

BHP Billiton Mine Management Company



BHP Billiton Limited
BHP Billiton Mine Management 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

March 17, 2014

Mr. Mychal Yellowman
Pinabete Permit Team Leader
Office of Surface Mining Reclamation and Enforcement
Western Region Program Support Division
1999 Broadway, Suite 3320
Denver, Colorado 80202-3050

**Re: Pinabete Permit (OSM Project Tracking Code NM-0042-A-P-01) Technical Evaluation
Comment Response (Pinabete Permit update 1401c)**

Dear Mr. Yellowman,

BHP Billiton Mine Management Company (MMCo) is submitting for your review and approval our responses to technical deficiencies identified in the Office of Surface Mining Reclamation and Enforcement's (OSM) October 28, 2013 technical evaluation. MMCo is submitting seven copies of our responses.

During the technical evaluation of the Pinabete permit application package (PAP) (OSM Project Tracking Code NM-0042-A-P-01), OSM identified several deficiencies. MMCo submitted responses to OSM's technical deficiencies on December 13, 2013, January 27, 2014, and March 6, 2014. This submittal provides responses to the remaining technical deficiencies associated with Section 17 Geological Information exhibits.

OSM made the following technical deficiency comment in their review of the geological exhibits;
*"30 CFR 779.25(a)(3) requires that Permit Application Packages (PAP) contain information about the coal seams and each stratum of the overburden, and of the stratum below the last minable coal seam. In the case of the Pinabete mine there are multiple coal seams to be mined, and thus the geologic cross sections and drill hole log data (8 drill holes) provide information on the thickness of each seam encountered. Though the cross sections are included in the main section of the permit, the drill hole log data is in the confidential section of the permit. This regulation has been addressed by the information included in the permit. **This application does not contain the certifications required by 30 CFR 779.28(a)(3) [sic].**"*

After further discussions, OSM clarified the cited regulation should have been "30 CFR 779.25(b)" and the geologic exhibits required certification by a professional engineer; professional geologist; or by a qualified, registered, and professional land surveyor.

The following Section 17 Geologic Information exhibits have been reviewed and certified by a professional engineer in response to the clarified technical deficiency:

- Exhibit 17.1-1 Area 4 North Drill Hole and Cross-Section Locations (Sheet 1 of 2)
- Exhibit 17.1-1 Area 4 South Drill Hole and Cross-Section Locations (Sheet 2 of 2)
- Exhibit 17.1-2 Area 4 North - South Geologic Cross-Sections
- Exhibit 17.1-3 Area 4 North East - West Geologic Cross-Sections (Sheet 1 of 3)
- Exhibit 17.1-3 Area 4 North East - West Geologic Cross-Sections (Sheet 2 of 3)
- Exhibit 17.1-3 Area 4 North East - West Geologic Cross-Sections (Sheet 3 of 3)
- Exhibit 17.1-4 Area 4 South Geologic Cross-Sections
- Exhibit 17.1-5 Area 4 South Geologic Cross-Sections
- Exhibit 17.1-6 Coal Crop, Strike, and Dip Lines Locations (submitted December 13, 2013)
- Exhibit 17.2-1 Overburden Drill Hole Locations

Instructions for the replacement of the updated permit content follows:

Part 2 Premining Environmental Resources Information

Section 17 Geologic Information

- Overwrite the "Exhibit 17.1-1.pdf" file, submitted on December 13, 2013, with the revised "Exhibit 17.1-1.pdf" file.
- Overwrite the "Exhibit 17.1-2.pdf" file, submitted on December 13, 2013, with the revised "Exhibit 17.1-2.pdf" file.
- Overwrite the "Exhibit 17.1-3.pdf" file, submitted on December 13, 2013, with the revised "Exhibit 17.1-3.pdf" file.
- Overwrite the "Exhibit 17.1-4.pdf" file, submitted on December 13, 2013, with the revised "Exhibit 17.1-4.pdf" file.
- Overwrite the "Exhibit 17.1-5.pdf" file, submitted on December 13, 2013, with the revised "Exhibit 17.1-5.pdf" file.
- Overwrite the "Exhibit 17.1-6.pdf" file, submitted on December 13, 2013, with the revised "Exhibit 17.1-6.pdf" file.
- Overwrite the "Exhibit 17.2-1.pdf" file, submitted on December 13, 2013, with the revised "Exhibit 17.2-1.pdf" file.

If you have any questions, please contact me at 505-598-3269.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Kent Applegate". The signature is stylized and cursive.

C. Kent Applegate

Superintendent Environmental Projects

CC: Sam Woods, NTEC Acting Management Committee Executive

Enclosure: Seven (7) Native file format CDs