Indian Affairs - Office of Public Affairs

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Secretary of the Interior Manuel Lujan announced today that he is directing the Office of Surface Mining Reclamation and Enforcement (OSM) to issue a renewable 5-year permit for the Kayenta coal mine on Indian land in northeastern Arizona Lujan will defer a permit decision on the adjoining Black Mesa mine pending the analysis of additional information on water resource impacts In addition Lujan has ordered a study of alternatives to the use of the existing slurry-pipeline to transport coal

"Because the tribes depend heavily on the N-aquifer for their municipal water, I am invoking my Indian trust responsibility for the Navajo and Hopi tribes to delay a decision on the Black Mesa mine permit Lujan said

The mines are operated by Peabody Coal Company, on tribal land, using coal resources leased from the Navajo and Hopi tribes. OSM Director Harry Snyder said, "Peabody's lease agreements with the tribes provide for additional study of such impacts, and further review of the Black Mesa permit application is appropriate once that information is available. Therefore, we will not be making a decision to approve or deny the Black Mesa portion of Peabody's permit application at this time." Snyder noted that the Black Mesa portion of the permit decision was pending completion of additional water resource studies. The tribes and the Environmental Protection Agency (EPA) expressed concern over the impact of groundwater withdrawals for slurry-pipeline transport of Black Mesa coal. By contrast, coal from the Kayenta mine is transported by rail.

Navajo and Hopi concerns about the N-aquifer were raised during OSM's consultations with both tribes regarding Peabody's permit application. EPA's comments were received in response to the OSM environmental impact statement (EIS) on the application.

"The conclusions both in the EIS and in the cumulative hydrologic impact assessment regarding impacts on the N-aquifer are technically valid," Snyder said. "Nevertheless, postponing a decision on the Black Mesa is a prudent move pending the analysis of additional information on the subject"

Approval of the Kayenta portion of the permit application authorizes surface coal mining and reclamation operations. Approximately 10,341 acres will be disturbed and then reclaimed. During the 5-year term of the permit, Peabody Coal Company will mine about 7 million tons of coal per year for delivery by rail.

OSM was established in the Interior Department under authority of the Surface Mining Control and Reclamation Act of 1977. OSM administers national standards requiring environmental protection during coal mining and land reclamation afterward, and reclaim abandoned mine lands. The agency provides support and oversight for approved state surface mine regulatory and reclamation programs, and directly carries out such activities on Indian lands, including issuing permits and regularly inspecting surface coal mining and reclamation operations.