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Health and Relocation Effects by Peabody Coal Company

Testimonies gathered from mid-September to mid-October, 1999

Presented to Dave Freeman,
President, Los Angeles Department of Water and Power
Monday, October 18, 1999

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Preface

Several scholarly studies have been done of relocation stress effects experienced by the traditional Dineh (Navajo) people living in Black Mesa, on both relocation by Peabody Coal Company and the US government.

You will read in the attached testimonies and hear personal stories of people suffering from Black Lung and Silicosis, destruction of cemeteries and burial sites, of people forced to haul drinking water and water for their livestock due to water contamination and diminution, living in homes that have suffered blasting damage. Many living in the path of mining operations were forced to relocate, abandoning huge customary use areas for no compensation at all. Others were handed small amounts of cash, not enough for replacement housing, became homeless and just wandered off, finding out there were no provisions made for their children and grandchildren.

Loss of land for the traditional Dineh causes traumatic effects, in part because of the fear that they will no longer be able to protect their land, grave sites and sacred sites. In Dineh religion there is no prayer for reburial yet several of the people you will meet have had to endure the pain of not knowing where their family members were reburied, denied the right to protect them where they lay. Many Dineh believe when they lose their land it will be the end of them as a people.

I urge you to consider what you will hear and see today with your mind and your heart.

Thank you

Marsha Monestersky, Consultant to Sovereign Dineh Nation

Recommended reading

Thayer Scudder Report, "Expected Impacts of Compulsory Relocation on Navajos with Special Emphasis on Relocation from the Former Joint Use Area Required by Public Law 93-531."

Note: Thayer Scudder is the world's relocation expert. He compiled this report with the assistance of David Aberle, Elizabeth Colson, and other experts. In it, he states, "Interviewing was not restricted to the former Joint Use Area Navajo who are affected by Public Law 93-531. It was also carried out among Navajo previously required to move from District 6, from the mining area leased to the Peabody Coal Company on Black Mesa, describing the impacts of relocation among these traditional people."

Peter Matthiessen, *Indian Country*, Penguin paperback, 1974-1984, especially chapters 10 & 11, but the whole book is excellent, very well written, and very readable.

Thayer Scudder, *No Place To Go: Effects of Compulsory relocation on Navajos*, ISHI, 1982. Scudder is the world's leading expert on the effects of forced relocation and has been with this issue since the beginning.

David M. Brugge, *The Navajo-Hopi Land Dispute: An American Tragedy*, U of NM Press, 1994. Brugge is an archaeologist with 50+ years of study in the southwest. He's an expert on Dine' (Navajo) history, and this book is an excellent detailed account of the situation.

Jerry Kammer, *The Second Long Walk: The Navajo-Hopi Land Dispute*, U of NM Press, 1980.

Charles Wilkinson, *Fire on the Plateau: Conflict and Endurance in the American Southwest*, Island Press/Shearwater, 1999.

Emily Benedek, *The Wind Won't Know Me: A History of the Navajo-Hopi Land Dispute*, U. of Oklahoma Press, 1992, 1993, 1999.

David E. Wilkins, *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice*, U. of Texas Press, 1997. An excellent study of legal manipulation and deceit.

Valerie Kuletz, *The Tainted Desert: Environmental and Social Ruin in the American West*, Routledge, 1998, paperback. A survey of contamination and pollution and its effects on Indian peoples in the southwest.

Ward Churchill, "Struggle for the Land, Indigenous Resistance to Genocide, Ecocide and Expropriation in Contemporary North America," Part II-Genocide in Arizona-'Navajo-Hopi Land Dispute' In perspective by Ward Churchill, 1993, Common Courage Press, Monroe, ME.

Judith Nies, "The Black Mesa Syndrome: Indian Lands, Black Gold," *Orion Magazine*, Summer 1998. A very good and clear overview. This essay was published in the Summer 1998 issue of Orion. To order a copy of this issue, please visit The Orion Society Marketplace, call (413) 528-

4422, write The Orion Society, 195 Main Street, Great Barrington, MA 01230, or e-mail us at orion@orionsociety.org. Also available on the web at <http://www.orionsociety.org/nies.html>

J. Bergman, recent article in Mother Jones, Jan/Feb. 2000.

Daniel B. Wood, with photographs by Robert Harbison, "Caught in a tangled web of U.S.-Indian history," Christian Science Monitor, January 26, 1999. Available on the web at <http://www.csmonitor.com/durable/1999/01/26/fp12s1-csm.shtml>

[Expanded bibliography/ 2/20/00)

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Translation by: Sam Lake, Harrison Crank, Carlos Begay, Teddy Begay, Jr., Louise Begay, Salina Begay, and John Benally.

Transcribed and compiled by Marsha Monestersky and Victoria Valentine, LPN.

Retiree, Peabody Coal Company

Retiree from Peabody Coal Company says, there are many dust problems. The mine is too near. Sometimes it covers everything, windshields, especially in the morning. When it rains it helps stop the burning coal in the stockpiles.

I have problems with my lungs. Three years ago when I was still working for Peabody, I went to the Kayenta Clinic and had my lungs x-rayed. They said there was a haze, smoky film over my lungs. My doctor sent me to Albuquerque, they found in the x-rays the same haze. They put me to sleep and put something in my throat and said it was Black Lung. Then they cleaned inside my lungs and took out a lot of coal dust. I came back to Peabody and started working for them again. Then when they talked about retirement about 2 years ago, my daughters and my sons told me to retire because they said they wanted me to live longer. So I retired.

I started working for the mine in 1970, started with helping drill for coal. Then after they started mining, I worked as a laborer and helped them working on draglines, big coal drills, highwall drills. After that I worked with the drill to dig highwall until I got to the coal seam. In those days we had no helpers so I had to do all the drilling by myself. I put the bit together and drilled down 100 feet sometimes. There was dust in the drill, a lot of holes in drills and I got a lot of dust. I used a mask but it was not a good mask and the dust came through where it was really close to my face. So when I took the mask off and spit out it was black. When I cleaned my nose it was black. When I worked as a driller the mast was struck by lightning and it threw me. Peabody just told me I got a little extra energy boost and not to worry.

I have a dry nonproductive cough. I cough a lot now. When I am awake I cough, I have spells once I start coughing and cannot stop. After I retired some people came around. They wanted to see if I had Black Lung. They were from the Labor department. They are fighting for me and said I have a good case. They say I should get back pay for the past 3 years since I retired. The Union officials announced my name at a

recent Union meeting stating that I won my Black Lung claim. However, I have not heard directly about this.

My aunt and my sister were buried near here. Their burials were relocated but we do not know where they went.

Our house is falling apart due to blasting damage. Peabody took pictures of the foundation but nothing was done. Our floor is cracked and the roof is coming apart. I talked to Walter Begay, Community Representative.

Peabody gave \$4,000 to 5 of my family members to relocate. But that was not enough to have a replacement home so they just wandered off with no house to live in. Peabody only gives housing to the elders. But there are children and grandchildren. We never got housing for our children.

We all have respiratory problems. The coal seam is usually on fire and when they are working on it the dust gets worse. People who come here can see coal dust on the window sills. After blasting or dragline there is a cloud of dust in the air and it starts coming back down. When the wind is traveling this way it is even worse. Before it rains you can see the coal dust on the plants and the animals eat this and get congested. They have runny nose, coughing and film over their eyes. Even medicine, antibiotics does not help. Our children get bronchitis a lot. Even the babies. We try to keep our children inside all the time but it is hard. We are concerned about the health of our children. Me and my granddaughter have the same skin conditions. Maybe it is an allergy from the very fine dust. When it rains it is better.

We are concerned because we see black spots on our animals liver when we butcher. Young lambs liver has yellow and black spots on it and on the inside of their intestines. It also has red spots and lines. We stopped eating the liver and inner parts.

Retiree from Peabody Coal Company

Retiree from Peabody Coal Company says, I have weak lungs, Silicosis and Black Lung. I started working for the coal mine in 1973, at least 21 years. I did drilling and blasting. When I started we did not have masks and when I wore a mask it was not effective. I shouldn't even drive a vehicle because I black out. I have no appetite and can only eat certain foods, mainly vegetables but have no electricity or refrigeration. I am in a lot of pain and the medication I take makes me drowsy. I was diagnosed at the hospital with Black Lung. I need a visiting nurse and transport to the medical clinic. We get nothing from Peabody, all the money goes to the Chapter Houses a long way from here. My roof needs to be fixed and I need running water and electricity so I can have an indoor bathroom, refrigeration and electricity to run breathing equipment that I need. We are living here near the mine but have no electricity. And when we go to the Chapter House they do not help me. If I cannot get electricity then I need solar power to run medical equipment and a water pump for my survival. I also need insulation for my roof which is just bare boards and home repair. It is cold in here, especially in the winter. Sometimes I cannot get someone to haul water for me and this is especially hard in the winter when the dirt roads are impassable. My wife and I live here alone and are scared that we cannot even get out to the hospital because of the bad roads.

Resident of Peabody mining area

Wife of resident noted above says, When Peabody dust is blowing or when they do coal blasts I can see the dust here. When it is windy I can see it coming towards here. In the early morning I can see it over the canyon towards the mountain and in the wash. There is coal dust everywhere, in my water barrel, in my truck. Yes, we see dust from the mine in our area and throughout the canyon, on the trees, grass, and bushes. This is a lower elevation. We cough a lot and can feel it in our throats.

Please set up a meeting between union representatives and retirees. They should send notification of the meeting to us by mail and also do home visits. It is urgent that this happen.

Resident living adjacent to Peabody mining area

Resident living adjacent to Peabody mining area says, all I can do is cry when I think about my husband that just died of Black Lung. My husband was my companion. I am not used to staying alone. I miss him. My kids all have their own family and go back home to them when they visit. A lot of work needs to be done here but I am not interested. My husband never got Black Lung benefits. I want survivor benefits to help me pay some bills.

I have breathing problems from the coal dust. It seems like I have a cold but it is not a cold. I want to get checked for Black Lung. I live in a valley and there is dust everywhere. When I cough it looks yellowish, like soap.

Before my husband died we were getting Peabody retirement benefits but that stopped when he died. I asked Peabody to help me with the funeral expenses but they did not donate anything. The only money I got was donations from some employees. I don't know how I can make payments on my trailer and truck. When Roy was alive even though he had health problems we hauled water for drinking. I cannot even do this. I want Peabody to haul me water or provide me with running water. I have to haul drinking water from the public water stand. That is too far away. I am helpless.

We used to live above the dam and Peabody told us we had to move. They only gave us \$10,000 to move out of the way. That was nothing compared to the cost of a new house and we were forced to make payments which we cannot afford on a trailer. We used to have horses, sheep corrals, and 4 houses, a sweathouse, dam, nice shade house, hay shed. Some other people get houses, hay sheds, houses for their children but we got only \$10,000.

Peabody keeps mining near here. We had an agreement that we could use the reclaimed area for our animals. J-16 should be returned for our use. All we have gotten for loss of our grazing area is 4 bales of hay one time. We want our grazing area returned or fresh hay delivered until then.

The road from our house goes across a wash. We asked Peabody to build a bridge over it and give us gravel. But they did nothing.

Just before my husband died we had an Office of Surface Mining investigation of our sacred and burial sites. Our son's remains were reburied. We don't know where he was taken. Many other burial and sacred sites have already been destroyed. It is my hope and prayer that the burial and sacred sites that remain will be protected. It was my husband's dying wish that a sacred shrine used by many people, where you hear

thunder through the hill, will be protected. Time is of the essence because this hill is currently yards away from Peabody blasting activity. Please help us.

Current employee of reclamation subcontractor of Peabody Coal Company

Back when we were forced to relocate, Peabody just told us we had to move out. They paid our mom to relocate, handing her a small sum of money, not enough for replacement housing, just enough for a down payment on the trailer she lives in and has to pay monthly mortgage payments.

Next month, our father would have been retired from the mine for 10 years. For the past 25 years he suffered from respiratory problems. And even though my mother would have liked it if her family was close to her now, some of my sisters and brothers had to move to Phoenix to find jobs because Peabody would not hire them.

My mother's mother died one year ago suffering from respiratory problems. When she was sick, Peabody refused to install a handicap ramp for her even after she suffered a broken hip going outside to use an outhouse (outside bathroom). Peabody also would not install a handicap ramp for our father when he was sick.

We can smell the coal burning here, especially when the wind blows, it comes into this valley. Dust is everywhere, even inside my mother's house. It is making us sick.

Peabody specified in their original contract with my mother, that in addition to her and my father, Peabody was supposed to help me and my 2 brothers with housing but they have not done anything to help us for the past twenty years. For the past 2 years we have been trying really hard to get a home, we even went through the processes to get a homesite lease. But still Peabody will not help us. We really need housing because the house we were renting in Tuba City had to be renovated for asbestos so we had to move back home. And my mother said she is afraid to stay there alone. She is having a hard time and does not want to be alone for even one night.

I used to work for Peabody but in order to avoid being laid off I had to accept a 50% loss in pay, working for Golden Environmental when they became the subcontractor for Peabody reclamation. I used to make \$14.78 an hour but was forced to work for \$7.50 an hour. I am concerned about job security because Golden Environmental just laid off 5 people last Friday. They are saying they plan to continue to reduce their work force.

J-16 is reclaimed land that has not been returned to us as our customary grazing area. It has been 15 years and we are still waiting. Until 4 years ago Peabody gave us some hay. They are supposed to do this for taking away our grazing area.

Wife of subcontractor

The dust is everywhere and Peabody just makes promises they do not keep. After meetings like we are having now with Los Angeles Department of Water and Power, Peabody will come around and say, look at what we are doing for you. What about what they will not do for us. That is the only time we see them around.

Retiree from Peabody Coal Company

Retiree from Peabody Coal Company says, I have never been checked for Black Lung but I have a cold almost all the time and cough so much I have pain from it.

My throat is irritated and when I cough I bring up discolored, yellowish septum. I worked for the coal mine for 23 years as a laborer. I started working at the coal mine in 1974. I retired on March 31, 1996. When I started, I worked in the pit sweeping coal dust. For all 23 years I worked for the mine I was constantly in dust that I breathed. Then I worked at grinding coal. I counted trucks putting coal in the grinder and putting all the coal lying around in the grinder. There was a lot of dust. In the silo I oversaw the loading of coal onto the train. I loaded up the trains and then cleaned up the dust lying around. I worked throughout the mine in the coal dust and smoke.

What I did at the mine also affected my hearing. I used ear plugs but after awhile my ears would not take the ear plugs. But I used them anyway. There was a lot of noise and no masks for the dust. Then years later we were given paper masks but it was not very effective. Last fall and winter I got a haze over my eyes then a black shadow in my vision. This past summer I started getting confused. I think I am not getting enough air. I get tired and have had a dry cough for over 3 months now.

Wife of Peabody Coal Company retiree

Wife of Peabody Coal Company retiree says, my husband was born here on Black Mesa. We used to live here. I used to wait at the mine for my husband to get off work and lived near the coal mine until 1979. It was always very dusty there. When the air was still there was a haze in the air. I used to herd sheep before I moved out but cannot do that where I am now living. I miss my old home. I am short of breath sometimes and have a dry cough.

Resident living adjacent to Peabody mining area

Dust is the worst problem here. The wind carries the dust over the whole valley. You can see the coal dust through the sunlight. You can smell the smoke all the time, especially in the morning. When Peabody does blasting and high wall shots, the wind takes the particles all the way over here. I have a cough year round. About 2 years ago I had to go to Phoenix for spots on my lungs and pneumonia. Many times when I go to the clinic they just give me Tylenol. My kids can't stand to watch me cough. During the cold weather we see black spots on our animals when we butcher. Others have said the same thing. Due to the mining our thinking is lost. Sometimes, it seems that all we think about is the mine, BIA, relocation. People out here have lost their minds there is so much to worry about. Now it is to a point where many people have given up hope. There is a lot of stress, despair, many people have died from these effects.

There is supposed to be a moratorium on mining on HPL for 10 years. I am concerned because I don't want our grazing area disturbed and Peabody has already started mining activities on my customary use area. Peabody made a Navajo aquifer well on my land without my consent and did not even give me running water. I would like electricity too, and the Cactus Valley road graveled and a culvert put in at the wash near me. This road is hazardous and is often impassable in the winter and when it rains.

In my customary use area, they destroyed sacred Sagebrush and Sweetwater, drinking water sources planted by Medicine people. Ancient Anasazi graves have been dug up and sifted for funerary objects. The desecration is marked by archeologists' stakes.

I am caught between Peabody and the US government. I can't take it anymore. Please help take the pressure off of us. (*See attached news article)

Current employee of Peabody Coal Company

Current employee of Peabody Coal Company says, there is silica that is released with the drilling. It is in the fine dust. Silica is a very fine glass and when you look through it towards the sun you can see the glitter. When we breathe it down in our lungs where the air and blood mixes, the glass cuts our lungs and the glass gets into our lungs. It leaves scars so it is hard for air to go through our lungs. The dragline also causes a lot of dust and covers the whole valley. Living here, watching the mining, I am observing them. Anything in their way they will destroy. I am concerned because they are coming toward my mother's {name deleted], and they will do what they did across from here. I don't want this. We have 21 or 22 burial sites here, some are my mom's relatives, some are people migrating through here. In the old days when someone passed away they were buried where they died. I don't want these burial sites destroyed. We have made many offerings throughout this area, a lot of Medicine Men did ceremonials. In one year we make numerous offerings. We can't just count them and it is not only done in one place, but throughout this area. How can we protect our land? Every inch of our land is sacred.

Current employee of Peabody Coal Company

Current employee of Peabody Coal Company says, I have difficulty breathing. I worked for the mine for 26 years, mostly with coal storage, fine coal and doing welding for a long time. I am getting tested for Black Lung. Peabody is not following safety guidelines and does not even have their own lease line. They are not doing right by the people.

Residents living adjacent to Peabody mining permit area

Residents living adjacent to Peabody mining permit area. They say, we live here 24 hours a day compared to miners who work there and go home to some other area. We are breathing in all this coal dust. We live one mile from the Peabody boundary. The mine is 2 miles away. We are suffering as a consequence of the mining. There is a lot of dust and we can see a dust cloud and a ring around the dust. Our eyes get watery and irritated when we are inside and outside of our home. We are breathing this when we are sleeping and awake. we bring up a dark, yellowish mucous all the time, our whole family. Sometimes there is blood in it and it is dark. We all have chronic lung problems and our throats hurt. During the winter time, especially, the dust makes my whole family cough, have scratching throats and cough. We have a lot of colds that last for months at a time My eyes get watery and irritated when I am inside and outside of my home. This is for every one of us in the family.

Even though we live so close to the mine we have no running water or electricity. We live on a dirt road that needs to be graveled and a culvert put in at the wash. It is impassable for weeks at a time and would prevent us from emergency rescue. I suffer from heart and lung problems and have needed emergency transport on several occasions. People living by the mine are not being hired by the mine. Peabody is bringing in a lot of outsiders instead of hiring local residents. Even in my own family. There is a high stress causing heart problems. We are stuck between relocation and the mine My eyes get watery and irritated when I am inside and outside of my home.

The coal dust settles on the vegetation and our animals eat it. We breathe it in. At night when I sleep my throat is all dried up and in my sleep I cough and it wakes me up. I need to keep a bottle of water by my

bed year round and every night I cough. All my children also cough. We all have health problems. All our animals feel the same. When we butcher them we see discoloration, red, purple, black streaks on their hearts and lungs. This is not normal. Even my animals are sick. My sheep, horses, dogs, cats are sneezing, coughing from the clouds of dust from the dragline and burning coal.

The Peabody loader sometimes scoops up burial remains. And when traditional people refuse to do it they get a Christian to do it. Or they have someone do it on the graveyard shift. Especially Anasazi desecration. A lot of it has been desecrated, even in our customary use area. These graves were not even filled back in, any objects found were taken to unknown locations. We observe a lot of burial and sacred site destruction and we don't want anything more disturbed in our customary use area.

Retiree from Peabody Coal Company

A current employee of Peabody Coal Company says, my father is being pressured by Peabody to relocate. But my father doesn't want to move because this is his home and he has had many ceremonies there. My father is also concerned about the future for his children and grandchildren because Peabody is only counting him and his wife.

We are all concerned about water quality. We get water by N-14 and the Peabody public water supply by the former public coal pile (now we have to pay for coal) but we do not trust the water. So most of us haul drinking water from the store to use. My father hauls water everyday for 8 children, 21 grandchildren. He is buying water at the store for drinking. Jimmy Little doesn't trust the water and filters his water on the faucet. He fainted last Tuesday morning. The clinic is continuing to say there is nothing wrong with him. My wife, Paulette is pregnant and she is concerned because some of our children, even our baby has respiratory problems.

Retiree from Peabody Coal Company

Retiree from Peabody Coal Company says, there are many dust problems, especially in the morning. It is like a black cloud and black smoke that covers the whole area. I operated heavy equipment. It made me hard of hearing and made my vision blurry. When I started working I had no ear plugs. The damage was done. I can smell the burning coal especially in the morning. There is oil from the trucks and the smell of burning coal. I get covered with black dust. This is what it is like where I live.

I started working for the mine in 1969 and worked there until March 1996, 16 years. I started as a dozer operator for 16 years then worked on a tractor for 11 years. I worked for Peabody for 27 years. I went to the Kayenta health clinic and Goulding's Monument Valley Clinic for x-rays for Black Lung. I do not know the results yet. When I walk I get chest and back pains and heavy breathing. I have coughing spells, get colds and start coughing and get pneumonia. Ever since I started working there were no masks and I breathed dust and black coal. There were no masks until 1994 or 1995.

Former employee of Peabody Coal Company

Former employee of Peabody Coal Company says, the dust bothers me and the burning coal. It makes me sick and I get a sore throat. I want to get tested for Black Lung and I am scared that I may have it too. There is a lot of dust from the gravel pit near our home. This is where they crush the gravel. I breathe in a lot of dust inside our house when we sleep. Sometimes my heart hurts. I worked as a maintenance worker

at the mine. Peabody told me to resign one year ago then come back to work. I want my job back but only fill in sometimes when someone goes on vacation.

Current employee of Peabody Coal Company

Current employee of Peabody Coal Company says there is too much dust. We need dust control. My children have asthma and so do many of my relatives.

At N-8 there are 4 coal piles. This is where they mix the coal. The primo-good coal pile catches on fire. They need to put domes over it. This will keep the heat out of the coal and moisture. Peabody shouldn't stock pile too much coal at the Black Mesa and Kayenta mine. It is dangerous for the dozer operators and it causes too much coal dust.

I am concerned that the 175 ton vehicles have no turn signals. All turn signals need to be working and the vehicles must have clear tail lights. When the trucks back up to the coal piles it is important that they be working and cleaned afterwards.

N-14, Ramp 9E is still unreclaimed. It has been this way for 7 years. According to federal regulations, they are supposed to reclaim after the third spoil pile. We will be living here after the mine is closed. We need to have reclamation done while they are still operating because they will not care later. I do not want them just telling me that the area is not big enough for them to deal with. It is my winter road route and it is dangerous.

We do not want treated water sprayed on the road from N-8 turnoff to the J-28 bath house, employee parking lot. This is causing potholes and mud accumulation on our vehicles so severe we have to keep getting wheel alignments. This 14 mile dirt road should be surveyed for a directive and memorandum for it to be paved. It has 500 drivers going back and forth to work on it every day. And until it is paved it needs maintenance by a Motor Grader and water truck only during the daylight hours to avoid accidents. At night these vehicles should not operate because it is hard to see the water truck and there have been several near misses.

The N-14 Explosives silo near my home should be moved. This silo holds more explosives of a similar nature than was used in the Oklahoma City bombing. If it is not possible for it to be moved than less explosives should be stored in it. A plastic lining should be placed underneath both it and the emulsion plant located right next to it. A sediment should be installed around the entire area to ensure no run-off from the silo and emulsion plant. This is necessary to ensure the safety of the people living in the area and the protection of our environment.

Peabody never gave me a house and never counted me when they compensated my father. I would like to have a house for my family.

Resident of Peabody permit area

Resident of Peabody permit area says, I can smell the sulfur in the air when Peabody does coal blasts. It gives me a headache. There is coal dust everywhere. My sister and I have the same problems including health problems. We also both have had burial and sacred site destruction. On my land, ancient Anasazi and Dineh burial sites, ceremonial hogans, sacred sites, including a talking rock used by medicine people to heal people, all were destroyed by the mine. Then two years ago, Peabody came with bulldozers

threatening my cemetery and sacred sites where I have held many ceremonies and sacred sites where I make offerings. I told Peabody workers to stop digging there, there are burials. The workers called their boss and the foreman came around. He told me they were going to put in a pond and I said get out of there. They threatened to bulldoze me or put me in jail if I interfered and continued bulldozing. They uncovered Anasazi and Dineh remains, including an Anasazi leg bone, jaw bone, and other body parts.

That afternoon an employee was killed. MSHA called it a high level of negligence. We filed Citizens Complaints about the desecration and when we were on an OSM inspection OSM told us Peabody said this was only the work of archeologists trying to mitigate future disturbance. David Brugge, an archeologist and Native American Grave Protection and Repatriation Act (NAGPRA) expert and Marsha Monestersky, consultant, noted that archeologists do not work with bulldozers. Furthermore, we know the bulldozer operator who works for Peabody that did this. I tried to stop powerlines from going through the cemetery and sacred ceremonial sites. I was assured by OSM that Peabody would reroute them and not make any further disturbance of this area but Peabody did it anyway. And then Peabody told me I couldn't go near that place anymore. This is my land. Peabody and OSM make up lies. (*See attached Citizens Compliant for burial site desecration)

Current employee and resident of Peabody mining permit area

Current Peabody employee says, I had 2 cows electrocuted last week when the power line dropped during the rain. It has 600 volts. I turned the paper into Walter Begay, Community Relations. Scott Williams, Mine Superintendent said not to replace my cows. He said Peabody did not drop the power line even though it is theirs. Peabody did nothing.

Resident of Peabody permit area

Resident of Peabody permit area says, I have been living in a tent but my tent got all wet and two times wild dogs ripped it open looking for food. Peabody tore my house by the mine down two years ago. I now finally have a small trailer to live in as a temporary home. But I am concerned that if they give me water and electricity now I will not be able to get it when they build my permanent in the mining area that they say will be about 10 years from now. I would like this future home and all services promised to me in writing.

The reason they destroyed my original house was because they said it was too close to the blasting area and flying rocks and debris. When they destroyed it, they brought the logs to Hopi Partitioned Lands (HPL) in Cactus Valley, where my husband is from, and where I am allowed no home construction. My husband died last December and I have been having a hard time. I was sick and lonely there but feel better being near my sheep which are now not subject to impoundment by the US Government's Bureau of Indian Affairs (BIA). So, with no where else to go and my home destroyed by the mine, I moved into a tent, then under a pick up camper shell.

There is a lot of dust from the mine. When I was camped across the road from where I am now, on the other side of the hill when Peabody made coal shots I could hear the vibrations and see the smoke coming from the coal shots. There are still clouds of dust coming over to where I live. You can see dust in this valley. Everyday there is a cloud of dust here I breathe. You can see dust all the time. If I take a flashlight a night I see dust in the air. In the morning it is thick and when they are blasting. I have lived in this dust all my life and am suffering its effects. It is a part of everyday.

Current employee of Peabody Coal Company

Current employee and resident of Peabody mining permit area says, There is dust from the blasting that is really bad. It comes into our house. You can see the really fine dust inside, especially between 10:00 AM and 3:30 PM when they do the blasting everyday. I used to drive a truck in the pit. And when I went to sleep at night, in the morning I would blow my nose and see black stuff. Sometimes it smelled so bad I had to cover my face. Peabody always made using a mask voluntary when they finally started having them available.

We have trouble breathing and we can feel our house shake like an earthquake, then we see the dust coming in through closed windows. My uncle is on a respirator. My aunt died from respiratory problems. She did not work at the mine, she lived here as a life long resident. This was Manymules daughter, Christine Manymules. She was the same age as Roy Tso who just died. All their children passed on. One of Lorraine's kids has asthma and a son that has had asthma since he was a baby. My older sister has 1 son with asthma and my brother has 2 kids with asthma, some of them since they were 2 years old. My mom is sick all the time and my aunt Christine K. Begay died of respiratory problems. My uncle now lives in Oregon. His name is Roger Begay, Jr. and he has to use a respirator. He has Black Lung. He did drilling and was in the dust all the time. He is dying. But in addition to working there, we live here 24 hours a day. We can't go somewhere else. We need environmental health specialists out here. We have many family members here that are not even hired by the mine. There is no local preference. Some of them have to go to Phoenix to work.

There is a road here, route 41 that Peabody detoured. There was a public meeting to discuss this but by then Peabody constructed most of the road. The Office of Surface Mining gave them a notice of violation. The BIA gave its rubber stamp of approval and Peabody went ahead and completed road construction. This road is hazardous. The mining haul road intersects with a well used public road. It goes through our grazing area without our consent. We were supposed to get this land back after reclamation. It has been 15 years. We were told we could use it after 10 years. But when we asked them about returning the land, we were just told, not yet. Sometimes we loose sheep, they fall off the highwall when Peabody does blasting. I found 1 goat down in the pit and have missed over 10 sheep recently. We think maybe Peabody employees hit our cows. $\frac{1}{2}$ weeks ago we found one of our calves lying on the road. We still have livestock but no where to graze them. We want the area around N-8 returned to us for our animals to graze. We used to have winter and summer camps, all torn down, where the old airport used to be. We can trace our families back there 5 generations we know of right now.

Back in 1977, Peabody gave us one week notice to get out of our home. Peabody knew we all lived with our mom and dad and had our own families starting. We were never counted. Peabody had already begun exploratory drilling where we were living and left these holes open. This was dangerous for our children. They didn't even fill in the holes. Peabody told us they would blast whether we moved out or not. Then they said they would start tearing down the logs. The house was made out of huge logs. It was a huge house that was precious to us because our father built it and our father selected his own trees and used an axe to shape it all. There were 3 corrals, for horses, sheep, cows. There were 2 shade houses with a windmill nearby. There was also grandma's house, my aunt's house, her sheep corral and an underground storage for food. We had to leave a lot of it behind. It was towards late fall and we had to spend 2 months in a shack. There were 20 of in this shack. We had a lot of health problems, colds. We used thick cardboard on the walls and when it snowed we woke up in the morning with snow on our blankets. That summer we had rattlesnakes under our bed. Then we built a hogan. It at least had walls. We lived there for 2 years. We couldn't even put beds in it. There were mattresses all around and a small cupboard. The blasting at night was frequent. The roof caved in during a ceremony when we were in it. The ceiling fell in right where our children were sitting. There is still a big crack in the cement floor, it is splitting from

the blasting damage. The only way we could build a home was from US government relocation benefits, but most of this money went for electric lines and a transformer, about \$24,000. On this home our windows break from the blasting but Peabody does not help us at all. They destroyed Sagebrush and 3 other drinking water sources we used. They never even replaced the water supplies we lost.

Peabody never offered us any compensation for the homes we lost. We asked them for a home but got nothing. We were just listed as being with our parents even though we each had our own families. Peabody did not do anything for us except take our loved one away from us. My father was killed by a sub contractor on the mine site. He would have still been living. That was 18 years ago. We get \$145 each till the year 2000. That money does not replace our dad. When it happened there were children in the truck. The kids never even got any kind of compensation. They were on their way to cash his Peabody check on payday. The scraper hit the drivers side and killed him instantly, cut his neck. The kids were all cut up with glass, all over them. All they got from it was scars and flashbacks.

A lot of burial and sacred sites here have been destroyed. We don't even know what they did with the bones. There are still burials along the wash, we used overhangs and rocks and logs around it. Bones once buried should be left alone. Have respect for them. A lot of ceremonial sites where we did prayers at, make offerings and prayers at are all gone. The bunches of trees we prayed to. We can't tell the area from the way it used to look. We have to travel back to where we used to live to say our prayers. What do Holy People think of when Peabody destroys the prayers that were done to them. We want to protect everything. What about what was already mined?

No notice was ever given to us, they just bulldozed the sites. As kids we found rocks with drawings on them, Anasazi pottery shards. The Anasazi lived and cooked here, where coal used to burn all the time. Before the mining started where coal burned underground continuously, there is a place called "Where Coal Burns". It has a Navajo name. This is a sacred area. It was destroyed.

Where we live is $\frac{1}{4}$ mile away from the dragline, 400 yards or 500 yards. We can watch it from our house. We can feel the earth like an earthquake as our house shakes and dust is everywhere. One lady said sue MSHA for what we breathe and eat. Our kids all have asthma. We sit in the middle of relocation and Peabody. Half our grazing area is on HPL. Our homesite is too rocky and has no vegetation. The other side has greenery but we can't use it because the fence is right there. Peabody does not maintain our area and our animals get into the reclaimed land. We fix the fence not Peabody. We have to lay logs and our animals get in. Then Peabody threatens to haul our animals way and gives us warnings. After it rains the dirt washes away and what we do to keep our animals out gives way. We have to fix the fence at night. Why doesn't Peabody fix this fence. Where the dragline is there is no fence and our cattle get into HPL there and are subject to impoundment by the BIA. We want Peabody to fix the areas of fence we can identify and install fencing by the dragline.

We want a seismograph machine by our home, blasting repair money from Peabody and new home construction money from Peabody. We want hay or return or our customary grazing area. We want scholarship money for our kids. Money should be given to those of us living in the middle of the mining and suffering from its effects. Peabody does not even give free coal to us anymore. But what we know is that Peabody does not care for the local people.

Wife of current employee of Peabody Coal Company

Wife of current employee of Peabody Coal Company says, when I lay down to go to sleep I feel like I am suffocating. I have to get up at night. My granddaughter needs asthma spray. She is only 3 years old. I have had my breathing problem for 3 years. My son coughs a lot. My daughter is always getting a cold.

Retiree from Peabody Coal Company

Retiree from Peabody Coal Company and resident of Peabody permit area says, I have itching on my hand and have sores. I worked with highwall shooting and explosives. I have this on different places on my body and it is spreading. I had an operation on my knee from mining explosives. Was a shooter working with chemicals for 23 years. I worked at the Black Mesa mine from 1972-1996.

I live by the railroad along the railroad route. The dust blows out from the train. When it rains and the road washes out we have to dig out the sand ourselves. Salt River Project does not help us. This is dangerous.

My family, most of them still live by the Kayenta mine are all suffering respiratory distress. We are lifetime residents in the middle of the mining. We were relocated by the mine. Told we would have a home built but they put it on top of a hill where the wind blows and the roof blew off and the wall collapsed. Peabody would not help. We didn't want a house there but Peabody said we had no choice. There was coal burning from beneath the ground there. So we had to buy our own materials to fix our house and deserted it when it was unlivable. Then we built another house and Peabody told us we had to relocate. They just told us to get out. There was no help from Peabody. So with our own money we built another home. Peabody promised to give us running water and electricity but they did nothing. Two years ago our shack house blew over. We asked Peabody for help. They said they would help but never did. I have 3 brothers living around here but all of them built their own homes, Peabody never helped them. When their homes blasted apart and their windows cracked, Peabody would not help them. Sometimes rocks from blasting went right through our roof. This has been going on for years. When they do blasting and it is windy, about 5 years ago there was a fire close to our house. Their blasting almost burned down our home.

There is water in a well and damn near here, within our family residence. We asked Peabody if they could turn it on for our livestock every day. Almost all of our grazing area was taken by the mine, but they won't even give us water. We have had to move most of our animals to Cortez where we pay to have them on a tribal ranch. We asked for return of some of our grazing area that has been reclaimed, they say no. Peabody and the Navajo Nation are deciding the plan for our grazing area. This is land that Peabody promised to return to us. J-3 was reseeded 12 years ago. We were told 2 years ago we could use it but we are still not allowed. We want to know why the bond was not released on N-13? We have been given no hay and no money from Peabody for the past 5 years for loss of grazing area. Our pond was destroyed. We want water by our house for our livestock and our own use. A drinking water source for 12 extended families was destroyed and needs to be replaced. The windmill by the Lakes was also destroyed by Peabody and needs to be replaced. The public water stand is not good for us. We want our own windmill back like we had. The public water stand does not help our animals. We never got electricity or water as Peabody promised. We are denied even as we see Peabody using our water to water down the roads and we and our livestock cannot use it.

None of my 5 children and 25 grandchildren ever got anything from Peabody. Why don't they count? Most of my family has become displaced as a result even though some of them like Bessie Ettisy Begay relocated three times and finally got a house for her 3rd relocation.

Local residents should have jobs but Gary Vanderveer was laid off. He used to live by his grandma Elsie but because of this he had to move away to work. They used to say local preference. He was a master electrician. Now he coughs a lot and has trouble breathing. He was a shooter at the mine and worked in a lot of dust.

Retiree from Peabody Coal Company

Retiree from Peabody Coal Company and resident of Peabody permit area says, I used to work as a fieldman for 22 or 23 years. And before that I worked in the draglines. What will I do if Peabody makes me move? I live so close to the mining and I have no place to go. Peabody will just say I am insubordinate. They are mining right by here and they didn't ask us. They didn't ask my father before me.

There is a lot of dust from the drag line, especially when the wind blows. The dragline shovels out dirt and takes off the overburden. The dust goes all the way down into the valley. The coal is stacked too high and when the wind blows it carries the dust into the valley. I don't want this area ruined. I have already been fenced off from my traditional grazing area. They say they will return the land after reclaiming it but it has been over 20 years and it still has not been returned.

My friend Chief used to live where the Peabody airport is. I know others that lived around here that moved. I don't know what happened to him. He used to live $\frac{1}{4}$ mile from where I live. My old homesite is just a pile of wood. I was scared to live there because Peabody never controlled their blasting and they did fireballs and coal would drop in my yard. That is the reason I moved. Peabody never gave me any compensation even though it was dangerous for me to live where I used to. I have tried to obtain a homesite lease to move a little ways from here so I can be farther away from the mining but they don't want me to have the land where I was raised and said offerings and made prayers. I think it is because they plan to mine there. If they do this all our prayers are going to be wiped out. I heard they took my grandpa out of his grave. I don't know where they took him. That bothers me and violates my religion. There is no reburial in my religion. We will still be living here after Peabody leaves. What about our future and the future of our children and grandchildren? I will be happy when the mine closes down.

Current employee of Peabody Coal Company

Current employee of Peabody Coal Company says, my family members, local people apply for jobs but don't get it. If the mine closes down I will go back to herding sheep. My dad will be stubborn but he is scared he will be forced to relocate because he has just seen markers put in the ground. Everything is hidden from us just like when we were forced to go to Fort Sumner. We are told to just get out of the way. Sometimes people are threatened that if they do not relocate their relatives will be fired from their jobs. There is no way we can retaliate. But if my dad makes a stand I will stand by him.

Resident living adjacent to mining permit area

Resident living adjacent to the coal mine says, I am aching all over. I am a weaver and can't get back to it because of the pain. Weaving brings peace to my mind so I can forget the stress. There is too much stress, livestock, BIA, lack of access to water. It is mostly the stress about livestock reduction that is causing me to suffer. At one time we had a lot of livestock as income and with a lot of kids we made a living at it. Then we were told to reduce a lot, recently they told us to reduce more. I had 29 cattle taken to the Winslow tract. The BIA hauled them there. There were 9 calves. I heard some of them died off due to lack of water and vegetation. That is a plains area and does not have the same kinds of plants they ate

here. I feel like part of my life is somewhere else. When I went to the Winslow tract to brand my cows I couldn't find 5 of them. The mothers were skinny. There is only 1 solar well there and some animals are dying. I am counting on an injunction. I live yards away from a water well that was capped off by the BIA. We have to drive 30 miles each way just to haul water. I have a lot of headaches, tummy ache, stress related confusion. I worry because I don't know what will happen.

Burial Sites destroyed in mining permit area. Girl was injured when she was 6 years old. She died and her burial was mined through. Her father's brother died when he was 8 years old, Peabody recently mined through the burial. There are many more instances of burial and sacred site desecration contained in Citizens Complaints submitted to the US Department of the Interior's Office of Surface Mining. Residents were never advised of their right to keep burials in the ground and protect them. Often people say, they were told they could watch or not watch and there was nothing they could do to stop them (Peabody).

What follows is an excerpt from a Peabody employee who was responsible for the damage to's cemetery: Name withheld for confidentiality, current employee of Peabody Coal Company. A lot of guys dug up Anasazi. We are not supposed to do this. It affects us in certain ways and we have to do ceremonies to be cured. That's why Peabody hires Medicine people to come in, when desecration happens. But there is no prayer in our religion for reburial. When the Anasazi bones turned up we had 4 days with no work to have these ceremonies. Tried to find the other bones but couldn't. Some of the remains were scattered over the whole area because they were dumping the soil it was in. The archeologists only screened the dump, not the whole area. Then we replanted the whole area. I don't know where the remains are taken to but I know they didn't pick up all the remains uncovered. I used to get headaches, joints hurt. I saw a Medicine Man and he told me I uncovered bones and didn't know it. I got out of the reclamation field.

More information is available.
