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**Peabody coal mine documentation released**  
*Freedom of Information Act request to release permit application, supporting documents for Black Mesa, Kayenta coal mines released*

Submitted by Andy Bessler  
 Special to the Observer

FLAGSTAFF, Ariz. - A coalition of grassroots organizations announced last week that a settlement agreement had been reached with the federal government allowing the public release of documents related to the Peabody Coal Companies' coal mines on Black Mesa in northeast Arizona.



*NHO file photo*  
 Black Mesa, located near Kayenta, is called *Dził,Ājiin* (Black Mountain) because of the numerous seams of coal which run through it. Coal has been strip mined from the mesa since the 1960s by Peabody Western Coal Company, raising concerns over the use of groundwater to transport the coal across slurry lines.

In 2010, Native American and conservation groups including the Sierra Club, Black Mesa Water Coalition, DinĀ© Citizens Against Ruining Our Environment (DinĀ© CARE), To Nizhoni Ani and the Center for Biological Diversity sued the Office of Surface Mining (OSM) in federal court for withholding records related to coal mining operations on Black Mesa. The agency had refused to disclose records relating to Peabody Western's coal mining operations - including a copy of a current, valid operation permit for Peabody's mining - despite an April 2010 Freedom of Information Act (FOIA) request and a subsequent appeal in June 2010 for fulfillment of that request.

"For over 40 years, Peabody's coal mining operations have continued to change the cultural and physical landscape of Black Mesa," said Wahleah Johns of the Black Mesa Water Coalition. "As Navajo citizens, we have every right to ask them to disclose their operating permits."

In January 2010, an administrative law judge withdrew Peabody Coal Company's Life of Mine permit for consolidated operations on Black Mesa after hearing input from community stakeholders, including a number of tribal organizations, individuals and conservation groups.

The permit, issued by the Office of Surface Mining in 2008, would have allowed Peabody to operate and expand the Black Mesa and Kayenta mines (both located on Black Mesa) jointly under a single permit through 2026. Peabody has continued mining at the Kayenta mine despite revocation of Peabody's life-of-mine permit. "This settlement has been a long time coming as in the years past our Navajo public have been left in the dark about Peabody operation on Black Mesa," said Anna Frazier of DinĀ© CARE. "We need to hold federal agencies to their lease agreements to stop desecration of the land and to be [more aware] that there are people living in and around the coal mines."

"The people living near this mine suffer the damage that coal-fired pollution does to our health," said Sierra Club organizer Andy Bessler. "The public has the right to study and review Peabody's permit in order to help guide and strengthen the necessary oversight of dangerous and destructive coal mining on Black Mesa."

"The right to information is but an extension of our human rights. For the communities who have been living with the toxic legacy of strip coal-mining from Black Mesa, this right should not have been restricted," said Cynthia Pardo, also with the Sierra Club. "We can now have greater hope that OSM will guarantee everyone's freedom to information over Peabody's coal mining operations in the future."

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Peabody's operations on Black Mesa have long been controversial. The Black Mesa mine closed in 2005 after the utility company owners, led by Southern California Edison, could not reach an agreement with the Navajo and Hopi tribes on coal supplies and an alternative to pumping groundwater from the Navajo aquifer (N-aquifer) to feed the Mohave Generating Station in Laughlin, Nev. When OSM issued a permit to Peabody to resume mining operations, neither it nor Peabody identified a new purchaser of coal from the mine. In addition, federal agencies' analysis of the permit failed to adequately consider the impacts of global warming on endangered fish in the Colorado River.

The settlement resolved the plaintiffs' appeal under the Freedom of Information Act (FOIA), a federal law that ensures federal agencies make documents available to the public to ensure adequate public involvement in federal actions like regulating Peabody's operations on Black Mesa. OSM was forced under the appeal to make Peabody's documents available under FOIA.

"While it took some time, the [OSM] is ultimately to be commended for working with communities to ensure full disclosure of Peabody's permitting documents and without protracted litigation," said Brad Bartlett of the Energy Minerals Law Center who represented the plaintiff organizations involved in the settlement. "Impacted communities and tribal members can now see for themselves how Peabody is supposed to be operating."

The public including Navajo and Hopi citizens can now easily access this important and large document. Readers can now learn more about Peabody's reclamation plans, large water impoundment that contain toxic pollution and details about protecting wildlife and important sacred lands. The web access to Peabody's mining plans makes transparent the sheer volume and local impacts from Peabody's coal mining on Black Mesa. The 30 volume permit application can be downloaded at either [www.sierraclub.org/kayentacoalpermit](http://www.sierraclub.org/kayentacoalpermit) or [www.coaldiver.org/Kayenta](http://www.coaldiver.org/Kayenta).

For more information, visit [www.blackmesawatercoalition.org](http://www.blackmesawatercoalition.org) or [www.sierraclub.org/coal](http://www.sierraclub.org/coal).

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