

ORIGINAL



0000180615

Memorandum
From the office of
Commissioner Andy Tobin
Arizona Corporation Commission
1200 W. WASHINGTON
PHOENIX, ARIZONA
(602) 542-3625

Arizona Corporation Commission

DOCKETED

JUN 20 2017

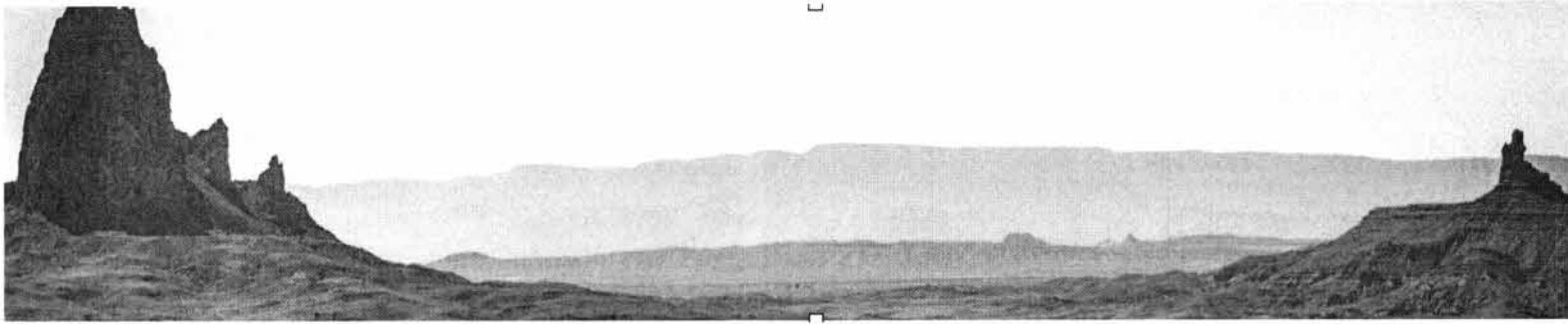
DOCKETED BY

A blue ink signature, appearing to be "AT", written over a horizontal line.

TO: Docket Control
DATE: June 20th, 2017
FROM: Commissioner Andy Tobin's Office
SUBJECT: Doc. No. E-00000C-17-0039

Correspondence from Jennafer Waggoner-Yellowhorse regarding Commissioner Andy Tobin's letter to Secretary Zinke on the Navajo Generating Station negotiations.

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL
2017 JUN 20 P 4: 38



Tuesday, June 20, 2017

Honorable Ryan Zinke
Secretary of the Department of Interior
1849 C Street, N.W.
Washington, DC 20240

Commissioner Andy Tobin
Arizona Corporation Commission
1200 W. Washington
Tobin-Web@azcc.gov

Dear Secretary Zinke, and Commissioner Tobin,

I was reviewing a correspondence from C.Tobin that discusses 06/16/2017 issues surrounding the NGS and Kayenta Mine and the proposed lease extension.

I have several issues I would like to raise to you both regarding the contamination issues surrounding your proposal to extend the lease to 2022.

My son and I are residents of the HPL, inside the lease, at 5 Miles South Black Mesa Pipeline Road, my son continues to face relocation as his families land was exchanged with the Hopi so that this project may continue beyond the devastation it has caused our family and our future.

Not too long ago, before the closure of the NGS, perhaps less than a year, I was involved in a very aggressive push for the EIS by PWCC and SRP over the Cultural Review aspect, of the KMC operations. I definitely believe the sudden closure and the bankruptcy, as part of a reclamation bond recovery scheme. But then again, there would have to be reclamation bonds standing.

In the EIS Section 106 Process we identified several areas where PWCC was forwarding reclamation clearances, that were not actually clear on the ground. I arranged a site survey with HDR, Inc. which was quite intense, as I demonstrated the use of the false reclamation reporting to cover onsite archaeological dumps into unmarked reclamation pits that were being confirmed by the Department of the Interior and declared top secret in an unusual use of traditional burial policies to outset documentation of entire Anasazi Villages being looted, destroyed, and dumped.

I received notification from DOI, and received copies of the excavation reports, and outlined, satellite imagery and the published maps in the EIS to reconstruct, missing and disappeared sites. Sites that were alleged as Hopi owned, but with the 2008 EIS clearly demarked Navajo owned ancestral properties, and connected a collection of burials, held by Debra Martin at UNLV, as being "unpermissioned" transfer out of state, of remains, published by George Gumerman as being a mass burial of Navajo being hunted by Kit Carson. As well as a sudden appearance of Navajo and Hopi Masks that somehow cleared FBI art clearance to France that ended up at auction at the same time John S. Boyden's collection went onsale at Cowan's Auctions.

Which was a 5 year plan for restoring the ancestral property of 1.2 Million artifacts, while Gumerman and Cowan were facebooking about visiting the sites without NHPOs.

While documenting those missing and disappeared sites, I managed to find satellite imagery of a mining area collapse, showing various techniques being employed to "cover" surface water leakages and spring eruptions during mining operations.

I also documented weather patterns across Black Mesa, capable of dropping sediment from the Kayenta and Black Mesa mine, into Kayenta, Chilchinbito, Betatakin and Keet Siel, and even as far as Monument Valley and Mexican Hat. Meanwhile an 8 million dollar water study was returned as unapplied for by the Navajo Tribe, that was supposed to document this sedimentation and water testing of this region for the EIS. I was approached by a handful of participants at the Kayenta EIS meetings at KUSD, who specifically wanted to tell me that weather does not come across the mine from Black Mesa, into surrounding communities but from the opposite direction, from North to South. Despite the satellite images from NOAA that confirm the opposite.

So I wholly agree, that the push for closure is on an unusual timeline, and that there are certainly some market fluctuations that are unpredictable, like Peabody Energy's recovery of their seat on the NYSE, fresh out of bankruptcy, rallying over 300% profits, while the closure is pushing the Navajo and Hopi to the brink of economic catastrophe.

However, that catastrophe demonstrates, that the billions of dollars received by the Tribe, never resulted in any infrastructure to the desperately impoverished Navajo People, who today, still live without access to the electricity or water that you claim supports the Valley of the Sun. And languish with a corrupt and unaccountable Tribal Government, that receives monies never seen by the local chapters. Of all the money that is desperately needed to provide services to the Navajo people, most Navajo will tell you they have never seen it.

On the ground, I took HDR, as part of the Cultural Review Section 106 process to a place called "Spring by the Roadside" and was eliminated from carrying forward my demonstration that the spring heads inside Gate 8 were being unlawfully withheld from water flow into the historic washes, that comprise the J-7 area, which is the original first mining area still improperly reclaimed and under the 68 contract. Not only that but that area contains the oldest known archaeological site on Black Mesa, if not the entire region. Spring by the Roadside demonstrates, the desecration of sacred springs by the use of a road, as an unpermitted dam, for the reservoir, that may actually be covering archaeological digs, that are still intact under water, further violating Navajo Burial Policy, in notifying residents that dead things may be in the water. In addition, there's a missing inventory of the 1.2 million which according to Michael Trimble of ACOE, demonstrate that a break in, with no stolen property report, likely applied to insurance, occurred without notification to any Tribe.

You may actually be correct in assessing that Sierra Club and business community alike rejoice over the cooperation between the wasteful desert metropolis's, converging and exploiting the Navajo and Hopi for the coal and water there. However, lets be clear. The former lease was not being used to power just SRP, and Arizona homegrown in a local energy production project. It was being employed as a power source for Los Angeles, and Las Vegas as well, who pulled out of the project well before SRP. In fact, the employees at the Mohave Generating Station were not given an extension package for its closure. Even as its still listed as Option A.

While relocation, and the construction of the mine, and generating stations, I think you accurately assess, as part of a build and abandon strategy of California and other states. I have to kindly disagree about the estimates on solar production, as Black Mesa's potential for solar is so massive, even PWCC proposed building a solar plant there at the Mine. But was rejected by the community on record at the RDC for being an unwanted leaseholder rejecting people from returning to their homelands.

You indicate that storage is guaranteed at NGS. Well, that's not true, lined and unlined nuclear waste dumps, Carbon Sequestration and Fracking initiatives have proven to go nowhere by the Tribes as unwanted. And if you mean by guaranteed, its included in these pushes of legislation whereby we have no choices, and are being bulldozed into, as you claim exists, then perhaps yes, guaranteed then.

You indicate that Kayenta Coal Mine is the State's only homegrown coal. However, I wish to remind you that it comprises 7 major river wash systems of the state, that are threatened to extinction by 2044. 7 major historic wash systems that flow directly to the Colorado River System as part of the state's water treasure. Why would coal mining outset water flow for the State's Clean Water Reserves?

The letter by the Commissioner indicates costs that are not factored into "spot pricing" by SRP. That's nothing new. Relocation of 22,000 Navajo from their homelands, cost the tax payers billions, and there are still unrecovered medical costs, in the billions for the mining operations capped and segregated directly to the tax payer, rather than the mining projects themselves as employed by SRP and IHS. Who reject mining related illnesses from being listed on the ATSDR. Relocation was just as tax subsidized as the bitter sentiment expressed that solar is tax subsidized.

So NGS is here, and it is being used for Peak demands, for wasteful desert metropolis's. While the 5 year plan is unmentioned regarding the destruction and the unlawful removal of the 1.2 million artifacts continue on a non discussed timeline in any of the lease negotiations, including the modified one you are proposing. However, it clearly neglects, that new species like the Navajo Ants and other water issues and reclamation problems not included on the EIS are permit halting issues.

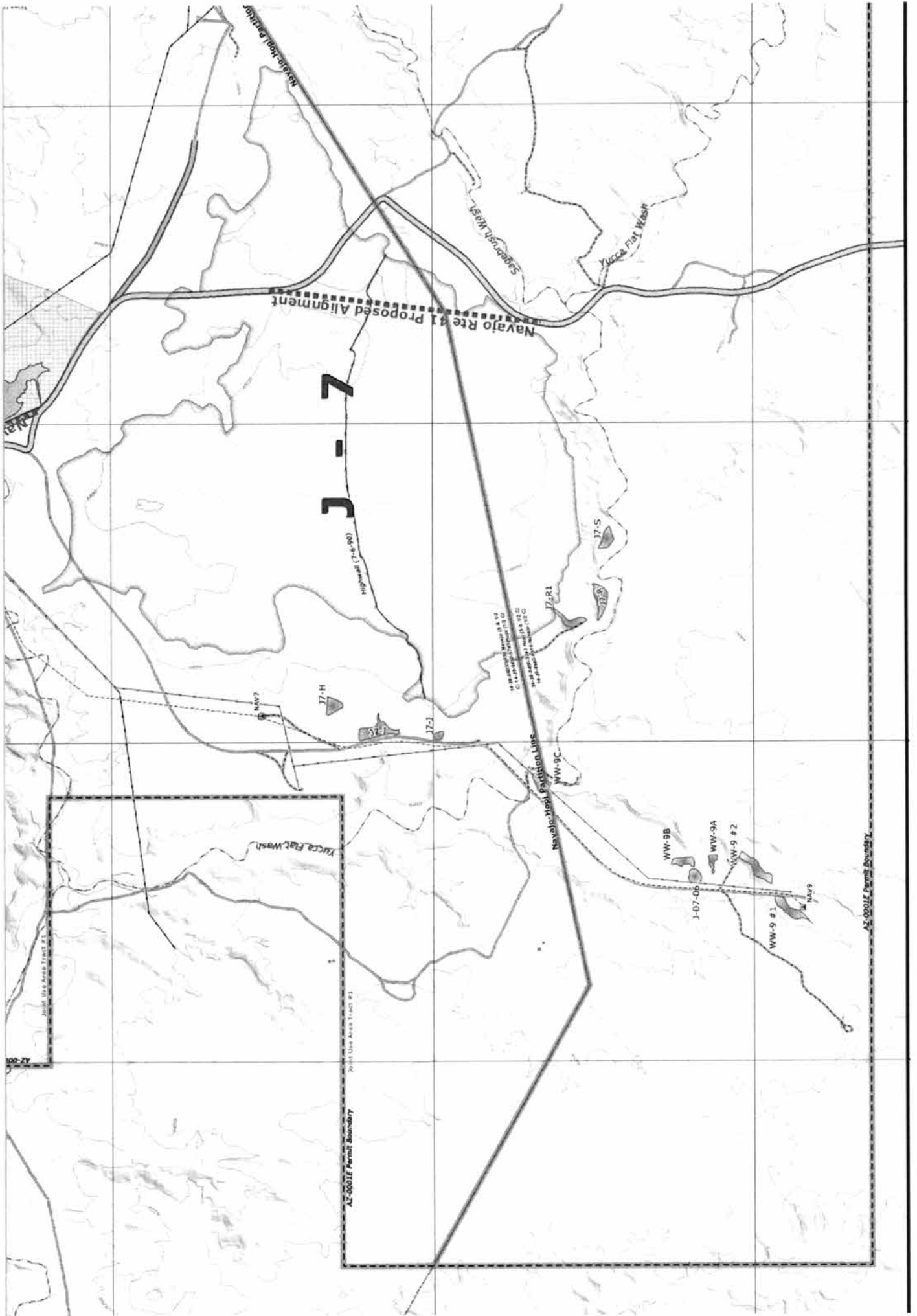
Attached are photos of the satellite images, as mentioned.

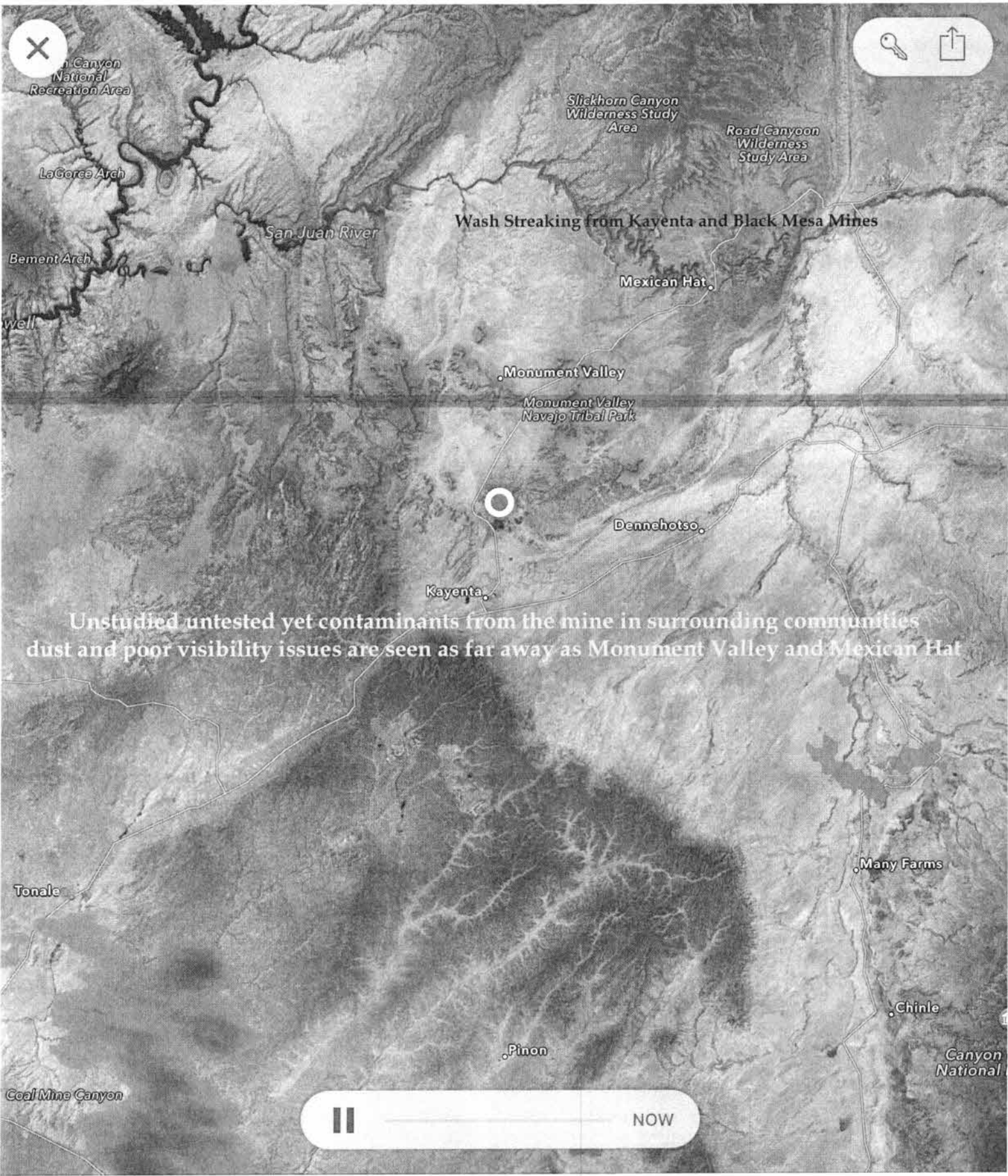
Jennafer Waggoner-Yellowhorse

cc:

Andy Kvesic
legaldiv@azcc.gov

Elijah Abinah
EAbinah@azcc.gov





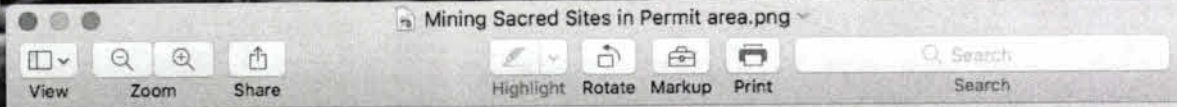
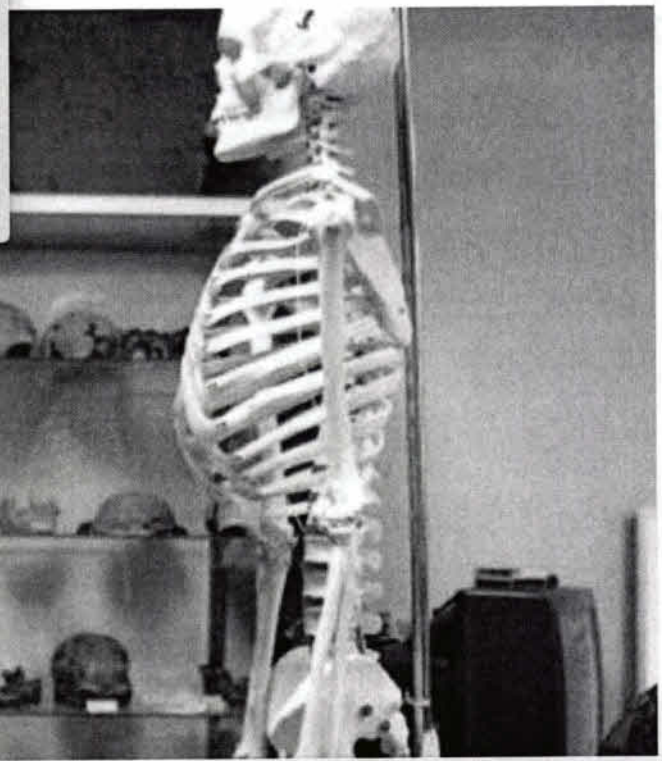
Unstudied untested yet contaminants from the mine in surrounding communities dust and poor visibility issues are seen as far away as Monument Valley and Mexican Hat

|| ————— NOW

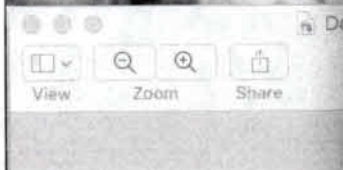
- Overview
- Radar
- Temperature
- Satellite
- Layers



Cataloguing the vast federal holdings of Indian remains is not a government priority, said Michael Trimble, an archaeologist with the Army Corps of Engineers, who authored the report on the Black Mesa collection.



The Black Mesa Archaeological Project inventory includes 36 prehistoric sites and 20 historic Navajo sites within the area of potential effects defined for the permit renewal, including 12 sites (5 prehistoric and 7 historic) in the J-19 coal resource area, 22 sites (15 prehistoric and 7 historic) in the J-21 coal resource area, and 22 sites (16 prehistoric and 6 historic) in the N-9 coal resource area.



What's more, Alan Downer, a former historical preservation officer for the Navajo Nation, said the tribe had never authorised any remains to be loaned to a professor, Debra L Martin, who teaches at the University of Nevada at Las Vegas. He said he was "shocked to find out" about eight years ago, that she had had the bones since 1980.

“The 70 burials consisted of 32 adults (20 males and 12 females and 38 infants and juveniles.) Most were buried in earthen grave pits which were excavated through trash heaps.”

-George Gumerman Population 125

Excerpts from
A View From Black Mesa
read that Martin has the Navajo
historic collection from the
Prescott Bankruptcy, illegally



the population curve by an increase of our data base over the years, improved methods of observing and recording data, and more sophisticated methods of analysis of these data.

More can be determined about the population by directly examining human skeletons and how they were interred. A major disappointment of BMAP has been the inability to recover more burials, not only because they provide important clues about human diet about demography that also because they supply information about social status, nutrition, and pathologies.

Obviously, the measurements found with the heads of King Tutankhamun indicated he was not an ordinary Egyptian (as in previous construction based) Egyptians as the risk of mass and better grain goods indicating higher status are not uncommon however. When King Tutank of South Arabia was interred in 1978, he was the leader of his government and one of the wealthiest men in the world. He was interred in a simple (found in a

Figure 6.1. The excavation requires both careful control, as represented by stakes in ground, and the removal of large amounts of dirt. A different plan



KMC TCP/TCL Study Notification

Date: Monday, February 02, 2015

Study: Navajo Traditional Cultural Property and Traditional Cultural Landscape Survey of the Kayenta Mine Complex, Arizona

To: Ms. Jennafer Yellowhorse
Black Mesa Coal'tion
blackmesasacred@wildblue.net
P.O. Box 4828
Kayenta, AZ 86033
928.246.1635

From: Dr. Christopher Moreno
HDR Ethnography Program Manager
425.306.0967
christopher.moreno@hdrinc.com

Dear Ms. Yellowhorse (Black Mesa Coal'tion):

On behalf of the U.S. Bureau of Reclamation, HDR requests your collaboration in a Navajo Traditional Cultural Property (TCP) and Traditional Cultural Landscape (TCL) study of the Kayenta Mine Complex (KMC). We wish to engage knowledgeable representatives from your organization, including Medicine People and Elders, as well as residents and local resource users, to discuss historical to present day cultural uses and the traditional cultural importance of lands within the KMC and wider Black Mesa (*Dzit yjiiin*) area. We seek your input regarding the Navajo Nation members associated with Black Mesa Coal'tion that we should speak with, the best meeting arrangements, and the best schedule for field visits and interviews.

KMC TCP/TCL Study Purpose

- To identify and document properties of traditional religious and cultural significance to the Navajo Nation
- To recommend identified TCPs and TCLs for listing in the National Register of Historic Places (NRHP) and assess potential impacts to them related to KMC activities and undertakings
- To ensure compliance with the National Historic Preservation Act (NHPA) Section 106 process and the Navajo Nation Cultural Resources Protection Act (CRPA; CMY-19-88) for the Navajo Generating Station-Kayenta Mine Complex (NGS-KMC) Project
- To provide Reclamation, Peabody Western Coal Company (PWCC), and Salt River Project (SRP) with a comprehensive document to support proper management of previously documented and newly identified Navajo TCPs and TCLs associated with the KMC area and its facilities
- To enhance internal TCP and TCL identification and evaluation capacities of the Navajo Nation Historic Preservation Department (NNHPD) through integrated training programs and professional cultural resources management development

KMC TCP/TCL Study Outreach Schedule

- Study Notification – February 2015
- Outreach Meetings – March - April 2015
- KMC Site Visits and Interviews – May to September 2015

Attached for your Review

- KMC TCP/TCL study information and consent form
- KMC TCP/TCL study area map
- List of KMC TCP/TCL study interview topics and themes

Goals and Commitments

- To arrange interviews with knowledgeable individuals, including Medicine People and Elders, as well as families and small groups, as desired by participants
- To document and account for the traditional importance of properties/places, landscapes, and other cultural resources within the KMC and Black Mesa (*Dził yjjiin*)
- To be respectful of cultural sensitivity and confidentiality concerns of KMC TCP/TCL study participants and all Navajo Nation members

The KMC TCP/TCL study researchers, Christopher Moreno and Dayna Bowker Lee, will be contacting you shortly to discuss the TCP/TCL study and arrange an in-person meeting if you would like.

In the meantime, please feel free to call or email.



Warm regards,

Dr. Christopher Moreno



United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
Western Region Office
1999 Broadway, Suite 3320
Denver, CO 80202-3050



OCT 8 2011

Ms. Jennafer Waggoner-Yellowhorse
PO Box 804
Kayenta, Arizona 86033-0804

Dear Ms. Waggoner-Yellowhorse:

The Office of Surface Mining, Reclamation and Enforcement (OSM) is in receipt of your letter dated August 23, 2011, to OSM Director Joseph Pizarchik¹ providing comments on Peabody Western Coal Company's (PWCC's) Kayenta Mine Permit (AZ0001D) Renewal Application. The Director has asked me to respond to your letter.

OSM's decision on the Kayenta Mine permit renewal application is pending the completion of an environmental assessment (EA) being prepared in accordance with the National Environmental Policy Act (NEPA). The public comment period pertinent to the permit renewal application expired on June 4, 2010. Although your comments were received well past this expiration date, in this case we will still consider and include your comments within our pending decision document.

In answer to concerns expressed within your letter, please be aware that, from 1967 to 1986, the 20-year 'Black Mesa Archaeological Project' conducted research to mitigate the impacts of mining coal within the PWCC mine lease area. The investigations recorded a total of 2,710 archaeological sites (1,671 pre-ceramic and Puebloan and 1,039 historic Navajo), excavated 215 of those sites, and archaeologically tested, mapped, and collected artifacts from 887 other sites.

The Black Mesa Archaeological Project inventory includes 36 prehistoric sites and 20 historic Navajo sites within the area of potential effects defined for the permit renewal, including 12 sites (5 prehistoric and 7 historic) in the J-19 coal resource area, 22 sites (15 prehistoric and 7 historic) in the J-21 coal resource area, and 22 sites (16 prehistoric and 6 historic) in the N-9 coal resource area.

The artifacts, project records, recovered human remains and associated materials of the Black Mesa Archaeological Project and more recent archaeological activities are curated at Southern Illinois University (SIU). The SIU facility is a federally approved curatorial storage facility. The

¹ Letter also addressed to OSM's Al Klein, Western Region Director, and Bob Postle, Manager, Program Support Division.

stored materials, including the human remains, are being respectively housed at the request of the Navajo and Hopi Tribes who retain control and ownership of the artifacts and human remains. Through the Black Mesa Archaeological Project, OSM completed Section 106² requirements for the entire Kayenta Mine permit area. In addition, OSM continues to consider cultural resources pursuant to other laws through standard conditions and terms attached to mining permit renewals issued for continuing coal mining operations pursuant to the National Historic Preservation Act and other laws. Pursuant to those terms PWCC continues to:

- Report the discovery of any previously unrecorded cultural resources to OSM and to suspend work near discoveries until OSM in conjunction with the appropriate tribe determines appropriate disposition;
- Take into account any sacred and ceremonial sites brought to the attention of PWCC by local residents, clans, or tribal government representatives of the Hopi Tribe and Navajo Nation and;
- Identify and respectfully treat any human remains reported or found associated with archaeological sites pursuant to the 1990 Native American Graves Protection and Repatriation Act;

The Navajo Nation at any time can request that any or all of the artifacts, project records, human remains and associated grave goods obtained from Navajo lands and curated at Southern Illinois University, be returned to the tribal government. On all Navajo lands, if human remains and associated funerary objects are found or known burials that might be disturbed are identified, then prior to disturbance, these gravesites would be documented, removed and reburied in accordance with the Native American Graves Protection and Repatriation Act, and the Navajo Nation policy for the Protection of Jishchaa: Gravesites, Human Remains, and Funerary Items.

Should you have further questions related to the information provided within this letter, please contact Rick Williamson, OSM's Indian Programs Branch Manager, at 303-293-5047, or at rwilliamson@osmre.gov.

Sincerely,



Allen D. Klein
Director, Western Region

cc: Joseph Pizarchik
Director, OSM
Bob Postle
Manager, WR, Program Support Division

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of the Secretary

1968
Permit

PERMIT TO CONDUCT WORK UPON LANDS OF THE UNITED STATES UNDER THE ACT FOR THE PRESERVATION OF AMERICAN ANTIQUITIES APPROVED JUNE 8, 1906 (34 STAT. 225, 16 U.S.C. 432, 433) AND THE REGULATIONS THEREUNDER.

Date: NOV 27 1967

1. Permit issued to: Prescott College
2. Name, address, and official status of person: Dr. Robert C. Euler, Chairman, Center
 - 1 - In general charge for Anthropological Studies, Prescott College,
Prescott, Ariz. 86301
 - 2 - In actual direct charge To be selected
3. Under application dated: November 1, 1967
4. Authorizes: Archeological salvage
5. On lands described as follows: Department of Interior lands bounded by
latitude 36° 15' - 36° 45' & longitude 110° 15' - 110° 30'
6. For the period: December 1, 1967 through December 1, 1968
7. This permit is subject to the provisions of the Act for the Preservation of American Antiquities approved June 8, 1906 and the interdepartmental regulations promulgated thereunder (copies attached) as well as the following special conditions:

- see attached -

8. Within approximately 6 weeks of the conclusion of field work, a preliminary report of work performed under this permit, illustrated with representative photographs, and listing new and significant collected materials, should be furnished the Secretary, Smithsonian Institution, and ~~one copy~~ thereof should be forwarded to this Department. 3 copies

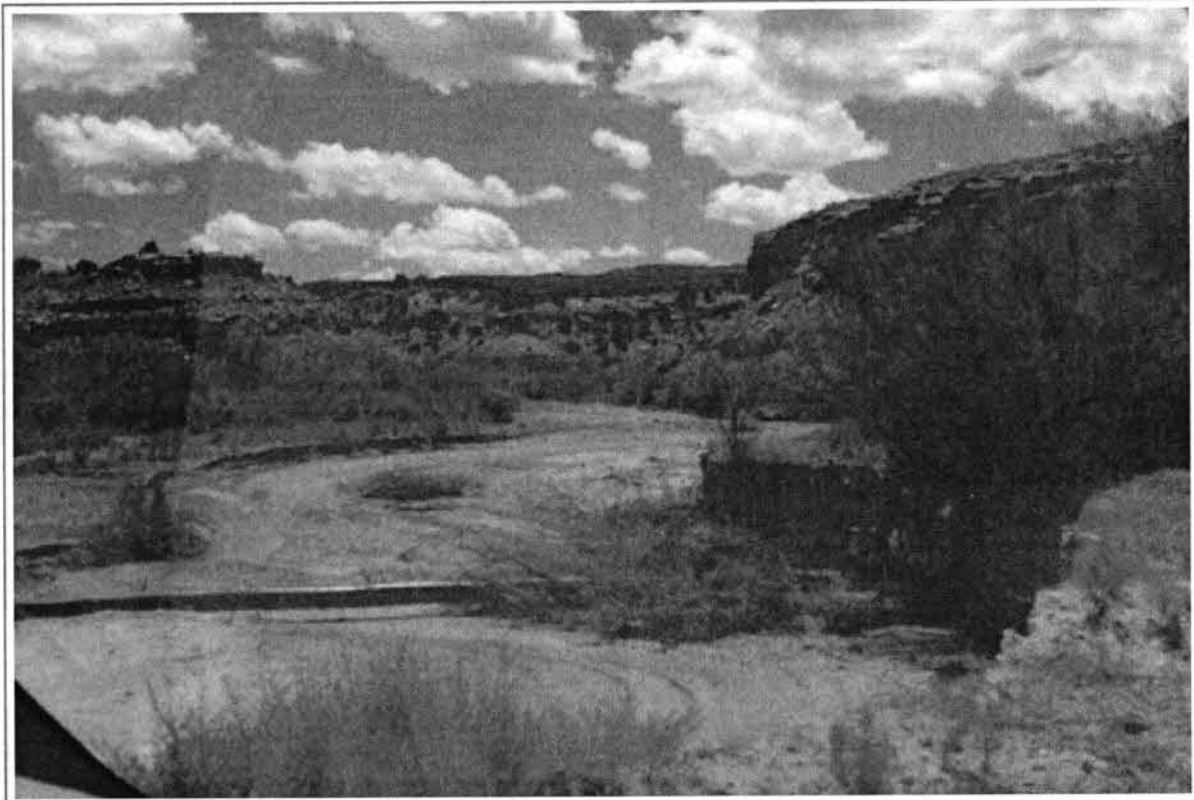
Louis A. Bost
Acting Director of Management Operations

7. (continued)

- a) This permit shall not be exclusive in character and the United States reserves the right to use, lease, or permit the use of said land or any part thereof for any purpose.
- b) The Department of the Interior, including its bureaus and employees, shall be held blameless for any and all events, deeds or mishaps regardless of whether or not they arise from operations under this permit.
- c) Such guidance and protection as is consistent with the duties of the Department of the Interior official in charge of the area will be afforded the permit holder and his party.
- d) Transportation in Department of the Interior vehicles cannot be furnished except in cases where no extra expense to the Department is involved.
- e) All costs shall be borne by the permittee.
- f) The exploration or excavation of any Indian grave or burial ground on Indian lands and reservations under the jurisdiction of the Department of the Interior is restricted solely to qualified archeologists. No grave or burial ground abandoned less than 200 years may be investigated without permission of the governing council of the Indians concerned, which supplemental authority must be promptly recorded with the superintendent or other official in charge of the designated area.
- g) All excavated areas shall be restored by filling in the excavations and otherwise leaving the area in as near to original condition as is practicable.
- h) Before undertaking any work on Indian-owned or Indian reservation lands, clearance should be obtained from the Indian owners thereof and from the Area Directors at Phoenix and Window Rock, Arizona.
- i) Any findings of mined or processed precious metals or other treasure or treasure trove in the area covered by this permit are the exclusive property of the Federal Government and shall not be disturbed or removed from the site without specific written permission from the Department of the Interior.
- j) Materials collected under this permit shall be deposited for permanent preservation in the Prescott College, Prescott, Arizona.

Section 106 NHPA

Black Mesa Coal'tion



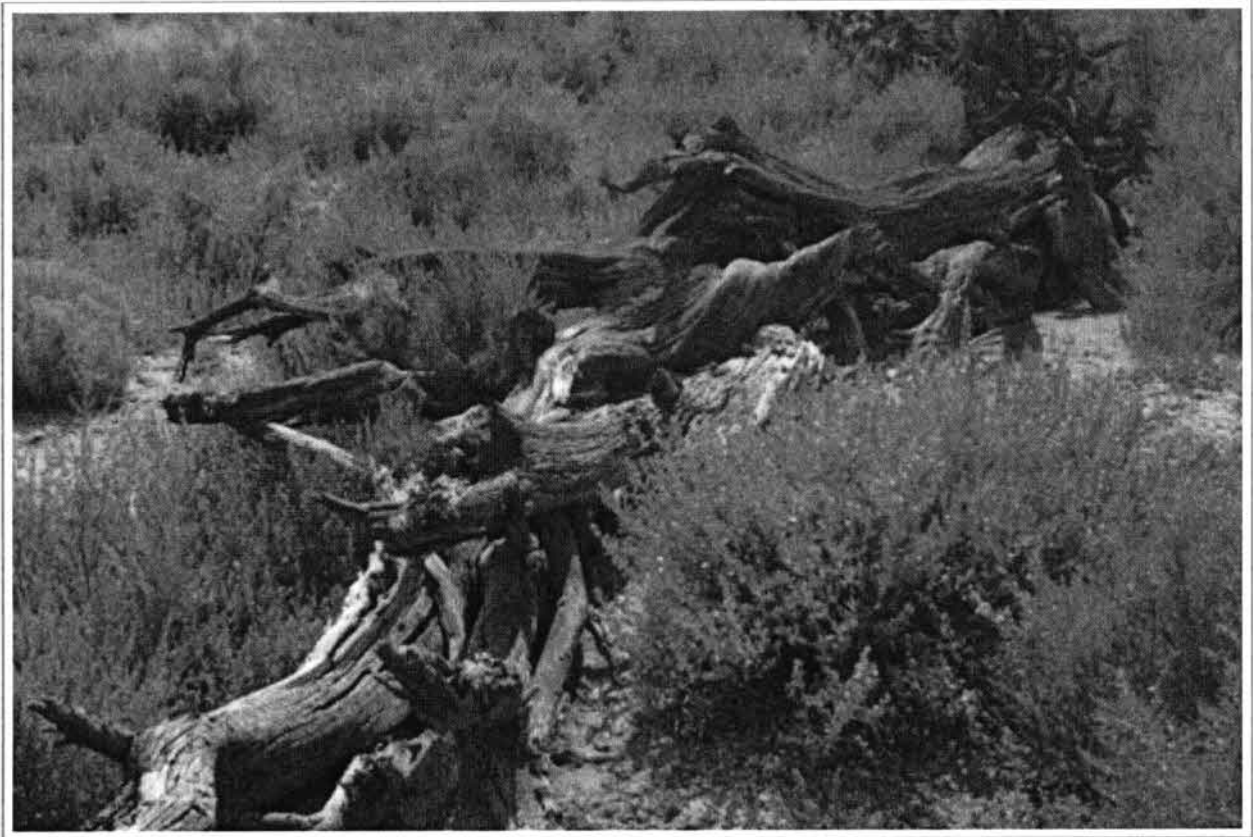
Submission to Cultural Review PA

Life of Mine Permit, AZ-0001E Black Mesa Mine

2008-2015

Black Mesa Coal'tion, POB 4828, Kayenta, AZ 86033-4828; blackmesasacred@wildblue.net

Photo of Slurry Pipeline Exposure in Yucca Flat Wash, blocking water flow and creating congestion.



Formal Complaints Raised During Obstruction of NHPA 106

Executive Office
Advisory Council on Historic Preservation
1100 Pennsylvania Ave. NW, Suite 809
Washington, DC 20004

Sandy Eto
Environmental Coordinator
Phoenix Area Office, Bureau of
Reclamation
6150 W. Thunderbird Road
Glendale, AZ 85306-4001

Black Mesa Coal'tion is an informal affinity of permit area residents, and concerned citizens with stockholding interest in the impacts of the AZ-0001E Permit Area mining activities.

Black Mesa Navajo Ants

2 new species of Navajo Ants have been found in the Apache County side, of the Black Mesa wash system. According to the EIS, and other regulatory compliances, new species discovery are permit halting, it says quite clearly. They are not listed in the LOM application.

See Attachment: Ants in the Black World, Here for a Reason, Each One a Leader. Leading the Way, 2010, Vol. 8 No 12.

Other incidents recorded, documented and presented to HDR but removed from onsite acknowledgement in collective resident discussions to shape an empty, shallow and vacant cultural study.

Ammonia Nitrates Incident

Vanishing Prayer, Genocide of the Dine'h, the N-Aquifer Pipeline Moenkopi Confluence, Dinnebito Wash Headwaters Prehistoric Irrigation Routes and historic family occupancies.

Water Flow, Water Testing, and allowing resident redirect. The blocking of N-Aquifer access and spring flow blockading pre-historic traditional usage in modern day Tribal Member activities. The moving of the original Forest Lake without EIS or permit.

Invasive Species Abatement and Indigenous Seed Bank Issues

Missing, Destroyed, Removed, dumped into reclamation, protected sacred sites, in AZ - 0001D and prior without inclusion in an LOM permit application examination. (Attachments)

List of Ant Species on the Navajo Reservation

[IMAGES](#)
[RESEARCH](#)
[NAVAJO ANT PROJECT](#)
[GOOGLE MAPS](#)

Ant species found on the Navajo Reservation are listed below. This ant list will be continuously updated as we explore diverse habitats and discover additional species. Three ant species listed below are new species, a few are new records for Arizona and several more are uncommon or very rare.

Subfamily	Genus	Species	Montage	Habitat Photo	Species Page
Dolichoderinae	<i>Dorymyrmex</i>	<i>species</i>	.	.	.
Dolichoderinae	<i>Dorymyrmex</i>	<i>insanus</i>	Montage	Habitat	
Dolichoderinae	<i>Forelius</i>	<i>pruinus</i>	Montage	Habitat	
Dolichoderinae	<i>Liometopum</i>	<i>apiculatum</i>	Montage	Habitat	
Dolichoderinae	<i>Liometopum</i>	<i>luctuosum</i>	.	.	.
Dolichoderinae	<i>Tapinoma</i>	<i>sessile</i>	Montage	Habitat	
Ecitoninae	<i>Neivamyrmex</i>	<i>opacithorax</i>	.	.	.
Formicinae	<i>Brachymyrmex</i>	<i>depilis</i>	.	.	.
Formicinae	<i>Camponotus</i>	<i>bakeri</i>	.	.	.
Formicinae	<i>Camponotus</i>	<i>laevigatus</i>	Montage	Habitat	
Formicinae	<i>Camponotus</i>	<i>modoc</i>	Montage	Habitat	
Formicinae	<i>Camponotus</i>	<i>sansabeanus</i>	Montage	Habitat	
Formicinae	<i>Camponotus</i>	<i>vicinus</i>	Montage	Habitat	
Formicinae	<i>Formica</i>	<i>argentea</i>	Montage	Habitat	
Formicinae	<i>Formica</i>	<i>aserva</i>	Montage	Habitat	
Formicinae	<i>Formica</i>	<i>densiventris</i>	Montage	Habitat	
Formicinae	<i>Formica</i>	<i>fusca</i>	Montage	.	

5

Center for Archaeological Investigations

Southern Illinois University, Carbondale

Repository Summary

Volume of Artifacts: 1,977.68 ft³

Collection Origin: Fort Apache Indian Reservation, Arizona; Hopi Indian Reservation, Arizona; Navajo Indian Reservation, Arizona

Compliance Status: Artifacts require complete rehabilitation to comply with existing federal guidelines and standards for archaeological curation.

Linear Feet of Records: 86.48 linear feet

Collection Origin: Hopi Indian Reservation, Arizona; Navajo Indian Reservation, Arizona

Compliance Status: Documentation requires complete rehabilitation to comply with existing federal guidelines and standards for modern archival preservation.

Human Skeletal Remains: 1.29 ft³

Compliance Status: NAGPRA Section 5 and Section 6 have been completed.

Repository Summary

Date of Visit: November 5-9, 2001

Person Contacted: Dr. Lee Newsom, Curator

Southern Illinois University serves as a repository for archaeological collections generated from projects carried out by Prescott College, Arizona, and Southern Illinois University on BIA Trust Lands in Arizona. Artifact collections including human remains totaling 1,978.97 ft³ and documents collections totaling 86.51 linear feet are located at the University's three storage repositories (Table 20).

Repositories

The BIA collections at Southern Illinois University are housed in three repositories, including the Center for Archaeological Investigations in the Stotler Building, the Center for Applied Technology in Carterville, and Barracks T-41 (Table 21).

Table 20.
Volume of BIA Archaeological Collections Housed at Southern Illinois University

Reservation	Archaeological Materials (ft ³)	Human Remains (ft ³)	Records (linear feet)
Fort Apache, AZ	0.04	—	—
Hopi, AZ	10.22	1.28	0.50
Navajo, AZ	1,967.42	0.01	85.98
Totals	1,977.68	1.29	86.48

Note: In reviewing tables in the report and the database there may be discrepancies in totals due to individual rounding operations in the database management software.

The Stotler Building was formerly a lumber and furniture company and is approximately 11–20 years old (Figure 13). It contains an artifact processing area, a temporary artifact storage area and study room, offices, a materials and supplies storage area, and storage area for records.

The Center for Applied Technology in Carterville was constructed at an unknown date and is used as a temporary artifact and record storage

Table 21.
Percentage by Volume of BIA Artifacts Housed at Southern Illinois University

Material Class	Fort Apache Reservation	Hopi Reservation	Navajo Reservation
Lithics	14.59	13.33	22.67
Historic Ceramics	—	—	—
Prehistoric Ceramics	85.41	66.67	56.87
Fauna	—	—	5.77
Shell	—	—	0.61
Botanical	—	8.89	7.39
Flotation	—	—	1.83
Soil	—	—	0.01
¹⁴ C	—	—	0.26
Human Skeletal	—	11.11	0.49
Worked Shell	—	—	—
Worked Bone	—	—	0.21
Brick	—	—	—
Metal	—	—	2.16
Glass	—	—	0.61
Textile	—	—	0.49
Other (coal, adobe, leather)	—	—	0.62
Total	100.00	100.00	100.00

Note: In reviewing tables in the report and the database there may be discrepancies in totals due to individual rounding operations in the database management software.

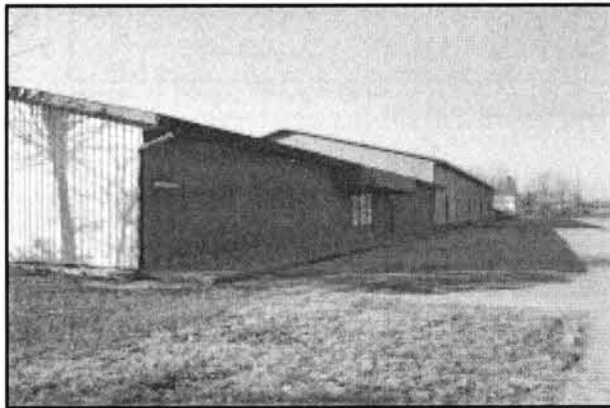


Figure 13. A side view of the exterior of the Stotler Building.



Figure 14. A side view of the exterior of the Center for Applied Technology, Cartersville.

area (Figure 14). One portion of the barracks-type building is rented to a local painter's union.

The third repository, the Barracks T-41 building located behind the Anthropology building, is approximately 40–50 years old (Figure 15). Barracks T-41, formerly used as classrooms, is currently used as a temporary artifact storage area, laboratory, and office.

Collections Storage Area 1—Stotler Building

The majority of the BIA collections are stored in two rooms of the Center for Archaeological

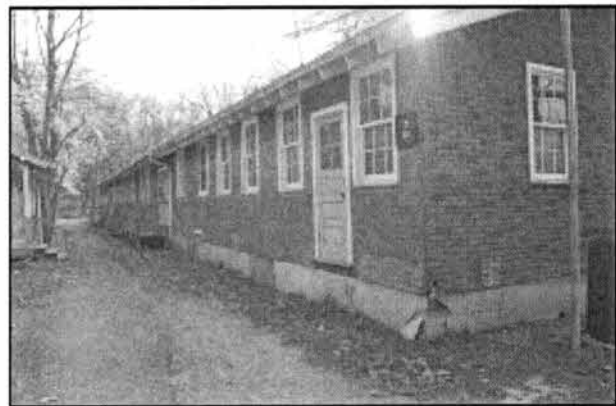


Figure 15. A side view of the exterior of Barrack T-41.

Investigations in the Stotler Building. The building has a concrete foundation, wood siding as exterior walls, and a shingle and corrugated metal roof. The floor in each room is concrete with carpet, interior walls are wallboard/sheetrock, and the ceiling is plaster. There are one or two uncovered windows secured with glass break detectors. Security measures for the collections consist of an electronic 24-hour guard, an intrusion alarm, motion detectors, a dead-bolt lock, and controlled access. In addition, the two rooms housing human remains and associated funerary objects are kept locked at all times with controlled access and a two-way mirror window in the main room door. A fire wall is present in the collections storage location as well as manual fire alarms, fire extinguishers, smoke detectors, heat sensors, and fire alarms wired to the fire department. There are signs of pest infestation, in particular spiders, with webs and live brown recluse spiders noted. The collections area is cooled by central air conditioning and has central forced-air gas heat. The HVAC system has humidity controls. The storage of the archaeology lab is at 75% capacity.

Collections Storage Area 2—Center for Applied Technology, Carterville

The Center for Applied Technology, Carterville, barracks temporarily houses a small portion of the Black Mesa objects and records from the Hopi and Navajo reservations. Both objects and records are slated to be moved to the Stotler Building as soon as possible. The foundation of the building is either raised wood or block with wood siding for exterior walls. The roof has asphalt shingles and the building has a wood floor. Interior walls are wallboard/sheetrock, and the ceiling is wood and metal studs with sheetrock. There are more than seven uncovered windows that are locked. Only archaeological collections are housed in this building, which is at 100% capacity. There are no environmental controls in the building. Security measures include a 24-hour guard and a dead-bolt lock on the door. The door to the room containing the Black Mesa collections has a key lock, but it was unlocked the day of the assessment. There are fire extinguishers in the building, but no pest management program. Insects, most notably spiders, and rodents are a problem.

Collections Storage Area 3—Barracks T-41

Room 104 in the Barracks T-41 contains Black Mesa objects, but no records. The building has a block and wood foundation, shingled exterior walls, a shingled roof, wood floor, and wallboard/sheetrock interior walls. One wall in Room 104 is covered with wood paneling. The ceiling is wood and metal studs with sheetrock, and has suspended overhead pipes. Room 104 has two windows, which are uncovered but locked. The building is heated with forced-air heat through radiators, and Room 104 has a window air conditioner. Fluorescent lighting fixtures with no ultraviolet filters are covered with metal louvers. Room 104 has a key lock, and is kept locked at all times. There is no pest management program and signs of spiders were evident. This repository is scheduled to be torn down for expansion of the University library, and Black Mesa objects are to be moved to the Stotler Building in the near future.

Artifact Storage

Collections Storage Area 1—Stotler Building

Approximately 1520.90 ft³ of BIA artifacts are curated in the Stotler Building. They are stored in locked powder-coated, painted cabinets and on open powder-coated, metal shelves, as well as on the floor in nonarchival boxes, and on wooden pallets shrink-wrapped with plastic wrap (Figure 16). Some of the BIA collections are in the process of being sorted and repackaged into archival containers, and thus, are in drawers or box lids and sitting on tables and shelves. The human remains assessed are in archival containers in the locked room. The Hopi and Navajo Reservation (Black Mesa) and Fort Apache



Figure 16. An unprocessed portion of the Black Mesa collections stored on wooden pallets and floor.

Reservation collections are packed in a variety of acidic and archival cardboard boxes, as well as box lids, a glass vial, archival zip-lock plastic bags, and sitting loose on bubble wrap. The archival boxes are directly labeled in black marker with site number, box number, and material class. Some of the archival boxes also contain bubble wrap. Nonarchival boxes, either on the floor or on shrink-wrapped pallets, usually are painted white on one end and labeled directly in black marker indicating the year excavated, site numbers, and material class. A number of the boxes are overpacked. There are some loose artifacts in boxes as well.

Secondary containers consist of nonarchival plastic bags with twist-ties, or archival plastic zip-lock bags containing the original brown paper bag labels, which consist of site number, provenience, date, box/bag number, and material class. Secondary containers also consist of brown paper bags that are usually fastened with rubber bands. Many of the paper bags are torn. Film canisters and aluminum foil were also noted as secondary containers. Some tertiary containers consist of manila envelopes. Approximately 85% of the artifacts have been cleaned and directly labeled in ink with site number and provenience. The artifacts have been sorted by material class.

Five faunal bone fragments from the Navajo Reservation are contained in one nonarchival 1- or 2-mil plastic zip-lock bag and housed within one of the locked cabinets. One Navajo Reservation ceramic sherd is sitting loose on bubble wrap lining within one of the locked cabinets, and coal was noted wrapped in cotton and tied with cotton string in nonarchival boxes.

A small number of cleaned botanical specimens from the Fort Apache Reservation are encased in a glass vial with a cork stopper. The vial contains a paper label written in pen with the name of the site. A mano and six ceramic sherds also from the Fort Apache Reservation are in one plastic zip-lock bag. Both the glass vial and plastic bag are in wood drawers sitting on a table.

Collections Storage Area 2—Center for Applied Technology, Cartersville

Approximately 89.93 ft³ of Black Mesa collections are contained in 112 nonarchival boxes, measuring 12 x 9.25 x 12.5 (inches, d x w x h). The boxes are

on metal, nonmovable shelving units measuring 11.5 x 35.5 x 75.5 (inches, d x w x h). The boxes are either directly labeled in black marker or on typed adhesive labels. Both labels indicate site number, year excavated, box number, and material class. The majority of the boxes are taped shut, and several show water damage.

Secondary containers include 1-mil plastic bags with twist-ties, paper bags, and a small number of film canisters. Insect and rodent damage was noted on some of the secondary containers.

Approximately 75% of the artifacts have been cleaned, and all have been sorted according to material class. None have been labeled, either directly or with labels inside the secondary containers.

Collections Storage Area 3—Barracks T-41

Approximately 368.14 ft³ of Black Mesa collections from the Navajo Reservation are housed in Room 104. The majority of the objects are on metal shelves measuring 18 x 36 x 75 (inches, d x w x h), and one



Figure 17. Boxes in Collection Storage Room 104 in Barrack T-41.

Table 22.
Linear Feet of BIA Associated Documentation Housed at Southern Illinois University

Reservation	Paper	Reports	Maps and Oversized Documents	Audiovisual	Photographic	Computer	Total Linear Feet
Hopi, AZ	—	—	—	—	0.50	—	0.50
Navajo, AZ	76.43	4.15	1.61	—	3.82	—	86.01

box in a wood storage cabinet measuring 21.5 x 23 x 43.25 (inches, d x w x h). The remaining 27 boxes are on the floor (Figure 17). The wood storage cabinet is labeled Black Mesa Type collections; however, the only box applicable to the BIA Phase III project contained ¹⁴C, adobe, and caliche samples. The boxes are all nonarchival and of different sizes. One box that had not been opened had been mailed from Crow Canyon, Cortez, Colorado, several years ago. This box contained Ethafoam[®] but the box was not opened enough to observe the artifacts.

The majority of secondary containers are paper bags secured with staples and rubber bands. Some of the larger paper bags are double-bagged. It appears the artifacts have been cleaned and are sorted by material class. Artifacts are labeled in black pen or marker on a white background with site number and catalog number.

Human Skeletal Remains

Approximately 1.29 ft³ of BIA human skeletal remains are curated at Southern Illinois University. 1.28 ft³ of remains from the Hopi Reservation have been inventoried for NAGPRA Section 5 and Section 6 (Newsom and Rice 1997) and are contained in archival primary and secondary containers. An additional 0.01 ft³ of skeletal fragments were present in nonarchival primary and secondary containers and removed during the assessment.

Records Storage

Southern Illinois University currently houses approximately 86.48 linear feet (Table 22) of records from the Navajo Reservation. Records are housed in both the Stotler Building and the Center for Applied Technology, Carterville.

Collections Storage Area 1—Stotler Building

Records totaling approximately 72.83 linear feet from the Navajo Reservation and 0.50 linear feet

from the Hopi Reservation are stored in the main room of the Stotler Building, and are housed in a variety of containers, including metal file cabinets, a cardboard-lined compartmentalized map case, and metal map cases. (Figure 18).



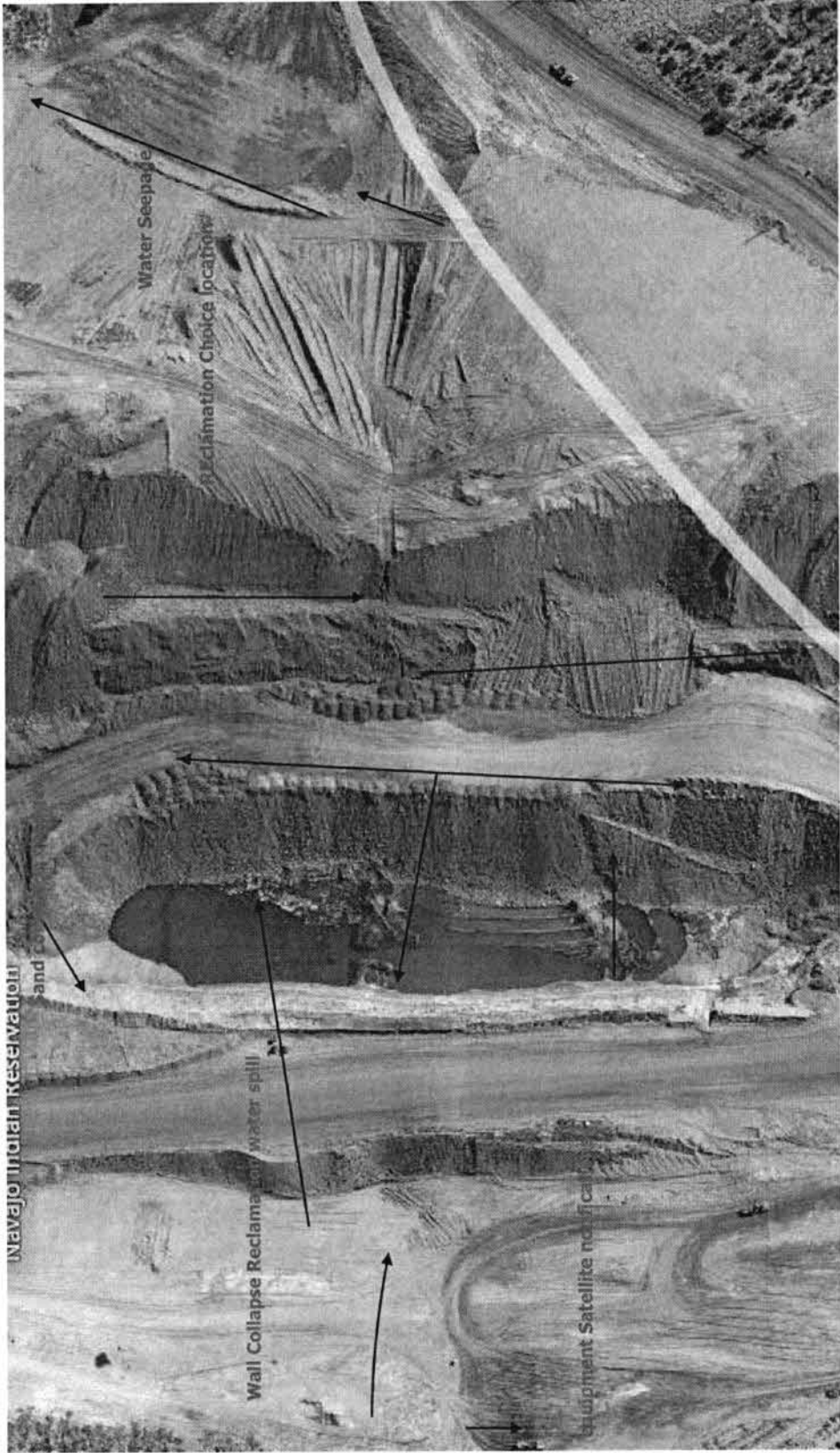
Figure 18. Metal filing cabinets in the Stotler Building containing Black Mesa records.

Collections Storage Area 2—Center for Applied Technology, Carterville

Approximately 13.15 linear feet of copies of Navajo Reservation site survey cards are housed at the Carterville repository. The records are housed in twelve nonarchival boxes that measure 12.5 x 9.5 x 12.5 (inches, d x w x h) (Figure 19). Each record is a copy and is contained in a sealed manila envelope. The boxes are stored on metal shelving units that



Figure 19. Boxes of Black Measa copies of recordin the Center for Applied Technology, Carterville.



measure 11.75 x 36 x 85 (inches, d x w x h). The original site survey cards are housed in the Stotler Building.

Paper Records

Navajo Reservation documents include administrative, survey and excavation, analysis, and artifact inventories totaling approximately 63.28 linear feet. They are stored in manila folders and envelopes in letter-sized five-drawer file cabinets, as well as legal-sized file cabinets. The folders and envelopes have adhesive labels citing material class and site numbers. NAGPRA records totaling 7.5 inches are housed in the curator's office in a four-drawer metal file cabinet.

Reports

Several reports, measuring approximately 4.15 linear feet, are present in the Black Mesa collection from the Navajo Reservation. Six additional reports are copies.

Maps

Approximately 1.61 linear feet of maps and drawings are present in the Black Mesa collection. These are housed in metal map cases as well as with paper records in file cabinets.

Photographs

Aerial photographs from the Navajo Reservation totaling 0.27 linear feet are housed in metal map cases and a compartmentalized map case that has each compartment outlined with cardboard. Approximately 3.55 linear feet are of black and white photographs, negatives, contact sheets, slides, and microfiche. These records are contained in three-ring binders and some of the binders have mildew damage received when housed in another building. The binders are contained in acid-free boxes. The microfiche records are contained in microfiche envelopes held together with deteriorating rubber bands.

Less than 0.50 linear feet of photographs and negatives from the Hopi Reservation are contained in an archival photograph sleeve and placed on top of the box containing the human remains in the separate locked room.

Collections Management Standards

Southern Illinois has an informal curation policy, which is evaluated annually. Collections not obtained through Southern Illinois University excavations are usually not accepted for curation, except for the Prescott College Black Mesa collection, which was sent to Southern Illinois University in 1975.

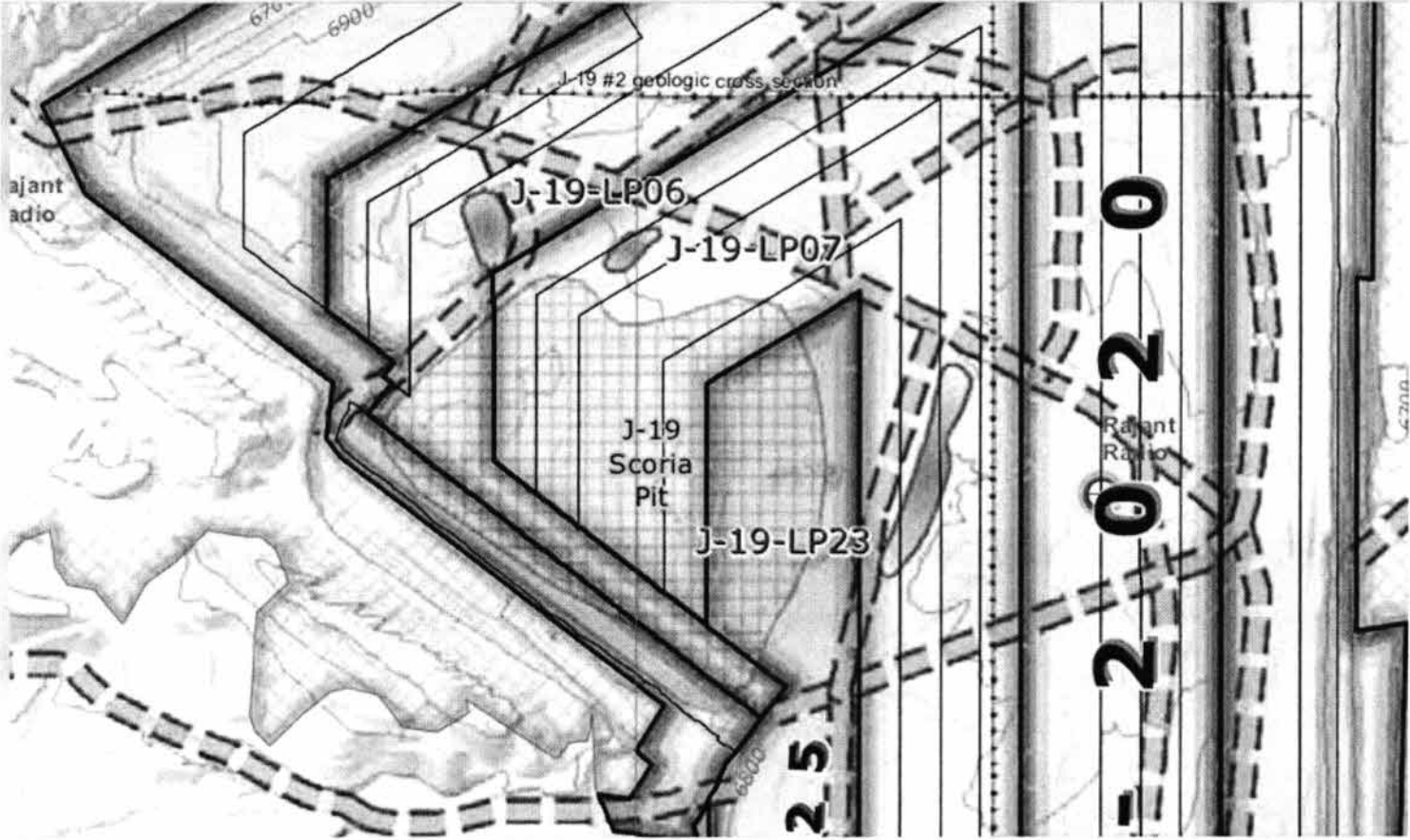
Comments

1. Southern Illinois University does not have a contract with the Department of Interior, BIA to curate archaeological collections.
2. The Black Mesa archaeological collections were generated by Prescott College and the university from 1967-1983.
3. A portion of the Black Mesa collections was returned from the Southern Illinois Museum of Anthropology. Black Mesa artifacts have also been returned to Southern Illinois University from ASM and Crow Canyon, Cortez, Colorado. A larger collection of 172 individuals plus 100 isolated human bones has been on loan to Hampshire College, Amherst, Massachusetts, for research since 1980. That loan has been extended until 2003.
4. Some of the records have been copied and are housed at the Illinois State Museum, Springfield.
5. Two of the three repositories are scheduled to be discontinued as storage areas for the Black Mesa collection sometime in the future.
6. The Carterville repository is not entirely secure, having been broken into and artifacts discovered missing on at least two occasions. It is unclear if any of the artifacts were from BIA collections.
7. There are insect problems at all three repositories, and no pest control program in place. Rodents are also a problem at the Carterville repository.
8. Volunteers, including sixth grade school children in the Service Learning Program, have been helping on a sporadic basis to sort and rehabilitate the Black Mesa collection.





Black Mesa Coalition, POB 4828, Kayenta, AZ 86033
(928)246-1635 sms jjyellowhorse@me.com fax (831) 384-3412



Kelley Hays-Gilpin
Professor of Anthropology, Northern Arizona University
Curator of Anthropology, Museum of Northern Arizona
Kelley.hays-gilpin@nau.edu
PhD in Anthropology, University of Arizona, 1992
January 14, 2009

Statement about archaeological research on Black Mesa, coal mine lease areas

In the summer of 1981, I was hired as a student laboratory assistant on the Black Mesa Archaeological Project (BMAP). My duties included artifact analysis, site survey, and some site mapping, and assisting with a small excavation. I was one of about 50 archaeologists, maybe more, in the field on the project that year. Peabody Coal Company contracted with Southern Illinois University at Carbondale to do archaeological compliance and clearance for the Black Mesa and Kayenta mines. At that time, Dr. Shirley Powell was director, and Francis Smiley was assistant director. Dr. George Gumerman III was in overall charge. He had been running this project for over ten years already at that point, but was not often in the field. Dr. Powell was in direct charge. I think she is in either Phoenix or Dolores CO now, and Francis Smiley, now a professor at NAU, would probably know how to contact her if necessary.

In the summer of 1982, I was an Assistant Crew Chief on one of the Navajo Ethnoarchaeological crews, which meant mapping and recording historic Navajo sites. Even though I was working on Navajo sites, we often had site tours and I saw most of what other crews were doing, including excavating ancestral Pueblo sites.

Much later, in about 1995, I was working for the Navajo Nation Archaeology Department's NAU office, and did some ceramic analysis for the NNAD-NAU Black Mesa NAGPRA project, and spent about a week on Black Mesa.

I am writing to tell you what I remember about those two projects—what was recorded and what wasn't recorded. The Black Mesa Archaeological Project produced a large number of publications (though not nearly as many as a project of that size and scope would produce today). The NNAD NAGPRA Project produced one publication. I can provide citations to these reports if needed.

BMAP: The Black Mesa Archaeological Project had an over-arching research design that focused on human adaptation to the environment. All excavations and analysis were meant to answer questions about population size, settlement patterns, seasonality, subsistence (farming, hunting, and plant gathering), ecology, and chronology. We assumed that inhabitants of Black Mesa up to about AD 1150 were Hopi ancestors, but this was not a research question. We did not address cultural affiliation at the time (today we would do that). The research design did not include work on petroglyphs or rock paintings. Those sites were located on maps when they were encountered, and sometimes survey archaeologists did drawings of them. I was assigned to do my undergraduate research thesis on the "rock art" sites and I

did, but was told that because they were not in the research design, I had to do it on my own time, on evenings and weekends. That was not enough time to make good photographs or drawings of the rock art sites, and I was not expert in those techniques at that time. We all knew the rock art sites would be destroyed by mining. Some archaeologists thought they should be saved in some way (avoided, or the rocks moved to a safe place) but we knew this would not happen. We thought they should be recorded better, and that Hopi people should have a chance to see them and comment on them, but we were told there was no time or money for that, and we could only do the work that was in the approved research design and budget, or that we could do on our own time with permission from Peabody.

BMAP archaeologists surveyed the entire lease area on foot, and made records of every site found. They only excavated a sample of sites. They didn't need to excavate every one under the historic preservation laws, and they didn't need to excavate all of them to answer their research questions. But this meant that they did not recover all the human remains in the lease area, only a small sample.

So later, after the passage of NAGPRA in 1990, Peabody Coal Company sponsored an excavation project that Navajo Nation Archaeology Department did as a contract. Phil Geib and Kim Spurr ran that project (Miranda Warburton was in overall charge). I was the pottery analyst. The only goal of the NNAD NAGPRA project was to recover human remains for reburial. If I recall, Peabody asked Dr. Shirley Powell to do a "predictive model" of what sites (that had not already been destroyed by mining or by BMAP excavation) were likely to have human remains. Based on BMAP results, she said sites with kivas and middens (in other words, larger sites) were likely to have human remains. NNAD archaeologists went to Black Mesa and relocated the remaining, unexcavated sites. They excavated the kivas and middens using a backhoe. When bone was seen in the backhoe trench or bucket, they stopped the backhoe and excavated by hand. If I recall, sometimes they used a scraper to scrape the kivas and middens to look for pits, and then excavated the pits by hand. They removed the human remains and burial offerings to the Engineering building, where Kim Spurr analyzed the bones, and I analyzed the pottery. Then the Hopi Tribe reburied the remains. I wanted to save some of the pottery for education collections at NAU, so I got my own permit under the Archaeological Resources Protection Act from both BIA and the Navajo Nation. I collected potsherds from a sample of non-mortuary contexts. These are now at the Museum of Northern Arizona and I use some of them for teaching students to recognize pottery types. The artifacts I collected under that permit are the only ones that were collected. It was not a scientific project and was not intended (by Peabody) to be. I remember that it was emotionally very difficult for me to help with excavations that were not being done in a systematic scientific way. It didn't seem respectful to science or to the people who lived at the site or to their descendents. Many of the NNAD archaeologists said they felt bad about it and it was the most difficult thing they ever had to do. We thought it was better to recover the remains we could find so they could be reburied—that was better than having the mining machinery grind them up—but we would have preferred to have no disturbance at all, or if there had to be

disturbance, we would have wanted respectful scientific excavation and analysis followed by reburial.

In my opinion, the archaeology that was done during the 1969 - 1983 BMAP period was good for its time, but today we would pay more attention to cultural affiliation, migration, evidence for ritual, petroglyphs and rock paintings. Today we would not transport human remains all the way to Massachusetts for analysis, as was done then. Archaeologists would do a lot more consultation with Hopi people about what to excavate (if anything) and what research questions to investigate. Hopi consultants would discuss whether any of the sites are Traditional Cultural Properties, a legal category that did not exist in 1983, when that project ended with "clearance" granted to the mines. Archaeologists today would probably argue not only that a sample of sites should be excavated, but that a sample of sites should be preserved in situ, in perpetuity. If possible, all should be preserved.

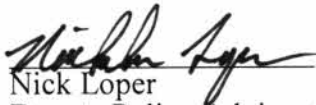
The NNAD NAGPRA project was not archaeology. There was very little science involved. It was just looking for human remains and moving them to another place after a very small amount of information was recorded. We did not record enough information to study cultural affiliation or biological affiliation.

COURTESY BLACK MESA TRUST

CERTIFICATION OF SERVICE

On this 20st day of June, 2017, the foregoing document was filed with Docket Control as a correspondence from Commissioner Andy Tobin, and copies of the foregoing were mailed on behalf of Commissioner Andy Tobin to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

E-00000C-17-0039

By: 
Nick Loper
Deputy Policy Advisor to Andy Tobin

Andy Kvesic
ARIZONA CORPORATION COMMISSION Director – Legal Division
1200 West Washington
Phoenix, Arizona 85007
LegalDiv@azcc.gov

Elijah Abinah
ARIZONA CORPORATION COMMISSION Director – Utilities Division
1200 West Washington
Phoenix, Arizona 85007
EAbinah@azcc.gov