

NTEC Statement on Appeal of the No Name Permit

What is the “No Name” Permit?

Navajo Mine has been a crucial part of the Navajo Nation’s economy since the Navajo Mine mineral lease was granted in 1957. This one and only mineral lease covers a large geographic area of approximately 33,600 acres. NTEC is required to obtain mine plan approval for tracts within the original lease boundary in a step-by-step process, called permitting, as mining advances through the lease area. In 1957, the original mine permit, Navajo Mine Permit was approved consisting of 16,744 acres. In 2016, the Pinabete Mine Permit was approved consisting of 5,569 acres. Finally, earlier this year, the No Name Permit was approved consisting of the remaining 11,526 acres.

The No Name Permit does not involve a new mine. It is not a new lease. It is a standard federal requirement whereby federal or Indian mineral lessees – such as NTEC – obtain approval to include additional area as part of their reoccurring 5-year Mine Plan Permit, the permit issued by Office of Surface Mining, Reclamation, and Enforcement (OSMRE) that authorizes NTEC to conduct mining operations. For nearly five decades, the Navajo Mine has operated under the same federal permitting process that governs the No Name Permit today. This is not a new process.

There are multiple permits within a lease that every surface coal mining entity must obtain prior to actively mining coal. Depending on where the mine is physically located, some of these permits are granted at a federal level, some may be granted at a state level, and some may even be granted at a local level. Recently, OSMRE approved two different “permits” for Navajo Mine. The first permit, No Name Permit, was granted after a very thorough Environmental Impact Statement, or EIS, was concluded and a Record of Decision was issued. This process and permit granted approval for the area within the boundary of the No Name Permit to be included in a SMCRA Surface Mining Permit, the only permit that actually authorizes any and all surface coal mining operations and is only valid for 5 years. Again, the No Name Permit does NOT authorize physical mining activities to commence. Only the 5-year SMCRA Surface Mining Permit authorizes actual mining activities to occur on the ground.

This is not a new mine. OSMRE's Record of Decision expressly finds that the No Name Permit does not propose expanding operations onto any lands not previously approved for mining. The 11,526-acre No Name permit area lies entirely within the existing Navajo Mine Lease Area, first granted by the Navajo Nation in 1957.

This is not a 110-year approval.

Actual authorization for on the ground mining activities at Navajo Mine is provided through SMCRA Mining Permits which are approved in five-year increments, the same structure that has governed the mine for nearly fifty years. Each SMCRA Mining Permit will consist of less than 30 million tons. The much larger tonnage figure that is referenced in the No Name Permit, 500 million tons, reflects a required EIS air-modeling exercise at an **assumed** production rate. Again, it is in no way an approval to mine for a century as the No Name Permit itself does not authorize physical mining activities to occur. As part of that EIS process, NTEC was required by OSMRE to provide a **theoretical** life of mine plan with an assumed production rate of 5M tons per year for the entire amount of coal reserves within the No Name Permit Boundary, which is over 500M tons. That simple multiplication results in, again, a **theoretical** 100 years of mining – and those opposed to the Navajo Mine have seized on that number as somehow representing an extension of mine life for another 100 years.

The review was not "fast-tracked." The approval followed a multi-year federal review under NEPA, SMCRA, the Endangered Species Act, the National Historic Preservation Act, and the Clean Water Act, with the Navajo Nation as a cooperating agency. OSMRE's own record documents extensive public notice, including newspaper notices and multiple public locations where the application was available for review. Multiple federal agencies reviewed the permit, and OSMRE ultimately concluded that approval was consistent with federal law and in the public interest.

The community was consulted, and it supports this permit. The application for the No Name Permit has been transparent and conducted in full accordance with the law. As a Navajo-owned company, NTEC is committed to working in partnership with the Navajo Nation Government and Community to ensure that our operations benefit the economic, financial, social and cultural well-being of the Navajo Nation. Throughout the permitting process, we have worked closely with the Chapters and community to educate them on the project and continuation of the Navajo Mine. Here is a summary of NTEC's outreach efforts:

- NTEC has made a total of **83** presentations to the Navajo community on the future operations of the Navajo Mine, including:
 - 81 presentations to Chapters, Districts and Agencies
 - 2 presentations at new Chapter Official orientation and training sessions
- NTEC obtained **21** resolutions supporting the continued operation of the Navajo Mine, including resolutions from:
 - All 5 Agency Councils
 - Districts 13 and 18
 - 14 Chapters spread across all 5 Agencies including San Juan, Nenahnezad, Upper Fruitland and Burnham Chapters

- In addition, NTEC has **specifically** reviewed its pending No Name Permit application at the Chapter, District and Agency levels on multiple occasions.
 - Northern Agency passed a resolution overwhelming voting in favor of the No Name permit. This is in addition to resolutions from District 13, and Upper Fruitland, San Juan, Burnham, and Nenahnezad Chapters.

Burnham Chapter, which opponents repeatedly cite as opposing the mine, is among the chapters that passed a resolution specifically **supporting** the No Name Permit.

How many families will be impacted by the permit and what will happen to them?

Despite repeated suggestions from opponents to the permit that large numbers of residents will be affected, there are only three potentially affected permittees. The No Name Permit does not immediately remove these permittees from the land or eliminate grazing activities. Grazing continues until specific areas are formally needed as mining progresses. This is all performed in direct coordination with the very few remaining permittees.

The potential and orderly progression of mining activities at the Navajo Mine are not a surprise. Long-standing relocation agreements, most predating NTEC's ownership of the Navajo Mine by decades, govern how the relocation process would work. NTEC is required to provide advance notice before any relocation occurs, which gives families ample time to plan and prepare. NTEC is also required to assist in multiple facets of the relocation. NTEC has been, and remains, in close consultation with the 3 permittees, and should relocation be necessary, NTEC will work with those individuals to guarantee relocation is performed efficiently and in the family's best interest.

In addition, cultural protections are in effect and mandated by federal and tribal law. The No Name Permit must fully comply with Section 106 of the National Historic Preservation Act, and a Programmatic Agreement is being developed to ensure formal consultation with the Navajo Nation Tribal Historic Preservation Officer throughout the life of authorized mining.

The federal record DOES address water and reclamation.

OSMRE found the permit will not impact any significant waterways, streams, or Wild and Scenic study rivers. OSMRE also found that the mine's extensive existing water monitoring program directly addresses the concerns raised. After mining, the land will return to rangeland for grazing and wildlife habitat, the same as its pre-mining use. In 2025, NTEC returned a 2,211-acre reclaimed parcel to the Navajo Nation. It was the first time any mining company has fully reclaimed coal mine land to modern standards and returned it to Bureau of Indian Affairs jurisdiction.

This is a Navajo decision.

NTEC contributes more than \$120 million annually to the Navajo Nation, and mine revenue and royalties account for approximately 25% of the Nation's general fund. The Final EIS found that denying this permit would have ended mine revenue, royalties, and employment after 2041. It called that outcome a permanent, major adverse socioeconomic impact to the Navajo Nation. Decisions about Navajo resources belong to the Navajo Nation.