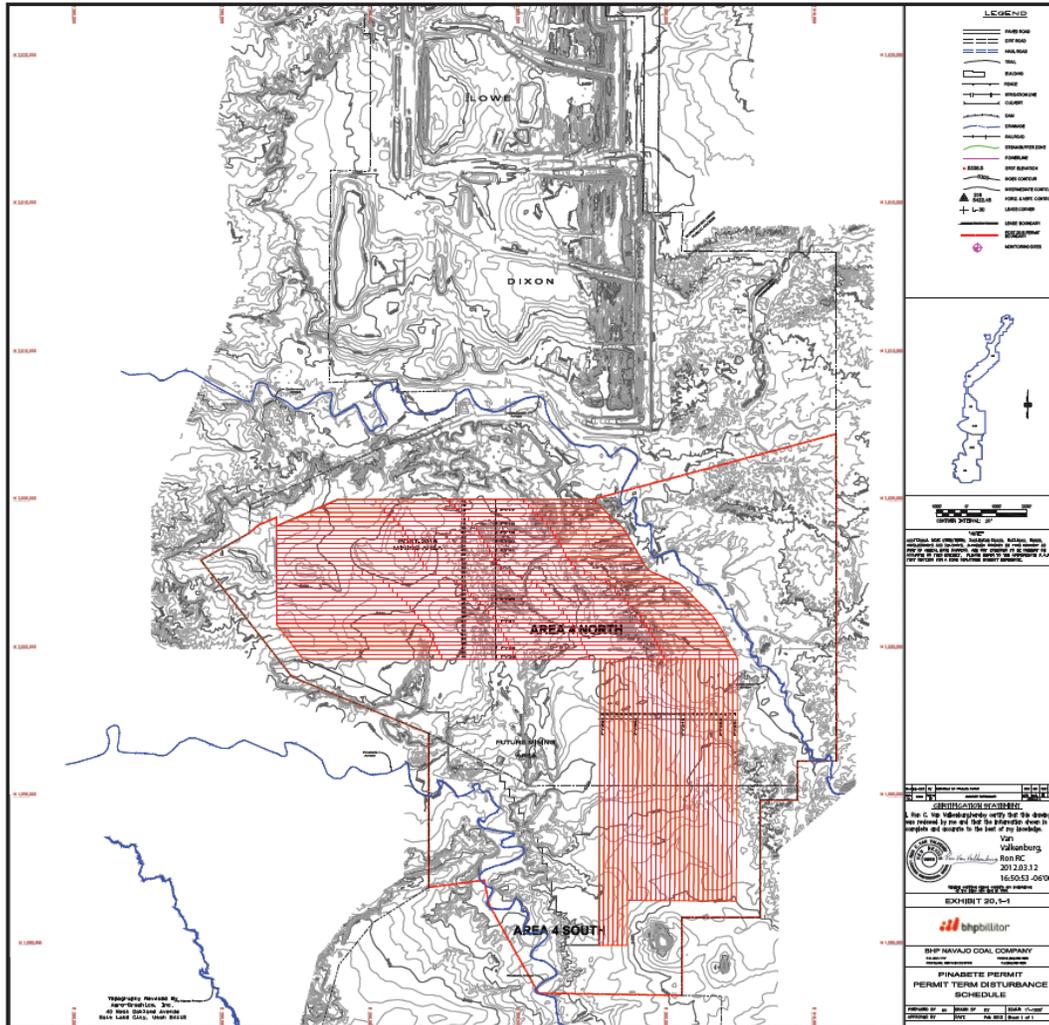


# FOUR CORNERS POWER PLANT AND NAVAJO MINE ENERGY PROJECT EIS PINABETE PERMIT SURFACE CONFIGURATION





# 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 Honyumtewa	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**

<b>NAME</b>	<b>ORGANIZATION</b>
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.<sup>1</sup>

<sup>1</sup> 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.<sup>2</sup> 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,<sup>3</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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](mailto: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](mailto: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.

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

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### **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 1<sup>ST</sup>, 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**

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### **SCOPING COMMENT PERIOD EXTENDED TO NOV. 1, 2012**

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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.
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- 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.
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- 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.
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- 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.
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- Staff Writer. "An Energy Vision for Four Corners." [San Juan Citizen's Report: Summer 2012](#) July 2012.
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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](mailto: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

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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](http://www.wrcc.osmre.gov/Current_Initiatives/FCNAVPRJ/FCPPEIS.shtm) or call 303-293-5035.

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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  Bro

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

Igkiyaani   20 videos ▾



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Published on Aug 17, 2012 by Igkiyaani

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, 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.

By Dine' CARE

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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

### Paul Clark, OSM Hydrologist 8-15-12 Shiprock

Igkiyaani + Subscribe 20 videos



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Published on Aug 17, 2012 by Igkiyaani

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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](http://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.

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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.

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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](mailto:dan@sanjuancitizens.org). Dan Randolph is executive director of the San Juan Citizens Alliance.

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Farmington Daily Times

[http://www.daily-times.com/ci\\_21308698/environmental-meeting-today-consider-four-corners-power-plant](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

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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.

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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.

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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](http://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.”

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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.

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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](http://www.wrcc.osmre.gov/FCPPEIS.shtm) or call 303-293-5035.

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The Eloy Enterprise (Picked up from the Associated Press)

[http://trivalleycentral.com/articles/2012/08/12/eloy\\_enterprise/top\\_stories/doc5023dc68f2c53614923770.txt](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.

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

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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.

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

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

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

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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.

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El Paso Times

[http://www.elpasotimes.com/newmexico/ci\\_21259100/environmental-meetings-examine-mine-power-plant](http://www.elpasotimes.com/newmexico/ci_21259100/environmental-meetings-examine-mine-power-plant)

### **Environmental Meetings to Examine Mine, Power Plant**

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.

The meetings will come to Farmington, Shiprock, Durango, Colo., and other areas next week.

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.

#### 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

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

**Four Corners Area Weighs Coal Mine, Power Plant Project Impact**

By Chuck Slothower  
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](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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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.

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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.

Knight-Ridder

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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>

### **EPA Sets Final Rules for Navajo Power Plant**

By Felicia Fonseca

August 8, 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.

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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**

By Felicia Fonseca

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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**

By Chuck Slothower

August 7, 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.

The meetings will come to Farmington, Shiprock, Durango, Colo., and other areas next week.

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.

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

[http://thewesterner.blogspot.com/2012\\_08\\_05\\_archive.html](http://thewesterner.blogspot.com/2012_08_05_archive.html)

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Farmington Daily Times

[http://www.daily-times.com/ci\\_21260087/environmental-meetings-examine-mine-power-plant](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](mailto: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

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San Juan Citizens Alliance

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

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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:

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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](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.”<sup>1</sup> 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 website<sup>2</sup> 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](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.

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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 CO<sub>2</sub>, 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.

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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.

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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.”

“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.”

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 CO<sub>2</sub>, mercury, selenium and other heavy metals into the air and water, further polluting nearby communities, farmlands, lakes, rivers and habitat for endangered species.

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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.

“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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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.

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Farmington Daily Times

[http://www.daily-times.com/farmington-news/ci\\_21108106/facilities-undergo-tough-environmental-scrutiny-feds-eye-power?source=rss](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.

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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](mailto: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.

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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."

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

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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](http://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](mailto:dan@sanjuancitizens.org). Dan Randolph is executive director of the San Juan Citizens Alliance.

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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."



Four Corners Power Plant and  
Navajo Mine Energy Project  
DEIS

APPENDIX

# E.3

SECTION 106 CONSULTATION  
RECORD



SECTION 106 CONSULTATION RECORD: AGENCIES					
Contact	State	Letters	Telephone Calls	Emails	Meetings/ Conference Calls
ACHP	DC	9/13/12	6/4/13	6/25/13 (2), 7/18/13, 7/25/13, 7/31/13, 8/14/13, 8/21/13, 8/22/13, 9/10/13, 11/5/13 (2), 11/6/13, 11/18/13 (3), 11/19/13	6/17/13, 8/1/13, 10/29/13,
Arizona Public Service	AZ	12/6/12 (2), 2/25/13 (4), 3/8/13, 5/6/13, 5/13/13 (4), 5/15/13		2/4/13, 6/25/13, 7/18/13, 7/25/13, 7/31/13, 8/12/13, 8/13/13, 8/22/13, 8/27/13, 9/6/13, 9/26/13, 10/24/13, 11/6/13, 11/18/13 (2), 11/19/13 (13), 11/21/13 (3), 12/3/13	1/9/13, 3/13/13, 4/29/13, 6/17/13, 7/11/13, 8/1/13, 8/19/13, 9/5/13, 10/29/13, 11/7/13, 12/5/13
Arizona SHPO	AZ	9/13/12, 12/26/12, 2/25/13 (2), 5/13/13 (2), 5/15/13, 6/11/13	1/8/13	9/19/12, 12/12/12, 1/3/13, 3/20/13, 6/21/13, 6/25/13 (2), 7/18/13, 7/25/13, 7/31/13, 8/16/13, 8/22/13, 9/3/13, 9/6/13, 9/17/13, 11/5/13	6/17/13, 8/1/13, 10/29/13
BHP Billiton Navajo Coal Company		12/6/12 (2), 2/25/13 (2), 5/6/13, 5/13/13 (2), 5/15/13		12/12/12, 2/4/13, 6/25/13, 7/18/13, 7/31/13, 8/22/13, 9/20/13, 9/26/13, 11/6/13, 11/18/13 (2), 11/19/13	1/9/13, 3/13/13, 4/29/13, 6/17/13, 7/11/13, 8/1/13, 8/19/13, 9/5/13, 11/7/13,
BIA, Navajo Region	NM	9/13/12, 12/6/12 (2), 2/25/13 (2), 5/13/13 (2), 5/15/13 (3)		12/12/12, 2/4/13, 6/19/13, 6/25/13, 7/10/13, 7/18/13, 7/25/13, 7/31/13, 8/22/13, 9/26/13, 11/6/13, 11/15/13, 11/18/13 (5), 11/19/13	1/9/13, 3/13/13, 4/3/13, 4/29/13, 5/1/13, 6/17/13, 7/11/13, 8/7/13, 8/19/13, 9/4/13, 11/7/13, 12/5/13
BIA, Hopi Agency	AZ	9/13/12, 2/25/13 (3), 5/13/13 (2), 5/15/13 (2)		6/25/13, 7/18/13, 7/25/13, 7/31/13, 8/22/13	4/3/13
BIA, Southwest Regional Office	NM	2/25/13 (3), 5/13/13 (2)			
BIA, Western Region	AZ	9/13/12, 12/6/12 (2), 2/25/13 (3), 5/13/13, 5/13/13 (3), 5/15/13	1/4/13 (2)	12/12/12 (2), 6/25/13, 7/9/13, 7/18/13, 7/25/13, 7/31/13	4/3/13, 5/1/13, 6/17/13
BLM	NM	9/13/12, 12/6/12 (2), 2/25/13(3), 5/13/13 (2), 5/15/13 (2), 5/31/13 (6)		12/12/12 (3), 3/13/13, 3/25/13, 4/9/13, 6/4/13 (2), 6/11/13 (4), 6/12/13, 6/25/13, 6/26/13, 6/25/13, 6/29/13, 7/10/13, 7/18/13,	4/3/13, 5/1/13, 6/17/13, 8/1/13, 8/7/13, 9/4/13,

SECTION 106 CONSULTATION RECORD: AGENCIES					
Contact	State	Letters	Telephone Calls	Emails	Meetings/ Conference Calls
				7/25/13, 7/31/13, 8/22/13, 10/30/13, 11/27/13, 12/2/13, 12/3/13	
BOR				2/4/13	1/9/13
Hopi Tribe of Arizona, Department of Natural Resources		11/27/12, 12/6/12 (2), 12/11/11, 2/25/13 (2) , 5/13/13 (2), 5/15/13 (2)		2/4/13, 6/25/13, 7/18/13, 7/25/13, 7/31/13, 8/22/13	1/9/13
Navajo Nation Dept. of Fish and Wildlife		2/25/13, 5/13/13			
Navajo Nation Division of Natural Resources		9/13/12, 12/6/12 (2), 2/25/13 (2), 5/13/13 (2)			
Navajo Nation Department of Justice		9/13/12, 12/6/12 (2), 2/25/13, 5/13/13			
Navajo Nation Environmental Protection Agency		9/13/12, 12/6/12 (2), 2/25/13, 5/13/13			
Navajo Nation Office of the President and Vice President		9/13/12, 12/6/12 (2), 2/25/13(2), 5/13/13 (2), 5/15/13 (3)	7/10/13		4/3/13, 5/1/13, 8/7/13
New Mexico Public Service (PNM)	NM	12/6/12(2), 2/25/13(3), 3/8/13, 5/6/13, 5/13/13 (3), 5/15/13, 7/23/13,		2/4/13, 6/25/13, 7/18/13, 7/25/13, 7/31/13, 8/12/13 (2), 8/22/13, 9/26/13, 11/6/13, 11/18/13 (2), 11/19/13, 12/3/13	1/9/13, 3/13/13, 6/17/13, 7/11/13, 8/1/13, 8/19/13, 9/5/13, 11/7/13, 12/5/13
New Mexico State Land Office	NM	2/25/13(2), 5/13/13			
New Mexico SHPO	NM	9/13/12, 10/12/12, 12/26/12, 2/25/13 (3), 4/5/13, 5/13/13 (2)	1/8/13	12/12/12, 1/3/13, 6/25/13, 7/18/13, 7/25/13, 7/31/13, 8/22/13	
NPS	CO	9/13/12, 12/6/12(2), 2/25/13 (2), 5/13/13 (2)		12/12/12, 4/3/13, 6/25/13, 7/18/13 (2), 7/25/13, 7/31/13, 8/22/13	8/1/13, 9/4/13

SECTION 106 CONSULTATION RECORD: AGENCIES					
Contact	State	Letters	Telephone Calls	Emails	Meetings/ Conference Calls
Petroglyph National Monument	NM	2/25/13, 5/13/13			
USACE	NM	9/13/12, 12/6/12 (2), 2/25/13, 5/13/13	7/10/13,	12/12/12, 3/20/13, 3/20/13, 4/3/13, 6/25/13, 7/18/13, 7/25/13 (2), 7/31/13, 8/22/13	8/1/13
USEPA, Region 9	CA	9/13/12, 10/11/12, 12/6/12 (2), 2/25/13, 3/29/13, 5/13/13	7/10/13	3/29/13, 4/3/13, 5/1/13, 6/25/13, 7/18/13 (3), 7/22/13, 7/25/13 (2), 7/31/13, 8/22/13, 12/2/13	8/1/13, 8/7/13, 9/4/13,
USFWS	NM	9/13/12, 12/6/12(2), 2/25/13, 5/13/13	7/10/13	12/12/12, 4/3/13, 5/1/13	

SECTION 106 CONSULTATION RECORD: TRIBES					
Contact	State	Letters	Telephone	Emails	Meetings
Comanche Nation	OK	9/13/12	11/1/12		
Fort McDowell Yavapai Nation	AZ	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/26/12		
Havasupai Tribe	AZ	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/1/12, 11/26/12		
Hopi Tribe	AZ	5/11/12, 8/9/12, 9/13/12, 11/1/12, 12/6/12, 12/11/12, 2/25/13, 2/25/13, 2/25/13, 4/18/13 (2), 5/13/13 (2), 5/15/13 (2), 6/11/13	5/1/12, 11/1/12, 11/1/12, 11/26/12, 5/1/13, 9/5/13, 9/6/13, 9/9/13,	11/1/12, 11/28/12, 12/12/12, 1/3/13, 2/4/13, 3/28/13, 4/8/13, 4/9/13, 6/5/13, 6/10/13, 6/25/13, 7/18/13, 7/23/13, 7/25/13, 7/31/13, 8/19/13, 8/22/13, 9/4/13, 9/10/13, 9/16/13, 9/25/13, 11/20/13, 11/21/13	1/9/13, 8/1/13
Hualapai Indian Tribe	AZ	9/13/12 (2), 12/6/12, 2/25/13, 5/13/13	11/1/12 (2), 11/26/12		
Jicarilla Apache Nation	NM	9/13/12 (2), 12/6/12, 12/11/11, 2/25/13, 5/13/13	11/1/12 (2), 11/26/12	11/28/12	
Kaibab of Paiute Indians	AZ	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/26/12		
Kewa Pueblo, formerly Santo Domingo Pueblo	NM	9/13/12, 12/6/12, 12/11/11, 2/25/13, 5/13/13	11/1/12, 11/26/12	11/27/12	
Kiowa Tribe of Oklahoma	OK	9/13/12, 2/25/13, 5/13/13, 6/19/13	11/1/12, 11/27/12		
Las Vegas Tribe of Paiute Indians	NV	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12		
Moapa Band of Paiute Indians	NV	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12		
Navajo Nation	AZ, NM, UT	9/13/12, 9/13/12, 12/6/12, 1/16/13, 2/25/13, 2/25/13, 2/25/13, 2/25/13, 3/8/13, 4/16/13, 5/8/13, 5/13/13 (4), 5/13/13 (3), 6/11/13, 9/5/13	11/1/12, 4/29/13	12/12/12, 2/4/13, 2/5/13, 6/25/13, 7/18/13, 7/25/13 (3), 7/26/13, 7/31/13, 8/20/13, 8/22/13, 9/12/13, 9/16/13, 9/17/13, 9/19/13, 9/24/13 (3), 9/25/13, 9/26/13, 10/8/13, 11/6/13	1/9/13, 6/17/13, 8/1/13

SECTION 106 CONSULTATION RECORD: TRIBES					
Contact	State	Letters	Telephone	Emails	Meetings
Ohkay Owingeh, formerly Pueblo of San Juan	NM	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/27/12		
Paiute Indian Tribe of Utah (Cedar, Kanosh, Koosharem, Indian Peaks, and Shivwits Bands)	UT	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/26/12		
Pueblo of Acoma	NM	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/26/12		
Pueblo of Cochiti	NM	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/26/12		
Pueblo of Ildefonso	NM	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/26/12		
Pueblo of Isleta	NM	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/26/12		
Pueblo of Jemez	NM	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/27/12		
Pueblo of Laguna	NM	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12		
Pueblo of Nambe	NM	9/13/12, 11/20/12 or 11/27/12, 12/6/12, 2/25/13, 5/13/13	11/1/12		
Pueblo of San Felipe	NM	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/27/12		
Pueblo of Sandia	NM	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12		
Pueblo of Santa Ana	NM	9/13/12, 12/6/12, 2/25/13, 5/13/13, 5/20/13, 6/19/13,	11/1/12 (2), 11/27/12, 5/31/13, 6/5/13, 6/13/13	6/7/13, 6/10/13, 6/13/13, 6/19/13, 6/20/13, 6/25/13	6/17/13
Pueblo of Santa Clara	NM	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/27/12	1/4/13, 6/25/13	6/17/13
Pueblo of Tesuque	NM	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/27/12		
Pueblo of Zia	NM	9/13/12, 12/6/12, 2/25/13,	11/1/12, 5/31/13,	6/12/13, 6/25/13,	

SECTION 106 CONSULTATION RECORD: TRIBES					
Contact	State	Letters	Telephone	Emails	Meetings
		5/13/13, 6/12/13	6/7/13, 6/10/13 (2)	7/18/13, 7/25/13, 7/31/13, 8/22/13	
Ramah Navajo Chapter	NM	9/13/12, 11/27/12, 12/6/12, 12/18/12, 2/25/13, 5/13/13	11/1/12, 11/27/12		
San Carlos Apache Tribe	AZ	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12		
San Juan Southern Paiute Tribe of Arizona	AZ	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/27/12		
Southern Ute Indian Tribe	CO	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/27/12		
Ute Mountain Tribe of the Ute Mountain Indian Reservation	CO, NM, UT	9/13/12, 11/27/12, 12/6/12, 12/11/12, 2/25/13, 5/13/13	11/1/12, 11/27/12		
White Mountain Apache Tribe of the Fort Apache Reservation	AZ	9/13/12, 9/25/12, 12/6/12, 2/25/13, 3/6/13, 5/13/13			
Ysleta Del Sur Pueblo	TX	2/25/13, 3/5/13, 5/13/13			
Zuni Tribe	NM	9/13/12, 12/6/12, 2/25/13, 5/13/13	11/1/12, 11/1/12		

Four Corners Power Plant and  
Navajo Mine Energy Project  
DEIS

APPENDIX

# E.4

SOCIOECONOMIC PUBLIC  
SERVICES QUESTIONNAIRE



Navajo Government  
Public Services Questionnaires



**Navajo Government Public Services Questionnaire**

The data requests in this questionnaire have been developed to collect information on staffing levels and the number of people served by Navajo government public service providers. This information is being gathered for the Four Corners Power Plant and Navajo Mine Energy Project Environmental Impact Statement. The information you provide will help us to understand the current conditions of your department, as compared to the standards of departments in other governments, and how the proposed Four Corners Power Plant and Navajo Mine Energy Project might impact the effectiveness of your department. Please fill out the questionnaire using the best data available to you and use the instructions below as a guide:

*When Completing the Questionnaire:*

1. Please save the document with your responses as a new Word file with “response” in the title, to distinguish it from the original file.
2. Please provide contact information for your department: (1) the individual with leadership responsibilities within your department; and (2) the individual that will act as a point of contact for us in regards to this questionnaire.
3. Respond to each question directly in the Word file, based on best available information. We encourage you to use as much space as you need on the Word document, and do not be concerned with formatting.
4. To return your questionnaire, please email Kara Mulvihill, Planner, located in Denver, Colorado: [kara.mulvihill@cardnotec.com](mailto:kara.mulvihill@cardnotec.com). For any assistance she can be reached via email or phone (303) 273-0231. She will respond to any questions you may have and will verify that your questionnaire was received.
5. We have provided space in the questionnaire for you to indicate if you have any follow-up questions or concerns – please utilize this space as needed.
6. Please respond before January 30, 2013.

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Department of Diné Education**

**A. CONTACTS**

*Please provide contact people at your agency that we might work with to ensure the success of this process.*

**Leadership**

Name:	Andrew Tah
Title:	Superintendent
Phone:	928-871-7475
Email:	<a href="mailto:andrewtah@nndode.org">andrewtah@nndode.org</a>

**Questionnaire Point of Contact**

Name:	Kee Ike Yazzie
Title:	Senior Planner
Phone:	928-871-7475
Email:	<a href="mailto:keekeyazzie@nndode.org">keekeyazzie@nndode.org</a>

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Department of Diné Education**

**B. STAFFING**

Please provide the following Full-time Equivalent (FTE) employment staffing data for **2010 – 2012**:

Department	Actual FTE:		
	2010	2011	2012
A. Administrative	113	118	123
B. Grant Writing	8	7	7
C. Other Staff	723	717	712

Has the Department of Diné Education (DDE) experienced difficulty in filling vacant skilled positions?

No  Yes

If yes, please comment on the causes of these vacancies:

Causes of vacancies include:

- Non-competitive salaries offered despite the gravity of responsibility
- High turnover
- No applicants interested in the location/worksite of the vacant position
- Bureaucracy of advertising and employment assessment process
- Applicants do not possess the education and the work experience
- No housing available
- Tribal bureaucracy is too cumbersome to retain qualified college graduates
- Job classification for education is not commensurate with function & responsibilities of position
- Reclassification of job positions delays the hiring of staff for 4 months to a year.

What strategies have you adopted to cope with any vacancy difficulties?

The Department of Diné Education (DODE), in conjunction with the Office of the President/Vice President) implemented the Reorganization Task Force. Departments, divisions and programs want to complete qualification assessments, offer negotiated salaries and hire personnel they deem qualified. However, the Department of Personnel Management and Task Force have not been able to come to an agreement. Due to this disparity, several of the programs within the Department of Diné Education have had to hire interns or temporary employees to fill vacant positions. In addition, programs have had to rely on each other when shortages in staff occur due to vacancies.

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Department of Diné Education**

**C. SERVICE POPULATION/SERVICES PROVIDED**

Please provide the following information on service populations and services provided for **2010 – 2012**:

	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>A. Office of Monitoring, Evaluating, and Technical Assistance</b>			
Educational Institutions Assisted:	21	11	25
<b>B. Diné Culture, Language, and Community Services</b>			
Number of Instructional Programs:	78	75	50
Apprenticeships Coordinated:	44	45	24
<b>C. Office of Special Education and Rehabilitation</b>			
Individuals Assisted:	5179	5959	5285
<b>D. Office of Navajo Nation Scholarship and Financial Assistance</b>			
Number of Scholarships Provided:	9698	7047	2991
Total \$ Amount of Scholarships Provided:	\$18,121,733	\$14,536,385	\$14,278,759
<b>E. Office of Youth Development</b>			
Youth Served:	55,823	80,466	74,306
<b>F. Navajo Nation Library</b>			
Patrons Served:	73,455	57,623	70,973
<b>G. Office of Diné Science, Math, and Technology</b>			
Please identify the type of services and programs provided:	<p>DIRECT SERVICE to schools on Navajo Nation (AZ, NM, UT) regardless of school classification (i.e., BIE, Grant, public, private, etc.)</p> <p>DIRECT SERVICE in form of professional development for teachers without using external sources (i.e., consultants) utilizing actual student data to close academic achievement gap by developing and implementing school action plan in Math, reading and Science.</p> <p>DIRECT SERVICE to students to provide enrichment opportunities in Science, Technology, Engineering, Arts and Mathematics.</p> <p>DIRECT SERVICE to policy makers to update existing and formulating new laws that promote academic success for our students.</p>		

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**

**Department of Diné Education**

<b>H. Office of Educational Research and Statistics</b>			
Please identify publications:	<p>Adequate Yearly Progress (AYP) booklet for Arizona, New Mexico, and Utah Public, Charter, BIE and Grant schools. The AYP booklets provide information on AYP determination (whether schools have met AYP or not), NCLB designation and letter grade each school receives.</p> <p>Enrollment booklets for Arizona, New Mexico and Utah Public, BIE and Grant schools. Enrollment booklets provide information on enrollment for all schools including the eight (8) Residential Halls.</p> <p>Academic Progress Report for the Reauthorization process for Grant schools. This booklet provides information on Annual Measurable Objectives (AMO's) for Reading and Math for Arizona and New Mexico Grant Schools. And, AMO's for Language Arts and math for Utah Grant schools.</p>		
<b>I. Department of Early Childhood Development</b>			
Children Served:	2800	2674	2367

Thank you for the time and energy that you have put into completing this questionnaire! Please provide any additional comments you may have.



**Navajo Government Public Services Questionnaire**

The data requests in this questionnaire have been developed to collect information on staffing levels and the number of people served by Navajo government public service providers. This information is being gathered for the Four Corners Power Plant and Navajo Mine Energy Project Environmental Impact Statement. The information you provide will help us to understand the current conditions of your department, as compared to the standards of departments in other governments, and how the proposed Four Corners Power Plant and Navajo Mine Energy Project might impact the effectiveness of your department. Please fill out the questionnaire using the best data available to you and use the instructions below as a guide:

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2. Please provide contact information for your department: (1) the individual with leadership responsibilities within your department; and (2) the individual that will act as a point of contact for us in regards to this questionnaire.
3. Respond to each question directly in the Word file, based on best available information. We encourage you to use as much space as you need on the Word document, and do not be concerned with formatting.
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5. We have provided space in the questionnaire for you to indicate if you have any follow-up questions or concerns – please utilize this space as needed.
6. Please respond before January 30, 2013.

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Department of Emergency Management**

**A. CONTACTS**

*Please provide contacts at the Department of Emergency Management (DEM) that we might work with to ensure the success of this questionnaire/interview process.*

**Leadership**

Name: Rosalita M. Whitehair  
Title: Emergency Management Director  
Phone: (928) 871-6892  
Email: rmwhitehair@gmail.com

**Questionnaire Point of Contact**

Name: Harlan Cleveland  
Title: Emergency Services Liaison  
Phone: (928) 871-6892 or 6961  
Email: harlan\_cleveland@navajodps.org

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Department of Emergency Management**

**B. STAFFING**

Please provide data on full time equivalent (FTE) staffing for **2010 – 2012** (please add any locations we may have missed):

<b>Field Offices</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Shiprock	03	03	03
Window Rock	03	03	03
Crownpoint	03	03	03

Comments: 2013 Year Due to Budget cuts the Crownpoint and Shiprock Offices have been closed and the six staff has been furloughed. Window Rock Central office will be taking on the responsibility of covering the New Mexico Offices.

Please comment on any significant staffing issues DEM has experienced in recent years (turnover, difficulty filling positions, positive changes, etc.), and how that has impacted your ability to provide service the public:

Due to funding issues personnel were furloughed from the Shiprock and Crownpoint satellite offices in 2013, therefore decreased personnel from 9 to 3 personnel.

Have daily operations at the Four Corners Power Plant and/or Navajo Mine impacted DEM’s ability to attract and retain staff in recent years, and if so, in what ways?

N/A at this time, current assessments have not been conducted to indicate an impact

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Department of Emergency Management**

**C. SERVICE POPULATION/SERVICE NEEDS**

Please provide the following data on type of incidences that have occurred in **2010 – 2012**:

Nature of Incident	Number of Incidences		
	2010	2011	2012
Drought			
Blizzard			
Tornado			
Excessive Rain, Flood			
Hazmat Spill			
Search & Rescue			
Explosion			
Freeze			
Hail Storm			
Excessive Snow			
Massive Accident			
Welfare Check			
Epidemic out Break			
Wind Damage			
Lightening			
Burnout			
Flash Flood			
Excessive Mud			
Land Slide			
Wild Land Fire			
Other			

Please comment on recent trends you have observed in regard to your department’s ability to provide services to the following:

Navajo Nation Residents:

Four Corners Power Plant and Navajo Mine Facilities:

Please comment on any trends/increases in incidences related to operations at the Four Corners Power Plant and/or Navajo Mine:

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Department of Emergency Management**

**D. FACILITIES / TECHNOLOGY**

List the facility condition, and adequacy of work related equipment (e.g. vehicle fleets and technology) (please add any locations we may have missed):

Field Office	Check Condition of Space			Check Adequacy of Work Related Equipment			Briefly note reasons for condition and adequacy ratings
	<i>Good</i>	<i>Fair</i>	<i>Poor</i>	<i>1*</i>	<i>2*</i>	<i>3*</i>	
Shiprock	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NOTE: Building closed at this time
Window Rock	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Crownpoint	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NOTE: Building closed at this time
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

\* 1 = Current space can accommodate more staff and service population.

\* 2 = Current space at/above max; could be expanded or renovated to service more people.

\* 3 = Current space at/ above max; cannot be expanded or renovated to service more people.

Please provide any information on your department’s data management system, and your use of data to improve services:

No data management system at this time. All data exists in hard copies which are filed within the designated storage area.

Thank you for the time and energy that you have put into completing this questionnaire! We appreciate your help with this study. If you would like to provide any additional comments you think may be relevant to this study or to ask any questions that you might have, please do so here:

Initially within the Department of Emergency Management, there were 2 satellite offices which were funded through grants from the State of New Mexico. Recently the grant requirements changed to exclude personnel costs. There were 6 personnel funded under the grant prior to the changes, after the changes, personnel had to be let go. Therefore, this survey only addresses the Window Rock Office. There is a need for additional staff in order to effectively function and provide emergency management services for all of Navajo Nation.



### **Navajo Government Public Services Questionnaire**

The data requests in this questionnaire have been developed to collect information on staffing levels and the number of people served by Navajo government public service providers. This information is being gathered for the Four Corners Power Plant and Navajo Mine Energy Project Environmental Impact Statement. The information you provide will help us to understand the current conditions of your department, as compared to the standards of departments in other governments, and how the proposed Four Corners Power Plant and Navajo Mine Energy Project might impact the effectiveness of your department. Please fill out the questionnaire using the best data available to you and use the instructions below as a guide:

#### *When Completing the Questionnaire:*

1. Please save the document with your responses as a new Word file with “response” in the title, to distinguish it from the original file.
2. Please provide contact information for your department: (1) the individual with leadership responsibilities within your department; and (2) the individual that will act as a point of contact for us in regards to this questionnaire.
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4. To return your questionnaire, please email Kara Mulvihill, Planner, located in Denver, Colorado: [kara.mulvihill@cardnotec.com](mailto:kara.mulvihill@cardnotec.com). For any assistance she can be reached via email or phone (303) 273-0231. She will respond to any questions you may have and will verify that your questionnaire was received.
5. We have provided space in the questionnaire for you to indicate if you have any follow-up questions or concerns – please utilize this space as needed.
6. Please respond before January 30, 2013.

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Navajo Nation Emergency Medical Services (EMS)**

**A. CONTACTS**

*Please provide contacts at Navajo EMS that we might work with to ensure the success of this questionnaire/interview process.*

**Leadership**

Name: Henry Wallace  
Title: Department Manager III  
Phone: (928) 871-6410  
Email: hwallace2006@yahoo.com

**Questionnaire Point of Contact**

Name: Ramone H. Yazzie Sr.  
Title: Administrative Service Officer  
Phone: (928) 871-7693  
Email: rhyazziesr@navajo-nsn.gov

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Navajo Nation Emergency Medical Services (EMS)**

**B. STAFFING**

Please provide data on full time equivalent (FTE) staffing for **2010 – 2012:**

<b>Staff</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
EMTs:	143	153	153
Administrative Personnel:	17	17	17
Comments: None.			

Please comment on any significant staffing issues Navajo Nation EMS has experienced in recent years (turnover, difficulty filling positions, positive changes, etc.), particularly for skilled positions, and how that has impacted your ability to provide service the public:

Our Department has (13) thirteen Field Offices across the Navajo Nation which employs Emergency Medical Technicians and Paramedics who are considered field staff and perform patient care. There are different levels of certification and licensure that range from Basic to Intermediate and to Advance level of care. Some Field offices do have Advance life support capabilities and others have Intermediate life support. Our turn-over rates have diverse reasons; occupational, family support, financial, educational, and career challenges. The difficulties of hiring, keeping and training our personnel are due to many obstacles ranging from the Navajo Nation’s Finance Department, the 164 Sectional Review Process (length of time), and our fiscal year being different from the Navajo Nation (January to December), which affects are operations and trainings for personnel. The sum of the matter is, our personnel leave the department for these reasons out of frustration beyond our control.

Have daily operations at the Four Corners Power Plant and/or Navajo Mine impacted Navajo Nations EMS’ ability to attract and retain staff in recent years, and if so, in what ways?

None.

Please describe the area that Navajo Nation EMS serves (i.e. Does the service area encompass all of the Navajo Nation land? Are there any other off-reservation lands included in the service area?)

Navajo Nation EMS has (13) thirteen Field offices. Some are Indian Health Service facility affiliated and some are P.L. 93-638 (Private Hospitals) located in Chinle (IHS), Crownpoint (IHS), Fort Defiance (638), Inscription House (IHS), Kayenta (IHS), Pinon (IHS), Red Mesa (IHS), Shiprock (IHS), Tohatchi (IHS), Tohajiilee (IHS), Torreon (IHS), Tuba City (638) and Winslow (638). These all encompass Navajo Nation lands and there are no off-reservation lands.

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Navajo Nation Emergency Medical Services (EMS)**

**C. SERVICE POPULATION**

Please provide the total number of patients cared for per year for **2010 – 2012** (please add any we may have missed):

Field Offices	Years		
	2010	2011	2012
Chinle			2554
Crownpoint			622
Fort Defiance			2152
Inscription House			1267
Kayenta			1225
Pinon			1318
Red Mesa			605
Shiprock			1569
To'hajiilee			318
Tuba City			2669
Winslow			970
Newcomb			
Torreón (Started operations 8/2011)			643
Tohatchi			685

**NOTE: Due to the late assignment given me, I only had time to implement the above. The 2012 data was gathered by the ICD-9 codes implemented. The 2010 and 2011 can be gathered and entered, only will take a matter of time.**

Please provide the total number of calls received per year for **2010 – 2012** (please add any we may have missed):

Field Offices	Years		
	2010	2011	2012
Chinle	1585	1926	2604
Crownpoint	562	554	709
Fort Defiance	1262	1603	2789
Inscription House	718	929	1166
Kayenta	1071	1032	1618
Pinon	656	746	1319
Red Mesa	291	415	595
Shiprock	1308	1303	1606
To'hajiilee	117	146	491
Tuba City	1954	2084	2678
Winslow	1087	864	971
Newcomb			
Torreón (Started operations 8/2011)	0	218	663
Tohatchi	509	577	699

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Navajo Nation Emergency Medical Services (EMS)**

Please comment on recent trends in the numbers served that you have observed in regard to your agency's servicing of the following demographic groups:

Four Corners Power Plant and/or Navajo Mine Employees:

None.

Other Navajo Nation Residents:

None.

Please comment on recent trends in the types of health issues most prevalent that you have observed in regard to your agency's servicing of the following demographic groups:

Four Corners Power Plant and/or Navajo Mine Employees:

None.

Other Navajo Nation Residents:

None.

Have daily operations at the Four Corners Power Plant and/or Navajo Mine had an impact on the ability of Navajo Nation EMS to provide service to other Navajo Nation residents? If so, how and why?

The Shiprock Field Office has seen an increase of Respiratory Calls that range from Shortness of breath to Asthma to other acute respiratory calls.

You can contact the Shiprock Field Office at (505) 368-6176 for data regarding the increase of respiratory calls.

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Navajo Nation Emergency Medical Services (EMS)**

**D. FACILITIES / TECHNOLOGY**

List the field office locations from where you provide services to the public, facility condition, whether facilities could handle additional growth, and EMS vehicle condition (please add any we may have missed):

Field Offices	Check Condition of Field Office Space			Check Adequacy of Technology (e.g. phone system)			Check Condition of EMS Vehicles			Briefly note reasons for condition and adequacy ratings
	Good	Fair	Poor	Good	Fair	Poor	Good	Fair	Poor	
Chinle		X		X			X			Small office space
Crownpoint		X		X				X		Small office space and high Amb. mileage
Fort Defiance		X		X				X		Small office space and High Amb. mileage
Inscription House			X	X				X		Small office space and High Amb. mileage
Kayenta		X		X				X		Small office space and High Amb. milage
Pinon	X			X				X		High Amb. mileage
Red Mesa	X			X				X		High Amb. mileage
Shiprock		X		X				X		Small office space and high Amb. Milage
To'hajiilee			X		X			X		Poor Building, small office space and high Amb. mileage
Tuba City			X		X		X			Small office space
Winslow			X	X				X		Small office space and High Amb. mileage
<del>Newcomb</del>										
Torreon		X			X			X		Small office space and High Amb. mileage
Tohatchi		X			X		X			Small office space

Please provide information on your department's data management system, and your use of data to improve services:

Our department data system is created by individual Field Offices that use the Microsoft Access software and keep track of their own ambulance calls. The New Mexico offices use the electronic New Mexico Emergency Medical Service Tracking And Reporting System (NMEMSTARS). The Arizona offices use the current Navajo Nation EMS Ambulance Run form (paper). Our Third Party Reimbursement office does not keep data only by what they receive from the Field Offices.

Thank you for the time and energy that you have put into completing this questionnaire! We appreciate your help with this study. If you would like to provide any additional comments you think may be relevant to this study or to ask any questions that you might have, please do so here:

### **Navajo Government Public Services Questionnaire**

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5. We have provided space in the questionnaire for you to indicate if you have any follow-up questions or concerns – please utilize this space as needed.
6. Please respond before January 30, 2013.

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Navajo Nation Fire Department**

**A. CONTACTS**

*Please provide contacts at the Navajo Nation Fire Department (NNFD) that we might work with to ensure the success of this questionnaire/interview process.*

**Leadership**

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**

**Navajo Nation Fire Department**

Name: Larry Chee  
 Title: Fire Chief  
 Phone: 928-871-6915  
 Email: larrychee@navajo-nsn.gov

**Questionnaire Point of Contact**

Name: Ronald Singer  
 Title: Fire Captain  
 Phone: 928-871-6915  
 Email: 928-871-6917

**B. STAFFING**

Please provide data on full time equivalent (FTE) staffing for **2010-2012** (please add any locations we may have missed):

<b>Firefighters</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Window Rock (Fire Station 10) FTE:	2	2	2
Fort Defiance (Fire Station 12) FTE:	2	1	1
Chinle (Fire Station 50) FTE:	1	2	2
Tuba City (Fire Station 40) FTE:	2	2	2
Leupp (Fire Station 80) FTE:	1	0	1
Total	8	7	8
<b>Administrative Employees (Department-Wide)</b>			
FTE:	4	3	3

<b>Volunteer Firefighters</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Window Rock (Fire Station 10):	7	11	8
Fort Defiance (Fire Station 12):	4	3	8
Chinle (Fire Station 50):	9	9	12
Tuba City (Fire Station 40):	17	10	15
Leupp (Fire Station 80):	7	5	8
Total	44	38	51

Please comment on any significant staffing issues NNFD has experienced in recent years (turnover, difficulty filling positions, positive changes, etc.) and how that has impacted your ability to service the public:

The issue we are faced with is keeping volunteer firefighters on board. Majority of them have expectation that we sometimes cannot provide. Areas such as certifying them are required fields for the department. Although, we recently were granted funds through the SAFER Act Grant through Homeland Security, this helped provide essential certification training for the volunteer personnel, and they are being compensated for response to calls, training, etc. This improved our number of turnouts for emergency calls and training. Without the grant, we would still be where we were years ago, no funds for training or compensation for calls. With the grant, we accomplished our goals and objectives. However, the grant is only for several years, meaning after the funds have been used up

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**

**Navajo Nation Fire Department**

we will no longer have the funds to retain the volunteer firefighters. Our number or turnout of personnel would decrease, our response time to the scene will be delayed and possibly the personnel will leave the department.

The position in Leupp Fire Station 80 has been vacant for sometime now due to the area, and the salary for that position. As well as other positions with the department, we are not competitive with other neighboring fire department, which puts a strain on the department in retaining the current full-time personnel. As it is now, our department solely relies on revenues generated by the Navajo Nation, and the funds in the general funds are split to other departments under this funding source. Which leave very little left for our department to operate. Each year we have to go before the Navajo Nation Council to persuade and justify the need for additional funds, this process is redundant. And each year our budget decreases that hinders our operations. It puts a huge liability on the Nation for services we provide to the Nation and surrounding communities. We are a public service, and any decrease in our budget only puts lives and property at risk for the Nation and communities we serve.

**C. SERVICE POPULATION**

Please provide information on district populations for **2010 - 2012**:

<b>District</b>	<b>2010 Population</b>	<b>2011 Population</b>	<b>2012 Population</b>
Window Rock (Fire Station 10):	2712	2712	5136
Fort Defiance (Fire Station 12):	2981	3648	3789
Chinle (Fire Station 50):	4515	4280	6364
Tuba City (Fire Station 40):	8611	8225	8225
Leupp (Fire Station 80):	951	2500	2659

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**

**Navajo Nation Fire Department**

**D. LOCATION OF SERVICE**

Do you provide service to the Four Corners Power Plant?

no

Do you provide service to the Navajo Mine?

no

Please comment on current collaborative activities between your agency and any other local fire and rescue service agencies (for example the City of Farmington Fire Department) and the effectiveness of this collaboration:

There is a memorandum of agreement between the San Juan County Fire Districts and the City of Farmington, NM that since the Navajo Nation Fire & Rescue cannot immediately respond to emergencies to their area, they will provide the services.

Please describe the area that the NNFD serves (i.e. Does the service area encompass all of the Navajo Nation land? Are there any other off-Reservation lands included in the service area?):

The Navajo Nation Fire & Rescue Services does provide service to the Navajo Nation and surrounding communities around the Navajo Nation. We have a fire station in Tuba City, Arizona that covers an area of 3,000 square miles. Chinle Fire Station 50 covers about the same amount of square miles, Leupp Fire Station 80 covers an estimated of 2,500 square miles, Window Rock and Fort Defiance has a combines 2,000 square miles they provide emergency service too. Window Rock and Fort Defiance Fire Stations do respond into New Mexico often. Tuba City does provide services off the Nation n State Route 89 up to and near to Page, Arizona. Fire Departments in New Mexico and Utah have agreements with the Navajo Nation Fire & Rescue Services to provide immediate emergency service for their communities. But, we still provide other essential services to the whole Navajo Nation besides emergency response.

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**

**Navajo Nation Fire Department**

**E. FACILITIES**

Check the condition and adequacy of space at each of your fire stations, and the number of fire trucks located at each station (please add any locations we may have missed):

Fire Stations	Check Condition of Station			Check Adequacy of Space			Number of Fire Trucks Located at Station	Briefly note reasons for condition and adequacy ratings
	Good	Fair	Poor	1*	2*	3*		
Window Rock (10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2	Lack of funds by our department and Facility Maintenance.
Fort Defiance (12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2	Lack of funds by our department and Facility Maintenance.
Chinle (50)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1	Lack of funds by our department and Facility Maintenance.
Tuba City (40)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2	Lack of funds by our department and Facility Maintenance.
Leupp (80)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1	Lack of funds by our department and Facility Maintenance.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Additional clarification (if necessary):								

- \* 1 = Current space can accommodate more staff and service population.
- \* 2 = Current space at/above max; could be expanded or renovated to service more people.
- \* 3 = Current space at/ above max; cannot be expanded or renovated to service more people.

Please comment on your current ability to meet updated NFPA, or other relevant, fire protection standards on a consistent basis (response time, population, hazards):

We fall below the NFPA standards in regards to response to the population size and number of structures within their communities they provide services to. As far as equipment and vehicles, we have adequate fire standard for the communities were service to, yet still fall below the current standards.

Please comment on the ability of your system in tracking response times and how that has impacted your work:

We have a National Fire Incident Report System software (NFIRS) we use to track all response times, incidents types, number of average personnel that responds to incidents, areas most response to, etc. This data is essential for our request for funds; it details the amount of calls we respond to and response times. It provides immediate information needed when we apply for grants that ask for detailed calls, number of personnel, call volumes, % of calls to certain types of incidents, and times. All these information are obtained from the NFIRS software and are secured.

## NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE

### Navajo Nation Fire Department

Please comment on your agency's ability to maintain the equipment necessary to provide service to the Navajo Nation, including the purchase of a ladder/truck:

We have the equipment to provide services to, except we are now in a budget deficit that restricts us from servicing the equipment and vehicles. Should any of them fail for any unknown reasons, we are left with no replacement.

Thank you for the time and energy that you have put into completing this questionnaire! We appreciate your help with this study. If you would like to provide any additional comments you think may be relevant to this study, or to ask any questions that you might have, please do so here:

Due to lack of complete funding, we only provide service as needed, not much can be done to heighten moral or increase employee salary to be competitive with other agencies, this has been an ongoing misunderstood situation in lack of funding, because the community and the Navajo Nation thinks we get government funding and we don't, our funding is all general funds from generated royalties such as from mining, natural resources. Our budget consist of 80 percent salary and 20 percent or so, goes to operating cost, which is nothing compared to the cost of each call and distance. We are in dire need of more permanent funding, meaning, an adequate budget that is reoccurring and able to sustain our needs. We estimate that each fire station of five should operate on 1.5 million dollar a year with a total budget of over 7.5 million dollars to operate all the districts; this is nothing to our current budget of 921,000 a year, since 2005, and even less in previous years.



**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Department of Highway Safety**

**A. CONTACTS**

*Please provide contacts at the Department of Highway Safety (DHS) that we might work with to ensure that success of the questionnaire/interview process.*

**Leadership**

Name: Norma Bowman  
Title: Program Manager  
Phone: 505-371-8391  
Email: [nbowman@navajodot.org](mailto:nbowman@navajodot.org)

**Questionnaire Point of Contact**

Name: Norma Bowman  
Title: Program Manager  
Phone: 505-371-8391  
Email: [nbowman@navajodot.org](mailto:nbowman@navajodot.org)

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Department of Highway Safety**

**B. STAFFING**

Please provide 2010-2012 data for the question below:

<b>STAFFING</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Total Working Staff (FTE Positions Filled)	<b>#5</b>	<b>#6</b>	<b>#5-6</b>

**Is your current staffing level sufficient for DHS' daily work load?**

The Navajo Department of Highway Safety currently has six (6) staff which includes one (1) Manager, two (2) Administrative support and three (3) community outreach personnel. With the Department's mission of educating our general public on all areas of traffic safety such as: Defensive Driving, Child Passenger Safety, Impaired Driving Awareness, Distracted Driving, Safe Routes to School, Youth Alcohol Awareness, etc., the Department could certainly utilize more community outreach personnel to cover the entire Navajo Nation. With our current limited amount of staff; our Department relies heavily on partnerships with outside entities to get our public safety awareness out to the public.

**Please comment on any significant staffing issues DHS has experienced in recent years (turnover, difficulty filling positions, positive changes, etc.) and how that has impacted your ability to service the public:**

The Navajo Department of Highway Safety had several individuals leave the Department from 2010-2012 including the Program Manager. From October, 2011-October, 2012; the Program Manager position was administratively delegated with an individual from a different Department. The individual did the best however, time constraints between both positions caused deficiencies in work performance. In October, 2012; the current Program Manager was hired with work experience specifically in the Highway Safety field. This has had a positive impact on the Department, as partnerships with outside entities and potential Grant opportunities have been re-established. With this positive impact, our public service will only increase.

**Have daily operations at the Four Corners Power Plant and/or Navajo Mine impacted DHS's ability to attract and retain staff in recent years, and if so, in what ways?:**

There has been no impact.

**Have daily operations associated with the Four Corners Power Plant and/or Navajo Mine impacted the number of traffic related injuries, fatalities, and property damages on the Navajo Nation roadways?**

There have been traffic crashes reported in data collected that shows approximately 140 crashes occurred on roadways near Four Corners Power Plant and/or Navajo Mine (2010-2012) however, of those none were directly associated with Highway Safety daily operations.

**NAVAJO NATION PUBLIC SERVICES QUESTIONNAIRE**  
**Department of Highway Safety**

**C. PROVIDING SERVICES**

Please describe the unit(s) of measure that DHS uses to gauge the level to which the Department provides services (e.g., miles of highway, number of car trips on DHS highways, number of miles traveled on DHS highways):

Total Number of Defensive Driving Courses Taught, # of Attendees, Child Passenger Safety Clinics and Checkpoints, # of Parents Educated, Presentations at Schools, # of Students educated, Public Service Announcements, Areas of PSA's (Radio, Billboard, Newsletters, etc.)

If available, please provide any relevant data for years 2010-2012 related to measures of department services:

<b>MEASURE</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Defensive Driving Courses	46	39	50
# of Attendees	1,503	764	1,044
Child Passenger Safety Clinics	Approx. 10	Approx. 15	Approx. 15
# of Parents Educated	1,000	1,100	1,200
Public Service Announcements	4	5	5

Thank you for the time and energy that you have put into completing this questionnaire! We appreciate your help with this study. If you would like to provide any additional comments you may think may be relevant to this study or to ask any questions that you might have, please do so here:

No additional comments.

