



Black Mesa Trust P.O. Box 33 Kykotsmovi, AZ 86039

H₂OPI MESSENGER 2021 *FIRST EDITION*

Inform, and Empower

*First they ignore you,
then they laugh at you,
then they fight you,
then you win.*

Mahatma Gandhi

FROM THE DIRECTOR

The intent of H₂OPI Messenger is to give Hopi and Tewa sinom a brief simple update on Peabody Black Mesa reclamation. With the permanent closure of Black Mesa Mine and Kayenta Mine, Peabody is required by US Office of Surface Mining Control and Reclamation Act (SMCRA) to restore the mining area, surface and groundwaters, to its natural condition before it leaves. The reclamation law requires that people impacted by mining must be involved.

This has not and is not happening. US office of Surface Mining (OSM), an agency set up under US Department of Interior to regulate the mining, has declined to conduct an Environmental Impact Study (EIS) of the permanent closure of Black Mesa Mine and Kayenta Mine.

This decision is challenged by Black Mesa Trust (BMT). BMT held a workshop for Hopi Tribal Council on November 13, 2020. which was presented by Former Chairman, Benjamin Nuvamsa.

We Thank Mr. Nuvamsa on this important educational power point to our legislators.

Hopefully the Hopi Tribal Council will demand OSM complete an EIS. Let us wait and see. It is important for you to understand that Hopi and Tewa independent villages has constitutional authority, not the Hopi Tribal Council, to demand that a full investigation be done and that they be fully involved in the reclamation process. In our next issue BMT will inform and educate you on the bad decisions by the Arizona court to deny Hopi people right to use Little Colorado River for beneficial and religious uses. This decision will impact Sípàapu. It is a serious violation of our right to practice our religion.

WATER IS LIFE



SAVE H₂OPI

Hopi's Last Chance for Justice from Peabody Coal

Presentation by Benjamin Nuvamsa, Former Chairman, Hopi Tribe
to Hopi Tribal Council
November 13, 2020

Reclamation on Black Mesa Mine and Kayenta Mine is NOT complete and is NOT enough.

With the recent closure of Kayenta Mine and Peabody's shaky financial condition,

NOW IS THE LAST CHANCE for Hopi to hold Peabody accountable and secure justice for Black Mesa.

If Peabody's permit is renewed, without **significant revision**, there will **NOT** be another opportunity to secure full reclamation and restoration of the N-aquifer, disturbed lands, or cultural resources

What can the Hopi Tribal Council do?

Hopi Tribal Council can be leaders by writing a letter to OSMRE that makes the administrative request for a "Significant Permit Revision" for Kayenta Mine.

Why a **"Significant Permit Revision"**?

It is the **ONLY** path that ensures **full participation and involvement** of Hopi and Navajo in an Environmental Impact Statement (EIS) and full compliance with the National Environmental Policy Act (NEPA) in the final reclamation and closure of the mine sites.

It is the **ONLY** path to pursue **restoration of the N-Aquifer**, which is the primary source of drinking and domestic water on Black Mesa and which has been greatly impacted by the past five decades of mining at both Kayenta Mine and Black Mesa Mine.

It is the **ONLY** path to pursue the return and **restoration of numerous cultural resources** that were removed, disturbed, or impacted by the mine sites.

OUR REQUEST FOR ACTION:

Hopi Tribal Council demand in writing that OSMRE require a "Significant Permit Revision" for Kayenta Mine since mining stopped in Nov. 2019 and it is now in a reclamation phase.



Black Mesa Trust

*“Paatuaqatsi
Water is Life”*

“What we have is failure to communicate!”

In a reply to a request by Former Hopi Chairman Benjamin Nuvamsa and I made to the U S Office of Surface Mining Reclamation Enforcement (OSM) to carry out a full environmental investigation into the impact of closure of Black Mesa mines David Berry, Regional Director of OSM, said “No” to our request. He wrote: “Peabody Western Coal Company (PWCC) submitted an Indian Lands Permit application plan required by SMCRA . . . (and) that (it) contains a reclamation plan that meets all requirements, including a detailed timetable for completion of each major step in the reclamation process that achieves contemporaneous reclamation.”

This is an example of OSM using confusing words to allow Peabody to get away with violating mining regulations. The letter went on to say that this was done “In coordination with the Hopi Tribe and the Navajo Nation.”

This is the problem. “With the Hopi Tribe” means 12 Hopi independent villages and the members of those villages were involved. OSM has never consulted with the Hopi people, that I am aware of.

The only public comment, I am aware of, happened around January 2007 when OSM held a Town Hall meeting at Kykotsmovi village on the Draft Environmental Impact Study (EIS) regarding Kayenta Mine Permit.

At the meeting, OSM cooperating agencies set up booths to answer questions from individuals. If any individual wanted to make a comment they spoke into a recorder. Several Hopi language interpreters were present. Few people came. Many were too intimidated to raise questions about a project they knew nothing about. The so-called public participation lasted a few hours. OSM cooperating agencies packed up and went home. They carried out the law! They invited the public to participate, and if people didn't come that was not their problem!

I was so upset I wrote an article about what I experienced. Please read the excerpts of a commentary I wrote for Waterkeepers Alliance: [Waterkeeper-Magazine-Issue-4-Vol-3-Winter-2008-Environmental-Justice](#)

“Regard for the spirit of US. Government laws and trust responsibilities, which guarantee protection of the American continent and its indigenous peoples, demands scrupulous attention both to the letter of the law and the way these words are understood by those affected. The federal government must ensure legitimate inter-cultural communication. For example, legal requirements for public comment and consultation must be addressed with sensitivity to the linguistic challenges and cultural understanding of those affected. To most Native Americans, indeed to most human beings of intelligence and good will, it is abundantly clear that invitations to “public comment” and requirements of “consultation” are not effectively served by the simple publication and limited distribution of massive technological reports. Arcane documents require sensitive explanation, translation and community discussion under the best of circumstances. In Native America — where English is often a second language, where distances are great and travel is difficult, where knowledge of Western science is limited — the need for intervention to assure access and participation cannot be overstated. Indeed, the want of such intervention is tantamount to the denial of legal protections and the dismissal of legislative intent.”

The question I ask every Hopi is: When are we going to say enough is enough!!!!

A personal message from Vernon Kiinõmtiwa Masayesva

STAGGERING STATISTICS:



\$\$\$ BIGGEST WATER THEFT \$\$\$

The purpose of coal mining on Black Mesa was to produce low-cost electricity to transport water from the Colorado River to Phoenix and Tucson, via the Central Arizona Project (CAP); to supply a huge demand for electricity in the booming cities in the Southwest, and to boost the state's gross economic product (GSP) and create thousands of jobs.

For example, CAP delivery of Colorado River water from 1986 through 2010 has generated in excess of \$1 TRILLION (1,090,000,000,000) of Arizona's GSP, an economic benefit approaching \$100 billion per year, plus employment of more than 1.5 million jobs.

Staggering Statistics

In 1998 Peabody Coal Company paid Hopi and Navajo \$3.78 million for 1.3 billion gallons (4,023 acre-feet) of water. This amounts to:

3 MILLS PER GALLON OR
 3 CENTS PER 10 GALLONS OR
 30 CENTS PER 100 GALONS OR
 \$3.00 P-ER 1,000 GALLONS OR
 \$30.00 PER 10,000 GALLONS OR
 \$300.00 PER 100,000 GALLONS OR
 \$975.00 PER 325,000 GALLONS OR ONE ACRE FEET

Here is the bummer! It cost \$25.00 a case for Evian water!

HOW MUCH ARE YOU PAYING FOR A GALLON OF WATER?

50 billion gallons of pristine groundwater stored under Black Mesa is gone forever This is enough water to sustain a Hopi population of 10,000 Hopi people for 300 years. Water stored in the confined Navajo Aquifer is filtered through coal taking out the impurities.

Mishongnovi Springs

Hopi Cultural Preservation officials report 85% of springs on Hopi land are now dry. Springs were used to hold Flute Ceremonies.

Over 165 impoundment ponds built on Black Mesa watershed has caused Moencopi Wash to dry up.

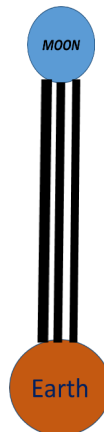
Historically, water from the wash was the main source of water for irrigating corn fields at Moencopi village.

Arsenic in drinking waters at First and Second Mesa villages has risen to a dangerous level. Over-drafting of groundwater is suspected to be the major cause.

An unknown number of Hopi ancestral villages, burial sites, religious shrines, and rock art destroyed. Peabody recorded 2,500 historic and prehistoric sites. These sites are footprints of our ancestors who settled on Black Mesa over 2,000 years ago.

Earth to Moon Distance

Earth – Moon Distance is 240,000 Miles



Assuming 325,000 Gallons in 1 Acre-Foot, and Peabody Has Withdrawn 160,000 Acre-Foot During the Life-of-Mine. You could fill 945,560,000 55-Gallon Barrels. Assuming each barrel is 4 Feet Tall, You Could Make A Stack Of Barrels reaching the moon three times according to a hydrologists.