

SECTION 6

LAND OWNERSHIP AND CONTROL

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LAND OWNERSHIP AND CONTROL

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LAND OWNERSHIP AND CONTROL

LIST OF APPENDICES

APPENDIX

NUMBER APPENDIX TITLE

| [6.A](#) [Navajo Transitional Energy](#)~~BHP Navajo Coal~~ Company Lease Boundary Description

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LAND OWNERSHIP AND CONTROL

LIST OF REVISIONS DURING PERMIT TERM

REV. NUMBER	REVISION DESCRIPTION	DATE APPROVED
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SECTION 6 LAND OWNERSHIP AND CONTROL

6.1 Surface Owners of Record of the Property to be Mined

The surface owner of record for the permit area is:

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

This information is presented on [Exhibit 6.1-1](#).

6.1.1 Claim Use Area Interests of the Property to be Mined

The Navajo Nation and U.S. Department of the Interior - Bureau of Indian Affairs (BIA) have established claim use areas (CUAs) throughout the Navajo Nation. The CUA boundaries and a listing of individuals associated with those CUAs within the Pinabete Mine Plan permit area (permit area) are presented on [Exhibit 6.1-2](#). The BIA is the owner of this information. [Navajo Transitional Energy BHP Navajo Coal Company \(BNCCNTEC\)](#) is presenting this information to the best of its knowledge. As [BNCCNTEC](#) is made aware of changes to the CUA boundaries this exhibit will be updated.

6.2 Subsurface Owners of Record of the Property to be Mined

The subsurface owner of record for the permit area is:

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

6.3 Leaseholders of Record of the Property to be Mined

The leaseholder of record for the permit is:

[Navajo Transitional Energy BHP Navajo Coal Company](#)

[P.O. Box 1749](#)

[Window Rock, Arizona, 86515](#)

[P.O. Box 1717](#)

[Fruitland, NM 87416](#)

This information is presented on [Exhibit 6.1-1](#).

6.4 Purchasers of Record of the Property to be Mined

There are no purchasers of record under a real estate contract associated with the Pinabete permit.

6.5 Right-of-Entry Documents

The following documents establish the legal right for [BNCENTEC](#) to enter and conduct coal surface mining and reclamation operations on Navajo Nation tribal lands. The information under Section 6.5 addresses the regulatory requirements found at 30 CFR 778.15(a). The permit area is within the mining lease and amendment boundary. A description of the permit area is located in Section 2 Operation and Permit Description.

6.5.1 Mining Lease and Amendments

The following is a list of documents relating to the original mining lease, and amendments thereto, between the Navajo Nation and [Navajo Transitional Energy Company \(successor to Navajo Mine interests previously held by BHP Navajo Coal Company \(BNCC\), BHP Minerals, Utah International, and Utah Construction Company\)](#)~~Utah Construction Company, now known as BHP Navajo Coal Company~~. Copies of the original documents are on file at the mine site and may be viewed by the regulatory authority upon request. The original mining lease and applicable amendment areas, as resurveyed November 27, 1991, are presented on [Exhibit 6.5-1](#). A legal description of the original mining lease and Amendment Nos. 2, 3, 4, and 4-A as resurveyed between 1990 and 1991 is located in [Appendix 6.A](#).

- 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 6.5-1](#).
- 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. These areas are referred to as EQ-1, EQ-2, EQ-3, EQ-4, EQ-5, EQ-6, EQ-7, EQ-8, EQ-9, EQ-10, EQ-11, EQ-12, EQ-13, EQ-14, EQ-18, EQ-19,

EQ-20, EQ-21, EQ-22, EQ-23, EQ-24, EQ-25, EQ-26, and EQ-27 in [Appendix 6.A](#) and shown as Amendment 4-EQ in [Exhibit 6.5-1](#).

- 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.

6.6 Severed Estates and Authorizations to Extract Coal by Surface Mining Methods

No private mineral estate severed from the private surface estate.

6.7 Lands Contiguous to the Permit Area

6.7.1 Surface Owners of Record of Lands Contiguous to the Permit Area

The surface owner of record for the lands contiguous to the permit area is:

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

This information is presented on [Exhibit 6.1-1](#).

6.7.2 Subsurface Owners of Record of Lands Contiguous to the Permit Area

The subsurface owner of record for the lands contiguous to the permit area is:

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

This information is presented on [Exhibit 6.1-1](#).

6.7.2.1 Claim Use Area Interest of Lands Contiguous to the Permit Area

The Navajo Nation and BIA have established CUAs throughout the Navajo Nation. The CUA boundaries and a listing of individuals associated with those CUAs contiguous to the Pinabete ~~permit-Permit~~ area are presented on [Exhibit 6.1-2](#). The BIA is the owner of this information. ~~BNCENTEC~~ is presenting this information to the best of its knowledge. As ~~BNCENTEC~~ is made aware of changes to the CUA boundaries this exhibit will be updated.

6.7.3 Applicant's Interest in Lands Contiguous to the Property to be Mined

The 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.

6.8 Recorded Information Collection

BNCCNTEC employees responsible for the collection of information in Section 6 are listed in the "Personnel" section below. Copies of the referenced documents within this section will be maintained at the mine site and be available for review by the regulatory authority upon request.

Personnel

Persons or organizations responsible for data collection, analysis, and preparation of this permit application package section:

~~Kent Applegate~~

~~Marian Wimsatt~~

~~Vivie Melendez~~

~~BHP Navajo Coal~~ Navajo Transitional

Energy Company

BHP Billiton Mine Management

Company (disclosed agent)

Farmington, NM