

UNITED STATES
DEPARTMENT OF THE INTERIOR

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

Navajo Transitional Energy Company, LLC.
Antelope Mine
P.O. Box 3001
Gillette, WY 82717-3001

for a mining plan modification for Federal Coal Lease WYW-177903 at the Antelope Mine. Navajo Transitional Energy Company, LLC 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 WYW-177903; 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, as well as all Department of the Interior regulations, 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 WYW-177903 at Antelope Mine and authorizes coal development and mining operations on parts 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 Federal coal lands within the mining plan area as described:

T. 40 N., R. 71 W., Sixth Principal Meridian, WY

Section 7: lots 5 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), 11 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), 12 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), and 18 (SE $\frac{1}{4}$ SE $\frac{1}{4}$);

Section 8: lots 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), 12 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), and 13 (SW $\frac{1}{4}$ SW $\frac{1}{4}$);

Section 17: lots 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.47), 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.41), 6 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), 7 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), 8 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), 9 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), 10 (NW $\frac{1}{4}$ SE $\frac{1}{4}$), 11 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), and 12 (NE $\frac{1}{4}$ SW $\frac{1}{4}$);

Section 18: lots 5 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and 12 (E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$).

Total number of acres: 856.61 acres

These lands are shown on the maps appended hereto referred as Attachments A and B.

3. The operator is allowed to conduct coal development and mining operations only as described in the complete permit application package approved by the Wyoming

Department of Environmental Quality, Land Quality Division (LQD), except as otherwise directed in the conditions of this mining plan modification approval.

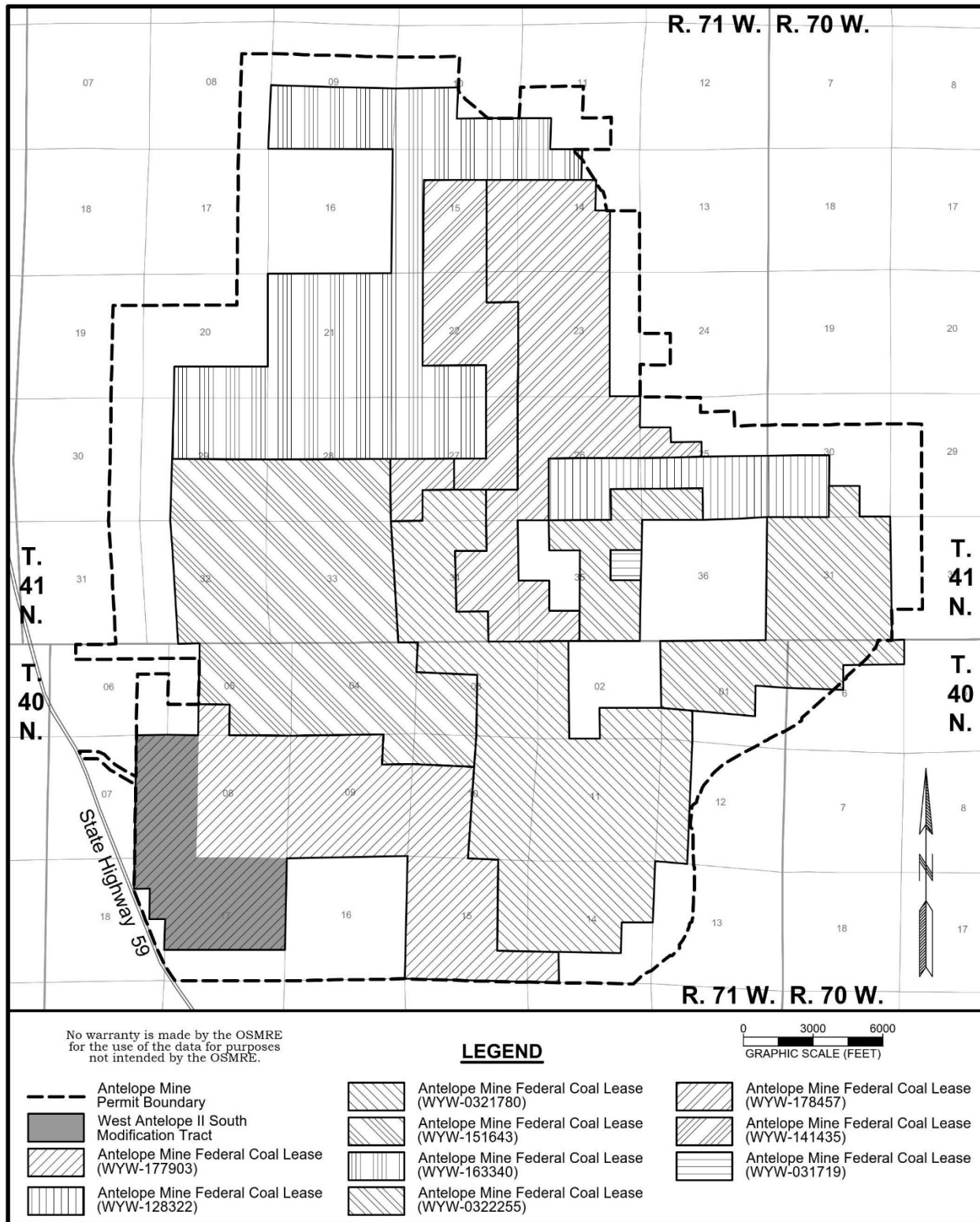
4. The operator must comply with the terms and conditions of the Federal coal lease, this mining plan modification approval, and the requirements of the Wyoming Permit PT-525 issued under the Wyoming program approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. §§ 1201 *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 historic resources are discovered, the operator must ensure that the resources are not disturbed and must notify Wyoming LQD and Office of Surface Mining Reclamation and Enforcement (OSMRE). The operator must take such actions as are required by Wyoming LQD in coordination with OSMRE.
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. To the extent that, in the future, the operator chooses to accept and use decommissioned wind turbine blades and towers as backfill within the mining plan area, the operator must notify Wyoming LQD and OSMRE because additional Federal authorizations may be required. This mining plan approval does not authorize such disposal within the mining plan area.

Adam G. Suess
Acting Assistant Secretary,
Land and Minerals Management
U.S. Department of the Interior

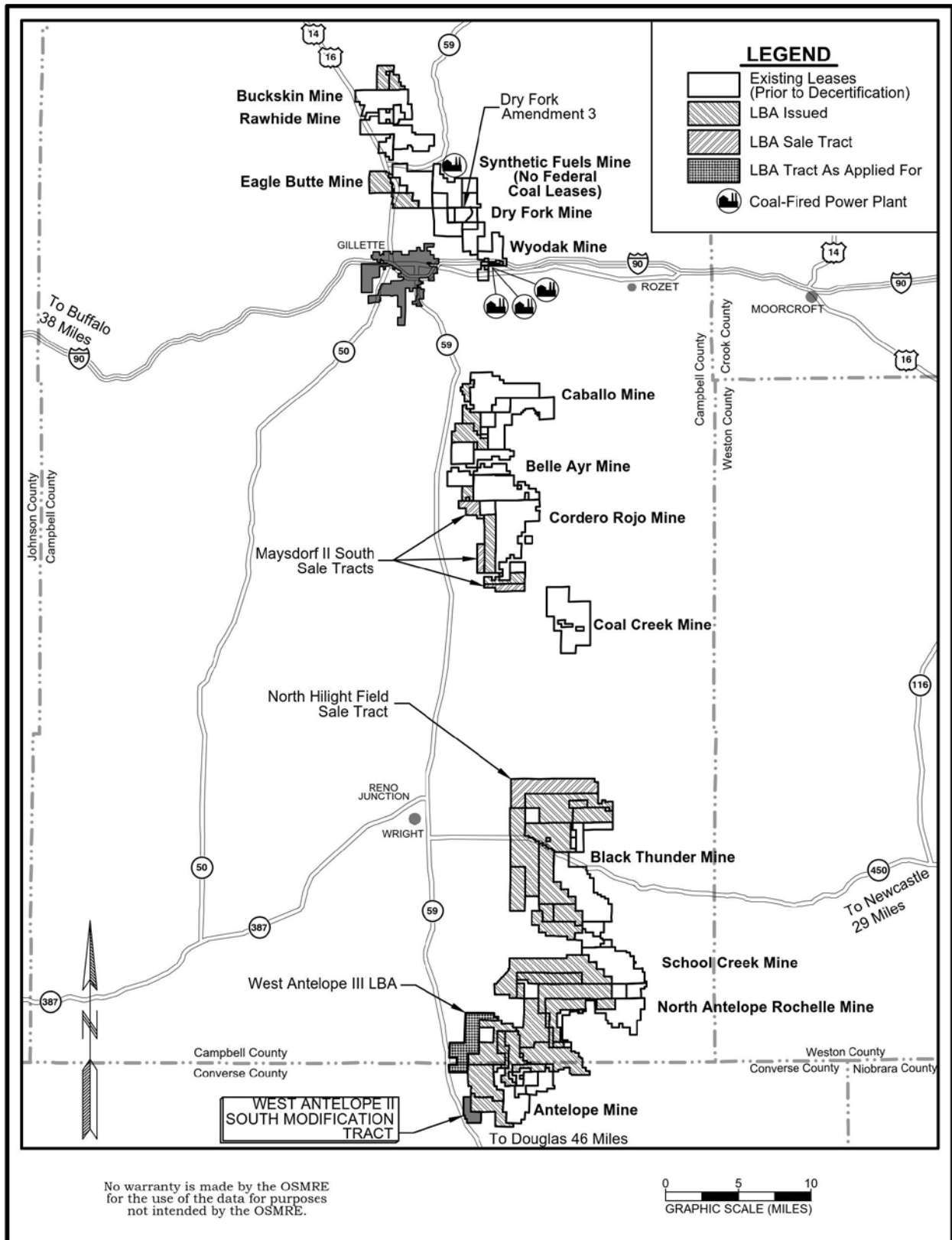
Date _____

Attachments A and B

Attachment A



Antelope Mine's Federal Coal Leases



General Location Map with Federal Coal Leases