

IN THE NAVAJO NATION
COUNTY OF SAN JUAN
STATE OF NEW MEXICO

COPY

OSM ID No. NM-0003-F-R-03

TRANSCRIPT OF CONFERENCE
REGARDING AREA IV NORTH

June 15, 2011, 5:15 p.m.
Nenahnezad Chapter House

Appearances:

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1 MS. STEELE: Well, good evening,
2 everyone. So let's get started with our conference. My
3 name is Brenda Steele and I am the Mine Team Leader for
4 the Navajo Mine in the Program Support Division located
5 in the Western Region Office of the Office of Surface
6 Mining Reclamation and Enforcement in Denver, Colorado.

7 The Program Support Division consists of
8 two branches, the Indian Program Branch and the Field
9 Operations Branch. The Indian Programs Branch is
10 essentially the permitting arm for mining operations on
11 Indian lands in the Southwestern United States,
12 including mines on the Navajo Reservation. The Field
13 Operations Branch is responsible for inspection and
14 enforcement for these mining operations.

15 (Navajo translation given.)

16 MS. STEELE: Thank you, Joanna. There
17 are some other individuals here from OSM with me
18 tonight. One of them is Bob Postle, who is Manager of
19 the Program Support Division in Denver. And at the back
20 table is Mychal Yellowman, and he's a Civil Engineer and
21 a member of the Navajo Mine Team.

22 Also there are representatives here from
23 the Navajo Nation Minerals Department, the Bureau of
24 Indian Affairs, and BHP Navajo Coal Company. Our court
25 reporter here is Barbara Ellis from Bean & Associates in

1 Albuquerque, and our translator is Joanna Austin-
2 Manygoats.

3 (Navajo translation given.)

4 MS. STEELE: I just forgot to mention
5 one person here, Justin Hunt. He's an inspector and he
6 works for the Navajo Mine, and he is part of our Program
7 Support Division's Field Operations Branch. And Justin
8 is stationed in Farmington, New Mexico.

9 (Navajo translation given.)

10 MS. STEELE: Again, I would like to
11 welcome you all to this informal conference. And before
12 we take comments, I will give you a brief overview of
13 the proposed project.

14 The Office of Surface Mining has
15 received a Permit Division Application from BHP Navajo
16 Coal Company for the Navajo Mine. The application
17 proposes to revise its existing approved permit
18 application to approved mining in the Area IV North
19 portion of the permit area and within BHP's existing
20 Navajo Mine lease. And also there's some posters in the
21 back that gives an overview of where the project area
22 is. This proposed project involves the development of
23 an additional area of approximately 800 acres to supply
24 coal to the Four Corners power plant.

25 The application consists of updated

1 information contained in the currently approved permit
2 application package and will allow continuation of
3 surface coal mining and reclamation operations through
4 July 6, 2016, which is the life of the existing coal
5 contract.

6 (Navajo translation given.)

7 MS. STEELE: I would like to make sure
8 that everybody please has signed in at the sign-in sheet
9 in the back, and if you want to speak and have not
10 indicated to speak, we can also accommodate you after
11 everyone has signed in already and has had a chance to
12 give their comments.

13 And I would like to ask that if you're
14 going to speak, please come up front and speak loudly.
15 The meeting is being transcribed and we are making a
16 written record of this conference. Before you speak,
17 could you please state your full name. This will be
18 very helpful for our court reporter. All the comments
19 here will become part of a public record which we will
20 keep in Denver.

21 A copy of the transcript will be made
22 available at the Farmington Public Library. In
23 addition, the transcript will be posted on OSM's Western
24 Regional home page. On the sign-in sheet, there was a
25 check also if you wanted to receive a copy of the

1 transcript, it will also be mailed to you.

2 And if you have any questions, you can
3 contact me. Here's my contact information, my phone
4 number, and my address. Brenda Steele, (303) 293-5046,
5 and here is my address and my web site -- excuse me, my
6 e-mail address.

7 (Navajo translation given.)

8 MS. STEELE: Today we will accept both
9 written or oral comments from any individual that has
10 interest or concern regarding this pending revision. We
11 hope to receive comments and, where possible, written
12 material. We ask that you please refrain from talking
13 about other issues not related to the proposed revision
14 application. The purpose of this meeting is solely for
15 the Area IV North Permit Division Application.

16 I do not think I have to say this, but
17 if at any time order is lost and cannot be restored, the
18 proceedings will be closed and only those comments
19 received up to that time will be considered.

20 For the record, this informal conference
21 is for BHP, Navajo Coal Company's Mine Revision
22 Application, OSM ID Number NM-0003-F-R-03 and it is
23 being held at the Nenahnezad Chapter House on the Navajo
24 Reservation in San Juan County, New Mexico, on
25 Wednesday, June 15th, from 5:00 to 8:00 p.m.

1 This conference has been noticed in the
2 Navajo Times, the Gallup Independent, and the Farmington
3 Daily Times. It was broadcast as a public service
4 announcement in Navajo on radio stations KNDN and KTNN
5 over the past two weeks. Also, signs for the meeting
6 were posted at local chapter houses and businesses.

7 (Navajo translation given.)

8 MS. STEELE: Thank you, Joanna. Again,
9 there's water on the back table and the restrooms are
10 right through that door if anybody needs to use the
11 facilities.

12 All right, we'll start. Our first
13 speaker, our first person to give comment, will be
14 Watson Bradley. And will you please come up front?

15 MR. WATSON BRADLEY: (Navajo spoken.)
16 My name is Watson Bradley and I'm employed with the
17 Navajo Mine, BHP. I work in the shop as an electrician.
18 And also originally I am from the Burnham Chapter, the
19 Burnham Chapter. That's where I'm originally from,
20 between Burnham and the Bisti area. Anyway, thank you
21 for giving me this opportunity to voice my opinion up
22 here.

23 And, anyway, just a little bit of my
24 background as an employee with the Utah International.
25 When I first got on, that was back in 1979. I did like

1 four and a half years with the Environmental Quality,
2 EQ, on the reservation, revegetation. And I see that
3 the company with the mine has come a long way since we
4 first started in mining revegetation, reestablishment.
5 Back then we were pretty much in the pioneering stages.
6 We could resort to nothing -- no other mines to collect
7 information on as far as going into reclaiming the mine
8 lands, anyway. We were -- as we started out, we worked
9 with regrading spoils, mine spoils.

10 And then we also went through times with
11 just reseeded and irrigating, which was not -- didn't
12 really do -- was not really successful. So the program
13 also went into establishing trying to get native species
14 back into the mined lands back then.

15 And we worked with plant scientists from
16 different universities at that time. One of them comes
17 to mind is Dr. Howard Stutz from Brigham Young
18 University, and he worked with a lot of the native
19 species here also that would be able to survive in
20 semi-arid climates, very hot conditions. And in the
21 winter, we also get very cold temperatures and also this
22 arid environment, being able to have them survive on
23 very little water.

24 Anyway, we went from that part to now,
25 and as I drive through the whole area as I go down to

1 the mine site, I see that the company and the
2 Environmental Department has come a long way. I see
3 more different kinds of vegetation that are successfully
4 being established back on the revegetated lands. I see
5 topsoil.

6 Back then when I first started out
7 there, there were a lot of places where we did not have
8 topsoil, and these were just like the testing grounds,
9 so to speak. Anyway, I'd like to say that as far as
10 reestablishing mine lands, I think that the company is
11 doing a good job in that area.

12 I also work with the ground water system
13 also, and I went out and got a chance to collect ground
14 water sampling. And that -- I have to say that the -- I
15 got familiar with the ground water and the surface water
16 and I think that -- this is just my opinion, but as far
17 as there's going to be any destruction of ground water,
18 I think that the closest aquifer is the Menifee Aquifer.
19 And I did pull some water out of that aquifer, and it
20 was pretty rank stuff so -- I remember it was pretty
21 smelly, too. Anyway, just a little bit of that.

22 We also had invited students, New Mexico
23 students and college students, to come tour the -- what
24 we did in reclamation and also in the mining activities
25 also. And it brought up a lot of interest in a lot of

1 the students as to what we were doing, and I think it
2 opened up a lot of eyes. And through that, I think a
3 lot of our young people have gone on to school and to
4 universities and to become professionals. The mine
5 supports the students and we support the students
6 through our employment, also through our salaries.

7 A lot of our students have gone on to
8 universities to become scientists, lawyers, doctors,
9 professionals. A lot of our employees also support
10 extended relatives -- our relatives just not only in our
11 immediate family, we have extended relatives that we
12 have to help support also.

13 And also being an employee at the mine,
14 also through our salaries, we also -- it gives us a
15 chance to volunteer. We do a lot of volunteer with our
16 community, this community, this area, even out at the
17 chapter houses. You know, we go out and help out here
18 and there. So I think that with my employment with the
19 Utah International back then and also with BHP, it gave
20 me a good chance to have a good family life, I brought
21 my family up in it.

22 I have two children who have gone
23 through school here and also through the university.
24 They're on their own now in their own profession. So
25 through that, I think the company or the mine also

1 supports a lot of family through employment of their
2 employees.

3 Anyway, that's what I wish to say and I
4 thank you guys for giving me this opportunity to voice
5 my opinion. I've been employed with the mine for 32
6 years now, I started out back in 1979. And with this
7 new permit, I understand they're pushing to go to 2016,
8 and hopefully I'll see that.

9 (Navajo translation given.)

10 MS. STEELE: The next speaker will be
11 Barry Dixon.

12 MR. BARRY DIXON: Good evening. My
13 name is Barry Dixon and I'm a member of the Nenahnezad
14 Chapter here. And I've also worked at the mines here
15 for the majority of my lifetime. But I now work for the
16 union and I'm a representative of the Operating
17 Engineers Local 953, which represents approximately 700
18 coal miners in our area. The majority of them are
19 native Navajo people.

20 Okay. And with that, I'd like to say
21 that in regard to the Area IV permit, we want from our
22 organization to have OSM take a serious look and
23 consider the impact that would have on the people
24 locally who have been able to get jobs, earn a living,
25 learn a craft, and also, like in my instance, to send

1 three children through college. Couldn't have done that
2 without the opportunity of employment through BHP.

3 You know, the previous speaker talked
4 about the reclamation process and stuff like that. I
5 started working with this BHP in 1972 and I think I was
6 one of the first guys in the EQ Department to look after
7 the first two acres that were ever reclaimed. One was
8 completely dry and the other was water. My job was
9 having to count to see how many leafs were still on the
10 four wing salt bush. It wasn't easy, but it had to be
11 done.

12 But as far back as that time,
13 reclamation was becoming a key process for this company.
14 And I think that continues today and it continues to a
15 point where it's one of the best around. They receive
16 rewards in excellence in reclamation. Yes, we provide
17 fuel to the power plants, but along with that is the
18 impact that it could have on the community, not just the
19 Navajo Nation.

20 For every job that the miners have,
21 there are other jobs that are created. So it's not just
22 the native Navajos that are going to be affected, it's
23 going to be the native San Juan County people who have
24 lived here all their life who will also be affected by
25 this. And loss of the ability for BHP to mine coal on

1 380 acres of an area that comprises roughly 3800 acres
2 is not that much to ask for approval.

3 And I think that the impact here for the
4 loss if that is not approved here will have significant
5 impact on the Native American people. Right now there's
6 already a 50 percent unemployment rate on the Navajo
7 Reservation. It is not right for NGOs to come in and in
8 my opinion change that and add native people.

9 And when I say native people, I do not
10 mean Navajos, I mean people of San Juan County, people
11 of this area here, to the unemployment list. That will
12 have dramatic impact and a loss of income to the
13 communities and tax revenues, and especially the loss of
14 income to the Navajo Nation in royalty payments.

15 Because monies that come from BHP to
16 the Navajo Nation do not only support this area and this
17 community, it supports a wide area of the entire Navajo
18 Nation. And I believe that if OSM does not approve this
19 permit, it will have a serious impact on the Navajo
20 Nation as a whole. And that is not right for the Navajo
21 people on their land and for the Navajo Nation, a
22 sovereign nation, who has the right to deal with
23 businesses and with employers on the Navajo reservation
24 and off reservation for the betterment of the community
25 and the supply of power to a vast number of individuals

1 in this state and other states.

2 So with that, I hope OSM takes a very
3 serious look at the financial and economic impact of
4 your decision on the employees, families, surrounding
5 community, and the Navajo Nation. Thank you.

6 (Navajo translation given.)

7 MS. STEELE: Marie? I'm sorry, I don't
8 want to try to pronounce your last name and mispronounce
9 it.

10 MS. TEASYATWHO: (Navajo spoken.)

11 (Through interpreter) Hello. My name
12 is Marie Teasyatwho. Although I do not speak good
13 English, I would like to speak my own native tongue,
14 especially regarding my job. It won't be difficult to
15 say what I have to say because my job is my life. It is
16 my livelihood. Thank you for those people that have
17 given comments already. And with that she gave her
18 clans.

19 I've worked for BHP for 15 years. I
20 started at BHP as a laborer and then they offered an
21 opportunity for me to learn to work with the heavy
22 equipment. Today I work in the blasting and explosive
23 section. That is my work. My work comes with a lot of
24 teaching and instruction, as well as safety and the
25 protection of Mother Earth. I'm very thankful for my

1 job. We try to take good care of Mother Earth,
2 implementing safety as much as possible and protecting
3 the lives of the people that live around the area.

4 When we blast and we use the explosives,
5 we take much care because it relates to the safety of
6 the mine as well as the environment and the lives of the
7 people within the area. We take -- ensure care to do
8 our work with the blasting material and supplies.

9 The first thing we do is we notify. We
10 make sure that everybody has been alerted to the
11 explosives that we use. Therefore, I am in support of
12 the application revision. It's my grandmother's
13 teaching. She has taught me to work with earth. She
14 says that earth feeds you, it takes care of you. That
15 opportunity is a learning experience, yet you have to
16 also protect Mother Earth.

17 I would like the company, OSM, to
18 approve the revision of this application. Just two
19 weeks ago we had some youth intern that came to work at
20 the mine. These very people will work for the next 30
21 years. For them I am hopeful that the mine will run its
22 course up to the life of the mine, I guess 2016.

23 As an employee of this company, I am in
24 support of the permit revision. And I will leave it to
25 the interpreter to interpret my Navajo comments into the

1 English language.

2 Thank you. This is what I have to say.

3 MS. STEELE: All right. Our next
4 speaker is Rafin Zee.

5 MR. LEE: Rafin.

6 MS. STEEL: Rafin, okay. Sorry about
7 that.

8 MR. LEE: (Navajo spoken.)

9 My name's Rafin Lee. I am an employee
10 of BHP and my chapter affiliate was Cove Chapter.
11 That's where I'm from, Cove. But I do live here among
12 the San Juan people and I have nice property down here
13 that I like to keep with my employment, and I would like
14 for you guys to approve this permit.

15 As like Barry said, it doesn't just
16 affect us, it affects the whole community. BHP don't
17 really like to toot their own horn, but if you look, we
18 have a bunch of volunteers around the community that
19 help out the chapter houses, United Way, all over the
20 community that we help. And I would like for my kids to
21 at least come and experience what I've experienced here
22 working for the mine.

23 Because before the mine, I've held many,
24 many positions, from laborer, heavy equipment operator,
25 truck driver, and now I'm a blaster in training. As a

1 heavy equipment operator, I used to work over at La
2 Plata. And as some of you know, that La Plata
3 Reclamation Project has won a whole lot of awards with
4 the way we reclaimed the mine and made it look better
5 than the way it used to look.

6 Even the elk and the deer like it,
7 because while we were there, they started coming out.
8 As before, they never used to come around. But now you
9 hike up into the hills there, you'll see a whole lot of
10 elk and deer. So we don't just come and rip up the
11 ground, we take care of it.

12 As Marie said, our Mother Earth, we got
13 to take care of her and she'll take care of us. She
14 feeds us and we feed her.

15 So I would like -- I really would like
16 for you guys to approve this permit for me, my family,
17 and the community. Thank you.

18 (Navajo translation given.)

19 MS. STEELE: Our next commenter will be
20 Albert Nelson.

21 MR. ALBERT NELSON: (Navajo spoken.)

22 Hello. My name's Albert Nelson, I'm
23 employed with BHP at the San Juan Mine. And I went to
24 welding school up in Salt Lake City back in 1975 to
25 graduate in 1977. I didn't get a job right away, it

1 took me 13 years to get a good permanent job here with
2 San Juan Coal. I was walking the streets of Farmington
3 looking for work, looking for a good steady job. I
4 didn't get that until January 10th, 1990 when I was
5 asked to come to work for BHP at San Juan coal.

6 I like my job, I look forward to going
7 to work. I don't like people when they say that I hate
8 Monday or my vacation is too short or, you know, people
9 that they don't like work. I don't like people to, you
10 know, talk stuff about their job. I like my work, I
11 look forward to coming to work.

12 And a lot of people say -- my concern
13 about people doing away with our job is the fact that
14 our job is on the line right now if they don't agree
15 with the agreement that they have. It will put a lot of
16 people out of work. It's not going to affect -- it's
17 going to affect the family, our relatives. And I don't
18 know -- if you ever come to town in Farmington when
19 there's a Navajo Nation fair going on, there's hardly
20 any traffic. That's how much impact we have surrounding
21 the town and also in our communities.

22 We support our basketball team down at
23 the State. We fill up those places down there. In
24 Albuquerque and Phoenix, we have relatives there that
25 are going to school in Arizona, you know, also here in

1 New Mexico. You ought to see the attendance records
2 down there for the basketball tournament.

3 With the company giving us money,
4 putting food on the table, for our homes, put clothing
5 on our kids, put our kids to school, college. Nowadays
6 it's not easy to ask for a lot of things, especially now
7 with the computer. A laptop is pretty expensive. And
8 they want little things and everything is going up.

9 My concern is that if you put us out of
10 work, then where are we going to go? We already been
11 going through a lot as the Dine Nation, our people. The
12 Treaty of 1886 is not being kept. The schools, they did
13 away with the boarding schools. The government didn't
14 kept its promise. And then here comes another
15 government saying that, you know, we're going to put you
16 guys out of work.

17 I don't know, but some of us, we're
18 barely making it. I wish some of us were like those
19 people that are a computer whiz. You know, they make
20 money on the computer, Facebook and all that stuff. I
21 wish we were all like that. But we're not.

22 Some of us, we try to keep our
23 tradition going, our culture going. And we have our
24 relatives, our neighbors. With the money that we get
25 from the company, that's all we have.

1 I went through an ordeal personally, and
2 the only thing that kept me going, that kept me on top,
3 that kept me from going to bars and feeling sorry for
4 myself and getting me drunk was my job. So my job is
5 very important to me. It's very important to my family,
6 everybody's family here.

7 And then the company, they been good to
8 us. They teach us a lot of things about safety, how to
9 work safely up at heights, how to work safely. You
10 don't go under a load, stuff like that. Every morning
11 we get these -- something called tupuks. They teach us
12 safety. We don't -- we don't -- we take it home. When
13 you're going down the road, you think about these
14 things. When you're at home doing a lot of things with
15 your kids, your grandkids, we use those things. You
16 teach them a lot of stuff that we learned at work.

17 We're always learning at work. We just
18 don't sit there and -- some of us look at the computer
19 all the time. Some of us work actually out in the heat,
20 in the cold. Some of us even come to work when we're
21 still sick. That's how much our job means to us because
22 of our tradition and culture that our grandparents
23 taught us. Don't just lay around. Get up, do
24 something. You're not doing it for yourself, you're
25 doing it for your kids, also your grandkids, on down the

1 line.

2 Because our kids are our future, that's
3 always what we were told. Where are our kids going to
4 be if they do away with our job? Our future is going to
5 be gone.

6 Why is it the government is always --
7 or a different organization, another organization, is
8 always putting us down? We always been through that
9 with the long walk and stuff like that. And then they
10 ask in return to come up to us and say hey, we have a
11 war going on over there, can you help us out? And we
12 did that with the code talkers, my grandfather.

13 (Pause.)

14 I'm sorry, got a little emotional. And
15 then these people that come around trying to do away
16 with our work, do they ask themselves when they get up
17 in the morning, oh, I'm going to put this company out of
18 work. Do they feel better if they do that? Do they
19 feel good to put people out of work? We're trying to
20 support our family as much as we can -- not just our
21 family, our community, our chapter.

22 United Way, we support them. I myself
23 support my end. Put in a home shelter back home. I
24 support them one hundred percent. My United Way goes
25 out every month. Where are we going to get help if we

1 don't do that? And the company matches what I give
2 them.

3 And the company -- every day they stress
4 safety and tell us you guys have a good day, you guys go
5 home to your Big Five. I don't know if you guys know
6 what Big Five is. Big five is probably your family,
7 whatever you have, whatever you -- you cherish at home.
8 You go back to them every day. The way you came in, the
9 way you leave. That's what we want, safety.

10 And I stand behind this permit that they
11 have. And I thank everybody and I thank you for talking
12 in front of everybody. Thank you.

13 (Navajo translation given.)

14 MS. STEELE: Thank you. Our next
15 commenter will be Gene Frances.

16 MR. GENE FRANCIS: Hello. My name is
17 Gene Francis, maintenance and mechanic at BHP Billiton.
18 I work at the San Juan Mine. I've been working with San
19 Juan Mine BHP Billiton since 2001. BHP gave me a
20 scholarship to attend school, New Mexico Tech, down in
21 Socorro. They also gave me an apprenticeship to work
22 with the Environmental Department. And like everybody
23 else is saying, there's a very strict policy when it
24 comes to the environment, and I can attest to that.
25 Counting the leafs on the vegetation, yeah, we actually

1 do do that.

2 And from there, I moved up into what's
3 called an industrial hygiene position where we monitor
4 the amount of dust and noise that our employees are
5 exposed to and the different type of mine gases that our
6 employees are exposed to, we monitor that.

7 So we take care of our employees at BHP
8 Billiton and -- we take care of our employees and we're
9 also taking care of our community.

10 Moving along through my career, going
11 from IH Technician, I moved up to an Operator C truck
12 driver where I got to learn how to drive heavy
13 equipment, large earth-moving equipment. And I spent
14 eight months there and then went on to the
15 Apprenticeship Program, maintenance, Diesel Mechanic
16 Apprenticeship.

17 But I can tell you right now is that
18 that's all paid for and they pay us to go to school.
19 And try to find that anywhere else on the Navajo
20 Reservation. And when you try to do that, it's not
21 going to happen. And we're very lucky -- everybody
22 that's in the apprenticeship and has graduated from the
23 apprenticeship program is very lucky to be in these
24 programs where we can learn a trade, get a career, and
25 even earn an Associates if we're willing to.

1 And that's what I've done, I've earned
2 an Associates. And now, you know, I can go wherever I
3 want with my degree. But I'd rather stay here, you
4 know, pretty much my hometown.

5 And right now I work -- I'm on my sixth
6 year permanent with BHP where before I was a vender.
7 And that's another thing I'd like to talk about. BHP is
8 not just the employees themselves, it's just not the
9 1200 or so employees that are employed through San Juan
10 and Navajo Mines like the other speakers were saying,
11 it's everybody else. Like in the shops, we contracted
12 out Riley Industrial, Aztec Machine, Caterpillar,
13 Hastings Paint just for paint, and the list can go on.
14 We have a list of venders four pages, five pages long.

15 And if you don't think it impacts the
16 community, it really does. It's not just, like I say,
17 us 1200 employees, it affects everybody.

18 Another thing I'd like to also bring up
19 is like Albert was saying, where are we going to go if
20 this proposal does not go through? We'd like to talk
21 about wind energy, renewable energy, yeah, that's all
22 good and fine. But where is it?

23 You know, San Juan County, New Mexico
24 doesn't really have that established yet. I'd like to
25 see it established at a later time, but right now it's

1 not. We don't have wind turbines up in the hills, we
2 don't have solar panels down in the valley. You know,
3 we have one hydroelectric station to the east of us, and
4 that's about it.

5 Now, we need to consider these things
6 before jumping into something so rash and saying no,
7 we're stopping all coal energy. And we can't do that.
8 We need to plan this stuff out as much as we don't -- as
9 much as we hate to say, you know, we don't -- we can't
10 let coal energy go.

11 I guess my real point there is renewable
12 energy is something that we're striving for, but we're
13 not there yet. And this coal, this lease that's going
14 to go into what we call Area IV will sustain us until
15 then when those wind turbines are up and, you know, us
16 employees can go from coal mining to renewable energy.
17 But, like I say, it's not available yet. And when that
18 time does come, then yes, we can consider this further.
19 But right now it would be a very big mistake to not
20 allow this lease to go through.

21 It affects BHP, APS, it'll affect San
22 Juan, and eventually it will affect PNM and the rest of
23 them. And, like I say, the opportunity that BHP has
24 given us as a community, you know, is not something that
25 you're going to find anywhere else in San Juan County,

1 New Mexico, or even in the street.

2 So I'd like to thank BHP for that and
3 I'd like to thank everybody for the time. Thank you,
4 guys, that's all I can say.

5 (Navajo translation given.)

6 MS. STEELE: Okay. Our next speaker
7 will be Tim Lewis. Are you Mike, too?

8 MR. ROMERO: Yes.

9 MS. STEELE: Mike and Tim. Mike Romero.

10 MR. TIM LEWIS: I'm Timothy Lewis and
11 this is Mike Romero. We work for Wagner Equipment
12 Company. We're one of the main venders for BPH. We're
13 not really as eloquent as Watson or Marie or Rafin or --
14 we're going to be pretty quick.

15 Over the 40 years that a Caterpillar
16 dealer has been in the Farmington area, we have employed
17 hundreds of men and women who work directly for the
18 company, and then income for thousands of extended
19 family members who have lived here, gone to school, made
20 families, and paid taxes, which is very important.
21 Without BHP, many of those people would probably leave
22 this area, leave San Juan County. And that would be a
23 shame. So we strongly support the application for
24 permit.

25 MR. MIKE ROMERO: I just wanted to add

1 thanks for everybody to come out, you know, and
2 participate in this. It's pretty important to
3 everybody, as you can tell by the turnout. Again, we
4 represent Caterpillar dealer, one of the venders that
5 support and work hand in hand with BHP Billiton, Navajo
6 Mine, San Juan Mine, and we support the permit for the
7 Area IV. Thank you.

8 MR. LEWIS: Thank you.

9 (Navajo translation given.)

10 MS. STEELE: Our next commenter will be
11 Rick Nez.

12 MR. RICK NEZ: I'd like to welcome OSM
13 to the great Navajo Nation. Thank you for being here.
14 I'm sitting here and there's some employees that are
15 leaving. It would be nice if you stay and support the
16 company itself. Listen. Because I believe the best is
17 yet to come here shortly.

18 I'd like to say that BHP offers a lot of
19 economic benefits, not only to the Navajo Nation.
20 Before I go on any further, let me introduce myself
21 here, Rick Nez, San Juan Chapter President. I'm a
22 home-grown person here. I grew up with the people here
23 in San Juan County, and therefore I see that BHP has
24 been a friend to this community here in a very big way
25 in royalties that the Tribe receives from the coal

1 company.

2 There's two industries, APS and BHP. If
3 APS wasn't there, we wouldn't need BHP and vice versa.
4 For the past two years as being an elected official,
5 we've met with representatives from BHP and APS and they
6 work well with the communities. And I think as far as
7 economic benefits, San Juan County does receive quite a
8 bit. And the employees themselves, they go shopping
9 here and it keeps the City of Farmington up and going.

10 This permit that they're requesting to
11 mine Area IV, what BHP does for the chapters and our
12 chapter, we receive scholarships for our students. We
13 have a medical doctor from San Juan Chapter who works at
14 IHS. We have a young man who's ready to receive his
15 Ph.D. in pharmacology and there are numerous students
16 who are working on their masters and bachelors' degrees.
17 You observe these things and how much BHP is an asset.

18 All the employees that work there, the
19 combined total of both industries, APS and BHP, close to
20 a thousand Navajos employed. Very industrious. And,
21 therefore, they make their contribution to this county.
22 They invest in the local stores, the local schools.
23 They volunteer at BHP, APS. They clean up the roads,
24 the lake.

25 And you can see that. Not only at San

1 Juan Chapter, District 13, their San Juan Chapter, the
2 Nenahnezad Chapter, Upper Fruitland and Burnham
3 Chapters, and all the areas surrounding chapters, that
4 ask BHP. And they're always willing to lend a helping
5 hand. So when we talk about economic benefits from the
6 local level, yes, they're prosperous. Now talk about
7 poverty. If there's no jobs, what will it be like?

8 AUDIENCE MEMBER: Drugs.

9 MR. NEZ: Drugs. People won't eat right
10 because they won't have the funds. And this is where we
11 all reach out and come together as a community, whether
12 you're from the City of Farmington, the County of
13 Bloomfield, Aztec, Shiprock, anywhere. We come
14 together. We have the wisdom. We have that wisdom to
15 help each other.

16 A couple of years ago we had some
17 emergency in our community and we asked for help from
18 various agencies. And BHP was there with their grader,
19 helping along the roads that were damaged. And I want
20 OSM to be aware of these.

21 Years and years ago the federal
22 government created reservations. Little did they know
23 the subsurface of these grounds were natural resources.
24 We've always been taught how the Navajo people survive.
25 And I'm very proud of my people, their wisdom, their way

1 of life, culture, and the respect for the land.

2 Today, beneath the surface -- I don't
3 know if you've been out to Area IV, it's just a barren
4 desert out there, looks like no-one would want to live
5 out there. But underneath it there -- my brother here,
6 Watson, says I'm from out there. Underneath that,
7 there's value. And that's great.

8 And OSM, I'd like to say that when BHP
9 gives scholarships to our local students to further
10 their education, to improve their lives and be an
11 example for the future of our children, that is a great
12 asset. And, also, please allow BHP's permit revision to
13 mine in Area IV North to supply coal to APS. It is a
14 much needed effort for our people's employment. There
15 seems to be no other choice for OSM but to approve BHP's
16 permit to mine Area IV. Thank you.

17 MS. STEELE: All right. Next will be
18 George Madrid.

19 MR. GEORGE MADRID: My name's George
20 Madrid, I'm an engineer in Farmington, a consulting
21 engineer. I've been here now for 30 years. I grew up
22 in Fort Sumter and went to college and came here
23 afterwards.

24 For a total of 30 years I've been
25 associated with BHP from a consulting standpoint, and

1 for a while I worked at the La Plata Mine back in the
2 late '90s. But now I own Geomat, we're an engineering
3 company. We do the power plant, BHP and the power
4 plants. We work at APS, Navajo, San Juan, and BNM.
5 We've got right now 22 employees. Half of our employees
6 -- about half of our employees are Navajo people. And
7 we do a variety of things. We do soil testing, we do
8 compaction testing, we do concrete testing, we also do
9 some engineering work, structural engineering.

10 And some here, like the ones before me
11 that speak on behalf of supporting the permit to get --
12 be approved, the thing that I was thinking about is we
13 not only work directly for BHP, but we also work for
14 venders that work for BHP, we work for venders that work
15 for -- or contractors that work for APS and the other
16 power plants. Then also we have venders that work for
17 us, not only locally. Sometime we do contract work from
18 Albuquerque, sometimes we do work out there to other
19 cities in the country. So it's all kind of
20 interconnected. So if we cut off BHP, you know, it cuts
21 off a whole network of people and workers, you know. So
22 it's not a -- it gets ugly in a hurry.

23 And I think that, you know, without the
24 BHP contract that we have, without the mining operations
25 we have here, without the power plants, I'm pretty sure

1 that we would not exist. So that would be 22 jobs lost
2 almost immediately, 22 families that are being
3 supported. And although we're small, like I say, we're
4 part of the network, and I'm afraid that we would also
5 go away. Thank you very much.

6 (Navajo translation given.)

7 MS. STEELE: The next commenter will be
8 Becky Morris.

9 MS. BECKY MORRIS: My name is Becky
10 Morris. Thank you for allowing me to speak in your
11 Chapter House this evening. I work for Jasper and
12 Associates, I'm a Business Manager for them. They are a
13 vender to BHP. We support their employee team program
14 with mental health counseling. I'm also a long-time
15 resident of Farmington. I've seen a positive
16 improvement in the standard of living here ever since
17 BHP has been mining in the Navajo Nation. I've seen
18 improvement in education, community involvement as far
19 as charitable donations go.

20 Not only that, but half of our work
21 force supports BHP employees. So if they were no longer
22 mining, then we would have to cut our work force in
23 half. So I have to say that I hope the OSM will rule
24 favorably on this and allow mining in Area IV and to
25 keep our communities growing in a positive way.

1 Thank you.

2 (Navajo translation given.)

3 MS. STEELE: Next commenter, Lynn
4 Henderson.

5 MR. LYNN HENDERSON: Thank you. Good
6 evening, everyone. I'd like to say I'm from a second
7 generation mining, my mom sits right there. She is an
8 operator. And I'd like to put emphasis on the family,
9 because that's going to be the biggest impact
10 immediately. Because I have two daughters that I love
11 very much and, like Barry Dixon, he sent his kids off,
12 three kids went off to college successfully. And that's
13 a future that I really want for my kids. I'm pretty
14 sure all of us want that for all of our kids and
15 grandkids collectively.

16 That's why I say family, all of us, us
17 minors, and somebody who tries to take your family's
18 future away -- excuse me -- you fight for it. I just
19 want to say you fight for your family's future if they
20 turn the permit down.

21 And after that there's going to be a
22 ripple effect on the families to the extended families,
23 then to the company's families. And not just this
24 immediate community -- Farmington, Albuquerque, Phoenix,
25 Gallup, Cortez, Grand Junction, Durango, those families.

1 There are people that live out there, they work here,
2 not just Navajos. They come out, the venders also.

3 And like my mom, I say I'm her
4 anniversary, too. Just before I was born, she started
5 working at La Plata, and it's going to be 31 years next
6 month. And I want to be able to do that with this
7 company.

8 Because before I came to this company, I
9 was going job to job here and there, trying to work for
10 the highest paying job. There's nothing out there. You
11 can't support your family working at Walmart or Lowes or
12 McDonalds, you cannot do that. I never had life
13 insurance or dental insurance until I got this job
14 because I couldn't afford it.

15 On top of that, with the great salary,
16 you get that and you get a 401(k) that you can retire
17 off of. I never even thought about this kind of stuff
18 before I had this job. And I really hope you approve
19 that, because it's our family's futures that are at
20 stake, all of us -- vender, the company, and maybe even
21 the small businesses around here, the local businesses,
22 the big business.

23 What do you think Farmington or Gallup's
24 going to look like? Because we go out there, we spend
25 money, not just everybody. The majority of us want you

1 -- or all of us want you to approve it.

2 And I just want to say the biggest
3 impact will be my family and our families, and that I
4 want my kids to have a better future than I had and I
5 want to put them through college with this job, this
6 career that I chose. Because I love my job, I love
7 going to work, and I love providing for my family. I
8 love helping other people. And I donate too, by the
9 way. I volunteer at my high school.

10 And with that, I'd like to say thank you
11 for having me speak here. Thank all of you for
12 listening. Thanks.

13 (Navajo translation given.)

14 MS. STEELE: Next commenter, Katie Doby.

15 MS. KATIE DOBY: (Navajo spoken.)

16 I signed a contract with BHP in 1981, I
17 think it was, when Matt Raymond was working over there.
18 I had a good communication with them at Raymond back
19 then, Raymond. And to this day, I hate to say it, but
20 BHP is not on my side. You guys have jobs, you guys
21 have all this. But to a certain point, you need to
22 think about those people that are living out there, what
23 we go through, all that coal dust -- you name it.
24 Water. You know, consider those.

25 So I don't know how many people are here

1 that are from there, and I don't know how many people of
2 you guys here are living right next to the railroad
3 tracks or the mining area. Every time when we go home
4 out there, get up in the morning, all that coal dust is
5 coming out of our nose. Seems like we haven't taken a
6 shower for days. We have this, we've got this.

7 So we have to haul our own water, clean
8 water for our livestock. Sure, it's good, but you need
9 to remember those people that are living out there, what
10 they're going through. The vegetation will be black
11 with the coal dust. The coal dust is supposed to be in
12 their line, but right now it's going way over. It's way
13 up -- half-way up to the rim. You don't know how bad it
14 is if you're going to live out there.

15 So, you know, you may be chitchat with
16 the people that are living out there, see what they say
17 before a decision is made. Sure, we all need jobs, but
18 there's a certain point, you know, we have to consider
19 other people's opinion before we go thinking and doing
20 whatever.

21 Yeah, everybody wants money. But we
22 need to think about those people that are going to be
23 living with all that coal dust. And the house -- we
24 don't even get benefits from BHP to go to the doctor.

25 We have to pay for our own vets. When

1 our sheep and goats get sick, we have to pay for it.
2 So, you know, think about us, too, the people that are
3 living out there. It's just a common-sense thing.

4 If you sign a contract, what are you
5 going to do for these people that live out there? I
6 have to call them every single day, I want water, I want
7 this, I want this to be done.

8 Sometimes they don't even do nothing for
9 a month. Like I said, the last time I had a good work
10 with Mr. Raymond, that was the last time. Right now I
11 have to ask for it, ask for it, ask for it. To this day
12 we have to haul our own water every single day.

13 So, you know, think about us people out
14 there, too. Some of us, we live on those livestock.
15 Sometimes it comes out of our own pocket. You have to
16 pitch in. If you really think about your Mother Earth
17 like that, you know, it's just the people that live
18 along the mining area are supposed to do that for you.

19 So that's what I have to say, you know.
20 If you're going to be working out there, you need to
21 talk to some permittees that are living out there, what
22 their situation is, what all that coal dust is going to
23 be doing to their health, to their livestock, to their
24 water. You put water here, the next day you go over
25 there, that thing is full of black stuff in there.

1 So that's all I have to say. Thank you.

2 MS. STEELE: Next commenter will be Leo
3 Billey.

4 MR. LEO BILLEY: (Navajo spoken.)

5 I'm a native to the area, I live right
6 across the area, Table Mesa area. And my chapter is the
7 Teec Nos Pos Chapter. And I work -- I've worked for BHP
8 30 years. I've been with them like 30 years and I work
9 at San Juan Mines. And I have a lot of concerns about
10 it, too.

11 It's affecting everybody. My people, my
12 union, brother, and sisters. And even the white people,
13 Farmington, surrounding area, we all need each other and
14 we help each other. (Navajo spoken.)

15 The first group of people that protested
16 was Farmington. They say what about us? We're left
17 out. (Navajo spoken.)

18 We only have about 20 head of sheep
19 because money-wise, profit to make a living, it's just
20 down to nothing. Yes, it's hard to herd sheep and try
21 to make a living, but it went down to nothing. So
22 another alternative is jobs, to work somewhere. And
23 we're fortunate here in this area that we have the mine.
24 And that's where a lot of us rely on, that mine.

25 And, yes, from all that there's a lot of

1 problems. But I think if we all help each other and
2 work at it, it can be -- some of it can be resolved.
3 And then I guess from BHP, yeah, they care. And at
4 least they share and they try to help. But from what I
5 heard, too, was that they were trying to help some
6 people living out there, too. And I don't know how
7 that's working, but I heard one place where they were
8 hauling water for some people, they even gave them a
9 water tank, a big water tank for the people out there.

10 As far as bringing water to the tank, I
11 don't know about that part. But I've seen it and BHP
12 shares a lot of that with us. And in return, we
13 confront the company. Like the lady that spoke here,
14 she's concerned about her livestock, yes.

15 And I see all the dust and the haze and
16 the dirt because I live right across, but it can be
17 resolved maybe with watering the roads. And so I'm
18 pleading for BHP, my union. They help me a lot, and
19 they gave me this opportunity.

20 I'm a veteran, I got drafted during
21 Vietnam. I came back and I couldn't find a job, none.
22 And somehow I ended up going to Navajo Mine, and that's
23 where I started out. Now I'm a second generation miner.
24 My dad used to be there before me, but he passed away
25 and gone. Now I have kids. Now my son is the third

1 generation, he's with BHP.

2 I'm thankful for them that another with
3 BHP is they give the native opportunity for schools,
4 scholarship, and that's how my kids went through school.
5 And now they're on their own.

6 And I'm just pleading for passion, help,
7 and caring on behalf of my people here. They help a lot
8 of us here from this chapter. Like Rick said, we get
9 help with coal and maybe some help with some
10 scholarships. Maybe a lot of us need to come to the
11 chapter meetings, which we don't. I don't. I'm bad at
12 that. I try to go there, too. And that's probably one
13 of the biggest things. We all need to communicate and
14 help each other.

15 And I guess the other alternative that
16 we used to have was the livestock, but now it's like
17 down to nothing. We still own some and we still have
18 some, but it's just -- it's just barely enough to get
19 by. And I just want to thank you people for being here
20 and all of you here and sharing your concerns and
21 expressing your thoughts. And thank you.

22 MS. STEELE: Next we'll have Marcellus
23 Notah. All right. There's one announcement I'm going
24 to make before our next commenter. There's been some
25 questions about how long will OSM be accepting any

1 written comments regarding this permit application. We
2 will accept any comments until June 30th, the end of
3 this month.

4 MR. MARCELLUS NOTAH: I'm from
5 Lukachukai, Arizona.

6 MR. POSTLE: Sorry, we apologize. We
7 couldn't read your name.

8 MR. NOTAH: I'm fairly new with BHP,
9 only been here with them for four years. I don't like
10 to say it, but to me I work out in the real world off in
11 other cities. I came back home because this is the
12 closest place I can get a job to home. Pretty -- I look
13 at things to see how things are done. Just being
14 curious.

15 Reclamation is what I really like about
16 what BHP has done. I've never seen that in other
17 companies. I've learned about OSM and what they do.
18 And you're talking about the borders, how somebody can
19 come in after everybody has agreed to it and change
20 their mind, protest against it. A lot of us weren't
21 there to stand to oppose it, but now we are, which
22 they're hearing our voice.

23 We as a community know the value of a
24 job. As you heard before, there's a lot of venders, not
25 just natives, that are supported by this company. But

1 the biggest thing I do like about this company is how
2 well they are taking care of the environment. You go
3 out there, you're talking about watering down roads,
4 they do that. They have sediment traps that are out
5 there. A lot of people don't even know what that is.
6 I didn't even know what that was. But coming to this
7 company, I've learned about it. I learned about
8 erosion, I learned about what you call flats. You know,
9 there's a lot of stuff that's going on there that the
10 community does not know about that the company is doing.
11 The employees are not -- well, they're becoming well
12 aware of it.

13 People may sit there and point to it and
14 say oh, yes, you know, they can do more. You should
15 already see what they're doing now. If you go to the
16 open pit mines down in Arizona, for instance, and look
17 at them, it's an open pit. Have they filled it in yet?
18 No. You come here, they're back to the land. The pits,
19 you don't see them anywhere. They're reclaimed lands,
20 there's vegetation on them.

21 You know, people sit there and they say,
22 well, the environment. Go to La Plata. If you've never
23 seen it before, there used to be a mine out there. If
24 you're new here. They'll tell you what BHP has done.
25 They don't just sit there and say well, we'll do this.

1 For an environment, they're doing that because they're
2 working with the Navajo Tribe.

3 The Navajo Tribe says hey, if you're
4 going to do this, we went it back to the original, or
5 close to it. They've stuck to their word.

6 That's why I really do -- I'm hoping
7 that OSM will renew their contract, the leasing ones.
8 Because it will -- to me, BHP is a good partner with the
9 Navajo Nation and also the surrounding communities. We
10 all know that by what you hear. And if you're not even
11 sure how many people are affected, stand by the gates or
12 the roads coming to BHP. You'll see how many people are
13 driving by, going to and working with BHP.

14 And besides that, the health care that
15 is provided by BHP, we don't just go to one doctor or
16 one dentist, chiropractor. Everybody chooses what they
17 want. And they're not just here in this community,
18 Farmington. You go to Durango, Gallup, Cortez. Think
19 about that. OSM sits there -- like I said, BHP works
20 well with the Tribe and they work well with the
21 environment. And that's why I like it.

22 There's some people that you're always
23 -- they're not going to be there a hundred percent, but
24 nobody is. We're only human. But as a company-wise,
25 being part of the company, I'm proud of it. Because

1 they do everything they can -- to a certain point, you
2 know. Nobody's God. But I like the steps they're
3 taking.

4 You know, there's a lot of places you
5 have to go to see this, a lot of people that just lived
6 here and worked here and seeing how the mine has done,
7 seeing the little things. That's just a small part of
8 this world. You travel a lot, go to other mines, other
9 mine sites. You're on vacation, you know -- it's kind
10 of crazy, but you drive near another mine and you look
11 at it. Then you come around here and you look at what
12 they do around here. You'd be surprised.

13 Go up to Colorado, see half a mountain
14 gone. They're not going to return it to its original
15 status. It's gone. You see the sediment going in the
16 water -- not just a little, a lot. You know, there's a
17 lot of different things. That may have certain rules.
18 But that's not what we do here.

19 I sit there and I look at the employees,
20 the elders that have been here 20, 30 years, getting
21 ready to retire. We have a lot of new people coming up,
22 working. They're just now starting. Everybody's
23 looking at this right now.

24 But my point of view is that BHP is a
25 good company for the Navajo Nation, they treat their

1 employees well, and they work with the environment well,
2 too. And I hope you do renew your lease because, like I
3 said, I've worked here only four years, and this is one
4 of the companies I'm proud of. They've done a lot for
5 the community. And, like I said, to me, compared to the
6 city and everybody else that's around here, they're one
7 of the best employees. And that even includes the
8 oilfield. Because I have friends that work for them.

9 Besides that, what's hard to come by
10 around here is a job. The refinery is already gone, the
11 oilfield has gone down. And if they sit there and
12 attack this, where are they going to go to next? If
13 they start losing all the revenues, it's going to hurt
14 the Navajo Nation quite a bit.

15 That's all I got to say. You guys have
16 a nice day.

17 (Navajo spoken through interpreter.)

18 MS. STEELE: Our next commenter will be
19 Orville Arviso.

20 MR. ORVILLE ARVISO: (Navajo spoken.)

21 I would like to thank the public for
22 showing up here and supporting us here, the Navajo
23 Nation and our power plants and mining here in this
24 area. And I thank you all for coming down.

25 On the reservation, I've herded sheep, I

1 did everything. I learned my religion. I came here --
2 everything wasn't easy for me, but my -- APS and the
3 Salt River Project, my kids got their scholarships
4 through them and they graduated from Arizona State and
5 one from Harvard. And myself, I took my apprenticeship
6 up in the State of Arizona as a millwright and I came
7 here.

8 I wasn't going to stay here this long,
9 but I've been here for about 20 years. I dropped in pay
10 big amounts, I should be making at least about \$50 an
11 hour. But, you know, when something happens like this,
12 we fight the company for our wages to get a raise here
13 and there, we fight for everything that we got to get
14 around here on the reservation to make ourselves a good
15 wage and a good living.

16 But when it comes down to something like
17 this that affects our jobs and the nice company, the
18 good company that we work for as a family, the family
19 comes together and we start to fight. We don't want
20 none of this to happen.

21 The county, San Juan County here, they
22 look at BHP and all the power plants like APS and
23 whatever, they got a lot of money through that, they get
24 donations. The community puts back into the town and it
25 builds. This is why we have race tracks, everything

1 around here. And the real estate market and your houses
2 and your own people are hurting. And they're going to
3 be dropping here and they're losing their jobs and
4 moving away. It's going to be like a ghost town.

5 You wonder what came about this? Why
6 are we doing this? Why is everybody going for pollution
7 saying it came from here? Forty years ago I worked in
8 Phoenix. Emission was cars in back of each other in
9 town. That's what made the pollution. There wasn't a
10 power plant in sight, okay?

11 Now we're fighting here, saying that
12 everything is happening here, okay? I come from the
13 reservation, I look at it, I'm raised among the cattle,
14 sheep, and bringing them up and herding sheep and
15 everything. Now, you go to the Tribe and they look at
16 this and they look at how much cattle you should have on
17 an acre. And you'll have a few little weeds out there,
18 bushes sticking up here and there, and you put about two
19 on one acre, two sheep on one acre and they tell you
20 you're overgrazing.

21 And then you look back and you go to
22 school and you come back and look -- what? Talk about
23 overgrazing. And then you have two whole bushes,
24 they're going to eat that up in no time.

25 Water. The supply of water, we don't

1 have water to feed them. We have no control over it.
2 This is why there was an issue on the reservation over
3 water, too. You got to watch what you use. Now, if you
4 go back to the big city that I wish we had the water you
5 guys -- wash in the morning and have it running and just
6 walk around over there and get a towel and then come
7 back and turn it off. We don't do that. We really
8 watch what we use. And this is why we're here now as a
9 family and we support BHP as a family.

10 Our kids could work here and move on.
11 Now, we have a thousand people here I'm saying in these
12 mines -- more than a thousand, I'd say about 2000 people
13 with all the utilities and places. You're not just
14 going to hurt the Navajo people, no. You're going to
15 hurt here, Tucson, California. You know what I'm
16 saying? This is where the electricity and power goes
17 and runs.

18 And then you wonder. You go to school,
19 coal mine is Number One, the resource is Number One. We
20 are holding the best resource in the world. And why are
21 we having trouble? Does somebody want to make money and
22 bring the lobbyists in? You wonder. I say this because
23 I went to school, okay? I wonder if somebody is going
24 out there to make some money. Or are they going to turn
25 it down and make the company pay a billion -- maybe a

1 million, millions of dollars to have this little piece
2 of acreage over here, okay, so we can mine. And then
3 they make the money and walk away.

4 Then we pay the taxes. We pay for
5 everything that's going to happen here. You understand?
6 Everything. The water. This is what you got to focus
7 on, people. We got to think of our kids, what they're
8 going to have when they get here. Sure, we got
9 technology working now and they're going to find it, how
10 to fix this. This is Mother Earth and the sun. We pray
11 to that, every day as we get up. And we want to have a
12 good day and go safely and come home safely. We're not
13 going over there to have an accident here or there,
14 okay?

15 Now, the company provides almost for
16 everything that we need -- insurance, scholarships that
17 we need, and they provide for the town and -- what's
18 that -- United Way? Baseball teams, basketball teams.
19 You look at that, that's a lot. And then all around the
20 reservation, the Navajo Tribe makes millions of dollars.

21 They pay probably almost about a million
22 dollars every week on their payroll to us to work.
23 That's what the Navajo Tribe makes because you're
24 Indian. That money goes down here to the county, too.
25 They come here to support us and help us to make it

1 through. We need these jobs. We need BHP because this
2 is the only high paying job these people know. We know.
3 And your people. And that's a good paying job.

4 Also, they come here, they detect all
5 your pollution, sounds, noise, everything. They do that
6 every day. And I don't see nothing wrong with that.
7 And they monitor these things. They go out there and
8 they'll plant vegetation here and there to check to see
9 if any of that dust is bothering it or it's going to
10 kill it or if a tree will grow on whatever they're
11 throwing out there. But there won't -- you won't see no
12 waste, you'll see beautiful land after they're done.
13 Reclamation. They'll cover it. We are Number One in
14 safety-wise, pollution-wise, cleanness, and everything.
15 The company is Number One. Okay? Thank you.

16 (Navajo translation given.)

17 MS. STEELE: All right. We're getting
18 towards the end, we only have several more commenters
19 left. The next person is Emerson Farley.

20 MR. EMERSON FARLEY: (Navajo spoken.)

21 My brothers and sisters out there from
22 the Operating Engineers, good evening. The officials
23 from OSM, I'd like to say welcome to the Navajo Nation.
24 My name is Emerson Farley, IBEW 387, Four Corners Power
25 Plant. We have a contract with the Four Corners Power

1 Plant (Navajo spoken).

2 We have the same interests. (Navajo
3 spoken.) We bought a brand new Cadillac and the man
4 over here is at the gas pump. He's either going to give
5 us the fuel or not. That is the question that's here.
6 Am I right? We can't run that tractor or the brand new
7 Cadillac without the fuel agreement. These all tie
8 together. That's the reason why we're here, Office of
9 Surface Mining.

10 You have a tremendous job ahead of you,
11 you have a lot of the economic balances. You have a lot
12 of the environmental concerns that are being addressed
13 right here. And I don't envy your position, but at the
14 same time I also give you credit for being the steward
15 and providing the stewardship for the land that we
16 live on.

17 We are also stewards of our own land.
18 We are also environmentalists ourselves. And we have to
19 have a balance of the economic value and the
20 environmental impact this operation makes on our land,
21 on Indian land. So as a result of that, we walk a fine
22 line also. And traditionally. (Navajo spoken.)

23 We are stewards in our own traditional
24 ways. We give homage to Mother Earth, and that's the
25 way we are, that's how we conduct business. So in that

1 sense, we're also environmentalists and stewards to this
2 plant. I'd like to emphasize that to you as officers
3 and miners.

4 So as a result of that, we've all had a
5 general interest here. And our neighbors in Farmington
6 and all the surrounding border towns also derive their
7 economic value off of what we make. And as a result of
8 that, we all in Farmington say to you, the Office of
9 Surface Mining, please keep our economics whole in our
10 region. That is what we ask for.

11 And, in return, we continue to be
12 stewards of our lands, of the air and the water that we
13 partake and that we are responsible people on our lands.
14 And you see the tremendous amount of work that APS and
15 also the BHP as to how they conduct business in the
16 reclamation of our lands that the coal is actually
17 derived off of. So you see a lot of the good practices
18 that are there. And I'm hoping that that gives you the
19 fuel to be able to make the sound decision that you need
20 to make.

21 So, again, I'm very thankful for this
22 opportunity to speak to you and also just to reiterate
23 the importance of economic value that we bring to the
24 Navajo Nation, to our Navajo Nation government, and also
25 to our country as a whole, that in these days and age we

1 see a lot of unemployment. But we have the ability for
2 this Mother Earth to sustain us, and we'd like to
3 continue that. We don't want to be on welfare. We
4 don't want to be the ones that are going to be out there
5 wanting a handout. Because our hands still have the
6 calluses on it, we're still young inside in our hearts.
7 Some of us are ready to retire, but we're still young at
8 heart. And we also teach our kids that at some point in
9 time in their lives also be miners, also be
10 electricians, also be operators. Those are a big hope
11 that we have for our future.

12 So as a result of that, we try to
13 sustain and make sure that they have the economic and
14 education to make sure that they succeed in their lives.

15 So, again, thank you very much for this
16 opportunity to speak with you -- not for you, but with
17 you, and to make a point to the Office of Surface Mining
18 and plead with you and say yes, we would like to have a
19 good working relationship with federal entities, and
20 also the EPA also.

21 So that's what I'd like to express to
22 you and I thank you very much from the bottom of my
23 heart and God speed.

24 MS. STEELE: Next we'll have Ervin
25 Jackson.

1 MR. ERVIN JACKSON: (Navajo spoken.)

2 I am the President of Navajo Nation
3 Federation of Labor, a labor organization that takes
4 care of the union business on the Navajo Nation. And
5 thank you for having me here. (Navajo spoken.)

6 We take care of business on the Navajo
7 Nation. Organized labor is alive and well here on the
8 Nation. We take care -- we oversee some of the
9 activities in Hawaii, part of Las Vegas, and within the
10 bounds of the Navajo Nation. It is affiliated with the
11 national NFL/CIO under Richard Trumka. And Richard
12 Trumka is a fellow brother with the United Mine Workers,
13 so coal is near and dear to the labor organization.

14 All of our fights and everything that we
15 stand for has been at the battle and forefront of coal.
16 So today I stand before you to let the Office of Surface
17 Management know that organized labor is alive and well
18 here on the Nation and we ask you for your support to
19 assure that the Area V -- or Area IV North Permit
20 Revision is approved.

21 The viability of the Navajo Nation
22 depends on what these major coal companies and power
23 plants have to offer. I am a part -- an end user of
24 coal. You have to understand the Navajo Nation does not
25 truly have an economy that can survive by itself without

1 these major coal companies and power plants. Heavy
2 industry, we rely upon it, it is the backbone. And each
3 one of you out there, brothers and sisters there, you
4 are the backbone of organized labor. You are the
5 backbone of what this nation stands for.

6 So when we look at this thing -- I hear
7 a lot of you talk about the third generation, fourth
8 generation. I've been at the power plant 29 years.
9 It's time for me to make room for my kids, my grandkids.
10 The next generation is what we're here for. (Navajo
11 spoken).

12 It runs deep in the family. We can fend
13 for ourselves, we can make do. This is our time. We
14 have organized labor alive and well on the Nation
15 utilizing. They are here for you. I'll tell you we're
16 here to support Operating Engineers 973. We're here and
17 whatever we can we'll speak with the AFL -- the national
18 AFL/CIO and garner support, whatever we can.

19 Because the Nation itself cannot
20 sustains any more loss of jobs. We've already gone
21 through Peabody and the loss of Black Mesa Mine. We
22 have a pending loss of jobs at Pittsburgh and Midway.
23 The future is dim and it ends within a few more months.

24 So go on back to the economics of the
25 Navajo Nation. We have to have -- we have to hang on to

1 what we have. If we don't, we're going to be starting
2 over. You're talking about and you're listening to us.
3 And please look at the future of our kids.

4 We teach them to be self-sufficient, we
5 teach them a trade. Every one of these guys here that
6 are craftsmen talk about going through an apprenticeship
7 and learning stuff. And that's what organized labor is
8 all about. We make do with what we have. And that's
9 almost the same ideology as the Navajo people
10 themselves.

11 So thank you for the time, welcome to
12 the Navajo Nation, and I hope you enjoy your stay here.
13 And, like I said, we will support our members here and
14 support everything we have when it comes to jobs and
15 supporting jobs and maintaining jobs for the Navajo
16 Nation.

17 (Navajo spoken through interpreter.)

18 MS. STEELE: All right. Our next
19 commenter is Fred Hatathlie.

20 MR. FRED HATATHLIE: (Navajo spoken.)

21 I'd like to say good evening, having you
22 here, and welcome. My name is Fred Hatathlie and I'm
23 originally from the western edge part of the
24 reservation. And I've been here at this mine since
25 1994. And when I came here, I was going through

1 orientation, driving us around to have -- introducing us
2 to the area. And I came upon the pit mine at the mine,
3 drove us through there. And right up here, right up the
4 road, was a hill about here. Right on the other side of
5 it, like within a mile or so, they told me there was a
6 mine there at the time, some time ago.

7 But if you go there right now, that land
8 has been reclaimed. And how it looks now, it looks like
9 there was nothing that had ever occurred there. Just
10 downwind from there, there's a community up the road, a
11 housing area, Ojo Amarillo it's called, and we have a
12 grade school just right down below, downwind.

13 And they have been here prior to the
14 mine coming here. And these people, they live in the
15 area that they have survived what these people are
16 saying. You know, they've been here all this time. And
17 with all the air quality that they're concerned about,
18 here on this reservation, one of our weather is wind,
19 dust. And within the past few weeks, that's all we've
20 been having is dust. And, you know, we survive those
21 times.

22 And so I'm saying that I'm in support of
23 the permit approval and whatever that implies, the
24 revision. Because I see that environmental impact of
25 what BHP provides and APS. You know, my concern is for

1 our youth coming up, and we get a lot of funding through
2 that to where we have youth from here, students that are
3 credible at the national level that are recognized.

4 They have recognition in the type of programs that they
5 try to promote, like the youth -- some of the things
6 that they are faced with national are social issues --
7 drugs, alcohol, violence, and whatnot that you can name.
8 And through those programs that they're funding, you
9 know, they promote those within the local area within
10 the community in the schools, and some of them have
11 actually excelled beyond the high school level to carry
12 that into the university level. And through that, you
13 know, they're promoting it at the level to bring back to
14 the community. And so through that, you know, I'm in
15 support of this approval.

16 And to say -- you know, this is my own
17 personal thinking to say, you know, we are Aborigines
18 of this land, indigenous to this land. And what we save
19 is a natural resource -- that's our natural resource.
20 So within the reservation, we have this mine, and it's
21 named Navajo Mine and Navajo Coal.

22 And to say to get your permission to
23 approve this permit to mine our own natural resource --
24 and my understanding is that some years way back, you
25 know, where you come from, you come over here lost, you

1 know, no sense of direction.

2 Somehow we saved you, and because of
3 that, we have Thanksgiving. So now -- so now to say
4 that, you know, what is ours, why should we be asking
5 you for your permission to approve this for us? This
6 should be within our community with our leaders. And,
7 you know, to say that -- excuse me for saying that, you
8 know, out of due respect, you know, I'm not saying
9 anything to where I would offend, but, you know, that's
10 where I stand, that's my point.

11 And just like the people that have been
12 saying is the effects from it, economic-wise, you know,
13 it's endless to name them, but you see it.

14 And to go forth -- and our future
15 leaders, our youth, that's where it's at. And I know
16 that, you know, we lost this power plant that was
17 supposed to happen. I was in support of that because my
18 understanding is compared to automotive, years ago we
19 had automotive that had carburetors, and compared to
20 nowadays, we have fuel injection. And the admissions
21 from it is controlled.

22 And so this power plant here, if we
23 would have had the other power plant going, that would
24 have been -- you know, we would have been the first
25 technology-wise in the world. We would have been Number

1 One in the world. And it's our loss to say that we gave
2 something up. Because of our technology, that's what
3 electricity thrives on, and it's produced here and is
4 sent down.

5 So, you know, nowadays that's all there
6 is now, you know, technology-wise, and this is the
7 source of it. So in order to support, you know, your
8 offices and, you know, all the good things in life that
9 you enjoy, this is the foundation of all that.

10 So I just wanted to say thank you for
11 coming out and hearing us out.

12 (Navajo translation given.)

13 MS. STEELE: Victoria Samuel?

14 MS. VICTORIA SAMUEL: (Navajo spoken.)

15 I love my job. Don't you-all love your
16 job? That's how we feel. This company that's here,
17 they have provided for me and my family. Safety is
18 Number One for them, for us, the employees.

19 (Navajo spoken.)

20 Office of Surface Mining and the staff
21 up here, thank you for coming over and listening to the
22 people that have expressed their concern concerning the
23 permits.

24 I would like to express that I would
25 like to have this permit approved for the people -- not

1 just for me, but the community and the whole Navajo
2 Nation and the surrounding communities. That will
3 impact the whole economic-wise around here, San Juan
4 County, McKinley County, everywhere. So this is what
5 we're asking of you and to have us employed again.

6 I don't want to end up in the
7 unemployment line, I don't want to stand there. And our
8 children that are just now starting out that have been
9 here maybe a year or two years, these are the ones we're
10 talking for. For us, we're close to retirement. These
11 are the ones that we're talking for, the younger
12 generation that have started recently and concerning
13 what they express, how their livelihood is going to be
14 from here on in the future, that's what they're
15 expressing. And that's what I'd like to see for our
16 children that are just now starting out with the two
17 mines that are here, San Juan and Navajo.

18 BHP Billiton is a good company, it has
19 helped us a lot everywhere within the community and
20 ourselves and it's really a good company. They're
21 generous and I love my job and I'd like to be there a
22 couple more years.

23 So this is what I'd like to say and
24 thanks to each and every one of you.

25 MS. STEELE: And our last speaker who

1 has -- or comments, who has asked to comment is Jay
2 Bitsui.

3 AUDIENCE PARTICIPANT: He left.

4 MS. STEELE: He left? All right. If
5 there's no-one else that would like to speak, I would
6 like to thank everybody who attended this informal
7 conference and all of the people who got up and gave us
8 comments.


9 And, again, I would like to say that we
10 will be accepting written comments until June 30th.
11 Thank you very much.

12
13 (The conference ended at 8:40 p.m.)
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REPORTER'S CERTIFICATE

I, BARBARA ELLIS, New Mexico Certified
Court Reporter, DO HEREBY CERTIFY that I did report in
stenographic shorthand the proceedings set forth herein,
and the foregoing is a true and correct transcript of
the proceedings.

In testimony whereof, I have hereunto set my
hand on this 21st day of June, 2011.


Barbara Ellis, CCR
New Mexico CCR No. 265