

**ATTACHMENT D**

**UPDATE 1305 – TRANSFER APPLICATION IN CONJUNCTION WITH  
MERGER**

BHP Navajo Coal Company



BHP Billiton Limited  
BHP Navajo Coal Company  
PO Box 1717  
16 Miles South of Fruitland on CR 6675  
Fruitland, New Mexico 87416 USA  
Tel +1 505 598 4200 Fax +1 505 598 3361  
bhpbilliton.com

October 17, 2013

Mr. Mychal Yellowman  
Navajo Mine Team Leader  
Indian Programs Branch  
Office of Surface Mining/Western Regional Coordinating Center  
1999 Broadway, Suite 3320  
Denver, Colorado 80202-3050

**Re: Navajo Mine Permit Number NM-0003F; Update 1305 – Transfer Application in Conjunction with Merger (Attachment D)**

Dear Mr. Yellowman,

BHP Navajo Coal Company (BNCC) has previously submitted for your review and approval an application for the transfer of Permit No. NM-0003F. Consistent with SMCRA's regulatory requirements, BNCC is now submitting seven (7) copies of Update 1305 – Transfer Application in Conjunction with Entity Merger, which updates information previously provided in the Transfer Application Package. Apart from the noted updates, the Transfer Application permit application package is not affected.

As previously explained, following Navajo Transitional Energy Company's (NTEC) purchase of Navajo Mine Coal Company, LLC's (NMCC, LLC) membership interests, NTEC will merge with NMCC, LLC, and NTEC will be the surviving entity. The merger will result in a permit transfer, triggering the Transfer, Assignment and Sale provisions of the regulations implementing SMCRA. See 30 C.F.R. § 774.17.

Instructions for the replacement of updated SMCRA permit contents follow:

<u>Revisions</u>	<u>Comments/Instructions</u>
All Volumes	<b>Add</b> Ownership Change Notification page to the front of each volume.
Ch. 1 Vol. 1, <i>Text</i>	<b>Replace</b> the entire Table of Contents for Chapter 1. <b>Replace</b> the following Sections of Chapter 1: <ul style="list-style-type: none"><li>• Section 1.1 Identification of Interests</li><li>• Section 1.3 Right of Entry Information</li><li>• Section 1.5 Permit Term</li></ul>

Ch. 1 Vol. 1, *Appendix*

**Replace** Appendix 1-A-A Owner Ownership and Control with revised appendix

**Replace** Appendix 1-A-B Operator Ownership and Control with revised appendix.

**Replace** Appendix 1-B-A BHP Navajo Coal Company Violations with Appendix 1-B-A Navajo Transitional Energy Company Violations, Navajo Mine, Violation History.

**Replace** Appendix 1-B-B San Juan Mine Violations with Appendix 1-B-B BHP Billiton New Mexico Coal, Inc., BHP Billiton Mine Management Company Violations, Navajo Mine, Violation History.

**Replace** Appendix 1-B-C La Plata Mine Violations with Appendix 1-B-C BHP Billiton New Mexico Coal, Inc., San Juan Coal Company Violations, La Plata Mine, Violation History

**Add** Appendix 1-B-D BHP Billiton New Mexico Coal, Inc., San Juan Coal Company Violations, San Juan Mine, Violation History

Appendix 1-E-A Owner Certificate of Liability Insurance – Will be provided to OSM prior to ownership and control change.

Appendix 1-E-B Operator Certificate of Liability Insurance – Will be provided to OSM prior to ownership and control change.

Appendix 1-F Affidavit of Publication – Once the public comment period has concluded this Appendix will be forwarded to OSM for incorporation in the PAP.

Certification of the changes above has been included in Appendix 1-A-A. Owner Ownership & Control.

Ch. 1 Vol.1, *Table*

**Replace** Tables 1-1 Information for Entities with Ownership and Control interest in Navajo Mine with revised page (page 1-4).

**Replace** Table 1-2 Other Permits Maintained by Navajo Mine (was page 1-7, now page 1-8) with revised page.

**Remove** Table 1-3 Other Permits Held by San Juan Mine, and Table 1-4 Other Permits Maintained by La Plata Mine

General Purpose Rider for Surety Bond to be submitted prior to ownership and control change

Certificate of Authority to document John Grubb's nomination as Executive of NTEC will be submitted as soon as possible.

If you have any questions, please contact Vivie Melendez at 505-598-3284.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Perkins', with a horizontal line extending to the right.

**Steven Perkins**  
Superintendent Environmental Permitting and Technical Services

Enc: Permit Transfer Application (Merger)  
Draft Public Notice  
Tax ID Application  
Certificate of Organization for Navajo Transitional Energy Company  
Resolution of the 22<sup>nd</sup> Navajo Nation Council

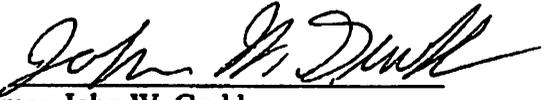
VERIFICATION OF APPLICATION

NAVAJO TRANSITIONAL ENERGY COMPANY  
NAVAJO MINE PERMIT TRANSFER APPLICATION  
SAN JUAN COUNTY, NEW MEXICO

I swear and affirm, under oath and in writing that the information regarding this application is accurate and complete in accordance with Federal regulations under 30 CFR § 774.17.

The following was submitted for the Transfer Application:

- Transfer Application; and
- Advertisement of Filing.

Signature:   
Printed Name: John W. Grubb  
Printed Title: Executive  
Navajo Transitional Energy Company, LLC

STATE OF NEW MEXICO §

COUNTY OF SAN JUAN §

SUBSCRIBED AND SWORN to before me, in my presence, this 3<sup>rd</sup> day of May, 2013, a Notary Public in and for the State of New Mexico.

  
Notary Public

My Commission Expires: 7/26/2016

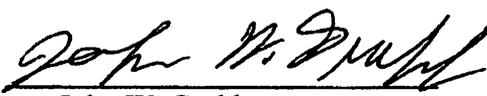
VERIFICATION OF PERMIT UPDATE

NAVAJO TRANSITIONAL ENERGY COMPANY  
NAVAJO MINE PERMIT UPDATE  
SAN JUAN COUNTY, NEW MEXICO

I swear and affirm, under oath and in writing that the information regarding this submittal contained in the Navajo Mine PAP is accurate and complete in accordance with Federal regulations under 30 C.F.R. Part 778.

The following changes have occurred to the PAP:

- Owner and Operator;
- Officers and Directors; and,
- Violation History.

Signature:   
Printed Name: John W. Grubb  
Printed Title: Executive  
Navajo Transitional Energy Company, LLC

STATE OF NEW MEXICO §

COUNTY OF SAN JUAN §

SUBSCRIBED AND SWORN to before me, in my presence, this 3<sup>rd</sup> day of May, 2013, a Notary Public in and for the State of New Mexico.

  
Notary Public

My Commission Expires: 7/26/2016

VERIFICATION OF PERMIT UPDATE

NAVAJO TRANSITIONAL ENERGY COMPANY  
NAVAJO MINE PERMIT UPDATE  
SAN JUAN COUNTY, NEW MEXICO

I swear and affirm, under oath and in writing that the information regarding this submittal contained in the Navajo Mine PAP is accurate and complete in accordance with Federal regulations under 30 CFR 778.

The following changes have occurred to the PAP:

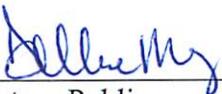
- Owner and Operator;
- Officers and Directors; and,
- Violation History.

Signature:   
**Shawn Goeckner**  
Mine Manager  
Navajo Mine Coal Company

STATE OF NEW MEXICO §

COUNTY OF SAN JUAN §

SUBSCRIBED AND SWORN to before me, in my presence, this 11 day of October, 2013, a Notary Public in and for the State of New Mexico.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 7/26/2016



**Permit Transfer Application (Merger)**  
**May 3<sup>rd</sup>, 2013**

**Permit Number:** NM-0003F

**Current Permit Holder:** BHP Navajo Coal Company  
(Post-Name Change – Navajo Mine Coal Company)  
P.O. Box 1717, Fruitland, NM 87416

**Transfer Permit To:** Navajo Transitional Energy Company  
The Navajo Nation Office of the Attorney General  
Harrison Tsosie, Attorney General  
c/o Dana Bobroff, Deputy Attorney General  
Bureau of Indian Affairs Club Building  
Window Rock, Navajo Nation (Arizona) 86515

**Reason for Transfer:** BHP Navajo Coal Company (“BNCC”), the current Surface Mining Control and Reclamation Act (“SMCRA”) permittee and applicant, and Navajo Transitional Energy Company (“NTEC”), a wholly owned subsidiary of the Navajo Nation organized under the Navajo Nation’s Limited Liability Act, hereby provide notification of the following proposed transactions: First, BNCC plans to change its name to Navajo Mine Coal Company (“NMCC”). Second, NMCC will convert from a Delaware corporation to a Delaware limited liability company (“NMCC, LLC”). Third, NMCC, LLC’s corporate parent, BHP Billiton New Mexico Coal, Inc. (“BBNMC”), plans to sell 100% of NMCC, LLC’s equity to NTEC.

Shortly thereafter, NMCC, LLC and NTEC plan to merge. The merger triggers Office of Surface Mining, Reclamation, and Enforcement’s (“OSM’s”) transfer, assignment and sale regulations (30 C.F.R. 774.17), and thus requires OSM approval. Therefore, BNCC and NTEC submit for your review and approval an application for a transfer of Permit No. NM-0003.

The restructuring will have no on-the-ground impacts. Although the SMCRA permit will be held by NTEC after the NMCC-NTEC merger, another BBNMC-owned company BHP Billiton Mine Management Company (“MMCo.”) will continue to operate the mine, consistent with the OSM approved mine plan and permit terms and conditions, on behalf of NTEC under a mine management agreement for approximately three years.

**Public Notice:** A draft public notice of the permit transfer is enclosed with this application. Once OSM approves the form of public notice, the public notice will be published as stated in the public notice.

**Bonding Requirements:** A General Purpose Rider for Surety Bond will be submitted to OSM prior to the Stock Sale.

**30 C.F.R. § 774.17(b)(1)(iii)** Ownership and control information was enclosed with the same submittal

**Requirements:**

as this Permit Transfer Application. The Permit Application Package ("PAP") was updated with all the information the Transfer Application required. See the letter dated May 3, 2013, "Re: Navajo Mine SMCRA Permit No. NM-0003F : (a) Notification of Name Change; (b) Application for Permit Transfer in conjunction with Entity Conversion; (c) Updated Ownership and Control Information; and (d) Application for Permit Transfer Approval in Conjunction with Merger"

**Certificate of Organization for Navajo Transitional Energy Company**

The Navajo Transitional Energy Company was organized on May 3, 2013 and is authorized to conduct business with the Navajo Nation. See the letter dated May 3, 2013, "Re: File Number 101665" and accompanying *Certificate of Organization*.

**Waiver of Sovereign Immunity**

Conditions pertaining to the waiver of sovereign immunity were established the 22<sup>nd</sup> Navajo Nation Council. See the May 3, 2013 *Resolution of the 22<sup>nd</sup> Navajo Nation Council, 22<sup>nd</sup> Navajo Nation Council – Third Year, 2013*.

Navajo Transitional Energy Company ("NTEC") intends to acquire 100% of Navajo Mine Coal Company, LLC ("NMCC, LLC") equity. Shortly thereafter, NTEC will merge with NMCC, LLC, with NTEC as the surviving entity. The merger will result in a permit transfer. Any references in this application (Permit #NM-0003F) to Navajo Mine Coal Company, LLC or NMCC, LLC are replaced by Navajo Transitional Energy Company or NTEC.

**CHAPTER 1  
ADJUDICATION  
(Volumes 1 & 2)  
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**CHAPTER 1  
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1.1.1.2 Resident Agent Identification

Name: Dana Bobroff, Deputy Attorney General  
The Navajo Nation Office of the Attorney General  
Address: P.O. Box 2010  
Window Rock, Navajo Nation (Arizona), 86515  
Telephone: (928) 871-6345  
Employer Identification No. Federal I.D. No.: Application in Progress

The applicant assumes responsibility for mail delivered to this address and must notify OSMRE by submittal of a permit revision of any change of this address until the time of final bond release.

1.1.1.3 Ownership and Control - Operator Information

Is the applicant also the operator?  Yes  No

If no, provide the following information about the operator:

Legal Structure:

Single proprietorship

Partnership

Corporation - Date Inc. March 28, 2013  
State: Navajo Nation (Arizona)

Association

Other Business

Name: BHP Billiton Mine Management Company  
Address: 300 West Arrington, Suite 200  
Farmington, NM, 87401  
Telephone: (505) 598-4350

Employer Identification No. Federal I.D. No.: 46-2419183

The operator is presumed to be a controller of this proposed operation, but that presumption is rebuttable under the definition of owned or controlled and owns or controls at 30 CFR § 701.5 - Definitions. If an exemption to presumption (EXP) is claimed for the operator, documentation must be attached that demonstrates that the

operator does not in fact have the authority directly or indirectly to determine the manner in which this surface coal mining and reclamation operation is conducted

Is an exemption to presumption (EXP) claimed for the operator?

( ) Yes (XX) No

If yes, attach the appropriate documentation.

**Not Applicable**

**1.1.1.4 Ownership and Control - Businesses with Controlling Interest in Navajo Mine**

Information for the applicant and other entities with ownership interest are provided in Table 1-1. Additional information (corporate officers) for entities with ownership interests and control is provided in APPENDIX 1-A.

APPENDIX 1-A contains a copy of the affidavit verifying the ownership and control information for BNCC is accurate and complete. The original will remain on file at the mine office and the Office of Surface Mining Reclamation and Enforcement (OSM) Western Region office in Denver, Colorado, for review.

**1.1.1.4.1 Ownership and Control - Other Businesses Associated with Navajo Mine**

Corporate Organizational Structures of other businesses associated with Navajo Mine can be found in APPENDIX 1-A

The principal shareholder of **BHP Billiton Mine Management Company** is:

**BHP Billiton New Mexico Coal, Inc.**

c/o The Corporation Trust Company

1209 Orange Street

Wilmington, DE 19801

Telephone: +44 (0) 207 802 4098

Federal ID #: 45-2485938

Whose principal shareholder is:

**BHP Coal Holdings Pty. Ltd.**

Level 20, Waterfront Place

1 Eagle Street

Brisbane, Queensland 4000 Australia

Telephone: +61 07 3227 5600

Whose principal shareholder is:

**BHP Billiton Limited**

Level 27

BHP Billiton Centre

180 Lonsdale Street

Melbourne, VICTORIA 3000 Australia

Telephone: +61 1300 554757

Addresses and telephone numbers for officers and directors are the same as the company for which they hold office. This information for the applicant and other entities with ownership interest is provided in TABLE 1-1.

APPENDIX 1-A contains a copy of the affidavit verifying the ownership and control information for BNCC is accurate and complete. The original will remain on file at the mine office and the Office of Surface Mining Reclamation and Enforcement (OSM) Western Region office in Denver, Colorado, for review.

The following surface coal mining operation is owned or controlled by this business:

**San Juan Mine**

Address: P.O. Box 561

Waterflow, NM 87421

Federal Employer Identification No.: 94-2557286

Federal/State Permit No.: State Permit No. 09-01 NM

Regulatory Authority Name: New Mexico Mining and Minerals Division

MSHA No.: 29-02170 Issued: 9/26/2004

The principal shareholder of **San Juan Mine** is:

San Juan Coal Company

300 West Arrington, Suite 200

Farmington, NM 87401 USA

Telephone: 505-598-4200

Federal ID #: 94-2557286

This operation is not currently nor was previously owned or controlled by this business under another name within the previous 5 years.

The following surface coal mining operation is owned or controlled by this business.

**La Plata Mine**

Address: P.O. Box 210

La Plata, NM 87418

Federal Employer Identification No.: 94-2557286

Federal/State Permit No.: Fed. Permit No. NM0014E

State Permit No. 11-01 NM

Regulatory Authority: New Mexico Mining and Minerals Division

MSHA No.: 29-01825 Issued 1/10/2001

The principal shareholder of **La Plata Mine** is:

San Juan Coal Company

300 West Arrington, Suite 200

Farmington, NM 87401 USA

Telephone: 505-598-4200

Federal ID #: 94-2557286

This operation is not currently nor was previously owned or controlled by this business under another name within the previous 5 years.

#### **1.1.1.4.2 Pending Permit Applications**

The following surface coal mining operation controlled by NTEC has a pending permit application.

##### **Pinabete Permit Area**

Address: P.O. Box 1717

Fruitland, NM 87416

Federal Employer Identification No.: Application in Progress

Federal/State Permit No.: Fed. Permit No. NM0042

Regulatory Authority: Office of Surface Mining Reclamation and Enforcement

MSHA No.: 29-00097 Issued 4/2/1984

The principal shareholder of **Pinabete Permit Area** is:

Navajo Transitional Energy Company

The Navajo Nation Office of the Attorney General

c/o. Dana Bobroff, Deputy Attorney General

Bureau of Indian Affairs Club Building

Window Rock, Navajo Nation (Arizona), 86515

Telephone: 928-871-63-45

Federal ID #: Application in Progress

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**1.1.3 MSHA Numbers**

The MSHA Identification number for Navajo Mine is 29-00097. Section numbers have been assigned to industrial areas, existing pit areas and proposed pit areas. They are:

Watson Pit Area	001-0
Bitsui Pit Area	001-0
Dodge Pit Area	002-0
Custer Pit Area	003-0
Bighan Pit Area	004-0
Pinto Pit Area	005-0
Doby Pit Area	006-0
Yazzie Pit Area	007-0
Hosteen Pit Area	008-0
Barber Pit Area	009-0
Mason Pit Area	010-0
Lowe Pit Area	011-0
Dixon Pit Area	012-0
Area 4 North Pit Area	013-0
Surface Area	090-0

**1.1.4 Names and Addresses of Legal Owners of Record within Leased Area**

The names and addresses of the legal or equitable owners of record (known to Applicant) of the surface and mineral property within the leased area are shown below. Tribal and Bureau of Indian Affairs (BIA) records are unavailable and cannot be verified by Applicant.

1.1.4.1 Surface and Mineral Ownership (Leased Area)

(Ref: EXHIBIT 1-1)

The United States of America,  
in trust for the benefit of  
The Navajo Nation  
Window Rock, AZ 86515  
Attention: The Honorable President  
of the Navajo Nation

1.1.4.2 Coal Leasehold (Leased Area)

(Ref: EXHIBIT 1-1)

Navajo Transitional Energy Company  
Harrison Tsosie, Attorney General  
c/o Dana Bobroff, Deputy Attorney General  
Bureau of Indian Affairs Club Building  
Window Rock, Navajo Nation (Arizona) 86515

1.1.4.3 Oil and Gas Leasehold (Leased Area)

(Ref: EXHIBIT 1-1)

None

1.1.4.4 Customary Use Area Interest (Leased Area)

(Ref: EXHIBIT 1-2)

Barber, Alice D.  
P. O. Box 324  
Fruitland, NM 87416

1.1.4.4

Customary Use Area Interest (Leased Area) Cont.

(Ref: EXHIBIT 1-2)

Barber, Daisy  
P. O. Box 314  
Fruitland, NM 87416

Barber, Lavonne  
P.O. Box 314  
Fruitland, NM 87416

Begay, Ann C. Duncan  
P. O. Box 875  
Waterflow, NM 87421

Begay, Billy J. (Deceased)  
2661 La Plata Hwy  
Farmington, NM 87401

Begay, Robert C.  
P.O. Box 96  
Fruitland, NM 87416

Benally, Jennie  
P. O. Box 402  
Fruitland, NM 87416

Benally, Louise Belle, Trustee  
P. O. Box 722  
Fruitland, NM 87416

1.1.4.4

Customary Use Area Interest (Leased Area) Cont.

(Ref: EXHIBIT 1-2)

Benally, Mary Louise  
P.O. Box 402  
Fruitland, NM 87416

Blueeyes, Frank Decs'd.  
Address Unknown

Bradley, Ida C.  
P.O. Box 262  
Fruitland, NM 87416

Doby, Katie  
P. O. Box 1112  
Kirtland, NM 87417

Eltosie, Ena C.  
P.O. Box 1696  
Kirtland, NM 87417

Frank, Irene  
P. O. Box 2065  
Kirtland, NM 87417

Gilmore, Alice D.  
P. O. Box 297  
Fruitland, NM 87416

1.1.4.4

Customary Use Area Interest (Leased Area) Cont.

(Ref: EXHIBIT 1-2)

Hogue, Lucy A.

P.O. Box 473

Fruitland, NM 87416

Joe, Irene Stevenson

4702 Bering

Farmington, NM 87402

Johnson, Edith C., Trust

P.O. Box 112

Waterflow, NM 87421

Lopez, Ida Mae

P.O. Box 1153

Fruitland, NM 87416

Mason, Eva Mae

P. O. Box 275

Fruitland, NM 87416

Sims, Ida Mae

P. O. Box 1073

Kirtland, NM 87417

Sims, Levada Begay

8 County Road #1738

Farmington, NM 87401

1.1.4.4

Customary Use Area Interest (Leased Area) Cont.

(Ref: EXHIBIT 1-2)

Sims, Stanley  
P. O. Box 44  
Fruitland, NM 87416

Steele, Rose Marie  
2822 Ashmont Terrace  
Silver Springs, MD 20906

Stevenson, Daisy  
4702 Bering  
Farmington, NM 87402

Yazzie, Emma H.  
c/o San Juan Manor  
806 W. Maple  
Farmington, NM 87401

Yazzie, Jay, Sr.  
P. O. Box 154  
Fruitland, NM 87416

Yazzie, Pertina  
P. O. Box 926  
Kirtland, NM 87417

1.1.4.5 Rights-of-Way and Easements (Leased Area)

(Ref: EXHIBIT 1-3)

The information under Section 1.1.4.5, addresses the regulatory requirements found at 30 CFR 778.13 (a) (2).

El Paso Natural Gas Company  
614 Reilly Heights  
Farmington, NM 87401

Questar Southern Trails Pipeline  
P. O. Box 1588  
Farmington, NM 8749

Mountain States Telephone and Telegraph Company, The  
(Now AT&T)  
Box 1355, Station 57  
Albuquerque, NM 87107

Texas-New Mexico Pipe Line Company  
P. O. Box 42130  
Houston, TX 77242

Public Service Company of New Mexico  
Alvarado Square  
Albuquerque, NM 87158

1.1.4.6 Purchaser of Record under Real Estate Contract within the Leased Area

There are no real estate contracts associated with the Navajo Mine.

1.1.5 Names and Addresses of Owners of Record of Lands Contiguous to the Leased Area

The names and addresses of each owner of record (known to applicant) of all property (surface and subsurface) which are contiguous to any part of the leased area are shown below. Tribal and BIA records are unavailable and cannot be verified by Applicant.

1.1.5.1 Surface and Mineral Ownership (Lands Contiguous to the Leased Area)

(Ref: EXHIBIT 1-1)

The United States of America,  
in trust for the benefit of  
The Navajo Nation  
Window Rock, AZ 86515  
Attention: The Honorable President  
of the Navajo Nation

1.1.5.2 Coal Leasehold (Lands Contiguous to the Leased Area)

(Ref: EXHIBIT 1-1)

None

1.1.5.3 Oil and Gas Leasehold (Lands Contiguous to the Leased Area)

(Ref: EXHIBIT 1-1)

None

1.1.5.4 Customary Use Area Interest (Lands Contiguous to the Leased Area)

(Ref: EXHIBIT 1-2)

Barber, Alice D.  
P. O. Box 324  
Fruitland, NM 87416

Barber, Daisy  
P. O. Box 314  
Fruitland, NM 87416

Begay, Ann C. Duncan  
P. O. Box 1875  
Shiprock, NM 87420

Begay, Billy J. (Deceased)  
2661 La Plata Hwy  
Farmington, NM 87401

Begay, Robert C.  
P. O. Box 96  
Fruitland, NM 87416

Benally, Jennie  
P. O. Box 402  
Fruitland, NM 87416

Benally, Louise Belle, Trustee  
P. O. Box 722  
Fruitland, NM 87416

1.1.5.4

Customary Use Area Interest (Lands Contiguous to the Leased Area)

Cont. (Ref: EXHIBIT 1-2)

Benally, Mary Louise  
P.O. Box 402  
Fruitland, NM 87416

Blueeyes, Frank Decs'd.  
Address Unknown

Bradley, Ida C.  
P. O. Box 262  
Fruitland, NM 87416

Doby, Katie  
P. O. Box 1112  
Kirtland, NM 87417

Dodge, Jimmy and Caroline  
P.O. Box 163  
Fruitland, NM 87416

Eltosie, Ena C.  
P. O. Box 1696  
Fruitland, NM 87416

Frank, Irene  
P. O. Box 2065  
Kirtland, NM 87417

1.1.5.4

Customary Use Area Interest (Lands Contiguous to the Leased Area)

Cont. (Ref: EXHIBIT 1-2)

Gilmore, Alice D.

P. O. Box 297

Fruitland, NM 87416

Hogue, Lucy A.

P. O. Box 473

Fruitland, NM 87416

Joe, Irene Stevenson

4702 Bering

Farmington, NM 87402

Johnson, Edith C., Trust

P. O. Box 112

Fruitland, NM 87416

Lopez, Ida Mae.

P. O. Box 1153

Fruitland, NM 87416

Mason, Eva Mae

P. O. Box 275

Fruitland, NM 87416

NAPI

P.O. Drawer 1318

Farmington, NM 87499-1318

1.1.5.4

Customary Use Area Interest (Lands Contiguous to the Leased Area)

Cont. (Ref: EXHIBIT 1-2)

Sims, Ida Mae  
P.O. Box 1073  
Kirtland, NM 87416

Sims, Levada Begay  
8 County Road #1738  
Farmington, NM 87401

Sims, Stanley  
P. O. Box 44  
Fruitland, NM 87416

Steele, Rose Marie,  
2822 Ashmont Terrace  
Silver Springs, MD 20906

Stevenson, Daisy  
4702 Bering  
Farmington, NM 87401

Yazzie, Emma H.  
c/o San Juan Manor  
806 W. Maple  
Farmington, NM 87401

Yazzie, Jay, Sr.  
P. O. Box 154  
Fruitland, NM 87416

1.1.5.4 Customary Use Area Interest (Lands Contiguous to the Leased Area)

Cont. (Ref: EXHIBIT 1-2)

Yazzie, Pertina

P. O. Box 926

Kirtland, NM 87417

1.1.5.5 Rights-of Way and Easements (Lands Contiguous to the Leased Area)

(Ref: EXHIBIT 1-3)

Arizona Public Service Company

P. O. Box 53999

Phoenix, AZ 85072-3999

Navajo Transitional Energy Company

Harrison Tsosie, Attorney General

c/o Dana Bobroff, Deputy Attorney General

Bureau of Indian Affairs Club Building

Window Rock, Navajo Nation (Arizona) 86515

El Paso Natural Gas Company

614 Reilly Heights

Farmington, NM 87401

Four Corners Pipe Line Company

P. O. Box 1588

Farmington, NM 87499

Mountain States Telephone and Telegraph Company, The

(Now AT&T)

Box 1355, Station 57

Albuquerque, NM 87107

1.1.5.5 Rights-of Way and Easements (Lands Contiguous to the Leased Area)

Cont.(Ref: EXHIBIT 1-3)

Texas-New Mexico Pipe Line Company

P. O. Box 42130

Houston, TX 77242

Public Service Company of New Mexico

Alvarado Square

Albuquerque, NM 87158

1.1.6 Applicant's Interest in Lands, Options, or Pending Bids on Interest Held or Made for L

Applicant does not have any interest in lands, options, or pending bids on interest held or made for lands contiguous to the Area described in the Permit Application.

### 1.3 RIGHT OF ENTRY INFORMATION

The following documents establish the legal right for Navajo Transitional Energy Company to enter and conduct coal surface mining and reclamation operations on lands of the Navajo Tribe of Indians. The information under Section 1.3, addresses the regulatory requirements found at 30 CFR 778.15 (a).

#### 1.3.1 Mining Lease and Amendments

The following is a list of documents relating to the original Mining Lease, and Amendments thereto, between the Navajo Tribe of Indians and Utah Construction Company, now known as Navajo Transitional Energy Company. Copies of the original documents are on file at the Environmental Services Department of the Navajo Mine. EXHIBIT 1-6, Navajo Mine Lease Base Map is a map showing the original Mining Lease and the applicable amendment areas as resurveyed November 27, 1991.

- The original Mining Lease (Contract No. 14-20-603-2505), dated July 26, 1957, grants to Applicant the right to enter and begin surface coal mining and reclamation activities on said lands.
- Amendment No. 1, dated October 18, 1957, amends the original Mining Lease to include a right-of-way across Applicant's lease for the Four Corners Pipeline Company. The rights granted under Amendment No. 1 are the same as the original Mining Lease. Amendment No. 1 is not applicable to the Permit Application, and therefore is not shown on EXHIBIT 1-6.
- Amendment No. 2, dated October 24, 1961, amends the original Mining Lease by adding 14 separate parcels of mineral lands to the lease. The rights granted to Applicant are the same as the rights granted in the original Mining Lease.

- Amendment No. 3, dated March 29, 1965, amends the original Mining Lease by adding additional mineral lands to the lease. The rights granted to Applicant are the same as the rights granted in the original Mining Lease.
  
- Amendment No. 4 and Supplement, dated April 25, 1985, amends the original Mining Lease by adding additional surface use areas. The amendment allows Applicant only surface use rights and not mineral rights on these additional lands. The rights granted to Applicant are the same as the rights granted in the original Mining Lease.
  
- Amendment No. 4-A, dated December 28, 1988, amends the original Mining Lease by adding additional mineral lands to the lease. These areas are known as Blocks A, B, C, and D. The rights granted to Applicant are the same as the rights granted in the original Mining Lease.

A legal description of the original Mining Lease and Amendments 2, 3, 4, and 4-A, as resurveyed November 27, 1992, is located in APPENDIX 1-C.

### 1.3.2 Mine Plant Lease and Amendment

The following list documents relating to the Mine Plant Lease (Contract No. 14-20-0603-6447) and Amendment thereto between the Navajo Tribe of Indians and Utah Construction & Mining Co., now known as Navajo Transitional Energy Company. EXHIBIT 1-6 is a map showing the Mine Plant Lease as amended.

- The Mine Plant Lease dated April 1, 1961 originally consisted of 38.9 acres of land. The lease granted Applicant the right to build, maintain, and operate a mine office, shops, warehouse, coal analysis laboratory, turn around and storage area for mining and haulage equipment, and other surface uses related to large scale coal mining operation.

Amendment to the Mine Plant Lease, dated October 1, 1965, revised the Mine Plant Lease by adding additional acreage for a total of 223.21 acres. The rights granted to Applicant are the same as the rights granted in the original Mine Plant Lease.

A legal description of the Mine Plant Lease as amended is located in APPENDIX 1-D.

### 1.3.3 Grants of Easement for Right-of-Way

69 kV Transmission Line - This Right of Way is a contractual agreement between BHP Minerals International and the U.S. Department of the Interior, Bureau of Indian Affairs, Real Property Management, and effective March 15, 1968. The agreement grants exclusive right of way for the construction, maintenance, operation, use, repair, renewal and removal of all facilities, including poles and wires deemed necessary or desirable by the lessee for the transmission of electric energy, including but not limited to a 69,000 volt transmission line, together with the right of ingress and egress and the right to transmit electric energy, over, under, along, and across a 50' wide strip of land commencing at a point within the power line ROW previously granted to Arizona Public Service Company and terminating at the boundary of Lessee's coal mining lease. The ROW is subject to any prior valid existing right or adverse claim.

The main line of this ROW 6.26 miles in length and contains 1.56 miles of branch lines. The width is 50' or 25' each side of centerline. The following documents are included in APPENDIX 1-D relating the 69 kV line ROW:

- Agreement between APS and Utah International for Exchange of Navajo Mine Conveyor No. 5193 for APS 69 kV Power Line
- BIA letter granting right of way for the 69 kV transmission line across Navajo Tribal Land
- BIA Navajo Indian Irrigation Project recommending approval of the right of way
- Application for the right of way
- Schedule of appraisal of charges due
- Legal description/map

Access Road to Area III - This Right of Way is a contractual agreement between BHP Minerals International and the US Department of the Interior, Bureau of Indian Affairs, Real Property Management, and effective June 28, 1982. This grant of easement for ROW is for the construction, operation, and maintenance of a paved access road. The ROW is 100' wide, 4,528.07' in length and covers 10.4 acres across Navajo Tribal Trust lands in Sections, 11, 12 and 13, T27N, R16W, NMPM, San Juan County, NM. The following documents are included in Appendix 1-D relating to the Area III Access Road ROW:

- BIA approval letter granting ROW
- Copy of Right of Way
- Legal description/map

BHP Railroad and Roadway - This Right of Way is an agreement obligation between BHP Minerals International and the US Department of the Interior, Bureau of Indian Affairs, Real Property Management, effective January 25, 1974. This grant of easement for ROW is for the construction, maintenance, operation, use, repair, renewal, and removal of a railroad and all appurtenances thereto (including but not limited to trackage, switches and signals), and a roadway. The ROW is subject to any prior existing right or adverse claim and is without limitation as to tenure.

The ROW is 11.78 miles in length and contains 139.4 acres (5.5 acres are within the APS Plant Lease Area). The width is 100' or 50' each side of centerline, provided that between stations 188 + 46.38 and 227 + 46.38, 285 + 46.38 and 291 + 46.38, and 430 + 46.38 and 433 + 46.38, the right of way shall extend 100' on each side of the centerline. The following documents are contained in APPENDIX 1-D relating to the Railroad Right of Way:

- Legal description
- Letter for revision to the Navajo Mine Railroad and Haulroad reclamation plan
- Reclamation Plan for the Navajo Railroad Right of Way and Haulroad
- Approval letter for the right of way
- Application for Right of Way for Railroad and Road

Haul Road - This Right of Way is a contractual agreement between BHP Minerals International and the US Department of the Interior, Bureau of Indian Affairs, Real Property Management, and effective January 25, 1974. The grant of ROW is for the construction, maintenance, operation, use, repair, renewal, and removal of a roadway and all appurtenances thereto. The ROW is subject to any prior valid existing right or adverse claim and is without limitation to tenure.

The ROW is 8.42 miles in length and contains 94.5 acres. The width is 100' (50' each side of centerline), provided that between stations 188 + 46.38 and 227 + 46.38, 285 + 46.38 and 291 + 46.38, and 430 + 46.38 and 433 + 46.38, the right of way shall extend 100' on each side of the centerline. The following documents are contained in Appendix 1-D relating to the Haul Road Right of Way:

- Letter of approval for ROW
- Grant of Easement for Right of Way
- Legal Description(s)
- Letter of Consent from Navajo Tribal Council
- Application for ROW
- Navajo Mine Railroad and Haulroad Reclamation Plan

4 “Potable Water Line - This Right of Way is a contractual agreement between BHP Minerals International and the US Department of the Interior, Bureau of Indian Affairs, Real Property Management, effective November 6, 1974. This ROW is an exclusive ROW for the construction, operation, and maintenance of a four-inch potable water pipeline and all appurtenances thereto, over and across a 20' wide strip of land as shown on the attached plat.

The ROW is 4.372 miles in length, 20' in width or 10' on each side of centerline and containing 10.60 acres. The following documents are contained in APPENDIX 1-D relating to the 4" potable waterline ROW:

- Office of Navajo Land Development Affidavit of Completion of ROW
- Navajo Nation Request for Affidavit of Completion of ROW
- BIA approval letter for ROW
- Grant of Easement for ROW
- Map/Legal description for ROW

Pinto Haul Road ROW - This Right of Way is a contractual agreement between BHP Minerals International and the US Department of the Interior, Bureau of Indian Affairs, Real Property Management, and effective December 7, 1967. The Pinto Haul Road ROW is an exclusive ROW for the construction, maintenance, operation, use, repair, renewal and removal of a roadway, together with the right of ingress and egress, and the right of passage for automobiles, trucks and vehicles of all types, over, along and across a 100' wide strip of land 1.02 miles in length commencing at the boundary of the Utah Construction and Mining Co. (now known as Navajo Transitional Energy Company) mine plant lease from the Navajo Tribe and terminating at the boundary of the Utah Construction & Mining Co. (now known as Navajo Transitional Energy Company) coal mining lease from the Navajo Tribe, said ROW in its entirety located upon Tribal Indian lands within the Navajo Reservation.

This ROW is 1.02 miles in length, and is 100' wide. The following documents are contained in APPENDIX 1-D relating to the Pinto Haul Road ROW:

- BIA approval letter for ROW
- Application for ROW
- Legal description/map for haulroad

BHP Attachments to APS Poles and Fixtures - This Right of Way is a contractual agreement between BHP Minerals International and the US Department of the Interior, Bureau of Indian Affairs, Real Property Management, effective January 29, 1963. With this ROW APS grant Utah the right to make and maintain at it's own expense, attachments of a 416 kV electrical circuit, to fifteen poles owned by APS. Attachments shall be made and maintained in accordance with the

rules and regulations of the National Electric Safety Code and shall not be used or operated in a manner which will interfere with the use and operation of APS's property. Subject to notice of termination by either party. The following documents are contained in APPENDIX 1-D relating to the Attachment ROW:

- Memorandum of Agreement Covering Attachments of Utah Construction and Mining Co.
- Map/legal description of ROW

Upon notification by the ROW holder of proposed substantial work along the ROW, Navajo Mine will in turn notify OSM.

#### 1.3.4 Pending Litigation

None of the granted rights to enter and conduct surface coal mining activities on lands of the Navajo Tribe of Indians are subject to any pending litigation.

#### 1.3.5 Severance of Mineral Estates

No private mineral estate severed from the private surface estate.

## **1.5 PERMIT TERM**

The permit term is 5 years. Each phase of mining and reclamation and its corresponding acreage for each pit through the permit is presented on an annual basis for the first five years and in five year increments for the remaining mine life. Historical permits held by Navajo Mine Coal Company, now known as Navajo Transitional Energy Company to date are: NM-0003A (approved September 8, 1989), NM-0003B (approved January 31, 1991), NM-0003C (approved July 20, 1993), NM-0003D (approved September 22, 1994), NM-0003E (approved September 26, 1999). The current permit is NM-0003F, (approved September 26, 2004, and renewed on September 25, 2009). See Exhibit 12-2 and 12-3 (Permit Term Disturbance Schedule) for location of permit area.

**APPENDIX 1-A**

**OWNERSHIP & CONTROL**

**APPENDIX 1-A-A**  
**OWNER**  
**OWNERSHIP & CONTROL**

# Owner Corporate Organizational Structure



Navajo Transitional Energy Company, LLC  
*(Navajo Nation Limited Liability Company)*

NAVAJO TRANSITION ENERGY COMPANY  
ACTIVE OFFICERS

<b>Name</b>	<b>Title</b>	<b>Date Elected</b>
<b>McLaughlin, Timothy H.</b>	<b>Management Committee Member</b>	<b>5/3/2013</b>
<b>Passamaneck, Richard S.</b>	<b>Management Committee Member</b>	<b>5/3/2013</b>
<b>Jenkins, Peter E.</b>	<b>Management Committee Member</b>	<b>5/3/2013</b>
<b>Grey, Steve L.</b>	<b>Management Committee Member</b>	<b>5/3/2013</b>
<b>Wood, Grant R.</b>	<b>Management Committee Member</b>	<b>5/3/2013</b>
<b>Grubb, John W.</b>	<b>Management Committee Executive</b>	<b>5/3/2013</b>
<b>Gundersen, Steve</b>	<b>Management Committee Member</b>	<b>5/3/2013</b>
<b>Denetclaw, Peter</b>	<b>Management Committee Member</b>	<b>5/3/2013</b>

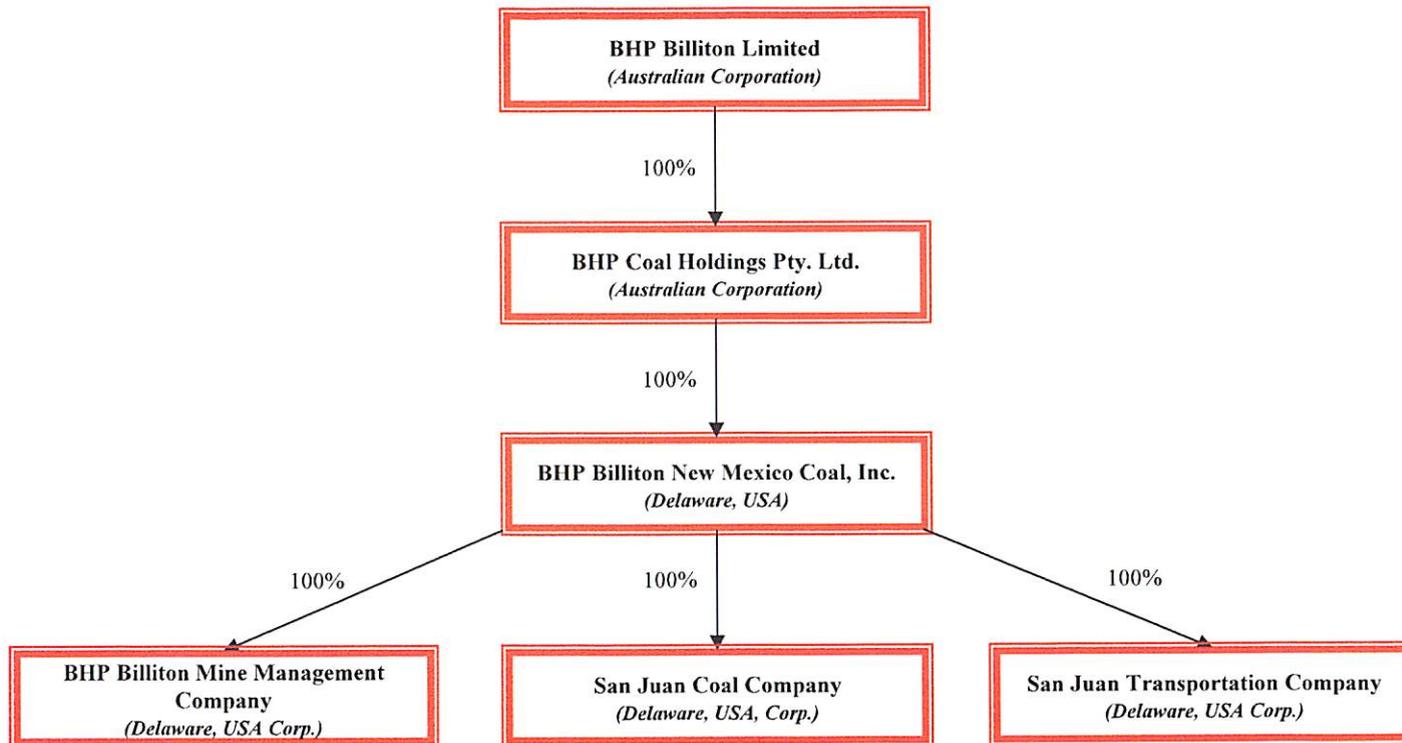
RESIGNED OFFICERS

<b>Name</b>	<b>Title</b>	<b>Date Elected</b>	<b>Date Resigned</b>
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Names in Bold indicate new changes since last report

**APPENDIX 1-A-B**  
**OPERATOR**  
**OWNERSHIP & CONTROL**

# Operator Corporate Organizational Structure



**BHP BILLITON LIMITED  
ACTIVE OFFICERS**

<b>Name</b>	<b>Title</b>	<b>Date Elected</b>
Crawford, David Alexander	Director	5/1/1994
Schubert, John Michael	Director	6/1/2000
Buchanan, John Gordon St. Clair	Director	2/1/2003
Codeiro, Carlos Antonio Souza	Director	8/26/2005
Kloppers, Marius Jacques	Director	1/1/2006
Nasser, Jacques	Director	6/6/2006
McAloon, Jane	Secretary	10/25/2006
Rumble, Keith Christopher	Director	9/1/2008
Murdy, Wayne William	Director	6/18/2009
Broomhead, Malcolm William	Director	3/31/2010
Hewson, Carolyn Judith	Director	3/31/2010
Vadera, Shriti	Director	1/1/2011
Maxsted, Lindsay Philip	Director	3/23/2011
Kleynhans, Nicola Emma	Secretary	12/16/2011
Davies, Lawrence Patrick Adrian	Director	6/1/2012

**RESIGNED OFFICERS**

<b>Name</b>	<b>Title</b>	<b>Date Elected</b>	<b>Date Resigned</b>
Anderson, Paul Milton	Director	6/6/2006	1/31/2010
de Planque, Eileen Gail	Director	10/19/2005	1/31/2010
Argus, Donald Robert	Director	11/30/1996	3/30/2010
Boeckmann, Alan Lee	Director	9/1/2008	3/23/2011
Smith, Fiona Catherine Davis	Secretary	6/28/2007	3/24/2011
Joyner, Elisabeth Jane	Secretary	3/24/2011	12/16/2011

**Names in Bold** indicate new changes since last report

**BHP COAL HOLDINGS PTY. LIMITED**  
**ACTIVE OFFICERS**

<b>Name</b>	<b>Title</b>	<b>Date Elected</b>
Dennis, Michael Allan	Secretary	1/1/2012
<b>Parker, Joy Kittikhoun</b>	<b>Director</b>	<b>7/19/2013</b>
<b>Oberholzer, Gideon Johannes</b>	<b>Director</b>	<b>7/19/2013</b>

**RESIGNED OFFICERS**

<b>Name</b>	<b>Title</b>	<b>Date Elected</b>	<b>Date Resigned</b>
Heath, Gerard John	Director	8/25/2000	6/26/2008
Scott, Neil John	Director	3/1/2006	12/16/2008
McKaig, Natalie Ellen	Secretary	10/4/2007	9/1/2008
Wong, Susie	Secretary	10/4/2007	9/1/2008
Peter, Paul	Alternate Director	12/1/2010	12/31/2010
Peter, Paul	Alternate Director	6/17/2011	7/4/2011
Wiltshire, Toni	Secretary	9/5/2011	10/10/2011
Oberholzer, Gideon Johannes	Director	12/15/2008	1/1/2012
Buckle, Jill Margaret	Secretary	9/22/2008	1/1/2012
Ruddell, David	Alternate Director	7/28/2011	1/1/2012
Liebenberg, Andre Leon	Director	1/1/2012	8/24/2012
Johnson, Paul Richmond	Alternate Director	1/20/2012	8/24/2012
Johnson, Paul Richmond	Alternate Director	9/4/2012	11/15/2012
<b>Johnson, Paul Richmond</b>	<b>Director</b>	<b>11/14/2012</b>	<b>7/19/2013</b>
<b>Summerhayes, Frances</b>	<b>Director</b>	<b>8/24/2012</b>	<b>7/19/2013</b>

**Names in Bold** indicate new changes since last report

**BHP BILLITON NEW MEXICO COAL INC.**  
**(formerly Chaco Valley Energy LLC)**  
**ACTIVE OFFICERS**

<b>Name</b>	<b>Title</b>	<b>Date Elected</b>
Goekner, Shawn D	Director	11/5/2012
Risner, Patrick	COO & President & Director	11/5/2012 & 04/18/2011
<b>Long, Geoffrey</b>	<b>Secretary</b>	<b>3/22/2013</b>
<b>Allen, J Robert</b>	<b>Director &amp; Treasurer</b>	<b>9/19/2013</b>

**RESIGNED OFFICERS**

<b>Name</b>	<b>Title</b>	<b>Date Elected</b>	<b>Date Resigned</b>
Kellow, Glenn Leslie	President	3/14/2007	4/1/2010
Clarke, Steve C.	Assistant Treasurer	3/19/2004	4/18/2011
Roybal, Charles E.	Secretary	3/3/2009	4/18/2011
Jr., David T. Grand	Assistant Secretary	12/22/2009	4/16/2011
Groves, Darrell	Treasurer	2/15/2011	4/18/2011
Moore, Earl Kenneth	Vice President	3/19/2004	7/15/2011
Teel, Paul Lawrence	Vice President	6/1/2005	2/25/2011
Jones, Evan Y.	Vice President	3/19/2004	2/7/2011
Jr., David T. Grand	Secretary	4/18/2011	7/6/2012
Fourie, Jacobus Gerhardus	President & COO & Director	4/1/2010 & 4/18/2011	11/5/2012
Risner, Patrick	Vice President	4/18/2011	11/5/2012
<b>Ford, Kristen</b>	<b>Secretary</b>	<b>7/6/2012</b>	<b>3/22/2013</b>
<b>Clarke, Steve C.</b>	<b>Director &amp; Treasurer</b>	<b>4/18/2011</b>	<b>9/19/2013</b>

**Names in Bold** indicate new changes since last report

REVISED 10/11/2013

**SAN JUAN COAL COMPANY  
ACTIVE OFFICERS**

<b>Name</b>	<b>Title</b>	<b>Date Elected</b>
Jones, James Scott	Vice President	8/11/2008
Jacobs, Carin	Vice President	10/1/2011
Goeckner, Shawn D	Director	11/5/2012
Risner, Patrick	COO & President & Director	11/5/2012 & 2/15/2011
<b>Long, Geoffrey A.</b>	<b>Secretary</b>	<b>3/22/2013</b>
<b>Allen, J Robert</b>	<b>Director &amp; Treasurer</b>	<b>9/19/2013</b>

**RESIGNED OFFICERS**

<b>Name</b>	<b>Title</b>	<b>Date Elected</b>	<b>Date Resigned</b>
Kellow, Glenn Leslie	President & COO	3/14/2007	4/1/2010
Kellow, Glenn Leslie	Director	4/24/2007	4/1/2010
Moore, Earl Kenneth	Vice President	1/17/2000	2/15/2011
Moore, Earl Kenneth	Director	1/17/2000	2/15/2011
Moore, Earl Kenneth	Assistant Treasurer	3/9/1999	1/17/2000
Jones, Evan Y.	Vice President & Director	3/1/2001	2/15/2011
Teel, Paul Lawrence	Vice President	6/1/2005	2/25/2011
Clarke, Steve C.	Assistant Treasurer	10/30/2001	8/31/2011
Jr., David T. Grand	Assistant Secretary	3/3/2009	8/31/2011
Roybal, Charles E.	Secretary	3/3/2009	8/31/2011
Groves, Darrell	Treasurer	2/15/2011	8/31/2011
Jr., David T. Grand	Secretary	8/31/2011	7/6/2012
Fourie, Jacobus Gerhardus	Director, President & COO	4/1/2010	11/5/2012
Risner, Patrick	Vice President	2/15/2011	11/5/2012
<b>Ford, Kristen</b>	<b>Secretary</b>	<b>7/6/2012</b>	<b>3/22/2013</b>
		<b>2/7/2011 &amp;</b>	
<b>Clarke, Steve C.</b>	<b>Director &amp; Treasurer</b>	<b>8/31/2011</b>	<b>9/19/2013</b>

**Names in Bold** indicate new changes since last report

**SAN JUAN TRANSPORTATION COMPANY  
ACTIVE OFFICERS**

<b>Name</b>	<b>Title</b>	<b>Date Elected</b>
Jacobs, Carin	Vice President	10/1/2011
Goeckner, Shawn D	Director	11/5/2012
Risner, Patrick	COO & President & Director	11/5/2012 & 2/15/2011
<b>Long, Geoffrey, A</b>	<b>Secretary</b>	<b>3/22/2013</b>
<b>Allen, J Robert</b>	<b>Director &amp; Treasurer</b>	<b>9/19/2013</b>

**RESIGNED OFFICERS**

<b>Name</b>	<b>Title</b>	<b>Date Elected</b>	<b>Date Resigned</b>
Kellow, Glenn Leslie	President & COO	3/14/2007	4/1/2010
Kellow, Glenn Leslie	Director	4/24/2007	4/1/2010
Jones, Evan Y.	Director	3/1/2001	2/7/2011
Jones, Evan Y.	Vice President	3/1/2001	2/15/2011
Moore, Earl Kenneth	Vice President	1/17/2000	2/15/2011
Moore, Earl Kenneth	Director	1/17/2000	2/15/2011
Moore, Earl Kenneth	Assistant Treasurer	9/3/1999	1/17/2000
Teel, Paul Lawrence	Vice President	6/1/2005	2/25/2011
Clarke, Steve C.	Assistant Treasurer	10/30/2001	8/31/2011
Jr., David T. Grand	Assistant Secretary	12/22/2009	8/31/2011
Roybal, Charles E.	Secretary	3/3/2009	8/31/2011
Groves, Darrell	Treasurer	2/15/2011	8/31/2011
Jr., David T. Grand	Secretary	8/31/2011	7/6/2012
Risner, Patrick	Vice President	2/15/2011	11/5/2012
Fourie, Jacobus Gerhardus	Director, President & COO	4/1/2010	11/5/2012
<b>Ford, Kristen</b>	<b>Secretary</b>	<b>7/6/2012</b>	<b>3/22/2013</b>
<b>Jones, James Scott</b>	<b>Vice President</b>	<b>8/11/2008</b>	<b>9/19/2013</b>
		<b>2/7/2011 &amp;</b>	
<b>Clarke, Steve C.</b>	<b>Director &amp; Treasurer</b>	<b>8/31/2011</b>	<b>9/19/2013</b>

**Names in Bold** indicate new changes since last report

**BHP BILLITON MINE MANAGEMENT COMPANY  
ACTIVE OFFICERS**

<b>Name</b>	<b>Title</b>	<b>Date Elected</b>
<b>Allen, J Robert</b>	<b>Director &amp; Treasurer</b>	<b>3/28/2013</b>
<b>Goekner, Shawn D</b>	<b>Director</b>	<b>3/28/2013</b>
<b>Risner, Patrick</b>	<b>Director</b>	<b>3/28/2013</b>
<b>Long, Geoffrey A</b>	<b>Secretary</b>	<b>3/28/2013</b>

**RESIGNED OFFICERS**

<b>Name</b>	<b>Title</b>	<b>Date Elected</b>	<b>Date Resigned</b>
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**Names in Bold** indicate new changes since last report

**APPENDIX 1-B**

**VIOLATION HISTORY**

**APPENDIX 1-B-A**

**NAVAJO TRANSITIONAL ENERGY COMPANY  
NAVAJO MINE  
VIOLATION HISTORY**

*Navajo Transitional Energy Company  
Navajo Mine - Violation History*

<b>Date of Violation</b>	<b>Violation Number</b>	<b>Description of Violation</b>	<b>Date of Termination</b>	<b>Appeal Status</b>	<b>Mine Permit Number</b>	<b>MSHA Number</b>	<b>Mine or Person Served</b>	<b>Issuing Regulatory Authority</b>
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There have been no violations issued to Navajo Transitional Energy Company at Navajo Mine in the last three years

**APPENDIX 1-B-B**

**BHP BILLITON NEW MEXICO COAL, INC.  
BHP BILLITON MINE MANAGEMENT COMPANY  
NAVAJO MINE  
VIOLATION HISTORY**

*BHP Billiton New Mexico Coal, Inc.  
 BHP Billiton Mine Management Company  
 Navajo Mine - Violation History*

<b>Date of Violation</b>	<b>Violation Number</b>	<b>Description of Violation</b>	<b>Date of Termination</b>	<b>Appeal Status</b>	<b>Mine Permit Number</b>	<b>MSHA Number</b>	<b>Mine or Person Served</b>	<b>Issuing Regulatory Authority</b>
5/14/10	CO10-020-190-01	Failure to prevent flyrock from traveling beyond the permit boundary	5/21/10	N/A	NM0003-F	29-00097	Tim Ramsey	OSM
11/4/10	N10-020-82-001	The permittee failed to conduct all surface coal mining and reclamation operations only as described in the approved application (Blasting in Area 4 North)	11/04/10	N/A	NM0003-F	29-00097	Tim Ramsey	OSM
11/18/10	N10-020-190-04	Failure to conduct all surface coal mining and reclamation operations only as described in the approved permit (Blasting in Dixon Pit). The violation referred to Job: 63DX6B-7, detonated 10/18/10; and Job: 63DX8A-8, detonated 9/14/10.	Not Applicable	N/A	NM0003-F	29-00097	Tim Ramsey	OSM
6/14/11	N11-020-157-003	The permittee failed to conduct all surface coal mining and reclamation operations only as described in the approved application by failing to rip coal in accordance with procedures outline in Appendix 11-C.	6/16/11	N/A	NM0003F	29-00097	Pat Risner	OSM
12/15/11	CO11-020-190-01	Failure to prevent fly rock form traveling beyond the permit boundary (Shot 64LW3B-3)	12/19/11	N/A	NM0003-F	29-00097	Pat Risner	OSM
4/30/12	N12-020-537-001	Failure to certify the A4N West Perimeter primary road prior to usage as a primary road for coal haulage. 30CFR 816.151(a)	6/19/12	NA	NM0003F	29-00097	Tim Ramsey	OSM

**APPENDIX 1-B-C**

**BHP BILLITON NEW MEXICO COAL, INC.  
SAN JUAN COAL COMPANY  
LA PLATA MINE  
VIOLATION HISTORY**

*BHP Billiton New Mexico Coal, Inc.  
San Juan Coal Company  
La Plata Mine - Violation History*

<b>Date of Violation</b>	<b>Violation Number</b>	<b>Description of Violation</b>	<b>Date of Termination</b>	<b>Appeal Status</b>	<b>Mine Permit Number</b>	<b>MSHA Number</b>	<b>Mine or Person Served</b>	<b>Issuing Regulatory Authority</b>
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There have been no violations issued to the San Juan Coal Company at La Plata Mine in the last three years

**APPENDIX 1-B-D**

**BHP BILLITON NEW MEXICO COAL, INC.  
SAN JUAN COAL COMPANY  
SAN JUAN MINE  
VIOLATION HISTORY**

*BHP Billiton New Mexico Coal, Inc.  
San Juan Coal Company  
San Juan Mine - Violation History*

<b>Date of Violation</b>	<b>Violation Number</b>	<b>Description of Violation</b>	<b>Date of Termination</b>	<b>Appeal Status</b>	<b>Mine Permit Number</b>	<b>MSHA Number</b>	<b>Mine or Person Served</b>	<b>Issuing Regulatory Authority</b>
9/30/13	717	Failure to conduct all surface coal mining and reclamation operations described in the approved permit (Historic property inadvertently disturbed by road construction prior to mitigation). The violation referred to as: Green Frame Boulevard Impact to LA 119301. BNCC has complied with the remedial action required by the State of New Mexico, Energy, Minerals and Natural Resources Department, Mining and Minerals Division, which includes construction of permanent fencing to protect the site from future disturbances.		N/A	2009-01	29-02170	San Juan Mine	MMD

**TABLE 1-1****INFORMATION FOR ENTITIES WITH OWNERSHIP AND CONTROL INTEREST IN NAVAJO MINE**

<b>Business</b>	<b>Address &amp; Telephone No.</b>	<b>Federal ID No.</b>
BHP Billiton Limited	Level 27 BHP Billiton Centre 180 Lonsdale Street Melbourne, VICTORIA 3000 Australia Telephone No: +61 1300 554757	N/A
BHP Coal Holdings Pty. Ltd.	Level 20, Waterfront Place 1 Eagle Street Brisbane, QUEENSLAND 4000 Australia Telephone No. +61 07 3227 5600	N/A
BHP Billiton New Mexico Coal Inc.	c/o The Corporation Trust Company 1209 Orange Street Wilmington DE, 19801 USA Telephone No. 44 (0) 207 802 4098	45-2485938
San Juan Coal Company	300 West Arrington, Suite 200 Farmington, NM 87401 USA Telephone No. (505) 598-4200	94-2557286
San Juan Transportation Company	300 West Arrington, Suite 200 Farmington, NM 87401 USA Telephone No. (505) 598-4200	94-2785883
BHP Billiton Mine Management Company	300 West Arrington, Suite 200 Farmington, NM 87401 USA Telephone No. (505) 598-4200	46-2419183
Navajo Transitional Energy Company	The Navajo Nation Office of the Attorney General Harrison Tsosie, Attorney General c/o Dana Bobroff, Deputy Attorney General Bureau of Indian Affairs Club Building Window Rock, Navajo Nation (Arizona) 86515	Application in Progress

1.1.2 Other Permits and Licenses.

Table 1-2 Other Permits Maintained by Navajo Mine

Issuing Authority Name & Address	Type of Permit	Agency Decision	Identification Number
U.S. Environmental Protection Agency Region IX – Water Division 75 Hawthorne St San Francisco, CA 94105-3901	National Pollution Discharge Elimination System (NPDES)	4/7/2008	NM-0028193
U.S. Environmental Protection Agency Region XI - National Pollutant Discharge Elimination System NOI Processing Center 1200 Pennsylvania Ave. NW Washington, DC 20460	NPDES General Permit for Stormwater Discharges for Multi-Sector General Permit Activity (MSGP)	5/5/2009	NMR05FW0I
Department of the Army Albuquerque District, Corps of Engineers 4101 Jefferson Plaza NE Albuquerque, NM 87109	Clean Water Act 404 Individual Permit	3/20/2012	SPA-2011-00122-ABQ
U.S. Environmental Protection Agency Region IX - Air Division 75 Hawthorne Street San Francisco, CA 84105-3901	Minor Source Registration for Existing Source	N/A	Application Pending
U.S. Fish and Wildlife Service Migratory Bird Office –Permits P.O. Box 709 Albuquerque, NM 87103-0709	Special Purpose Utility Permit for Migratory Bird Mortality Monitoring	5/10/2012	MB181764-1
Navajo Department of Water Resources Water Code Administration P.O. Box 678 Ft. Defiance, AZ 86504	Well Drilling Permits	6/27/2007	07-056, 07-057, 07-059
		8/1/2007	07-060, 07-061, 07-062, 07-063, 07-064, 07-065, 07-066, 07-067
		4/15/2013	12-033, 12-034
	Water Use Permits	5/30/2008	08-0142, 08-0143, 08-0144, 08-0145, 08-0146, 08-0147, 08-0148, 08-149, 08-0150, 08-0151, 08-0152, 08-0153
		4/15/2013	12-0128, 12-0129
U.S. Environmental Protection Agency, Region IX, 75 Hawthorne St., San Francisco, CA 94105-3901	Notification of Hazardous Waste Activity (RCRA)	1/25/1994	NNDO-42993725
Bureau of Reclamation, Colorado River Storage Project	Colorado River Storage Project	9/23/1969	14-06-400-5138
Federal Communication Commission 445 12 <sup>th</sup> Street SW Washington, DC 20554	Radio Licenses	2/17/2012	KVH885-(FRN: 0020926937),
		7/24/2003	WPYD841-(FRN: 0020926937),
		9/13/2005	WQM395-(FRN: 00200926937).
Department of Treasury Bureau of Alcohol, Tobacco, & Firearms 1200 Main Street Room 300 Dallas TX	22 Manufacturer of Blasting Agents	9/1/2012	5NM-045-22-2J-12082
	33 Manufacturer of Blasting Agents	9/1/2012	5NM-045-33-2J-12081
Navajo Nation, Department of Water Resources Management	License to use specified water in operations	6/07/1996	96.289

THE NAVAJO NATION

BEN SHELLY  
REX LEE JIM

May 3, 2013

Harrison Tsosie, Attorney General  
Office of the Attorney General  
PO Box 2010  
Window Rock, Arizona 86515

RE: File Number 101665

Dear Incorporator:

The Business Regulatory Department (BRD) is in receipt of your request for registering as a Domestic Limited Liability Company under the Navajo Nation Limited Liability Company Act 5 N.N.C. § 3600 *et. seq.* Attach please find a Certificate of Organization and receipt for the filing fee for *Navajo Transitional Energy Company, LLC*. Please ensure that the Certificate of Organization is located in a conspicuous area of your organization.

Upon registering, it is the entity's responsibility to fulfill and comply with all requirements (i.e. annual reports, fees, etc.) outlined in the Code. For example, under § 3630, all entities authorized to conduct business within the Navajo Nation have to file an annual report and accounting to the BRD. These requirements are important to ensure that all entities are transacting business in a lawful manner while providing services within the Navajo Nation.

If you have any questions, please contact the BRD at 928-871-6714 or 7365.

Sincerely,



Clarence Chee  
Department Manager  
Business Regulatory Department  
Division of Economic Development

Enclosures



# NAVAJO NATION LIMITED LIABILITY COMPANY ACT

## CERTIFICATE OF ORGANIZATION

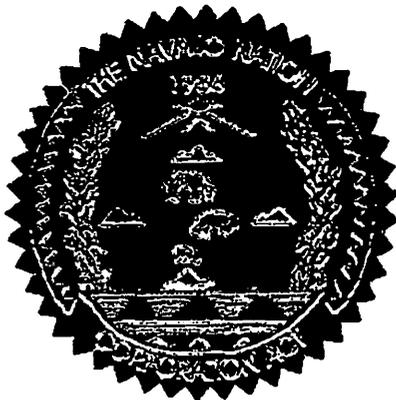
*To all to Whom these Presents Shall Come, Greeting:*

I, the Manager of the Business Regulatory Department, DO HEREBY CERTIFY that

\*\*\*NAVAJO TRANSITIONAL ENERGY COMPANY, LLC\*\*\*  
File Number 101665

a Limited Liability Company organized under the laws of the Navajo Nation, was on the  
Third day of May, 2013, authorized to  
transact business within the Navajo Nation as a DOMESTIC Limited Liability Company.

I FURTHER CERTIFY that this Limited Liability Company has filed all affidavits and required documents and paid all filing fees required and, therefore, is registered as a Domestic Limited Liability Company with the Navajo Nation.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Navajo Nation Limited Liability Company Act at Window Rock, Arizona, this Third

day of May, 2013 A.D.

Manager, Business Regulatory Department

RESOLUTION OF THE  
22<sup>ND</sup> NAVAJO NATION COUNCIL

22<sup>ND</sup> NAVAJO NATION COUNCIL - THIRD YEAR, 2013

**FILED**  
File Number 101665  
**MAY 03 2013**  
Navajo Nation Corporation Act  
Department Manager

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND BUDGET AND FINANCE;  
APPROVING: (I) THE CREATION, FORMATION, ORGANIZATION,  
ESTABLISHMENT, AND OPERATION OF THE NAVAJO TRANSITIONAL ENERGY  
COMPANY, LLC (HEREINAFTER, THE "COMPANY"), PURSUANT TO THE  
NAVAJO NATION LIMITED LIABILITY COMPANY ACT, 5 N.N.C. § 3600 et  
seq.; (II) THE GRANT AND EXTENSION OF THE NAVAJO NATION'S  
SOVEREIGN IMMUNITY TO THE COMPANY PURSUANT TO THIS ENABLING  
LEGISLATION, AND NAVAJO LAW, INCLUDING WITHOUT LIMITATION, 1  
N.N.C. § 551 et seq., 2 N.N.C. § 101 et seq., AND 5 N.N.C. §  
3600 et seq.; (III) THE DISCRETION TO RELATE, AFFILIATE, AND  
ASSOCIATE WITH AN EXISTING NAVAJO NATION SECTION 17 CORPORATION,  
OR A SUBSIDIARY OF AN EXISTING NAVAJO NATION SECTION 17  
CORPORATION, OR ALTERNATIVELY, WITH THE APPROVAL OF THE NAVAJO  
NATION GOVERNMENT, TO INCORPORATE AS A SECTION 17 CORPORATION  
PURSUANT TO 25 U.S.C. § 477, AS AMENDED; (IV) THE EMPOWERMENT OF  
THE COMPANY TO EXECUTE, ENTER, AND PERFORM COMMERCIALY  
REASONABLE AND ECONOMICALLY VIABLE AGREEMENTS IN THE BEST  
INTERESTS OF THE COMPANY AND THE NAVAJO NATION, INCLUDING  
WITHOUT LIMITATION, A STOCK PURCHASE AGREEMENT TO ACQUIRE THE  
ENTIRETY-ONE-HUNDRED-PERCENT(100%)- OF THE STOCK OF A BUSINESS  
ORGANIZATION OR ORGANIZATIONS, WHICH IS NECESSARY FOR THE  
ACQUISITION AND OWNERSHIP OF THE NAVAJO MINE; AND (V) THE  
EMPOWERMENT OF THE COMPANY TO ACT TO EFFECTUATE THE MERGER OR  
MERGERS OF BUSINESS ORGANIZATIONS FOR THE ACQUISITION AND  
OWNERSHIP OF THE NAVAJO MINE, AND CONTINUING OPERATION OF THE  
COMPANY IN THE BEST INTERESTS OF THE NAVAJO NATION AND THE  
NAVAJO PEOPLE.

BE IT ENACTED:

Section A. Approval of the creation, formation, organization,  
establishment empowerment, authorization, and  
operation of the Company

1. Pursuant to 5 N.N.C §102, the Navajo Nation Council hereby  
approves the creation, formation, organization,

- establishment, and operation of the Company, which will, subject to the limitations set forth herein, act as an arm and subordinate instrumentality of the Navajo Nation to exercise all of the powers granted herein and otherwise available, including without limitation, the benefits, protections, and defenses associated with sovereign immunity, and authorities of association and affiliation with a sovereign entity, with accountability to the Navajo People, through their elected and appointed representatives, and the Navajo Nation; and
2. The Navajo Nation's approval of the creation, formation, organization, establishment, and operation is for the protection and promotion of the Navajo People's and the Navajo Nation's economic and financial best-interests, which are tied and related to mining operations within the Navajo Nation, as a means to ameliorate the economic, financial, and social conditions of the Navajo People and the Navajo Nation; and
  3. The Navajo Nation, through the approval and execution of this legislation by the Navajo Nation Council and the President of the Navajo Nation, establishes and declares the Company as an instrumentality of the Navajo Nation, which, subject to the conditions of existing Navajo law, and those set forth herein, is entitled to all of the privileges, immunities, protections, and authorities of the Navajo Nation; and
  4. The Navajo Nation approves the creation, formation, organization, establishment, empowerment, and operation of the Company pursuant to Navajo law, including without limitation, the Navajo Nation Limited Liability Company Act, 5 N.N.C. §3600 et seq., 1 N.N.C. §551 et seq., 2 N.N.C. §101 et seq., and all other relevant statutes, resolutions, decisions, rules, orders, regulations, and policies; and the Company's Articles of Organization and Operating Agreement, which are attached hereto collectively as Exhibit "A" (hereinafter, referred to as the "Operating Agreement"); and
  5. The Navajo Nation declares that the creation of the Company is necessary and desirable for the Navajo Nation to implement the transactions, functions, and actions contemplated by this legislation; to strictly limit the Navajo Nation's and the Company's liabilities and exposures; and to promote the development of the Navajo

Nation's resources and new sources of energy, power, transmission and attendant resources to develop the economic, financial, social and cultural well-being of the Navajo People and the Navajo Nation; to promote the economic vitality of the Navajo Nation through the production of goods and services, to facilitate management of the Navajo Nation's interests in the development of its energy portfolio and market; and to steer the Navajo Nation into a more efficient, productive, vital, and sustainable energy portfolio and market in the best interests of the future generations of the Navajo Nation; and

6. The Navajo Nation declares that the creation of the Company is also for the purposes of facilitating, assisting, promoting, and protecting the Navajo Nation's authorities, duties, and functions to protect the Navajo People and the Navajo Nation, with regard to the Navajo Nation's land, air, water, natural, and economic resources; and
7. The Company is created and enabled to support, improve, and promote the economic, financial, tax, and revenue interests of the Navajo People, the Navajo Nation, and affiliates, through management and development of the Navajo Nation's conventional, alternative, and renewable energy resources, in cooperation with other Navajo Nation entities, in accordance with full exercise of the Navajo Nation's inherent sovereignty, in furtherance of the federal government's policy of Navajo Nation economic development, self-sufficiency, self-determination, and autonomous economic development and growth, and consistent with existing and future Navajo Nation environmental, labor, and resources utilization laws, regulations, orders, rules, and policies; and
8. The Company is created to, and shall, invest and re-invest no-less-than ten-percent (10%) of Net Income, as defined in the Operating Agreement, into the research and development of renewable and alternative sources of energy, storage, and transmission technologies and facilities, with priority given to solar technologies and facilities and attendant storage and transmission capacity, and in accordance with responsible financial and commercial management of the Company's obligations and best-interests; and
9. The Company shall have, and is granted and extended, the Navajo Nation's sovereign immunity from suit, with the

authority to waive the Company's immunity from suit on a limited, transaction-by-transaction basis, in conformity with this legislation and its constituent documents, as these may be amended and supplemented from-time-to-time, including the clear and express authority to limitedly waive any defense of the Company, its directors, employees, attorneys, or agents may otherwise assert that federal, state, or tribal law requires exhaustion of tribal court and administrative remedies prior to suit against the Company in a judicial, administrative, arbitral, or other body or tribunal having proper jurisdiction over the subject matter and the parties; and

10. The Company shall have, and is granted and extended, the Navajo Nation's tax and financial status pursuant to applicable law, subject to such modifications, supplements, or restatements that may be made by the Navajo Nation; and

**Section B. Approval of the Company's acquisition of business organizations to acquire the entirety of the stock of a business organization or business organizations for the acquisition and ownership of the Navajo Mine, and related actions**

11. The Company is empowered and authorized to conduct and complete all necessary due diligence investigations; enter, execute, and perform all agreements necessary to implement and facilitate the acquisition and ownership of the Navajo Mine; and
12. The Company is empowered and authorized to enter, execute, and perform all commercially reasonable and economically viable agreements attendant to the acquisition and ownership of the Navajo Mine to promote the Navajo People's, the Navajo Nation's, and the Company's best-interests; and
13. The Company is empowered and authorized to effectuate acquisitions and mergers of business organizations, and if determined appropriate by the Navajo Nation and the Company, to affiliate with a Navajo Nation entity or entities, as the case may be pursuant to future circumstances, and effectuate a merger into a Section 17 Corporation chartered pursuant to 25 U.S.C. §§477, as amended, by the same name; and
14. The Company is further empowered and authorized to take appropriate actions to ensure the continuing operation of the Navajo Mine and the Company into the future, in the

most efficient, productive, and profitable manners possible, which shall be in the best-interests of the Navajo People, the Navajo Nation, and the Company; and

**Section C. Approving and stating conditions associated with the Company's existence and operation**

15. The Navajo Nation retains all rights, powers, authorities, and immunities possessed and enjoyed as a sovereign entity and governmental institution. Nothing herein, within the Operating Agreement, within any future documents or instruments associated with the Company, or any act or omission of the Company, shall be asserted, interpreted, or otherwise understood to constitute any waiver whatsoever of any of the Navajo Nation's rights, powers, or authorities, and immunities as a sovereign entity and governmental institution; and
16. Nothing herein, within the Operating Agreement, within any future documents or instruments associated with the Company, or any act or omission of the Company, shall be asserted, interpreted, or otherwise understood to constitute any waiver of the Navajo Nation's sovereign immunity from suit whatsoever, whether express or implied, beyond that already clearly and unequivocally provided as a matter of Navajo Nation statutory law pursuant to the Navajo Sovereign Immunity Act, 1 N.N.C. §551 et seq., and the Navajo Nation Arbitration Act, 7 N.N.C. §1101 et seq; and
17. Nothing herein, within the Operating Agreement, within any future documents or instruments associated with the Company, or any act or omission of the Company, shall create any obligation, indebtedness, or recourse to the property or assets, whether held in trust or otherwise, of the Navajo Nation whatsoever; and no action by the Company shall permit or authorize the sale, encumbrance, or transfer of any of the Navajo Nation's, or any of its entities' and affiliates' property and assets, whether held in trust or otherwise, or any interest therein whatsoever, other than those of the Company; and
18. Subject to the conditions set forth herein, in the Operating Agreement, and in any future organizational or governing documents or instruments associated with the Company, the Company, its Management Committee and Management Committee Members, as these terms are defined in the Operating Agreement, and its other officers, employees,

and agents shall be immune from suit for actions performed in an official capacity; and

19. Except as otherwise clearly and expressly provided for herein or to the extent the Company, exercising express authority in a manner provided for in this legislation or other applicable Navajo law, or the Operating Agreement, and in accordance with properly approved and executed agreements, the Company's property and assets are exempt from any levy or execution; and
20. The Company is authorized to waive the Company's immunity from suit or other compulsory dispute resolution procedure in accordance with the Operating Agreement. Any waiver of the Company's immunity from suit shall be clearly and expressly stated and consistent with the procedural and substantive requirements provided for in Sections C(20) through C(23) hereof and the Operating Agreement, and shall expressly state that such waiver does not apply to the Navajo Nation; and
21. Any limited, clearly, and expressly defined waiver of the Company's immunities from suit shall require at least ten (10) calendar days' notice of the transaction, agreement, and specific provision providing for any limited waiver being provided to the Company's Management Committee, the Office of the Speaker of the Navajo Nation Council, the Office of the President of the Navajo Nation, and the Navajo Nation Department of Justice. Any limited, clearly, and expressly defined waiver of the Company's immunities from suit shall satisfy all procedural and substantive requirements provided for herein and within the Operating Agreement; and the failure to satisfy such requirements shall render any purported waiver of the Company's sovereign immunity void *ab initio*; and
22. Approval of the same specific limited waiver of each the Company's immunities from suit shall require an affirmative vote of at least five (5) of the Company's seven (7) total Management Committee Members; and
23. Only the properties, assets, revenues, and income held by, or in the name of, the Company shall be subject (to the extent otherwise permitted herein and by law) to the debts, obligations, or other liabilities created, incurred, or guaranteed by the Company. The Navajo Nation's properties and assets, whether held in trust or otherwise, or any interest therein whatsoever, shall not be subject to, or impacted by

this legislation, the Operating Agreement, the Company's additional governing documents, its associated and approved instruments, or any transaction or agreement executed for or by the Company, including without limitation, any and all agreements or other documents entered into, issued, or made in connection with the Company's acquisition and ownership of the Navajo Mine, and the Company's continued operations and functions thereafter; and

**Section D. General and Miscellaneous Provisions; Directives**

24. The duration of the Company shall be perpetual; and
25. The Company is designed, created, formed, organized, established, empowered, and authorized to act as a subordinate instrumentality of the Navajo Nation, and to promote and enhance the self-determination and self-reliance of the Navajo Nation and the Navajo People with all rights, privileges, immunities, powers, protections, authorities, and purposes granted herein. The Company shall endeavor to contribute to the improvement and enhancement of the economic and financial conditions, and the standards of living for the Navajo People and the Navajo Nation; and
26. The Company is empowered to acquire, create, control, administer, operate, facilitate operation of, oversee, and develop all facilities, infrastructure, improvements, property, assets, and interests necessary, convenient, efficient, and prudent for accomplishment of the purposes herein and the Operating Agreement. The Company is empowered to control, own, operate, conduct oversight of operation, and develop energy resources, tangible and intangible property, assets, and interests within and outside the boundaries of the Navajo Nation, and on possessory interests in lands selected by the Navajo Nation pursuant to the Navajo-Hopi Land Settlement Act, meaning leasehold interests, subject to such actions being provided for, authorized by, or not otherwise prohibited by applicable Navajo Nation law; and
27. The principal place and headquarters of business and the offices of the Company shall be within the Navajo Reservation, with preference to be and operate at or near Window Rock, Navajo Nation. The Company may also establish and maintain offices at such other places as the Company, through its duly authorized officers, may from time-to-time direct, or as the activities of the Company may require; and

28. The Company is further authorized and empowered to do everything necessary, proper, advisable, or convenient for the accomplishment of the purposes herein, including, without limitation, implementation of the Operating Agreement; and to do all things incidental thereto, or connected therewith, which are not forbidden by applicable law or this legislation; and
29. The Company's seven (7) Management Committee members shall be selected in accordance with the Operating Agreement. Thereafter, the seven (7) members' appointments and confirmations shall be effectuated in accordance with the Operating Agreement; and
30. Each of the Company's Management Committee Members after the initial Members' terms have concluded, shall be selected in accordance with the Operating Agreement, and in consultation with the Company's membership representatives, which shall serve in a capacity of shareholder representatives in a corporation, and such rules as the Company may adopt, amend, or supplement in the future; and
31. The Company's Management Committee Members shall hire or ratify the Company's Management Committee Executive, as that term is defined in the Operating Agreement; and
32. Each of the Company's Management Members, officers, employees, and agents shall be subject to Navajo Nation laws and regulations; and
33. Each of the Company's Management Committee Members shall have substantial knowledge, understanding, and competency in the energy industry; and the Management Committee as a whole shall possess substantial knowledge, understanding, and competency in the energy industry, with particular knowledge, understanding, and competency in coal, alternative and renewable resources for power and energy; commercial management and operation experience in the energy industry; substantial knowledge, understanding, and competency in economics, corporate finance, accounting, law, business management, engineering, geophysics, geology, or similar disciplines; substantial knowledge, understanding, and competency in mining, production of coal, and mechanics of coal mining operations; substantial knowledge, understanding, and competency of commercial and mining operations within Navajo Indian Country; and
34. Each of the Management Committee Members shall not be a public official of the Navajo Nation as defined in 2 N.N.C.

§3743, as amended, including without limitation Navajo Nation Council delegates, Chapter officials, grazing committee members, commissioners, land board members, farm board members, or school board members; be an employee of the federal, any state, county, municipal, or any other government; be a director (or commissioner) of any other Navajo Nation owned enterprise, industry, authority, corporation, or instrumentality; provided that the requirements shall not apply to any consecutive renominations or confirmations; be any person who has been convicted or entered a plea of *nolo contendere* to any felony or gross misdemeanor in any court, including without limitation those involving dishonesty or moral turpitude, extortion, embezzlement, theft, violation of fiduciary duty, bribery, perjury, or fraud; provided, that any misdemeanor shall be limited to the last ten (10) years of such person's history; be any person who violates or has violated the requirements of the Navajo Nation Ethics in Government Law, 2 N.N.C. §3741 *et seq.*, as amended, provided that any such violation shall be limited to the last ten (10) years of such person's history; or be any person who has declared bankruptcy or been adjudicated bankrupt or insolvent; and

35. The Company may conduct activities in the Navajo Nation and any other jurisdictions; and
36. The Company may participate with other persons in joint ventures, or other associations, transactions, or arrangements; and
37. The Company may appoint officers, agents, engineers, auditors, accountants, appraisers, counsel, and other professional consultants as may be needed from time-to-time; and also define their duties and compensation; and
38. The Company shall require the bonding of all officers, agents, or employees responsible for the handling or safeguarding of funds, property, and other assets of the Company; and
39. The Company is authorized to acquire (by purchase, exchange, lease, hire, or otherwise) use, improve, manage, operate, and sell, lease, or mortgage, either alone or in conjunction with others having an interest therein, real estate of every kind, character, and description, and any interest therein, necessary or incidental to the purposes of the Company; and

40. The Company is authorized to deal in personal property, including intangibles; and to acquire (by purchase, application, transfer, exchange, lease, hire, or otherwise), hold, own, manage, operate, mortgage, pledge, hypothecate, exchange, sell, deal in, and dispose of, either alone or in conjunction with others, personal property, including without limitation, equity securities and inventions, copyrights, trademarks, trade secrets, patents, and other intangibles, and interests therein, of every kind, character, and description; and
41. The Company is authorized and empowered to enter into, make, perform, carry out, cancel, and rescind contracts for any lawful purpose pertaining to its purposes and activities; and
42. The Company is authorized and empowered to generate revenues, raise capital, borrow money, make, guarantee and issue debt, and to secure payment thereof by pledge of, or lien on, all or any fixtures, personalty, revenues, incomes, contracts, or other property and income; and to accept grants or loans; and to expend the proceeds thereof; and
43. The Company is empowered and authorized to create subdivisions, sub-entities, and subsidiaries for purposes of separating and furthering the Company's purposes; and
44. The Company shall have, as applicable, one member, shareholder, and owner, which shall be the Navajo Nation; and any grant, sale, encumbrance, or hypothecation of shares shall be void *ab initio*; and
45. The Company shall have a Management Committee comprised of seven (7) persons, who shall be governed by 5 N.N.C. §§3640-42; and the Company's and the Navajo Nation's relationship shall be governed by 5 N.N.C. §§3650-60, the Operating Agreement, and this legislation; and
46. The Navajo Nation may capitalize the Company with an initial capital contribution to be determined by agreement between the Navajo Nation and the Company, corresponding financing agreements, and a schedule of contributions and distributions; and
47. The Navajo Nation shall be entitled to reimbursement from the Company of any capital contribution; and

**Section E. Directive to the Navajo Nation Office of the Attorney General for the Creation of the Company**

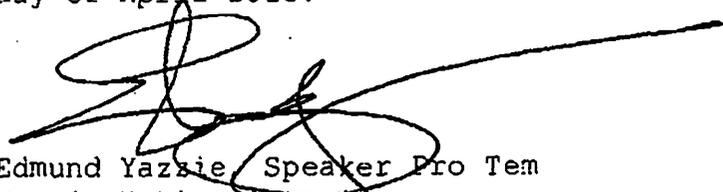
48. The Navajo Nation Office of the Attorney General shall immediately make application and take all actions necessary for the Navajo Nation Division of Economic Development's Business Regulatory Department to furnish a Certificate of Existence for the Navajo Transitional Energy Company, LLC, in accordance with this legislation, the Articles of Organization, and the Operating Agreement; and
49. The Navajo Nation Office of the Attorney General and the Navajo Nation Washington Office shall also immediately make application and take all actions necessary for approval by the United States of any actions necessary and convenient for the Company's acquisition and ownership of the Navajo Mine, and continued operation of the Company; and

**Section F. Savings, Severability, and Survivability Clause**

50. Should any provision herein be determined invalid by the Navajo Nation Supreme Court, all other provisions not determined to be invalid shall remain in force and effect; and
51. Any employee or official of the Navajo Nation with a conflict of interest shall be removed as the organizer or signor of the Articles of Incorporation, Operating Agreement or other documents before final approval and filing; and
52. NTEC shall ensure at the time of cessation of the mining activities at both Navajo and San Juan mines and closure of Four Corners Power Plant and San Juan Generating Station that water Permit #2838 shall revert to the Navajo Nation.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 17 in favor and 4 opposed, this 29th day of April 2013.

  
Edmund Yazzie, Speaker Pro Tem  
Navajo Nation Council

Motion: Honorable Jonathan Nez  
Second: Honorable LoRenzo Bates

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. S1005 (C) (10), on this 30 day of April 2013.

  
\_\_\_\_\_  
Ben Shelly, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. S1005 (C) (11), this \_\_\_\_\_ day of \_\_\_\_\_ 2013 for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Ben Shelly, President  
Navajo Nation

**ARTICLES OF ORGANIZATION  
OF  
THE LIMITED LIABILITY COMPANY  
NAVAJO TRANSITIONAL ENERGY COMPANY, LLC**

The undersigned, acting as organizer of the Navajo Transitional Energy Company, LLC, a limited liability company duly organized pursuant to the Navajo Nation Limited Liability Company Act, 5 N.N.C. § 3600 *et seq.*, adopts the following Articles of Organization:

**ARTICLE ONE – NAME:**

The name of the limited liability company is: "Navajo Transitional Energy Company, LLC".

**ARTICLE TWO – DURATION**

The period of duration for the Navajo Transitional Energy Company, LLC is perpetual and at-will until the limited liability company is otherwise merged into a Navajo Nation business organization and instrumentality of the same name – the "Navajo Transitional Energy Company" – that may be chartered pursuant to 25 U.S.C. § 477 (2012).

**ARTICLE THREE – PURPOSE:**

The Navajo Transitional Energy Company, LLC is organized for the purposes of performing any lawful business activity in accordance with its creating & enabling legislation, which is attached hereto as Exhibit "A," and Operating Agreement, which is attached hereto as Exhibit "B."

**ARTICLE FOUR – REGISTERED AGENT, PLACE OF BUSINESS, & ADDRESSES:**

The physical address of the initial registered agent for the Navajo Transitional Energy Company, LLC is:

The Navajo Nation Office of the Attorney General  
Harrison Tsosie, Attorney General  
Dana Bobroff, Deputy Attorney General  
Bureau of Indian Affairs Club Building  
Window Rock, Navajo Nation (Arizona) 86515

The mailing address of the initial registered agent for the Navajo Transitional Energy Company, LLC is:

The Navajo Nation Office of the Attorney General  
Harrison Tsosie, Attorney General

**EXHIBIT "A"**  
**CAP-20-13**

Dana Bobroff, Deputy Attorney General  
Post Office Box 2010  
Window Rock, Navajo Nation (Arizona) 86515

The physical address of the principal place of business of the Navajo Transitional Energy Company, LLC is:

The Navajo Nation Office of the Attorney General  
Harrison Tsosie, Attorney General  
Dana Bobroff, Deputy Attorney General  
Bureau of Indian Affairs Club Building  
Window Rock, Navajo Nation (Arizona) 86515

**ARTICLE FIVE – MEMBER MANAGEMENT:**

The Navajo Transitional Energy Company, LLC is a single-member limited liability company, which is a wholly-owned instrumentality of the Navajo Nation, with the single ownership interest holder and member being the Navajo Nation. The Navajo Nation's membership/ownership interest is represented by the Member Representatives (who are also referred to as the Membership Representatives), who are selected pursuant to the Navajo Transitional Energy Company, LLC's creating & enabling legislation and Operating Agreement.

Authority for management of the business affairs, operations, and functions of the Navajo Transitional Energy Company, LLC is vested in the Management Committee Members, who shall be and are selected pursuant to the Navajo Transitional Energy Company, LLC's creating & enabling legislation and Operating Agreement.

**ARTICLE SIX – ANNUAL REPORTS & NO ARTICLES OF TERMINATION FILED:**

No annual reports or articles of termination have been filed for the Navajo Transitional Energy Company, LLC. The Navajo Transitional Energy Company, LLC shall file its required annual report(s) with The Navajo Nation Division of Economic Development Business Regulatory Department within the appropriate dates henceforth.

**ARTICLE SEVEN – FEES, TAXES, & PENALTIES; COMPLIANCE WITH THE LAW:**

The Navajo Nation Division of Economic Development Business Regulatory Department's issuance of a Certificate of Existence to the Navajo Transitional Energy Company, LLC, as reflected and demonstrated by the mark of the Navajo Nation Division of Economic Development Business Regulatory Department below, shall also reflect payment of required fees to the Navajo Nation by the Navajo Transitional Energy Company, LLC.

The Navajo Transitional Energy Company, LLC currently owes no taxes, penalties, or additional fees or assessments to the Navajo Nation. The Navajo Transitional Energy

**EXHIBIT "A"**  
**CAP-20-13**

Company, LLC shall pay all required Navajo Nation fees, taxes, and penalties henceforth, as these become relevant and being owed to the Navajo Nation by the Navajo Transitional Energy Company, LLC. Furthermore, the Navajo Transitional Energy Company shall abide by all applicable criminal, civil, and regulatory laws of the Navajo Nation.

**ARTICLE EIGHT – EXECUTION & FILING OF ARTICLES OF ORGANIZATION:**

These Articles of Organization are to be effective upon filing with the Navajo Nation Division of Economic Development Business Regulatory Department, as of the date of execution provided herein.

Organizer the Navajo Transitional Energy Company, LLC:



Date: 5.1.13

Harrison Tsosie, Attorney General  
Dana Bobroff, Deputy Attorney General  
Office of the Attorney General  
The Navajo Nation  
Bureau of Indian Affairs Club Building  
Post Office Box 2010  
Window Rock, Navajo Nation (Arizona) 86515-2010  
Telephone: (928) 871-6937  
Facsimile: (928) 871-6200

Navajo Nation  
Division of Economic Development  
Post Office Box 663  
Window Rock, AZ 86515



Business Regulatory Dept  
(928) 871-7365  
871-6714  
Fax: (928) 871-7381

**NAVAJO NATION LIMITED LIABILITY COMPANY ACT**

ARTICLES OF ORGANIZATION

1. The Name of the organization<sup>1</sup>: NAVAJO TRANSITIONAL ENERGY COMPANY, LLC
2. Known place of business: NAVAJO NATION DEPARTMENT OF JUSTICE, BIA CLUB BUILDING, POST OFFICE BOX 2010, WINDOW ROCK, NAVAJO NATION (AZ) 86515
3. The name and street address of the statutory agent<sup>2</sup>: BIA CLUB BUILDING, POST OFFICE BOX 2010, WINDOW ROCK, NAVAJO NATION (AZ) 86515

Name

DANA BOBROFF

Address BIA CLUB BUILDING, POST OFFICE BOX 2010

City WINDOW ROCK

State AZ

Zip 86515

**FILED**

File No. 101665  
MAY 03 2013

NAVAJO NATION LIMITED LIABILITY COMPANY ACT  
Department Manager

Acceptance of Appointment by Statutory Agent:

I Dana Bobroff, having been designated to act as Statutory Agent, hereby consent to act in that capacity until removed or resignation is submitted in accordance with the Navajo Nation Limited Liability Company Act.

Agent Signature: Dana Bobroff

4. Purpose of this Limited Liability Company is to provide the following services:  
To act as an arm and subordinate instrumentality of the Navajo Nation in accordance with CAP-21-13, to perform several lawful functions, including without limitation support and promote the economic, financial, tax, and revenue interests of the Navajo Nation.  
This Company's purpose is otherwise to perform any lawful act in accordance with CAP-21-13.
5. Dissolution: The latest date of Dissolution:  
 The latest date to dissolve \_\_\_\_\_ (Please enter month, day and four digit year).  
 The Limited Liability Company is Perpetual, unless otherwise converted or merged into a Section 17 Corporation formed pursuant to 25 U.S.C. 477, as amended.

<sup>1</sup> Footnote - See 12 NNC § 3605 (A)

Contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.", "LLC", "L.C." OR "IC". The word "limited" may be abbreviated as ltd." And the word "company" may be abbreviated as "co."

<sup>2</sup> If the statutory agent has a PO Box, please also provide a physical address or description of the location.

6. Management Structure: (Check one box only)

- A.  RESERVED TO THE MEMBER(S)  
IF RESERVED TO THE MEMBER(S), YOU MAY SELECT ONLY THE MEMBER BOX FOR EACH MEMBER LISTED.
- B.  VESTED IN MANAGER(S)  
IF VESTED IN THE MANAGER(S), AT LEAST ONE ENTRY BELOW MUST HAVE THE MANAGER BOX CHECKED.

Name Dana Bobroff

Name \_\_\_\_\_

Member  Manager (as statutory agent)

Member  Manager (only if "B" is selected above)

Address: BIA Club Bldg., P.O. Box 2010

Address: \_\_\_\_\_

City, Window Rock State, AZ, Zip: 86515

City, \_\_\_\_\_ State, \_\_\_\_\_, Zip: \_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

Member  Manager (only if "B" is selected above)

Member  Manager (only if "B" is selected above)

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City, \_\_\_\_\_ State, \_\_\_\_\_, Zip: \_\_\_\_\_

City, \_\_\_\_\_ State, \_\_\_\_\_, Zip: \_\_\_\_\_

IF YOU NEED MORE SPACE FOR LISTING MEMBERS/MANAGERS PLEASE ATTACH THE ADDITIONAL PAGE TO THE ARTICLES OF ORGANIZATION.

Executed this 3rd day of May, 2013

Executed by: Dana Bobroff Print Name: Dana Bobroff

NAVAJO TRANSITIONAL ENERGY COMPANY, LLC  
If signing on behalf of a company, please print the company name here.

Phone Number: (928) 871-6345

Fax Number: (928) 871-6177

1(PUBLIC NOTICE)

2(On April 29, 2013, the Navajo Nation Council passed legislation to form Navajo Transitional Energy Company (NTEC), a Navajo Nation owned Limited Liability Company (LLC) organized under the Navajo Nation's Limited Liability Company Act.) 3(The Navajo Nation has informed the Office of Surface Mining Reclamation and Enforcement (OSM) that they are seeking to purchase all interests in BHP Navajo Coal Company (BNCC) from BHP Billiton New Mexico Coal Company by July 1, 2013. BNCC is the current owner and operator of the Navajo Mine.)

4(NTEC intends to acquire the current permittee for the Navajo Mine. As part of the transaction, BNCC, the current permit holder under the Surface Mine Control and Reclamation Act (SMCRA), would change its name to Navajo Mine Coal Company (NMCC) and convert NMCC into NMCC, LLC.) 5(NTEC would then purchase 100% of the equity in NMCC, LLC and merge the two companies, with NTEC, LLC as the surviving entity.) 6(NTEC intends to continue engaging in surface mining and reclamation activities at Navajo Mine in accordance with the existing SMCRA permit and approved mine plan, and associated leases and rights-of-way.) 7(Following the transaction, BHP Billiton Mine Management Company (MMCo) will function as the mine operator for NTEC.)

8(BNCC submitted an application to OSM for the transfer of SMCRA Permit NM-0003F to NTEC on May 3, 2013.) 9(On May 10, 2013, BNCC provided information updating the May 3<sup>rd</sup> permit transfer application. The application includes revised legal, financial, and technical compliance, and related information.)

10(In addition, OSM announces the availability of a Draft Environmental Assessment (EA). This EA analyzes the potential environmental effects that may result from the transferring of Navajo Mine Permit NM-0003F from BNCC to NTEC and the corresponding approval of the assignment, sublease, or transfer of the leases by the Bureau of Indian Affairs (BIA).) 11(The Navajo Nation, Bureau of Indian Affairs and the Bureau of Land Management are cooperating agencies.)

12(OSM is the regulatory authority for mining operations on Indian Lands under SMCRA. Pursuant to 30 C.F.R. 774.17, the transfer of SMCRA Permit NM-0003F requires the prior written approval of OSM.)

13(Therefore, the purpose and need of the proposed action is for OSM to determine whether NTEC is eligible to receive the permit in accordance with applicable regulations.)

14(The Name and Business Address of the Applicant and the current Permittee is:

BHP Navajo Coal Company  
Navajo Mine  
P.O. Box 1717  
Fruitland, New Mexico 87416)

15(The mine permit area is located approximately 6 miles southwest of Fruitland, New Mexico and 26 miles southwest of Farmington, New Mexico. A general location map of the mine lease boundary is shown below.)

16(Locations of where copies of the application and EA are available for public review and/or inspection are:

a(The Navajo Nation  
Minerals Department  
Corner of Morgan Blvd. and Window Rock Blvd.  
Window Rock, AZ 86515  
(928) 871-6587 )

b(The Farmington Public Library  
2101 Farmington Avenue  
Farmington, NM 87401  
(505) 599-1270)

c(Office of Surface Mining Reclamation and Enforcement  
1999 Broadway, Suite 3320  
Denver, CO 80202-3050  
(303) 293-5046)

d(Tiis Tsoh Sikaad Chapter  
P.O. Box 7359  
Newcomb, NM 87455)

e(Nenahnezad Chapter  
P.O. Box 438  
Fruitland, NM 87417)

17(By June 17, 2013, written comments may be submitted by any person having an interest which is or may be adversely affected by the transfer of permit rights. The name and address of the OSM representative where written comments may be submitted is:

Mr. Mychal Yellowman  
Leader, Navajo Mine Team  
Indian Program Branch  
Western Region Program Support Division  
Office of Surface Mining Reclamation and Enforcement  
1999 Broadway, Suite 3320  
Denver, CO 80202-30501  
(303) 293-5049  
myellowman@osmre.gov)

18(Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – will be publicly available. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.)

19(All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be available for public review to the extent consistent with applicable law.)

20(The application and the EA are available for public review and inspection on OSM's Western Region Homepage at [www.wrcc.osmre.gov/Current\\_Initiatives/Navajo\\_Mine/Permit\\_Transfer.shtm](http://www.wrcc.osmre.gov/Current_Initiatives/Navajo_Mine/Permit_Transfer.shtm).)

## Navajo Translation

- 1) Yá'át'ééh, díí hane' álnéehígíí nihíł bééhózin dooleel biniyé.
- 2) T'ááchil naadiin náhást'éígóó yookáát yéedáá' Diné bibéesh baah dahsi'ání beehaz'áanii yee lá da'asíí', díí Navajo Transitional Energy Company, NTEC wolyéego ádoonííł ha'níigo. NTEC éí Diné bikéyah hahoodzodéé' bee bóhólnííł, Limited Liability Company, LLC, wolyéego, Limited Liability Company Act biyaadó hadilyaa.
- 3) Diné bikéyah hahoodzodéé' éí Office of Surface Mining Reclamation and Enforcement, OSM, yił ííshjáá áyiilaa, díí leejin haagédíí da'íníshígíí BHP Navajo Coal Company (BNCC) wolyéhígíí BHP Billiton New Mexico Coal Company baa nidahidiilnih daniidzin Ya'iishjááshtso t'ááł'ígóó yookáałgo. BNCC éí k'ad Navajo Mine bee bóhólnííł dóó yiyoołwoł.
- 4) NTEC éí Navajo Mine binaaltsoos yíká át'í. BNCC éí k'ad naaltsoos bik'ehgo oonishígíí dah yoołtos, Surface Mine Control and Reclamation Act, SMCRA wolyéhígíí biyaadó. Díí naheezníi'go éí BNCC bízhi'ígíí łahgo ádoonííł Navajo Mine Coal Company jí', NMCC. Náábígháhjí' éí NMCC woosye'ígíí NMCC, LLC dooleel.
- 5) Áadi indída NTEC díí NMCC, LLC t'áá altsó bee bóhólnííłhígíí nayiilniih dóó oonishígíí ahíih yidzoołgo NTEC, LLC wolyé dooleel.
- 6) NTEC éí leejin haagédíí Navajo Mine łahdó yik'idéez'í' dooleel SMCRA bik'ehgo dóó leejin haagéd bina'anish binahast'áago bee lá'azlí'ígíí aldó', indída kéyah bikáa'gi da'íníshgo bee láda'azlí'ígíí bik'ehgo náada'ínísh dooleel.
- 7) Díí leejin haagéd da'íníshjí Diné bíł hahoodzo biyaa eet'áago éí BHP Billiton Mine Management Company wolyéego naanish yiyoołwoł dooleel, NTEC bá.
- 8) T'áátso táá'góó yookáát yéedáá' díí yihahígíí biyi' BNCC naaltsoos hadilyaago yah'adeiz'ah OSM bich'í', díí naaltsoos bik'ehgo oonishígíí SMCRA Permit NM-0003F, NTEC baadidoot'áál biniyé.
- 9) T'áátso neeznáágóó yookáát yéedáá' BNCC naaltsoos táá'góó yookáát yéedáá' yah'adeiz'ah yéé bigháhjí' la' yináadayiizoh. Díí naaltsoos hadilyaagíí éí bik'eh hól'íní, béeso naadzo, dóó bidziilgo ak'e'ashchinígíí bik'ehgo na'anish dóó bik'eh hól'ínígíí dabikáá'.
- 10) Náá'aldó', OSM ání, díí kéyah bikáa'gi áhoot'éhígíí áłtségi na'askáa'ígíí aldó' hóló, environmental assessment, éídoodago EA deitnííł. Díí EA éí nihookáa' áhoot'éhígíí daats'í bihodidoot'ihígíí neilkaah díí naaltsoos bik'ehgo oonishgo łahjigo NTEC baa dit'aahígíí dóó Bureau of Indian Affairs kéyah bikáa'gi oonishgo bee lá da'azlí'ígíí yee lá'oołehígíí.
- 11) Diné bikéyah hahoodzo, Bureau of Indian Affairs, dóó Bureau of Land Management, éí łahdó EA neilkaah dóó yee lá'oołeh.
- 12) OSM éí bóhólnííł díí leejin haagéd bik'i' adéest'í'jí, bitsí' yishtłizhii bikéyah bikáa'góó, SMCRA biyaadó. Beehaz'áanii 30 CFR 774.17 áníigo éí díí naaltsoos bik'ehgo oonishígíí, SMCRA permit, łahjigo háida baanáádít'aahgo éí OSM naaltsoos bikáa' yidzohgo yee lá'asíí'go t'éiyá ní.
- 13) Ákoláa díí kwe'é biniyéhígíí dóó náás bidiyoolnááhígíí éí OSM baah silá, NTEC daats'í bá bíghah díí naaltsoos bik'ehgo oonishígíí baa didoot'ááłhígíí beehaz'áanii bik'ehgo.
- 14) BNCC éí díí naaltsoos hadilyaago yah'adeiz'ah. BNCC naaltsoos baa nináhájeehjí' éí: BHP Navajo Coal Company, Navajo Mine, PO Box 1717, Fruitland, NM 87416.
- 15) Leejin haagédgo da'íníshígíí éí Bááh Díłíł shádi'ááh dóó e'e'aahjigo hastáá tsin sitá, Tóta' shádi'ááh dóó e'e'aahjigo naadiin hastáá tsin sitá. Leejin haagéd bináhásdzo éí naashch'aa'go be'alyaago la' kóó.
- 16) Naaltsoos bik'ehgo da'íníshígíí dóó kéyah bikáa'góó áhoot'éhígíí naaskáa'ígíí dínéesh'jí dóó nideeshkah nohsingo éí kwe'ígi bíł nahaz'á, áłtséhígíí éí:

- a. Tsé Gháhoodzánídi, Minerals Department gi, nááná;
  - b. Tóta' naaltsoos báhooghanígi, Farmington Public Library, dóó;
  - c. OSM Denver di, índída;
  - d. T'iis Tsoh Sikaad bii' álah ná'ádleehígi, áádóó;
  - e. Niinahnízaad bii' álah ná'ádleehígi
- 17) Díí naaltsoos bik'ehgo oonishígíí lahjigo baa náádít'aahígíí baqah hadeesdizih nohsingo éí naaltsoos bikáá' ályaaago ádoohjíí. Ya'iishjááshchilí tsosts'id ts'áadahjí' éí bee haz'á. OSM jí díí yásidáhígíí bich'í' naaltsoos ádoonííhígíí éí: Mychal Yellowman, [address]. Béesh bee hane'é éí táá' názbas táá' naaki náhást'éí táá' ashdlá' názbas díí' náhást'éí (303-293-5049). Béesh nitsékeesí biyijí' éí myellowman@osmre.gov.
- 18) Díí bee néého'dílzínígíí, naaltsoos naanínáhájeehíjí' dóó nibéesh beehane'í ádaat'éhígíí díí naaltsoos bikáá' íinilaaígíí éí t'áá' altso bich'í' bee bá'adahazt'i'. Azhá shíí t'áá' shá nahgóó hwífnóhsin dooniid nidi doo da éí ádooníí da.
- 19) Da'íníish dóó dahda'oonéíídó naaltsoos t'áá' altso ádaalyaaígíí éí t'áá' altso bich'í' bee bá'adahazt'i', bee nahaz'ánii bik'ehgo.
- 20) Naaltsoos hadilyaaígíí dóó kéyah bikáá'góó áhoot'éhígíí naaskáá'ígíí éí OSM bibéesh nitsékeesí biyijí' dabikáá', éí:  
[www.wrcc.osmre.gov/Current\\_Initiatives/Navajo\\_Mine/Permit\\_Transfer.shtm](http://www.wrcc.osmre.gov/Current_Initiatives/Navajo_Mine/Permit_Transfer.shtm).
- 21) OSM déé' díí hane' ályaa. Ahéhee'. (This notice is provided by OSM. Thank you)

# Application for Employer Identification Number

Department of the Treasury  
Internal Revenue Service

(For use by employers, corporations, partnerships, trusts, estates, churches, government agencies, Indian tribal entities, certain individuals, and others.)

▶ See separate instructions for each line. ▶ Keep a copy for your records.

Type or print clearly.	1 Legal name of entity (or individual) for whom the EIN is being requested <b>NAVAJO TRANSITIONAL ENERGY COMPANY</b>	3 Executor, administrator, trustee, "care of" name
	2 Trade name of business (if different from name on line 1)	5a Street address (if different) (Do not enter a P.O. box.) <b>OLD BIA CLUB BUILDING</b>
	4a Mailing address (room, apt., suite no. and street, or P.O. box) <b>P.O. BOX 2010</b>	5b City, state, and ZIP code (if foreign, see instructions) <b>WINDOW ROCK, AZ 86515</b>
	4b City, state, and ZIP code (if foreign, see instructions) <b>WINDOW ROCK, AZ 86515</b>	6 County and state where principal business is located <b>APACHE COUNTY, ARIZONA</b>
	7a Name of responsible party <b>DANA BOBROFF</b>	7b SSN, ITIN, or EIN
	8a Is this application for a limited liability company (LLC) (or a foreign equivalent)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	8b If 8a is "Yes," enter the number of LLC members <b>1</b>
	8c If 8a is "Yes," was the LLC organized in the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	9a Type of entity (check only one box). Caution. If 8a is "Yes," see the instructions for the correct box to check.	
	<input type="checkbox"/> Sole proprietor (SSN) _____ <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation (enter form number to be filed) ▶ _____ <input type="checkbox"/> Personal service corporation <input type="checkbox"/> Church or church-controlled organization <input type="checkbox"/> Other nonprofit organization (specify) ▶ _____ <input type="checkbox"/> Other (specify) ▶ _____	
	<input type="checkbox"/> Estate (SSN of decedent) _____ <input type="checkbox"/> Plan administrator (TIN) _____ <input type="checkbox"/> Trust (TIN of grantor) _____ <input type="checkbox"/> National Guard <input type="checkbox"/> State/local government <input type="checkbox"/> Farmers' cooperative <input type="checkbox"/> Federal government/military <input type="checkbox"/> REMIC <input checked="" type="checkbox"/> Indian tribal governments/enterprises Group Exemption Number (GEN) if any ▶ _____	
	9b If a corporation, name the state or foreign country (if applicable) where incorporated	Foreign country
	<b>NAVAJO NATION</b>	
	10 Reason for applying (check only one box)	
	<input checked="" type="checkbox"/> Started new business (specify type) ▶ <b>MINING</b> <input type="checkbox"/> Hired employees (Check the box and see line 13.) <input type="checkbox"/> Compliance with IRS withholding regulations <input type="checkbox"/> Other (specify) ▶ _____	
	<input type="checkbox"/> Banking purpose (specify purpose) ▶ _____ <input type="checkbox"/> Changed type of organization (specify new type) ▶ _____ <input type="checkbox"/> Purchased going business <input type="checkbox"/> Created a trust (specify type) ▶ _____ <input type="checkbox"/> Created a pension plan (specify type) ▶ _____	
	11 Date business started or acquired (month, day, year). See instructions. <b>MAY 3, 2013</b>	12 Closing month of accounting year <b>DECEMBER</b>
	13 Highest number of employees expected in the next 12 months (enter -0- if none). If no employees expected, skip line 14.	14 If you expect your employment tax liability to be \$1,000 or less in a full calendar year and want to file Form 944 annually instead of Forms 941 quarterly, check here. (Your employment tax liability generally will be \$1,000 or less if you expect to pay \$4,000 or less in total wages.) If you do not check this box, you must file Form 941 for every quarter. <input type="checkbox"/>
	Agricultural	Household
		Other <b>20</b>
	15 First date wages or annuities were paid (month, day, year). Note. If applicant is a withholding agent, enter date income will first be paid to nonresident alien (month, day, year) . . . . . ▶ <b>JUNE 1, 2013</b>	
	16 Check one box that best describes the principal activity of your business.	
	<input type="checkbox"/> Construction <input type="checkbox"/> Rental & leasing <input type="checkbox"/> Transportation & warehousing <input type="checkbox"/> Health care & social assistance <input type="checkbox"/> Wholesale-agent/broker <input type="checkbox"/> Real estate <input type="checkbox"/> Manufacturing <input type="checkbox"/> Finance & insurance <input checked="" type="checkbox"/> Other (specify) <b>MINING</b> <input type="checkbox"/> Accommodation & food service <input type="checkbox"/> Wholesale-other <input type="checkbox"/> Retail	
	17 Indicate principal line of merchandise sold, specific construction work done, products produced, or services provided. <b>COAL</b>	
	18 Has the applicant entity shown on line 1 ever applied for and received an EIN? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," write previous EIN here ▶ _____	

<b>Third Party Designee</b>	Complete this section only if you want to authorize the named individual to receive the entity's EIN and answer questions about the completion of this form.	
	Designee's name	Designee's telephone number (include area code)
	Address and ZIP code	Designee's fax number (include area code)
	Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.	
Name and title (type or print clearly) ▶ <b>DANA BOBROFF, DEPUTY ATTORNEY GENERAL</b>	Applicant's telephone number (include area code) ( 928 ) 871-6345	
Signature ▶ <i>Dana Bobroff</i>	Date ▶ <b>5.3.13</b>	Applicant's fax number (include area code) ( 928 ) 871-6177