

UNITED STATES
DEPARTMENT OF THE INTERIOR

This mining plan approval document is issued by the United States of America to:

Signal Peak Energy, LLC Company
Bull Mountains Mine No. 1
100 Portal Drive
Roundup, MT 59072

for a mining plan modification for Federal Coal Leases MTM 97988 at the Bull Mountains Mine No.1, Montana State Mining Permit C1993017. Signal Peak Energy Company, (SPE) is hereinafter referred to as the operator. This approval is subject to the following conditions.

1. Statutes and Regulations: This mining plan approval is issued pursuant to Federal Coal Lease MTM 97988; the Mineral Leasing Act of 1920, as amended (30 U.S.C. §§ 181 *et seq.*); and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. §§ 351 *et seq.*). This mining plan approval is subject to all applicable laws and regulations of the Secretary of the Interior that are now or hereafter in force; and all such laws and regulations are made part hereof. The operator must comply with the provisions of the Federal Water Pollution and Control Act (33 U.S.C. § 1251 *et seq.*), the Clean Air Act (42 U.S.C. §§ 7401 *et seq.*), and other applicable Federal laws.
2. This document approves a mining plan modification for Federal Coal Lease MTM-99788 at Bull Mountains Mine No. 1 and authorizes coal development and mining operations on the part of the Federal lease within the area of mining plan approval. This approval is based on documentation provided pursuant to 30 C.F.R § 746.13 and constitutes the approval of a mining plan as required by the Mineral Leasing Act. This authorization is for the mining plan contained within the following federal coal lands as described:

Township 6 North, Range 27 East, Musselshell & Yellowstone Counties, Montana

Section 4: Lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Section 8: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Section 10: W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Section 14: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Section 22: W $\frac{1}{2}$, SE $\frac{1}{4}$;

These lands are shown on the map appended hereto referred as Attachment A

3. The operator is allowed to conduct coal development and mining operations only as described in the complete permit application package approved by the Montana Department of Environmental Quality (MDEQ), except as otherwise directed in the conditions of this mining plan modification approval.

4. The operator must comply with the terms and conditions of the Federal coal lease, this mining plan modification approval, and the requirements of the Montana Permit C1993017 issued under the Montana program approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 *et seq.*). The Secretary retains the authority and jurisdiction to modify or cancel this approval for failure to comply with any of these items or other applicable laws and regulations.
5. This mining plan approval is binding on any person conducting coal development or mining operations under the approved mining plan and will remain in effect until superseded, canceled, or withdrawn.
6. If, during mining operations, unidentified prehistoric resources are discovered, the operator must ensure that the resources are not disturbed and must notify MDEQ and Office of Surface Mining Reclamation and Enforcement. The operator must take such actions as are required by MDEQ in coordination with the Office of Surface Mining Reclamation and Enforcement.
7. The Secretary retains jurisdiction to modify or cancel this approval, as required, on the basis of further consultation with the U.S. Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act, as amended, 16 U.S.C. § 1531 *et seq.*
8. Inclusion of one special condition requiring avoidance of unevaluated cultural resource sites 24ML667, 24ML837, 24ML838, 24ML940, 24ML942, 24ML949, 24ML984, 24YL2144, and 24YL2145 from mining related surface disturbance activities. For this special condition, “mining related surface disturbance activities” does not include the surface effects of subsidence.

Date

Adam G. Seuss
Principal Deputy Assistant Secretary,
Land and Minerals Management

Attachments: A