

EXHIBIT A

Case No. 11-9557

IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

PUBLIC SERVICE COMPANY OF NEW
MEXICO,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY and Lisa Jackson,
Administrator, UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY,

Respondents.

An Original Action in the Court of Appeals, challenging
a Federal Rule found at 76 Fed. Reg. 52,388 (Aug. 22, 2011)

DECLARATION OF ANNA M. FRAZIER

DECLARATION OF ANNA FRAZIER

1. My name is Anna Frazier. I am more than 18 years of age and a resident of Winslow, Arizona.
2. My work address is HC-63, Box 6113, Winslow, AZ 86047.
3. I am a member and Staff of Diné CARE, a prospective intervenor in this matter.
4. Diné CARE is an indigenous environmental organization committed to protect and preserve the Diné (Navajo) way of life.
5. Diné CARE has offices in Dilkon, AZ (within Navajo Nation land with postal service in Winslow, Arizona) and Durango, Colorado.
6. One of Diné CARE's projects is to minimize the environmental impacts of coal-fired power generation in the Colorado Plateau.
7. Diné CARE regularly works on air quality issues related to the San Juan Generating Station ("SJGS"). More specifically, Diné CARE has been working for years on reducing air pollution from the SJGS, which has adverse impacts on indigenous people living on the Navajo tribal lands. The SJGS is located only approximately 6 miles from Navajo tribal lands.
8. On April 4, 2011 Diné CARE submitted written comments to the U.S. Environmental Protection Agency ("EPA") regarding its proposed regional haze

federal implementation plan for the SJGS, which is the subject of the Petition for Review in this matter.

9. According to the EPA and National Park Service, air pollution from the SJGS causes visibility impairment in the Four Corners area, where I live, work, and travel. I regularly travel near and through the national parks in the Four Corners area of New Mexico, Arizona, and Colorado. One of the reasons I travel through these parks is to visit family members who reside in the vicinity of the unique natural vistas. The natural vistas in the national parks I travel through in the Four Corners area are adversely impacted by air pollution from the SJGS. Pollution from the SJGS reduces my enjoyment when visiting family in and near these national parks. I am also less likely to travel to one of these national parks to visit on a “bad” visibility day. SJGS also impairs visibility on Navajo tribal lands and regionally throughout the Four Corners area. The regional haze caused by the SJGS lessens my enjoyment of living in the Four Corners area due to the health impacts on myself and family. These national parks sites are culturally and religiously significant to Navajos and the impaired visibility is a desecration of our rights to practice our beliefs as an indigenous U.S. citizens.

10. This same SJGS air pollution also has detrimental health impacts. One of the pollutants addressed by EPA’s federal implementation plan for the SJGS is

oxides of nitrogen. Oxides of nitrogen cause visibility impairment and also contribute to smog and ground level ozone. EPA's regional haze federal implementation plan for the San Juan Generating Station requires the coal plant to reduce emission of oxides of nitrogen to .05 lbs/million BTU. Public Service Company of New Mexico ("PNM"), the owner and operator of SJGS, has publicly opposed EPA's emission limit. Instead, PNM has proposed allowing it to emit over four times the concentration of oxides of nitrogen that have been proposed by EPA.

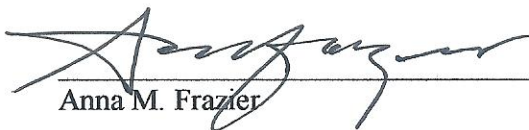
11. I am concerned that the Petition for Review seeks to overturn the visibility and health benefits that will result from the EPA's regional haze federal implementation plan. I am concerned that if PNM's Petition for Review is successful, my health will be adversely impacted from breathing air pollution from the SJGS in areas that I live, work, and travel. I am also concerned that PNM's Petition for Review will prevent EPA's attempt to eliminate regional haze that currently impedes my ability to enjoy the natural vistas in national parks that I travel to in the Colorado Plateau, such as Grand Canyon National Park and Mesa Verde National Park.

12. My interests are not protected by the involvement of EPA in this Petition for Review. First, there are no EPA Regional Offices in the Four Corners

area. Therefore, none of the EPA employees working on this case are forced to breathe the polluted air from the SJGS. Additionally, Diné CARE's written comments to EPA requested that the agency impose stricter air emission requirements on the SJGS than were adopted by the agency. The EPA rejected Diné CARE's proposed emission limits for the SJGS. Therefore, Diné CARE's will not be adequately represented in this litigation by the EPA. By intervening, Diné CARE intends to inform this Court that the regional haze requirements supported imposing even stricter air emissions limits on the SJGS than were adopted by the EPA.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. 28 U.S.C. § 1746.

Dated this 15 day of October, 2011.



Anna M. Frazier

EXHIBIT B

EXHIBIT C

EXHIBIT D

EXHIBIT E