

**Appendix 1.B**

Permit Term Newspaper Advertisement and Proof of Publication

# Affidavit of Publication

STATE OF NEW MEXICO

) SS

COUNTY OF MCKINLEY

REBECCA PAQUIN being duly sworn upon oath, deposes and says:

As LEGAL CLERK of The Independent, a newspaper published in and having a general circulation in McKinley County, New Mexico and in the City of Gallup, New Mexico and having a general circulation in Cibola County, New Mexico and in the City of Grants, New Mexico and having a general circulation in Apache County, Arizona and in the City of St. Johns and in the City of Window Rock, Arizona therein: that this affiant makes the affidavit based upon personal knowledge of the facts herein sworn to. That the publication, a copy of which is hereto attached was published in said newspaper during the period time of publication and said notice was published in the newspaper proper, and not in a supplement thereof, for Four Times, the first publication being on the 23<sup>rd</sup> day of May, 2012, the second publication being on the 2<sup>nd</sup> day of June, 2012, the third publication being on the 9<sup>th</sup> day of June, 2012,

and the last publication being on the 16<sup>th</sup> day of June, 2012. That such newspaper, in which such notice or advertisement was published, is now and has been at all times material hereto, duly qualified for such purpose, and to publish legal notices and advertisements within the meaning of Chapter 12, of the statutes of the State of New Mexico, 1941 compilation.

*Rebecca Paquin*  
Affiant.

Sworn and Subscribed to before me this 11<sup>th</sup> day of June, A.D., 2012.

*Cynthia Chavez*  
Notary Public

My commission expires:  
June 25<sup>th</sup>, 2014

LEGAL NOTICE  
Gallup - McKinley County  
New Mexico

## PUBLIC NOTICE

BHP Navajo Coal Company (BNCC) submitted an application to the Office of Surface Mining Reclamation and Enforcement (OSM) to develop a new permit area for surface coal mining and reclamation operations for post July 6, 2016 Navajo Mine operations. BNCC also proposes to relocate approximately 2.8 miles of the Burnham Road (BIA Road 3005; also known as Navajo Road N-5082) to the eastern portion of the Mine Lease. The Burnham Road is a public road that provides, among other things, access for local residents to the Burnham Chapter House. The road relocation is necessary due to the close proximity of the road to mining operations and to improve safety and access for local residents and others using the Burnham Road for local and through traffic. The new permit area, referred to as the Pinabete Permit, consists of portions of the current Navajo mine permit area (NM-0003F) and unpermitted areas of BNCC's mining lease, located immediately south of the Navajo Mine permit area. The application is submitted to continue surface coal mining and reclamation operations past July 6, 2016 (Navajo Tribal Coal Lease 14-20-603-2505) pursuant to the Code of Federal Regulations (CFR), Title 30, Subchapter E, Part 750. BNCC's permit revision application was determined by OSM to be administratively complete on May 10, 2012.

The Name and Business Address of the Applicant 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. The project area is located on USGS 7.5 minute quad maps: The Hogback South, Kirtland S.W., Newcomb N.E., and The Pillar N.W. The proposed project area is located within the following lands of San Juan County, New Mexico which are described relative to the New Mexico Principal Meridian:

Township 26 North, Range 15 West  
Section: 6, 7, 18  
Township 26 North, Range 16 West  
Section: 1, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26

Locations of where copies of the application 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) 500-1770

mation and Enforcement  
1999 Broadway, Suite 3320  
Denver, CO 80202-3050  
(303) 293-5046

Tiis Tsoh Sikaad Chapter House  
P.O. Box 7359  
Newcomb, NM 87455  
(505) 696-5471

Nenahnezad Chapter House  
P.O. Box 438  
Fruitland, NM 87416  
(505) 960-6657

Written comments, objections, or a request for an informal conference on the application, may be submitted within 30 days of the fourth and last publication of this notice, by any person with an interest that is or may be adversely affected. The name and address of the OSM representative where written comments, objections, or requests for an informal conference may be submitted is:

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

The application has been filed with OSM and will be acted upon pursuant to the permanent regulatory program for Indian Lands (30 CFR Part 750) approved by the Secretary of the Interior under Title V of the Surface Mining Control and Reclamation Act of 1977.

The application will be made available for public review and inspection on OSM's Western Region

Homepage at:  
[www.wrcc.osmre.gov/Current\\_Initiatives/Navajo\\_Mine/Pinabete-AP.shtm](http://www.wrcc.osmre.gov/Current_Initiatives/Navajo_Mine/Pinabete-AP.shtm)

Legal # 13496 Published in The Independent May 23, 2012. June 2 & 9 & 16, 2012.

**AFFIDAVIT OF PUBLICATION**

Inv# L12-699

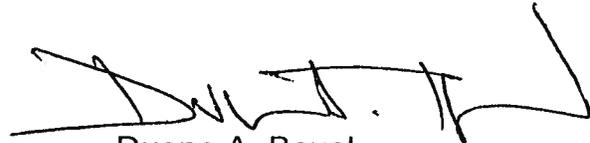
I, Duane A. Beyal, Editor of the Navajo Times, a legal newspaper published weekly at Window Rock, Navajo Nation, Arizona, do hereby swear that a legal notice:

**Public Notice – Surface Coal Mining and Reclamation Operations**

was published in said Navajo Times on the following date(s):

**May 24, May 31 and June 7, June 14, 2012**

and that said notice is attached to this Affidavit and is a true and exact copy of said notice as published.



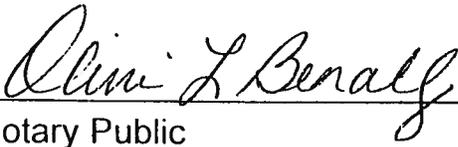
Duane A. Beyal  
Editor

STATE OF ARIZONA        }

COUNTY OF APACHE        }

SUBSCRIBED AND SWORN TO before me this

\_\_\_\_\_ 14th \_\_\_\_\_ day of \_\_\_\_\_ June \_\_\_\_\_, 2012.

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

My Commission Expires:

\_\_\_\_\_ April 10, 2014 \_\_\_\_\_



**AFFIDAVIT OF PUBLICATION**

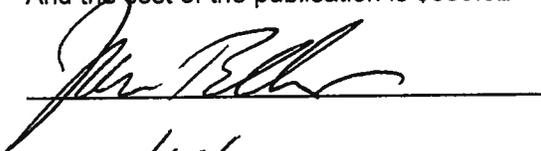
**Ad No. 67049**

**STATE OF NEW MEXICO  
County of San Juan:**

JOHN ELCHERT, being duly sworn says:  
That HE is the PUBLISHER of THE DAILY TIMES, a daily newspaper of general circulation published in English at Farmington, said county and state, and that the hereto attached Legal Notice was published in a regular and entire issue of the said DAILY TIMES, a daily newspaper duly qualified for the purpose within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico for publication and appeared in the Internet at The Daily Times web site on the following day(s):

- Wednesday, May 23, 2012
- Sunday, June 03, 2012
- Sunday, June 10, 2012
- Sunday, June 17, 2012

And the cost of the publication is \$839.92



ON 6/19/12 JOHN ELCHERT appeared before me, whom I know personally to be the person who signed the above document.

  
My Commission Expires Oct 24, 2015

**COPY OF PUBLICATION**

**PUBLIC NOTICE**

BHP Navajo Coal Company (BNCC) submitted an application to the Office of Surface Mining Reclamation and Enforcement (OSM) to develop a new permit area for surface coal mining and reclamation operations for post July 6, 2016 Navajo Mine operations. BNCC also proposes to relocate approximately 2.8 miles of the Burnham Road (BIA Road 3005; also known as Navajo Road N-5082) to the eastern portion of the Mine Lease. The Burnham Road is a public road that provides, among other things, access for local residents to the Burnham Chapter House. The road relocation is necessary due to the close proximity of the road to mining operations and to improve safety and access for local residents and others using the Burnham Road for local and through traffic. The new permit area, referred to as the Pinabete Permit, consists of portions of the current Navajo mine permit area (NM-0003F) and unpermitted areas of BNCC's mining lease, located immediately south of the Navajo Mine permit area. The application is submitted to continue surface coal mining and reclamation operations past July 6, 2016 (Navajo Tribal Coal Lease 14-20-603-2505) pursuant to the Code of Federal Regulations (CFR), Title 30, Subchapter E, Part 750. BNCC's permit revision application was determined by OSM to be administratively complete on May 10, 2012.

**The Name and Business Address of the Applicant is:**

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

A general location map of the project area is shown below. The mine permit area is located approximately 6 miles southwest of Fruitland, New Mexico. The project area is located on USGS 7.5 minute quad maps: The Hogback South, Kirtland S.W., Newcomb N.E., and The Pillar N.W. The proposed project area is located within the following lands of San Juan County, New Mexico which are described relative to the New Mexico Principal Meridian:

- Township 28 North, Range 15 West  
Section: 6, 7, 18
- Township 28 North, Range 16 West  
Section: 1, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26

**Locations of where copies of the application 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
- Tlis Tsoh Sikaad Chapter House  
P.O. Box 7359  
Newcomb, NM 87455  
(505) 696-5471
- Nenahnezad Chapter House  
P.O. Box 438  
Fruitland, NM 87416  
(505) 960-6657

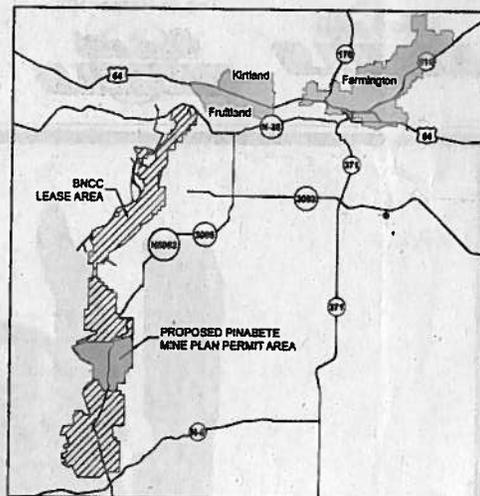
Written comments, objections, or a request for an informal conference on the application, may be submitted within 30 days of the fourth and last publication of this notice, by any person with an interest that is or may be adversely affected. The name and address of the OSM representative where written comments, objections, or requests for an informal conference may be submitted is:

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

The application has been filed with OSM and will be acted upon pursuant to the permanent regulatory program for Indian Lands (30 CFR Part 750) approved by the Secretary of the Interior under Title V of the Surface Mining Control and Reclamation Act of 1977.

The application will be made available for public review and inspection on OSM's Western Region Homepage at:

[www.wrcc.osmre.gov/Current\\_Initiatives/Navajo\\_Mine/PinabetaPAPshtm](http://www.wrcc.osmre.gov/Current_Initiatives/Navajo_Mine/PinabetaPAPshtm)  
Legal No. 67049 Published in the Daily Times on May 23, June 3, 10 and 17, 2012



\*\*\*\*\*  
\* Affidavit of Performance \*  
\*\*\*\*\*

Radio Station KNDN-AM  
1515 W. Main  
Farmington, NM 87401

Invoice Number: 51321  
Billing Type : M  
Acct Exec : Steve Henderson

BHP  
P.O. Box 561  
Waterflow, NM 87421

State of New Mexico )  
)SS:  
City of Farmington )

Order #

Client # 169  
BHP Commercials

Before me, a Notary Public, personally appeared Kerwin Gober, who affirms that he is Station Manager of Radio Station KNDN-AM, and that broadcasts were made during the period: 05/01/12 - 05/31/12.

Date	Times	
May 25	3:15P	5:15P
May 26	8:06A	11:06A
May 27	11:06A	2:06P
May 28	12:07P	3:06P
May 30	6:43A	9:43A

6 at 36.001 4 at 36.001

Gross Invoice: \$360.00 plus Sales Tax: 25.65  
DUE DATE: 06/15/12 NET AMOUNT DUE: \$385.65

I certify that the above units were aired within five (5) minutes of the times listed.

Signed: \_\_\_\_\_

Affirmed this 01 Day of June, 2012

In testimony whereof I have set my Hand and Seal the day and year aforesaid.  
My commission expires February 2, 2015

*Judith A. Yancey*  
Notary Public

\*\*\*\*\*  
\* Affidavit of Performance \*  
\*\*\*\*\*

Radio Station KNDN-AM  
1515 W. Main  
Farmington, NM 87401

Invoice Number: 61321  
Billing Type : M  
Acct Exec : Steve Henderson

BHP  
P.O. Box 561  
Waterflow, NM 87421

State of New Mexico )  
 )SS:  
City of Farmington )

Order #

Client # 169  
BHP Commercials

Before me, a Notary Public, personally appeared Kerwin Gober, who affirms that he is Station Manager of Radio Station KNDN-AM, and that broadcasts were made during the period: 06/01/12 - 06/30/12.

Date	Times
Jun 1	9:06A 4:06P
Jun 5	8:06A 5:06P
Jun 7	11:04A 3:04P
Jun 9	8:06A 3:06P
Jun 11	9:52A 4:52P
Jun 13	8:13A 3:13P
Jun 15	8:35A 1:35P

6 at 36.00 6 at 36.00 2 at 36.00

Gross Invoice: \$504.00 plus Sales Tax: 35.91  
DUE DATE: 07/15/12 NET AMOUNT DUE: \$539.91

I certify that the above units were aired within five (5) minutes of the times listed.

Signed: *[Signature]*

Affirmed this 01 Day of July, 2012  
in testimony whereof I have set my Hand and Seal the day and year aforesaid.  
My commission expires February 2, 2015

*[Signature]*  
Notary Public

# Statement of Account



Statement Date: 07/13/2012  
 Aged As Of: 07/13/2012  
 Page: 1

Advertiser: **BHP BILLITON**  
**PO Box 561**  
**Waterflow, NM 87421**

Transaction Number	Transaction Date	Contract Number	Station	Check Number	Net Amount	Applied Amount	Net Due
IN-112052038	05/31/2012	10677	KTNN-AM		\$780.00		\$0.00
PA-212051125	05/25/2012	10677	KTNN-AM	CRD CD		(\$780.00)	
IN-112072244	07/02/2012	10677	KTNN-AM		\$1,092.00		\$0.00
PA-212051125	05/25/2012	10677	KTNN-AM	CRD CD		(\$1,092.00)	
<hr/>							
0 - 30 days	31 - 60 days	61 - 90 days	91 - 120 days	121+ days			Net Due
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00

Remit To: **NATIVE BROADCAST ENTERPRISE**  
**PO Box 2569**  
**Window Rock Shopping Mall**  
**Window Rock, AZ 86515**

# INVOICE



**Invoice #:** IN-112072244  
**Invoice Date:** 07/02/2012  
**Contract #:** 10677  
**Page:** 1  
**Net Amount:** \$1,092.00

**Advertiser:** BHP BILLITON  
 PO Box 561  
 Waterflow, NM 87421

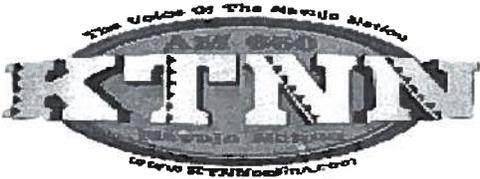
**Station(s):** KTNN-AM

**Advertiser:** BHP BILLITON  
**Product:** BHP BILLITON  
**Estimate #:**  
**Agency Client Code:**  
**Buyer Name:**

**Salesperson(s):** Stan Benally  
**Terms:** R

Day	Date	Time	Ln	Length	Product	ISCI	Rate
FRI	06/01/12	10:50a	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
FRI	06/01/12	02:20p	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
MON	06/04/12	08:40a	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
MON	06/04/12	02:20p	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
WED	06/06/12	11:50a	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
WED	06/06/12	06:20p	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
FRI	06/08/12	11:40a	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
FRI	06/08/12	06:40p	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
MON	06/11/12	11:40a	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
MON	06/11/12	01:40p	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
WED	06/13/12	06:50a	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
WED	06/13/12	11:50a	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
FRI	06/15/12	07:40a	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
FRI	06/15/12	12:10p	2	1	BHP BILLITON		\$75.00
		3 MINUTES					

# INVOICE



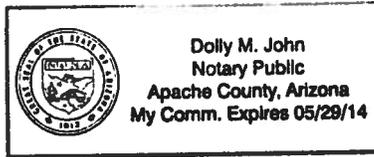
Invoice #: IN-112072244  
Invoice Date: 07/02/2012  
Contract #: 10677  
Page: 2  
Net Amount: \$1,092.00

Remit To:  
NATIVE BROADCAST ENTERPRISE  
PO Box 2569  
Window Rock Shopping Mall  
Window Rock, AZ 86515

**Invoice Totals**  
Total Spots: 14  
Gross Amount: \$1,050.00  
Agency Commission: \$0.00  
Taxes:  
Navajo Nation Tax: \$42.00  
Net Amount: \$1,092.00

DUE UPON RECEIPT  
UNLESS PRE-PAID

Native Broadcast Enterprise and KTNN-AM/KWRK-FM do not and will not discriminate, in any way on the basis of race or ethnicity, with respect to its advertising practices. No advertiser may use the Station to discriminate on the basis of race or ethnicity and any contract entered into by an advertiser intending to discriminate on the basis of race or ethnicity shall be null and void.



# INVOICE



**Invoice #:** IN-112052038  
**Invoice Date:** 05/31/2012  
**Contract #:** 10677  
**Page:** 1  
**Net Amount:** \$780.00

**Advertiser:** BHP BILLITON  
 PO Box 561  
 Waterflow, NM 87421

**Station(s):** KTNN-AM

**Advertiser:** BHP BILLITON  
**Product:** BHP BILLITON  
**Estimate #:**  
**Agency Client Code:**  
**Buyer Name:**

**Salesperson(s):** Stan Benally  
**Terms:** R

Day	Date	Time	Ln	Length	Product	ISCI	Rate
FRI	05/25/12	04:51p	1	1			\$75.00
		3 MINUTES					
FRI	05/25/12	05:42p	1	1			\$75.00
		3 MINUTES					
SAT	05/26/12	10:50a	1	1	BHP BILLITON		\$75.00
		3 MINUTES					
SAT	05/26/12	02:20p	1	1	BHP BILLITON		\$75.00
		3 MINUTES					
SUN	05/27/12	12:40p	1	1	BHP BILLITON		\$75.00
		3 MINUTES					
SUN	05/27/12	06:40p	1	1	BHP BILLITON		\$75.00
		3 MINUTES					
MON	05/28/12	06:20a	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
MON	05/28/12	12:40p	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
WED	05/30/12	01:20p	2	1	BHP BILLITON		\$75.00
		3 MINUTES					
WED	05/30/12	06:20p	2	1	BHP BILLITON		\$75.00
		3 MINUTES					

**Remit To:**  
 NATIVE BROADCAST ENTERPRISE  
 PO Box 2569  
 Window Rock Shopping Mall  
 Window Rock, AZ 86515

**Invoice Totals**  
 Total Spots: 10  
 Gross Amount: \$750.00  
 Agency Commission: \$0.00  
 Taxes:  
     Navajo Nation Tax: \$30.00  
 Net Amount: \$780.00

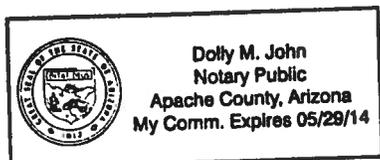
DUE UPON RECEIPT  
 UNLESS PRE-PAID

# INVOICE



Invoice #: **IN-112052038**  
Invoice Date: **05/31/2012**  
Contract #: **10677**  
Page: **2**  
Net Amount: **\$780.00**

Native Broadcast Enterprise and KTNN-AM/KWRK-FM do not and will not discriminate in any way on the basis of race or ethnicity, with respect to its advertising practices. No advertiser may use the Station to discriminate on the basis of race or ethnicity and any contract entered into by an advertiser intending to discriminate on the basis of race or ethnicity shall be null and void.



*Dolly M. John*

*[Handwritten signature]*