

## PUBLIC NOTICE

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. 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.

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. NTEC would then purchase 100% of the equity in NMCC, LLC and merge the two companies, with NTEC, LLC as the surviving entity. 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. Following the transaction, BHP Billiton Mine Management Company (MMCo) will function as the mine operator for NTEC.

BNCC submitted an application to OSM for the transfer of SMCRA Permit NM-0003F to NTEC on May 3, 2013. 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.

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). The Navajo Nation, Bureau of Indian Affairs and the Bureau of Land Management are cooperating agencies.

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. 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.

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

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.

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

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

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

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

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

Nenahnezad Chapter  
P.O. Box 438  
Fruitland, NM 87417

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

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.

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.

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).

Colorado

New Mexico

Shiprock

Farmington

491

170

64

371

T29N  
R17W

T29N  
R16W

T29N  
R15W

T28N  
R17W

T28N  
R16W

T28N  
R15W

T27N  
R17W

T27N  
R16W

Navajo Mine

491

T26N  
R17W

T26N  
R16W

T26N  
R15W

T25N  
R17W

T25N  
R16W

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