

Informal Conference: N9 Phase I Bond Release

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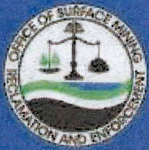
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Agenda

- Purpose of the Informal Conference
- Land Jurisdiction Types
- Types and Phases of Release of Liability Applications
- Reclamation at the Kayenta Mine Complex
- N9 Phase I Application
- Comment collection
 - Open Floor for Comments
 - Court Reporter
 - Write comments



Purpose of the Informal Conference

- Provide Information on N9 Bond Release Application
- Listen and collect comments on
 - Phased I N9 release of liability application
- OSMRE will consider the written and court reporter comments received during the decision-making process



OSMRE Land Jurisdiction Types

1) Initial Program Lands

- Lands disturbed by mining between 1977 and when the mine was issued a permit by OSMRE, which was July 5, 1990, for the Kayenta Mine
- No bond liability requirement
- Termination of Jurisdiction for liability release.
- This all of Black Mesa Mine and portions of the Kayenta Mine

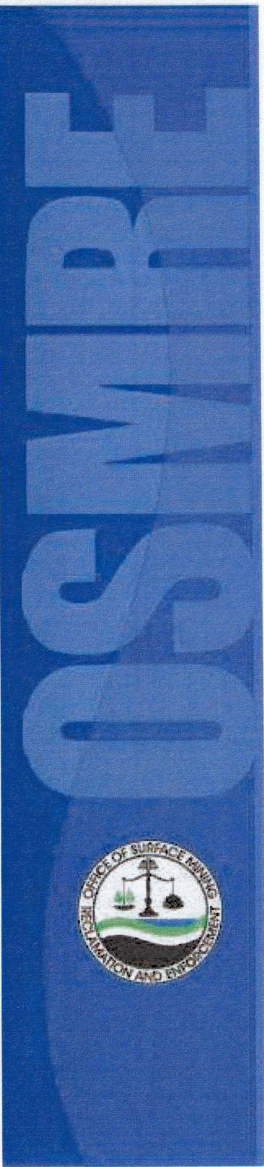
2) Permanent Program Lands

- Land disturbed by mining after July 5, 1990 for the Kayenta Mine
- OSMRE holds a reclamation bond for these lands that are reduced via the bond release process
- 3 phases of liability release, Phase I, Phase II, Phase III

*OSMRE does not have any jurisdiction on Pre-Law Lands

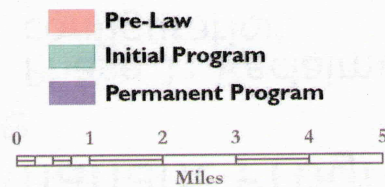
- Disturbed by mining prior to 1977, which is the year SMCRA was passed by Congress
- BIA has jurisdiction via the lease



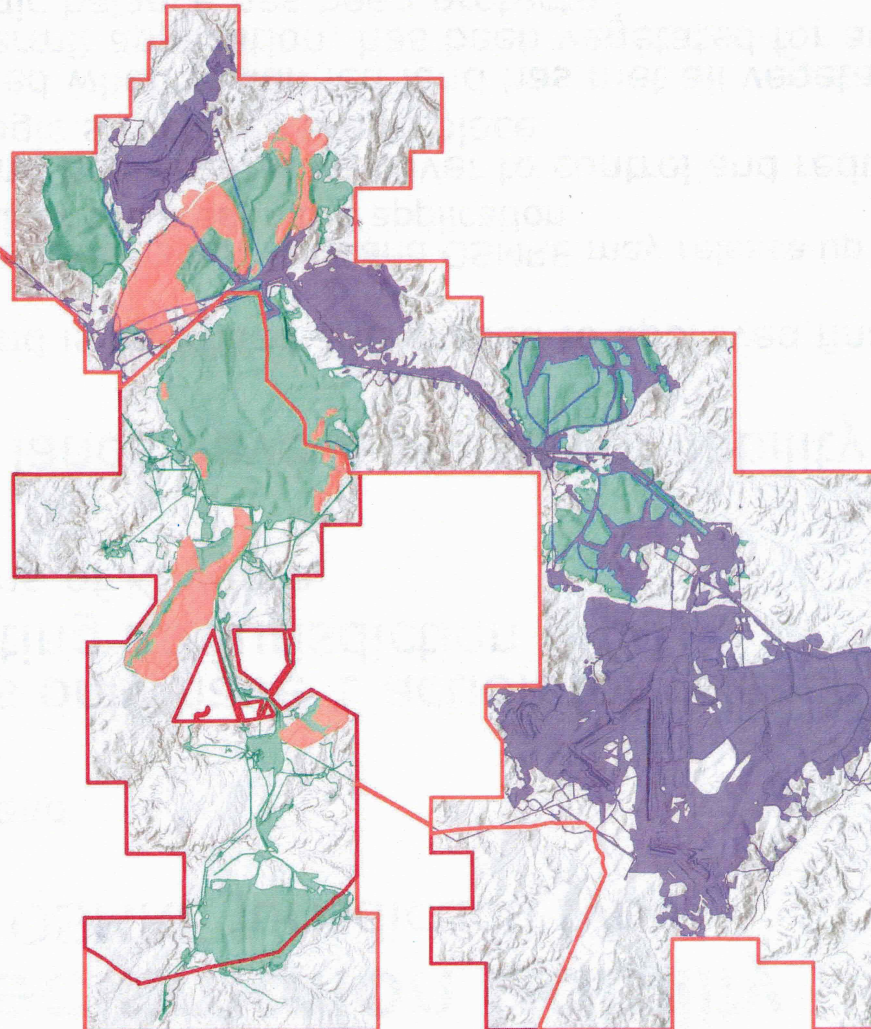


Kayenta Mine

Jurisdictional Boundaries



Boundaries provided by PWCC on 10/28/2016



Airbus, USGS, NOAA, NASA, CGIAR, NCEAS, NLS, OS, NMA, Geodatasynthesen: GSA, GSI and the GIS User Community

Release of Reclamation Liability

1) Two types, based on OSMRE jurisdiction type

- Initial Land
- Permanent Program Land

2) Initial Program lands only have 1 action for release, and that is OSMRE Terminating its Jurisdiction (TOJ)

- Black Mesa and portions of Kayenta

3) Permanent Program lands have 3 phases of liability release

- Phase 1: Reclaimed land is backfilled and graded to approved final surface configuration.
 - This is the bulk of the reclamation work and OSMRE may release up to 60% of the reclamation bond for the area in the application
- Phase 2: Reclaimed land has vegetative cover to control and reduce erosion and all hydrologic structures are in place
- Phase 3: TOJ is achieved when reclaimed land has met all vegetation requirements in the permit application, has been vegetated for at least 10 years and the hydrologic balance has been protected



Phase I Requirements

Backfilling and Grading Requirements

- . Drainage re-established
- . Regraded areas drain into the approved sediment control system
- . Reconstructed topography.
- . Blending of regraded land to undisturbed areas

Mine Soil Reconstruction

- . Graded spoil sampling to ensure adequate coverage of potentially acid-forming or toxic materials
- . Topsoil verification
- . Physical and chemical analyses results of topsoil substitute/subsoil material

Bond Liability Calculation

- . No more than 60 percent can be released at Phase I
- . Sufficient bond amount must be retained to complete the remaining phases
- . Any bond release calculation must consider the cost of abating any current or potential surface or subsurface water pollution.



Phase II Requirements

- . Only those areas where Phase I has been released are eligible for Phase II release

Vegetation Requirements

- . A permittee may request Phase II bond release upon the establishment of vegetation which supports the post-mining land use

Mine Soil Reconstruction

- . Topsoil verification
- . Physical and chemical analyses results of topsoil substitute/subsoil material

Water Quality

- . No contribution of suspended solids to streamflow outside the permit area

Bond Release Calculation

- . Sufficient bond must be retained to cover the costs of reestablishing vegetation during the remainder of the liability period
- . Estimated costs of any remaining reclamation work will also be accounted for in the bond retained following Phase II release.



Phase III Requirements

- Only those areas where Phase I and II has been released are eligible for Phase III release
- A permittee may request Phase III release no sooner than ten years in areas where the annual precipitation is 26 inches or less.

Vegetation Requirements

- Revegetation success must be demonstrated in any two years following Year 6 of the liability period
- Documentation that revegetation success criteria have been achieved
- Vegetation cover, herbaceous production, species diversity, seasonality, and woody plant density are evaluated as required by the approved permit's success standards

Hydrology

- Documentation showing that surface and or subsurface water pollution is not occurring, the probability of future occurrence, and the estimated cost of abating pollutions if it has occurred or is predicated to occur

Bond Release Calculation

- 100% of the bond amount can be released and the released area can be removed from the SMCRA permit area
- Lands approved for a Phase III release are no longer under OSMRE's jurisdiction but rather BIA until the lease is relinquished.
- Once the lease is relinquished the land management is under the jurisdiction of the Tribe and BIA



Reclamation at the Kayenta Mine

Permanent Program Land

Mine Area	Disturbed Areas	Backfilled and Graded	Topsoiled and Seeded/Planted	Phase I Bond Release	Phase II Bond Release	Phase III Bond Release
J16	530	465	459	459	463	0
J19	4029	2674	2416	2344	1343	0
J21	4372	3997	3755	3562	3101	1384
N9	1419	1060	446	411	21	0
N11	917	856	841	854	388	0
N14	607	503	503	488	495	0
Mine Support	1241	83	0	0	0	0
Total	13217	9558	8117	6345	5813	1384

Initial Program Land

Mine Area	Disturbed Areas	Backfilled and Graded	Topsoiled and Seeded/Planted	TOJ
J16	816	793	798	782
N1	348	347	348	341
N2	675	671	675	662
N6	903	810	791	769
N7	434	434	434	411
N8	509	513	508	487
N10	230	216	216	213
N14	1117	1089	1089	920
Mine Support	211			0
Total	5245	4863	4895	4585



Reclamation at the Black Mesa Mine

Initial Program Land

Mine Area	Disturbed Areas	Backfilled and Graded	topsoiled and Seeded/Planted	TOJ
J1	536	509	509	481
J3	103	94	94	94
J7	1231	1158	1149	1133
J27	50	50	50	50
N6	2148	2071	2064	1961
Mine Support	805	132	132	
Total	4873	4015	3999	3719

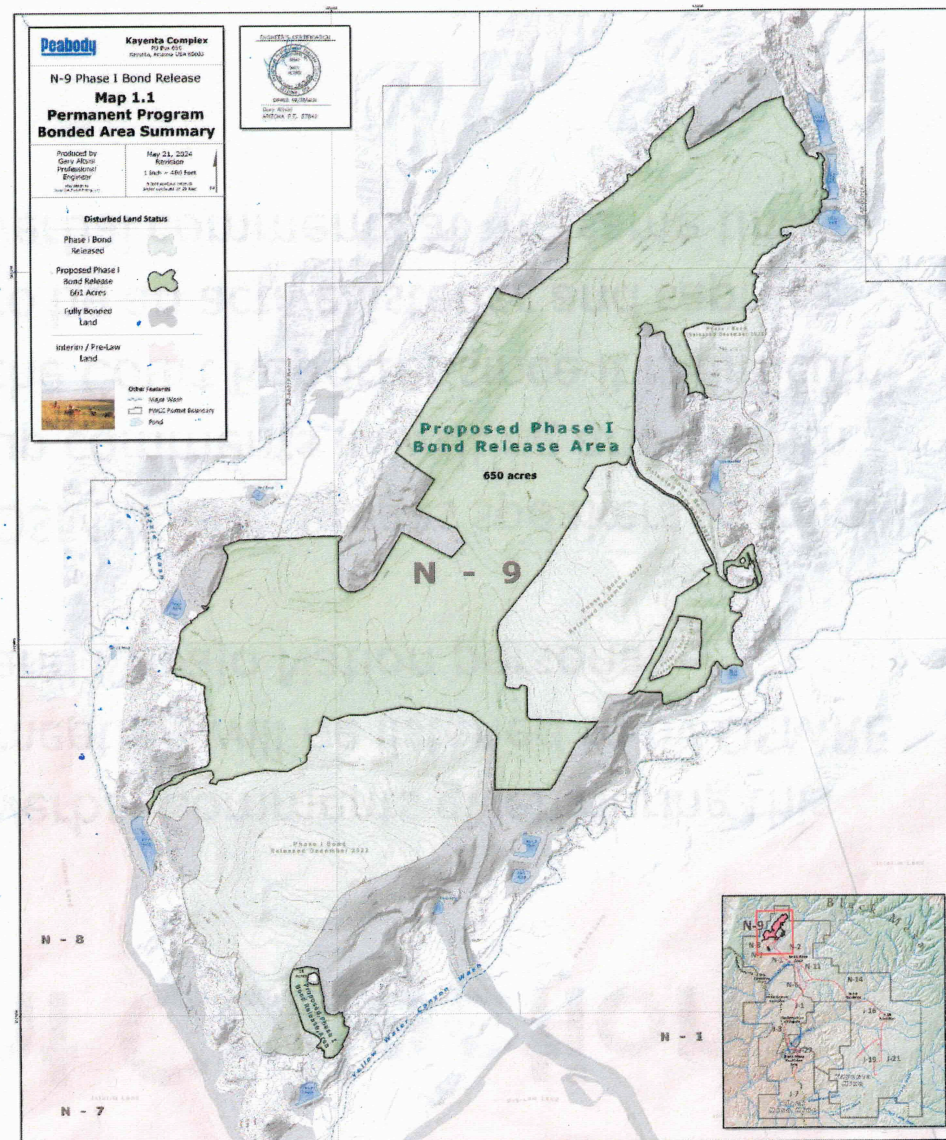


N9 Phase I Application

- Application received May 23, 2024, for 661 acres in the N9 coal resource area
 - Backfilled and graded between 2012 and 2024
- OSMRE, Federal Agency, and Navajo Nation and Hopi Tribe conducted field inspection July 23, 2024
- OSMRE calculated that PWCC is eligible for a reduction liability of \$4,543,681 (million)
 - PWCC requested \$17,015,867 (million)
 - Total bond held for reclamation is \$126,982,450 (million)
- OSMRE requested that PWCC remove 114 acres due to lack of adequate mitigation material at time of inspection.
- Public comment period is open until November 24th, 2024



N9 Phase I Release of Liability Application



Comment Collection

Written Comments

Due November 25, 2024

Give written comments to OSMRE personnel

Email aryser@osmre.gov

Mail to

Amy Ryser

One Federal Center

Building 41

Lakewood, CO 80225

Verbal Comments

Court Reporter

Verbal Comments given during this meeting will be listened to by OSMRE and Navajo Nation personal.

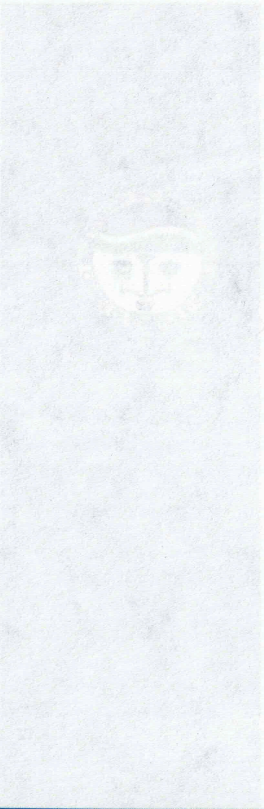
OSMRE encourages speakers to follow up comments in writing and or with the Court Reporter since it is difficult to be an active listener and capture verbal comments at the same time



Location of Phase I N9 Application

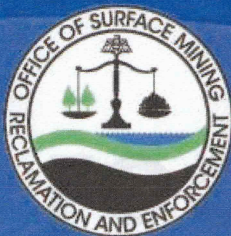
- The Navajo Nation Minerals Department, Office of Surface Mining, Window Rock, AZ 86515
- Forest Lake Chapter House Navajo Route 41, 17 Miles North of Pinon, Pinon, AZ 86510
- PWCC's Kayenta Mine Mesa Central Warehouse Office Complex, 8 miles from Hwy 160 and Route 41 Junction, Kayenta Arizona 86033
- OSMRE website <https://www.osmre.gov/programs/regulating-active-coal-mines/indian-lands>
- Request access to a digital download via secure file transfer site: email aryser@osmre.gov for access





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