

Appendix 19.C

OSM Brimhall and No Name Arroyo Alluvial Valley Floor
Determination Letter Dated July 2008



United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
P.O. Box 46667
Denver, Colorado 80201-6667

NM-0038

IN REPLY REFER TO:

July 17, 2008

Ms. Daphne Place
Navajo Mine Extension Project
BHP Billiton
300 W. Arrington, Suite 200
Farmington, New Mexico 87401

Certified Mail
Return Receipt Requested

RE: Request for Determination for Alluvial Valley Floor and Prime Farmland
OSM Project No. NM-0038-A-O-01

Dear Ms. Place:

The Office of Surface Mining Reclamation and Enforcement (OSM) has received BHP Billiton's (BHP's) submittal dated April 8, 2008 (OSM ID No. 08/07/11-06) requesting a determination for Alluvial Valley Floor (AVF) and Prime Farmland for the proposed Navajo Mine Extension Project (NMEP) permit area. In accordance with the regulations at 30 CFR 785.19(a) permit applicants who propose to conduct surface coal mining and reclamation operations within a valley holding a stream or in a location where the permit area or adjacent area includes any stream, in arid and semiarid regions of the United States, may request the regulatory authority to make an alluvial valley floor determination. Three ephemeral stream channels exist within or adjacent to the NMEP – Brimhall Wash, Pinabete Arroyo and No Name Arroyo. In 1992 OSM made a determination that Pinabete Arroyo was not an AVF. BHP's April 8, 2008 submittal requesting a determination for Brimhall Wash and No Name Arroyo has been reviewed and we have determined that Brimhall Wash and No Name Arroyo are not AVFs.

If you have any questions please call Brenda Steele at 303-293-5046.

Sincerely,

Richard A. Holbrook, Chief
Program Support Division

Enclosure

cc: OSM, Albuquerque Field Office
Navajo Minerals Department
BLM Farmington Resource Area
BIA Navajo Regional Office

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