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# After the Local Coal Mine Shuts Down, These Navajo and Hopi Communities Seek a Just Transition

A year after the Kayenta Mine was closed, both the energy company behind it and the federal government overseeing it have done little to restore the lands they've trampled.

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[Tim Vanderpool](#)



Herb Yazzie, a former chief justice of the Navajo Nation

Diego James Robles

Herb Yazzie recalls the days when he could graze his herds of cattle and sheep across his homelands in the northeastern Arizona region of the Navajo Nation, between sandstone bluffs and shadowy canyons. But in recent years, the watering holes the animals relied on dried up. Like other tribal members, Yazzie blames the [Black Mesa coal mine](#), which operated on Hopi and Navajo land for nearly half a century, until 2005. Throughout its lifetime, Peabody Energy, the mine's owner, pumped some 45 billion gallons of groundwater to transport the coal through a pipeline as a [mixture called "slurry"](#) to a generating station in southern Nevada. The underground aquifer shrank and shrank.

"Just this spring, I had to get rid of seven or eight cows," says Yazzie, a former tribal chief justice. "Now we have less than 15 sheep, and we only keep one horse to do ranch work. There used to be springs that our livestock would use in the arroyos and mountains. All of that is gone."

Now, Yazzie and other tribal members see history repeating itself with another coal mine: the Kayenta Mine, which is also located on Navajo and Hopi lands and owned by Peabody. In 2019, after nearly 50 years of operation and facing [increased competition from renewable energy sources such as wind and solar](#), the coal-fired [Navajo Generating Station](#) finally closed down. With it went the massive [Kayenta Mine](#), and many tribal members like Yazzie worry that Peabody will treat Kayenta just as it did the Black Mesa Mine, which remains only partially reclaimed to this day.

Mine reclamation was supposed to quickly follow Kayenta's closure, and tribal members hoped the cleanup would offer new jobs—replacing hundreds that were lost with the closures, in a place where unemployment hovers around 50 percent.

Instead, that lifeline is nowhere to be seen. In its place are silent smokestacks and ravaged earth.







From top: The Navajo Generating Station in Page, Arizona, January 2020; Norman Benally, a member of the Navajo Nation, at his home near the closed Black Mesa Mine in Kayenta, September 7, 2010.

From top: Christie Hemm Klok/The New York Times via Redux; Scott D.W. Smith/The New York Times via Redux

## A Record of Neglect

Having seen Peabody's handling of the Black Mesa Mine reclamation, many tribal members fear that the company will also abandon its second mess as well as any responsibility to help restart the local economy. And they blame the [Office of Surface Mining Reclamation and Enforcement](#) (OSMRE), an agency within the U.S. Department of the Interior, for simply looking the other way.

Meanwhile, the situation for Navajo Nation and Hopi tribal members has been getting more dire. The dropping aquifer has made many wells useless, forcing families to drive miles to congested community water stations. That compounds health risks for Indigenous communities [already staggered by the coronavirus pandemic](#).

Water management expert and frequent tribal consultant Daniel Higgins points to a concerning pattern of behavior from the coal company. “Peabody downplayed the impacts of its pumping from the very beginning and always held that pumping by tribal communities was causing the drawdown,” he says. But Peabody’s stance grew shakier after the mine closed, “and it seemed pretty clear that water levels were either stabilizing or beginning to recover”—the only difference was that there was no longer a coal mine pumping water.



Members of the Larson family, who have no running water in their home, collect water from a distribution point in the Navajo Nation town of Thoreau in New Mexico, May 22, 2020. Washing hands is one of the most effective ways to prevent the spread of germs during the pandemic, but an estimated 30 percent to 40 percent of this sovereign territory’s 178,000 residents don’t have access to running water or sanitation.

Mark Ralston/AFP via Getty Images

To Yazzie, getting the federal government to simply recognize the obvious sometimes feels futile. “Over the years, we’ve always tried to tell OSMRE about the impacts,” he says. “But it’s been a hard, frustrating process. From our viewpoint, Peabody does what it wants, without any oversight.”



An OSMRE spokesman, who asked not to be named, denies that his agency is responsible for cleanup delays. Instead he blames the pandemic and tribal shelter-in-place orders for any delays.



The Navajo Generating Station, January 2020

Christie Hemm Klok/The New York Times via Redux

## Clearing the Haze

While tribal governments took a big hit from the closures of Kayenta and the power station—the Navajo Nation received between \$30 million and \$50 million in mining royalties each year—tribal members also saw immediate benefits after the facilities were shut. One of them is cleaner air: the Navajo Generating Station was America’s [largest source of nitrogen dioxide air pollution](#) and dispatched a laundry list of [toxic chemicals](#) up its stacks each day. The smoke not only cast a haze over the Grand Canyon but also posed health hazards for surrounding communities; an informal survey by the Navajo activist group [Tó Nizhóní Ání](#) (“Sacred Water Speaks” in Navajo) revealed that [60 percent](#) of nearby families had at least one member with breathing problems.

Even as skies clear, however, the Kayenta and Black Mesa mines continue to serve as bleak, 60,000-acre reminders of the work still to be done. Their full reclamation involves backfilling the pits, replacing topsoil, and removing all infrastructure—including buildings, roads, and the rail line that hauled the Kayenta Mine’s coal 80 miles to the Navajo Generating Station.

Firm federal oversight is critical to ensuring that Peabody completes these tasks, according to Mark Squillace, a natural resources professor at the University of Colorado Law School. While the law requires coal companies to continuously restore disturbed lands even as they mine, “it’s pretty clear that Peabody has not been doing that,” he says. “There’s virtually nothing happening on the mine site at Kayenta right now, and OSMRE is just asleep at the switch.”

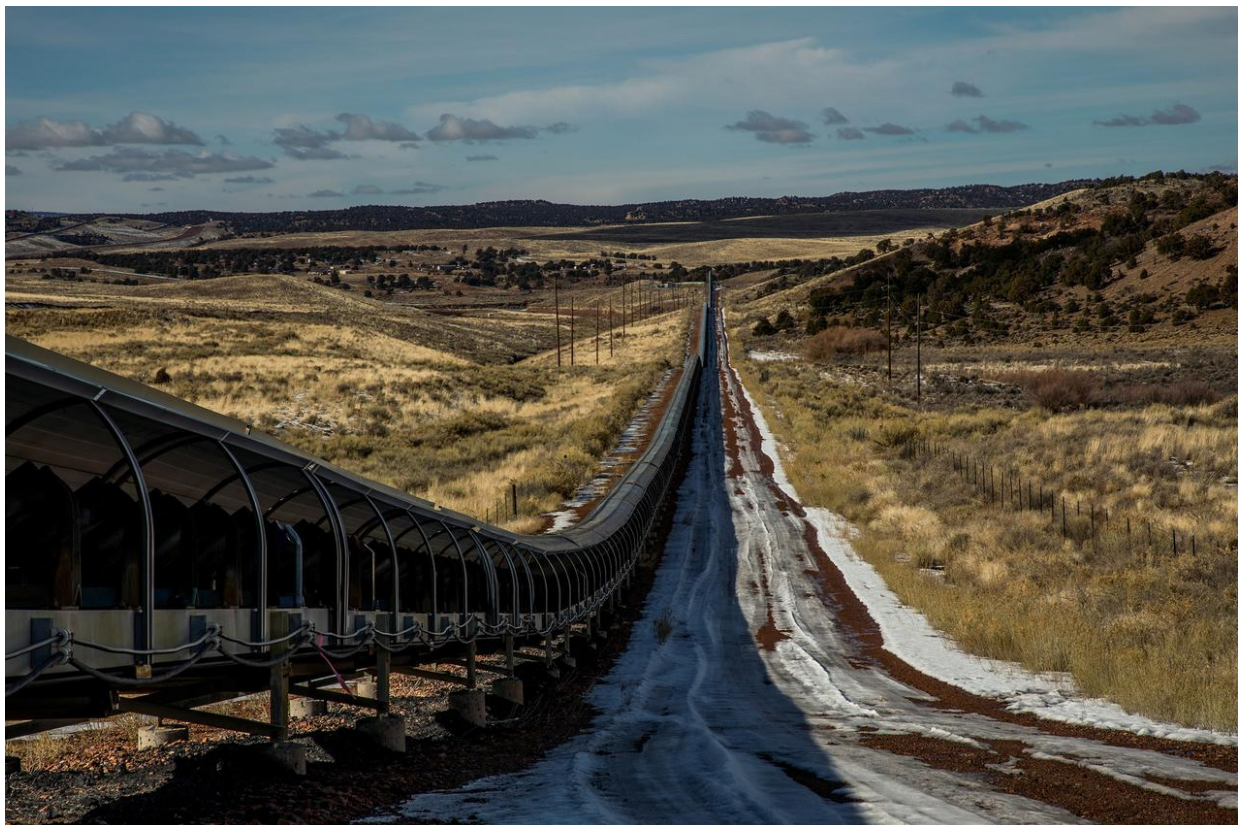
To help break that logjam, Navajo environmental advocates are carrying their concerns to the halls of Congress. “Our role is to amplify these advocates’ voices and their work,” says [Noah Long](#), western region director of NRDC’s Climate & Clean Energy Program. “We support a reasonable transition path away from coal. And we support holding the plant owners and operators accountable for the cleanup—as required under federal law.”

Among those listening is Representative Raúl Grijalva of Arizona, chairman of the [House Committee on Natural Resources](#). “Things are getting slowed down, rules are getting changed in the middle of the game,” he says. “Prior commitments and assurances don’t have the importance that they should have, and you have an agency that facilitates this, as opposed to being an honest broker. We need remediation to make the tribes whole and do it right.”

To that end, Grijalva sent [a letter](#) in July to OSMRE’s then-acting director and now principal deputy director, Lanny Erdos, demanding information about the cleanup delay. The congressman specifically targeted Peabody’s 2019 submission of major modifications to the reclamation schedule outlined in Kayenta’s operating permit, which

OSMRE deemed “not significant” despite the fact that Peabody had shut down work at Kayenta just a few months before. A finding of “significant” changes would have prompted a public review process, allowing tribal members a voice in the cleanup.

“In short,” Grijalva wrote, “it appears that no reclamation at Kayenta Mine has occurred for the nearly one full year since mining operations permanently ceased; Peabody is seeking to conduct reclamation more slowly; and the public has been nearly shut out of the process.”



Mostly empty coal conveyors at the Kayenta mine, January 2020. The Navajo Generating Station used to burn 240 railcars’ worth of coal each day.

Christie Hemm Klok/The New York Times via Redux

## Follow the Money

Grijalva and others wonder whether money might play a part in the delay. Under an [assertion by Peabody](#), owners of the Navajo Generating Station are responsible for 71.4 percent of Kayenta’s cleanup costs, estimated at approximately \$188 million. One of those owners is the Interior Department, with a 24.3 percent stake in the plant.



“That’s a big conflict of interest,” says Denver attorney Brad Bartlett, who has advised tribal members fighting for reclamation. “It’s why there is such tremendous resistance to having any type of public process around the mine closure, which would raise all these thorny questions: How long would cleanup take and how much will it cost? If you’re the U.S. Department of Interior, you don’t want those questions raised.”

But that hasn’t stopped some people from asking. In June, several former Hopi tribal chairmen urged OSMRE’s western regional director, David Berry, to include the tribes in identifying and preserving mine-area cultural sites, as required by the [National Historic Preservation Act](#). “We believe that after 50 years of sacrifice, we are entitled to that respect,” they wrote in a joint letter.

To Nicole Horseherder, Tó Nizhóní Ání’s executive director, respect includes restoration of the land and water so that it can be returned to tribal members who knew this corner of northeastern Arizona long before Peabody moved in. “Those are the people,” she says, “who will go back to the land and have the opportunity to use it again, as they did before mining came.”

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