

Vernon Masayesva

Hopi Tribal Member

Testimony on *“Protecting Long-Term Tribal Energy Jobs and Keeping Arizona Water and Power Costs Affordable: The Current and Future Role of the Navajo Generating Station”*

May 25, 2011

Hello, my name is Vernon Masayesva, a Coyote clan member of the Hopi Tribe. I am here to speak in my behalf as a concerned citizen.

Black Mesa coal and Glen Canyon Dam are the footstools of Central Arizona Project.

The initial plan to dam up the Grand Canyon to create hydroelectric power needed to push water up-hill to Phoenix and Tucson through CAP canal failed.

So a plan was conceived in the Office of Secretary of Interior to build Navajo Generating Station using coal from Hopi and Navajo lands, and water stored in the Dam called Lake Powell.

Before the project could move forward, two things needed to happen:

1. The Navajo Nation had to give up their claim to Arizona's share of Upper Basin Colorado River.
2. Navajo and Hopi Tribe had to open up their lands to coal mining

So, the Secretary sent his envoy carrying a resolution to the Navajo capitol. The purpose of the resolution was to waive Navajo water claim to Arizona's Colorado River share of the Upper Basin in return for job preference and economic benefits.

The Navajo Council reluctantly passed the resolution suspending their claim to 50,000 acre-feet of water for 50 years.

Suspension will end in 2019 along with land leased to NGS owners and a right-of-way to deliver coal to NGS.

A former lawyer for the Hopi Tribal, John Boyden, now deceased, joined the circle of architects. His mission was to persuade the Hopi Tribal Council to open the door to mining.

John Boyden convinced the Council to give Sentry Royalty, a subsidiary of Peabody Coal Co, exclusive rights to explore and develop coal on Black Mesa and delivered to NGS and Mohave Generating Station located in Nevada. Coal would be delivered to NGS by rail. As 273 mile slurry line would provide to MGS. The Hopi Tribal Council initially turned down the slurry operation, but changed their minds when confronted by Boyden.

Peabody currently has rights to about 620 million tons of coal on a 68,000 acre leasehold.

The Hopi, like the Navajo, were drawn into the triangle of deceit, not to get rich, but to subsidize owners and operators of generating station, mining company and CAP.

Hopi was also promised economic prosperity and jobs. Today only about a dozen work at the mine. I am not aware of any Hopi who works at NGS. In 1970, mining started. Coal was transported 273 miles via coal slurry pipeline to MGS across state line.

4000 acre-feet of ancient pristine fossil water from a 15,000 to 35,000 year old aquifer was used annually to operate the slurry.

The price of water approved by Secretary Udall in his capacity as trustee of Indian Tribes' natural resources, was \$1.67 for each acre-foot of water (325,000 gallons equal an acre-foot). Coal was sold at 3.33% of the market value.

The slurry was forced to close in 2005 but not before over 45 billion gallons of sole-source drinking water was lost, enough water to serve 10,000 Hopis for at least 300 years at the present use, which is about 350 acre-feet per year.

Six years later, NGS began generating power to run 14 pumping stations bringing water to Phoenix, Arizona from the mighty Colorado.

Now, 40 years later, the grassroots are realizing the magnitude of destruction caused by the world's largest strip mining on Black Mesa and they are shocked and angry. Here are some examples:

- Over-drafting of non-renewable water stored in Navajo aquifer and failure of US Office of Surface Mining Reclamation and Enforcement to require Peabody to post groundwater reclamation plan and bond.
- Waters from Black Mesa basin that used to water Hopi corn fields in Moencopi shut down by construction of over 160 impoundment ponds
- Evidence of contamination of pristine fossil water stored in the N-aquifer, waters which was put into the ground during the last ice-age.
- Destruction of unknown number of Hopi ancestral villages and burial sites, which the elders call a "living museum, a cathedral and an academy of our oral traditions."

In a 20 year survey, starting in 1968, an archaeological field school hired by Peabody, found 1,026 historic and 1,596 pre-historic sites, of which only 168 sites were excavated. Only 178 burial sites were found.

What happened to the rest of the remains of Hopi ancestors and the ancestral villages has yet to be revealed.

For me, this is like tearing pages from our history book, like tearing pages from the Torah, Koran, and the Bible. It is so because Black Mesa is a shrine, a temple we call Tuuwansavi, Earth Center, a safe homeland, a sacred land.

Last year the Hopi people pleaded with President Obama to end the destruction. They have yet to receive a response. I will leave a copy of the letter for the record.

The controversy EPA's proposal to require NGS owners to install Selective Catalytic Reducers in their plants to reduce nitrogen oxide has brought us here.

Owners are saying that if EPA's proposal prevails, NGS will be shut down. This will cause a domino effect. Mining will end. Hopi economy will be devastated. Hundreds of jobs will be lost.

The price of water delivered to Phoenix and Tucson and other Southern Indian Tribes will rise astronomically along with the cost of power to millions of rate-payers, businesses and farmers.

The debate over BART to improve visibility is just one issue. Next to come are regulations to limit mercury, and carbon dioxide.

And there are many controversial issues facing Peabody Coal Co. The cost of resolving these issues will have a direct economic impact on NGS because the two are Siamese twins. Once cannot survive without the other.

The other issue is the conflicted role of the Bureau of Reclamation (BOR). BOR owns CAP, a majority share of NGS. BOR buys coal from Peabody, co-regulate the mine and is responsible for 24.3% of pollution.

Black Mesa Trust's mission, of which I am the director was founded in 1998, is to preserve waters and land on Black Mesa using ancient wisdom and modern science, has prepared a proposal to bring multiple solutions to multiple issues.

For example BMT proposes that NGS transition away from coal to clean and cleaner fuel sources, specifically solar and natural gas in 10 years.

In the process of transitioning, create alternative sources of revenue and jobs for the Hopi and Navajo nations with the help of NGS owners and managers of CAP.

This includes building a 1000 plus MW solar plant on Hopi and another one on Navajo. A construction of 550 KV transmission line alongside the existing El Dorado line which runs from Cameron, near Flagstaff, to the Four Corners power plant through Hopi and Navajo lands.

This will open up a bottle neck and bring green power to market.

These projects can be done in partnership with NGS owners. Solar powered plants can be used to help meet Arizona Corporation Commissions' mandate that a percentage of power come from renewable energy.

Unfortunately, the debate over nitrogen pollution is being used to create further conflict and alarm. It has pitted Navajo against Navajo and could very well pit Hopi against Hopi, and Hopi against Navajo!

This is morally and ethically wrong especially when it is so unnecessary.

Together we can save NGS and guarantee that customers of CAP and customers of NGS will continue receiving water and electricity at reasonable cost.

Together, we can finally bring economic justice to Hopi and Navajo, create economic prosperity and hundreds of jobs to Arizonans including Hopi and Navajo people, who are experiencing the highest unemployment rate, 85% on Hopi.

Together we can establish an international clean energy showcase on the Colorado Plateau which some Hopis call a "Learning Plaza".

Instead of putting our energy and money fighting over EPA's proposal, we need to turn the negative energy into positive energy and bring about a win-win resolution for everyone.

Kwaq kwa, Thank you.

Vernon Masayesva
P.O. Box 33
Kykotsmovi, AZ 86039
(928) 255-2356