



United States Department of the Interior

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



March 22, 2017

Certified Mail Return Receipt Requested

President Russel Begaye
Navajo Nation
100 Parkway
PO Box 7440
Window Rock, AZ 86515

RE: Notice of Intent to Initiate Public Scoping and Prepare an Environmental Impact Statement for the San Juan Mine Federal Coal Lease NM-99144, Deep Lease Extension Mining Plan Modification

Dear President Russel Begaye,

In accordance with the National Environmental Policy Act of 1969 (NEPA), the Office of Surface Mining Reclamation and Enforcement (OSMRE) is preparing an Environmental Impact Statement (EIS) that will analyze the impacts of the San Juan Coal Company's (SJCC or the Company) proposed mining plan modification for the Deep Lease Extension (DLE) at the existing underground San Juan Mine, located near Waterflow, New Mexico (NM) (see attached Figure). The EIS will also analyze the effects of coal combustion at the Public Service Company of New Mexico's San Juan Generating Station (SJGS or the Generating Station). OSMRE is requesting public comments on the scope of the EIS, alternatives to be considered, and resources that should be addressed in the EIS.

The purpose of this letter is to invite the Navajo Nation to consult with the OSMRE on the Company's DLE mining plan modification, pursuant to the US Department of Interior's policy for government-to-government consultations [Executive Order 13175, Secretarial Order 3317, and Presidential Memorandum on Tribal Consultation (November 9, 2009)] and 36 CFR Part 800.2(c)(2)(ii), the regulations implementing Section 106 of the National Historic Preservation Act of 1966 (as amended [NHPA]). The goal of the government-to-government process is to create effective collaboration and promote enhanced communication that emphasizes trust, respect, and shared responsibility. OSMRE requests your tribe's input regarding actions for the San Juan Mine, DLE mining plan modification. The New Mexico Office of Historic Preservation maintains a directory of tribes with historic ties to New Mexico. Your Tribal Nation is listed in that directory, indicating you wish to be contacted for projects within New Mexico.



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If you believe that the proposed decisions listed above may affect your tribe or resources related to your tribe, including concerns under the NHPA, please submit a written request to mcalle@osmre.gov or Mr. Marcelo Calle at 1999 Broadway, Suite 3320, Denver, CO 80202-3050. Your Tribal Nation may request a government-to-government consultation at any time during the NEPA process, anticipated to last from Spring 2017 to Summer 2019.

About the Project

The underground operations at San Juan Mine use longwall mining methods consisting of one longwall miner and continuous miner in the development portion of the Mine. Underground mining occurs within multiple state and federal lease areas at the San Juan Mine; these are generally referred to as the Deep Lease and DLE Areas. Since authorization in 2008, the Company has mined approximately 18 million tons of coal in the DLE. The mine currently employs approximately 360 people. The permit area previously approved by the New Mexico Mining and Minerals Division on October 22, 1999 would not increase from its present approximate size of 17,726 acres. A total of approximately 15,404 acres of federally owned coal remains within the current San Juan Mine permit area, approximately 4,484 acres of which is within the DLE. The 2008 mining plan modification would not increase any acres of federal surface lands or any acres of federal coal to the approved permit area, but would authorize the recovery of approximately 36.6 million tons of federal coal from 4,484 acres of federal coal from the DLE. The remaining coal reserves in the DLE and other approved mining areas will allow the mine to continue operating at the anticipated mining rates until approximately 2033. The post-mining land use remains grazing and wildlife habitat.

Your Tribal Nation can find information about the proposed Project on the OSMRE website at: <https://www.wrcc.osmre.gov/initiatives/sanJuanMine.shtm>. The website contains information related to: the Company's proposed mining plan modification for the DLE project; the public comment period; the locations, dates, and times of public scoping meetings; and the NEPA/EIS process.

Public Scoping Process

OSMRE will conduct a public scoping process from **March 22nd to May 8th, 2017**. **In addition to Government-to-Government and Section 106 consultation**, the Nation may also participate in the formal NEPA process by providing comments on the proposed Project, scope of the EIS, and the significant issues that should be analyzed in the EIS. To ensure consideration in developing the Draft EIS, OSMRE must receive your electronic or written comments by **May 8, 2017**.



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OSMRE will host public scoping meetings where written and/or verbal comments may be submitted. These meetings will be open-house style with information stations around the meeting room that provide overviews of the Project, NEPA process, environmental issues/resources, and how to submit a comment. Subject matter experts will be present to discuss the key issues and answer your questions. There will be oral and written comments stations at the meetings where you can submit comments. A Navajo interpreter will be present for the meeting in Shiprock, NM and a Ute interpreter will be available for the meeting in Towaoc, CO.

The public scoping meetings will be held at the following locations:

- On Monday, April 10th from 5:00 p.m. to 8:00 p.m. at the Indian Pueblo Cultural Center at 2401 12th St. NW, Albuquerque, New Mexico.
- On Tuesday, April 11th from 5:00 p.m. to 8:00 p.m. at the Ute Community Center at 785 Sunset Road, Towaoc, Colorado.
- On Wednesday, April 12th from 5:00 p.m. to 8:00 p.m. at the Shiprock High School approximately a half-mile west on US-64 from US-491 in Shiprock, New Mexico.
- On Thursday, April 13th from 5:00 p.m. to 8:00 p.m. at the Farmington City Civic Center at 200 West Arrington St., Farmington, New Mexico.
- On Friday, April 14th from 4:00 p.m. to 7:00 p.m. at the Durango Community Recreation Center at 2700 Main Avenue, Durango, Colorado.

Comments may be submitted in writing or by e-mail. At the top of your letter or in the subject line of your e-mail message, please indicate that the comments are "San Juan EIS Comments."

- E-mail comments should be sent to: osm-nepa-nm@osmre.gov
- Comments delivered by U.S. Postal Service Express Mail or by courier service must be delivered by **May 8, 2017**, and should be sent to:

Gretchen Pinkham, OSMRE
C/O Catalyst Environmental Solutions
P.O. Box 56539
Sherman Oaks, CA 91413

Sincerely,

Marcelo Calle, Manager
Program Support Division



United States Department of the Interior

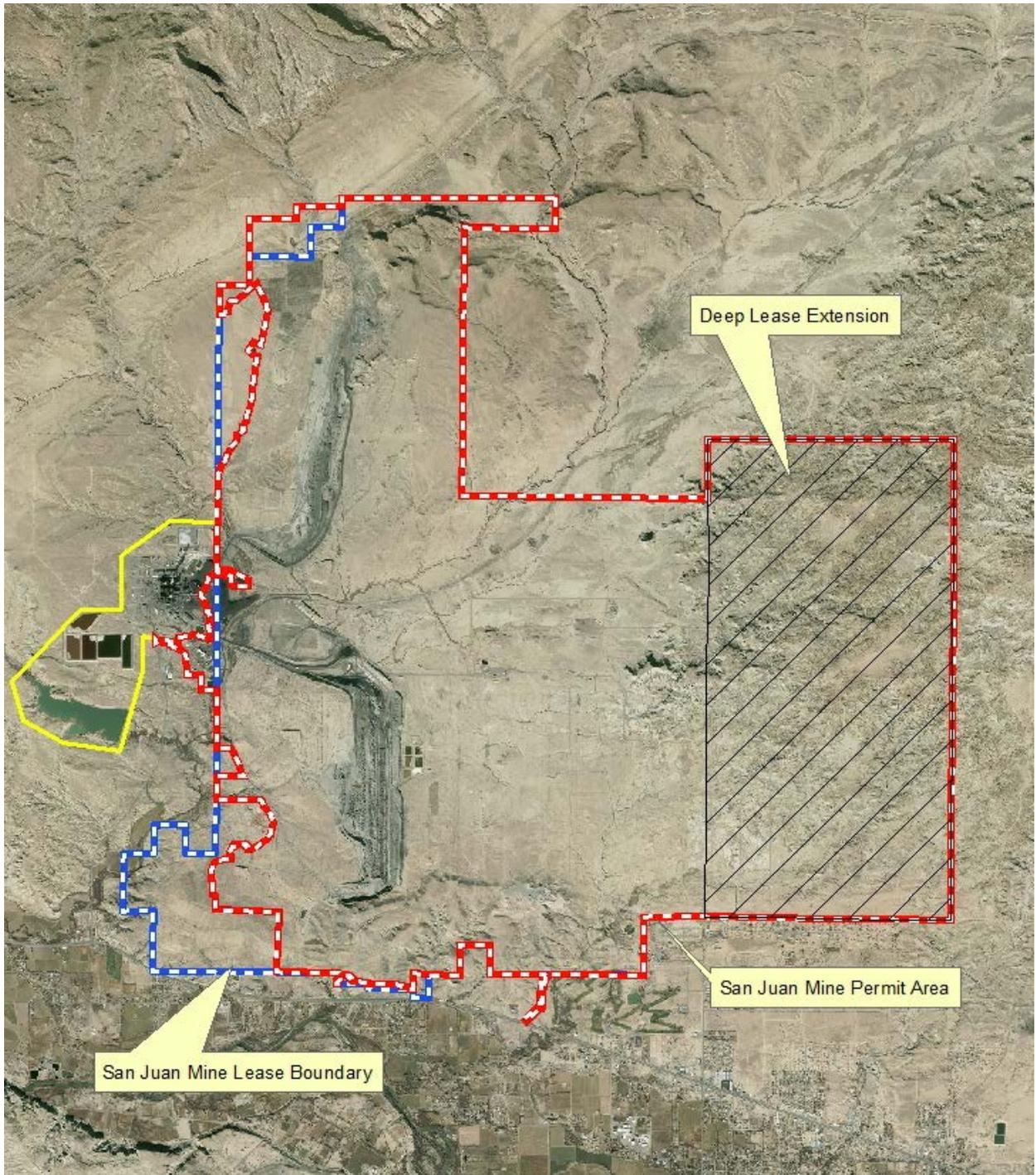
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-  Deep Lease Extension
-  San Juan Mine Lease Boundary
-  San Juan Mine Permit Boundary
-  San Juan Generating Station

0 0.5 1 2 Miles

Figure: Proposed Deep Lease Extension within Existing San Juan Mine Permit Area