

ADDENDUM 303.o-6

SPRING CREEK COAL COMPANY

ACCESS ROAD EASEMENT

. FROM

BUREAU OF LAND MANAGEMENT

November 18, 2019

VIA UPS OVERNIGHT

Bureau of Land Management
Miles City Field Office
Attn: Dalice Landers
111 Garryowen Road
Miles City, MT 59301

Lindsay Thane

Admitted in Oregon, Washington and
Montana

T: 503-796-2059

C: 406-214-1918

lthane@schwabe.com

RE: Assignment of BLM Right-of-Ways MTM107040 and **MTM037463**

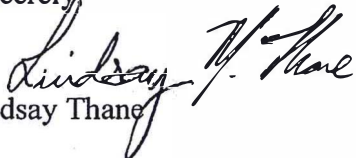
Dear Dalice:

Please accept the enclosed SF-299 forms to assign BLM Right-of-Ways MTM107040 and MTM037463. These assignments are filed on behalf of Navajo Transitional Energy Company, LLC.

Enclosed is an executed assignee agreement statement and assignor consent statement for both right-of-way assignments. Also enclosed are two checks, each for \$128.00, to cover the filing fee for both of the right-of-ways requested for assignment.

If you have questions regarding these forms or if additional information is needed, please contact me at the email or telephone number listed above.

Sincerely,


Lindsay Thane

LTH:lm

Enclosures

cc: Brien Flanagan (w/ encl. via email)
Sarah Lawson (w/ encl. via email)
Debbie Bruse (w/ encl. via email)
Darryl Maunder (w/ encl. via email)

PDX\130242\225409\LTH\26600707.1

VOUCHER #	INV. #	INV. DATE	MATTER NUMBER	INV. DESCRIPTION	AMT. PAID
1505574	PERMIT FEE	11-13-19	130242-217290		128.00
				TOTAL	128.00

John A Russell

11 228024 11 230020 11 371971020966 11

APPLICATION FOR TRANSPORTATION AND
UTILITY SYSTEMS AND FACILITIES
ON FEDERAL LANDS

FORM APPROVED
OMB Control Number: 0596-0082
Expiration Date: 8/31/2020

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

Application Number

Date Filed

1. Name and address of applicant (include zip code)

Navajo Transitional Energy Company, LLC
385 Interlocken Crescent, Suite 400
Broomfield, CO 80021

2. Name, title, and address of authorized agent if different from item 1 (include zip code)

Schwabe, Williamson & Wyatt
Attn: Sarah Lawson
1420 5th Ave., Ste. 3400
Seattle, WA 98101

3. Telephone (with area code)

Applicant

Authorized Agent

4. As applicant are you? (check one)

- a. ☐ Individual
b. ☐ Corporation*
c. ☒ Partnership/Association*
d. ☐ State Government/State Agency
e. ☐ Local Government
f. ☐ Federal Agency

* If checked, complete supplemental page

5. Specify what application is for: (check one)

- a. ☐ New authorization
b. ☐ Renewing existing authorization number
c. ☐ Amend existing authorization number
d. ☒ Assign existing authorization number
e. ☐ Existing use for which no authorization has been received *
f. ☐ Other*

* If checked, provide details under item 7

6. If an individual, or partnership, are you a citizen(s) of the United States? ☐ Yes ☐ No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (Length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (Attach additional sheets, if additional space is needed.)

This application is a request to assign right-of-way MTM-037463, granted to Spring Creek Coal LLC and renewed on May 29, 2009.

MTM-037463 grants a right to construct, operate, maintain, and terminate a road on public land described in T. 8 S., R. 39 E., Section 13: NE 1/4 SE 1/4 Big Horn County, Montana, PMM.

The right-of-way area granted is 100 feet wide, 1,980 feet long, and contains 4.55 acres, more or less.

The term of right-of-way MTM-037463 terminates on December 31, 2038.

8. Attach a map covering area and show location of project proposal

9. State or Local government approval: ☐ Attached ☐ Applied for ☒ Not Required

10. Nonreturnable application fee: ☒ Attached ☐ Not required

11. Does project cross international boundary or affect international waterways? ☐ Yes ☒ No (if "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

Navajo Transitional Energy Company (NTEC) has significant private landholdings that support its ownership of five mines in Montana, Wyoming, and Arizona. The corporate officers and the management of the mine have decades of experience in constructing and maintaining this type of access road that is necessary to facilitate the access to, and the construction of, other infrastructure. NTEC has sufficient financial capability from its operation of multiple mines and its interest in the Four Corners Power Plant to maintain this access road.

13a. Describe other reasonable alternative routes and modes considered.

This application is to assign an already existing right-of-way, there are no alternatives.

b. Why were these alternatives not selected?

This right-of-way has already been granted therefore, there are no alternatives.

c. Give explanation as to why it is necessary to cross Federal Lands.

Operation of the Spring Creek Coal Mine.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

The following are additional right-of-ways at the Spring Creek Coal Mine: MTM107041; MTM042398; MTM105821; MTM093074; MTM103831; and MTM081815. Land Use Permit MTM096659 and Land Use License MTM 07913 also authorize activities at the the Spring Creek Coal Mine.

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

This application is to assign an existing right-of-way so that the new owner may continue to operate using the same infrastructure and property.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

This application is for the assignment of a permitted right-of-way. Therefore, by approving this request to assign the right-of-way, there will be no new or additional effects on the population in the area.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

This application is for the assignment of a permitted right-of-way. Therefore, by approving this request to assign the right-of-way, there will be no additional effects on the environment beyond those considered when the right-of-way was approved.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

This application is for the assignment of a permitted right-of-way. Therefore, by approving this request to assign the right-of-way, there will be no additional effects on the species that populate the area beyond those considered when the right-of-way was approved.

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

None.

20. Name all the Department(s)/Agency(ies) where this application is being filed.

Bureau of Land Management.

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

12/29/2019

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

STANDARD FORM 299 (REV. 5/2009) PAGE 2

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation and utility systems and facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847 (or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Alaska Regional Office
709 West 9th Street
Juneau, Alaska 99802
Telephone: (907) 586-7177

Department of the Interior
Alaska State Office
Bureau of Land Management
222 West 7th Avenue #13
Anchorage, Alaska 99513
Public Room: 907-271-5960
FAX: 907-271-3684
(or a local BLM Office)

U.S. Fish & Wildlife Service (FWS)
Office of the Regional Director
1011 East Tudor Road
Anchorage, Alaska 99503
Telephone: (907) 786-3440

National Park Service (NPS)
Alaska Regional Office
240 West 5th Avenue
Anchorage, Alaska 99501
Telephone: (907) 644-3510

Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Officer, P.O. Box 120, 1675 C Street, Anchorage, Alaska 99513.

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation and utility systems and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS
(Items not listed are self-explanatory)

- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
- 8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
- 9, 10, and 12 The responsible agency will provide additional instructions.
- 13 Providing information on alternate routes and modes in as much detail as possible, discussing why certain routes or modes were rejected and why it is necessary to cross Federal lands will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate routes and modes as related to current technology and economics.
- 14 The responsible agency will provide instructions.
- 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
- 16 through 19 Providing this information with as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certification for the use of Federal lands. The Federal agencies use this information to evaluate the applicant's proposal. The public is obligated to submit this form if they wish to obtain permission to use Federal lands.

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide instructions	CHECK APPROPRIATE BLOCK	
	ATTACHED	FILED*
I - PRIVATE CORPORATIONS		
a. Articles of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Corporation Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	<input type="checkbox"/>	<input type="checkbox"/>
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	<input type="checkbox"/>	<input type="checkbox"/>
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	<input type="checkbox"/>	<input type="checkbox"/>
II - PUBLIC CORPORATIONS		
a. Copy of law forming corporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Proof of organization	<input type="checkbox"/>	<input type="checkbox"/>
c. Copy of Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	<input type="checkbox"/>	<input type="checkbox"/>
III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. If one partner is authorized to sign, resolution authorizing action is	<input type="checkbox"/>	<input type="checkbox"/>
c. Name and address of each participant, partner, association, or other	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	<input type="checkbox"/>	<input type="checkbox"/>

*If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.

c. Clark Moseley, Chief Executive Officer
 Tim Fagley, Chief Operating Officer
 Michael Gisin, Chief Financial Officer

Address: 385 Interlocken Crescent, Suite 400
 Broomfield, CO 80021

Casefile MTM-37463.

Assignor Consent

Spring Creek Coal LLC does hereby consent to assign to
Navajo Transitional Energy Company, LLC, all
undivided right, title, and interest in and to right-of-way grant number, lease
number or permit number MTM-37463, if approved by the United States
Department of Interior, Bureau of Land Management.

X/h A Hill
Signature of Assignor
Spring Creek Coal LLC

10/24/19
Date

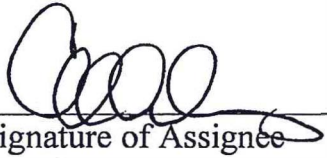
Executive VP and CFO
Title

Casefile MTM-37463.

Assignee Agreement

Navajo Transitional Energy Company, LLC does hereby make application for approval of the above assignment of right-of-way grant number, lease number, or permit number MTM-37463. This application is made pursuant to the regulations in 43 CFR Part 2800/2880.

Navajo Transitional Energy Company, LLC, the undersigned applicant, agrees to comply with and be bound by all terms and conditions of the right-of-way grant, the lease, or permit.



Signature of Assignee
Navajo Transitional Energy Company, LLC
CEO

Title

Oct. 23, 2019

Date

Navajo Nation
Division of Economic Development
Post Office Box 663
Window Rock, AZ 86515



Business Regulatory Dept
(928) 871-7365
871-6714
Fax: (928) 871-7381

NAVAJO NATION LIMITED LIABILITY COMPANY ACT

ARTICLES OF ORGANIZATION

1. The Name of the organization¹: NAVAJO TRANSITIONAL ENERGY COMPANY, LLC
2. Known place of business: NAVAJO NATION DEPARTMENT OF JUSTICE, BIA CLUB BUILDING, POST OFFICE BOX 2010, WINDOW ROCK, NAVAJO NATION (AZ) 86515
3. The name and street address of the statutory agent²: BIA CLUB BUILDING, POST OFFICE BOX 2010, WINDOW ROCK, NAVAJO NATION (AZ) 86515

Name

DANA BOBROFF

Address BIA CLUB BUILDING, POST OFFICE BOX 2010

City WINDOW ROCK

State AZ

Zip 86515

FILED

File No. 101665
MAY 03 2013

Navajo Nation Limited Liability Company Act
Department Manager

Acceptance of Appointment by Statutory Agent:

I Dana Bobroff, having been designated to act as Statutory Agent, hereby consent to act in that capacity until removed or resignation is submitted in accordance with the Navajo Nation Limited Liability Company Act.

Agent Signature: Dana Bobroff

4. Purpose of this Limited Liability Company is to provide the following services:
To act as an arm and subordinate instrumentality of the Navajo Nation in accordance with CAP-21-13, to perform several lawful functions, including without limitation support and promote the economic, financial, tax, and revenue interests of the Navajo Nation.
This Company's purpose is otherwise to perform any lawful act in accordance with CAP-21-13.
5. Dissolution: The latest date of Dissolution:
☐ The latest date to dissolve _____ (Please enter month, day and four digit year).
☒ The Limited Liability Company is Perpetual, unless otherwise converted or merged into a Section 17 Corporation formed pursuant to 25 U.S.C. 477, as amended.

¹ Footnote - See 12 NNC § 3605 (A)

Contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.", "LLC", "L.C." OR "LC". The word "limited" may be abbreviated as "Ltd." And the word "company" may be abbreviated as "co."

² If the statutory agent has a PO Box, please also provide a physical address or description of the location.

6. Management Structure: (Check one box only)

- A. ☐ RESERVED TO THE MEMBER(S)
IF RESERVED TO THE MEMBER(S), YOU MAY SELECT ONLY THE MEMBER BOX FOR EACH MEMBER LISTED.
- B. ☒ VESTED IN MANAGER(S)
IF VESTED IN THE MANAGER(S), AT LEAST ONE ENTRY BELOW MUST HAVE THE MANAGER BOX CHECKED.

Name <u>Dana Bobroff</u>	Name _____
<input type="checkbox"/> Member <input checked="" type="checkbox"/> Manager (as statutory agent)	<input type="checkbox"/> Member <input type="checkbox"/> Manager (only if "B" is selected above)
Address: <u>BIA Club Bldg., P.O. Box 2010</u>	Address: _____
City, <u>Window Rock State, AZ, Zip: 86515</u>	City, _____ State, __, Zip: _____
Name _____	Name _____
<input type="checkbox"/> Member <input type="checkbox"/> Manager (only if "B" is selected above)	<input type="checkbox"/> Member <input type="checkbox"/> Manager (only if "B" is selected above)
Address: _____	Address: _____
City, _____ State, __, Zip: _____	City, _____ State, __, Zip: _____

IF YOU NEED MORE SPACE FOR LISTING MEMBERS/MANAGERS PLEASE ATTACH THE ADDITIONAL PAGE TO THE ARTICLES OF ORGANIZATION.

Executed this 3rd day of May, 2013

Executed by: Dana Bobroff Print Name: Dana Bobroff
NAVAJO TRANSITIONAL ENERGY COMPANY, LLC
If signing on behalf of a company, please print the company name here.

Phone Number: (928) 871-6345 Fax Number: (928) 871-6177

EXHIBIT "A"
CAP-20-13

**ARTICLES OF ORGANIZATION
OF
THE LIMITED LIABILITY COMPANY
NAVAJO TRANSITIONAL ENERGY COMPANY, LLC**

FILED
File Number 101665
MAY 03 2013
Navajo Transitional Energy Company Act
Department Manager

The undersigned, acting as organizer of the Navajo Transitional Energy Company, LLC, a limited liability company duly organized pursuant to the Navajo Nation Limited Liability Company Act, 5 N.N.C. § 3600 *et seq.*, adopts the following Articles of Organization:

ARTICLE ONE – NAME:

The name of the limited liability company is: "Navajo Transitional Energy Company, LLC".

ARTICLE TWO – DURATION

The period of duration for the Navajo Transitional Energy Company, LLC is perpetual and at-will until the limited liability company is otherwise merged into a Navajo Nation business organization and instrumentality of the same name – the "Navajo Transitional Energy Company" – that may be chartered pursuant to 25 U.S.C. § 477 (2012).

ARTICLE THREE – PURPOSE:

The Navajo Transitional Energy Company, LLC is organized for the purposes of performing any lawful business activity in accordance with its creating & enabling legislation, which is attached hereto as Exhibit "A," and Operating Agreement, which is attached hereto as Exhibit "B."

ARTICLE FOUR – REGISTERED AGENT, PLACE OF BUSINESS, & ADDRESSES:

The physical address of the initial registered agent for the Navajo Transitional Energy Company, LLC is:

The Navajo Nation Office of the Attorney General
Harrison Tsosie, Attorney General
Dana Bobroff, Deputy Attorney General
Bureau of Indian Affairs Club Building
Window Rock, Navajo Nation (Arizona) 86515

The mailing address of the initial registered agent for the Navajo Transitional Energy Company, LLC is:

The Navajo Nation Office of the Attorney General
Harrison Tsosie, Attorney General

EXHIBIT "A"
CAP-20-13

Dana Bobroff, Deputy Attorney General
Post Office Box 2010
Window Rock, Navajo Nation (Arizona) 86515

The physical address of the principal place of business of the Navajo Transitional Energy Company, LLC is:

The Navajo Nation Office of the Attorney General
Harrison Tsosie, Attorney General
Dana Bobroff, Deputy Attorney General
Bureau of Indian Affairs Club Building
Window Rock, Navajo Nation (Arizona) 86515

ARTICLE FIVE – MEMBER MANAGEMENT:

The Navajo Transitional Energy Company, LLC is a single-member limited liability company, which is a wholly-owned instrumentality of the Navajo Nation, with the single ownership interest holder and member being the Navajo Nation. The Navajo Nation's membership/ownership interest is represented by the Member Representatives (who are also referred to as the Membership Representatives), who are selected pursuant to the Navajo Transitional Energy Company, LLC's creating & enabling legislation and Operating Agreement.

Authority for management of the business affairs, operations, and functions of the Navajo Transitional Energy Company, LLC is vested in the Management Committee Members, who shall be and are selected pursuant to the Navajo Transitional Energy Company, LLC's creating & enabling legislation and Operating Agreement.

ARTICLE SIX – ANNUAL REPORTS & NO ARTICLES OF TERMINATION FILED:

No annual reports or articles of termination have been filed for the Navajo Transitional Energy Company, LLC. The Navajo Transitional Energy Company, LLC shall file its required annual report(s) with The Navajo Nation Division of Economic Development Business Regulatory Department within the appropriate dates henceforth.

ARTICLE SEVEN – FEES, TAXES, & PENALTIES; COMPLIANCE WITH THE LAW:

The Navajo Nation Division of Economic Development Business Regulatory Department's issuance of a Certificate of Existence to the Navajo Transitional Energy Company, LLC, as reflected and demonstrated by the mark of the Navajo Nation Division of Economic Development Business Regulatory Department below, shall also reflect payment of required fees to the Navajo Nation by the Navajo Transitional Energy Company, LLC.

The Navajo Transitional Energy Company, LLC currently owes no taxes, penalties, or additional fees or assessments to the Navajo Nation. The Navajo Transitional Energy

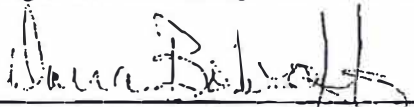
EXHIBIT "A"
CAP-20-13

Company, LLC shall pay all required Navajo Nation fees, taxes, and penalties henceforth, as these become relevant and being owed to the Navajo Nation by the Navajo Transitional Energy Company, LLC. Furthermore, the Navajo Transitional Energy Company shall abide by all applicable criminal, civil, and regulatory laws of the Navajo Nation.

ARTICLE EIGHT – EXECUTION & FILING OF ARTICLES OF ORGANIZATION:

These Articles of Organization are to be effective upon filing with the Navajo Nation Division of Economic Development Business Regulatory Department, as of the date of execution provided herein.

Organizer: the Navajo Transitional Energy Company, LLC:



Date: _____

5.1.13

Harrison Tsosie, Attorney General
Dana Bobroff, Deputy Attorney General
Office of the Attorney General
The Navajo Nation
Bureau of Indian Affairs Club Building
Post Office Box 2010
Window Rock, Navajo Nation (Arizona) 86515-2010
Telephone: (928) 871-6937
Facsimile: (928) 871-6200



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301-0940
<http://www.blm.gov/mt>

In Reply Refer To:

MTM-37463
MTM-42398
2800 (MT022)

JUN 02 2009

CERTIFIED - RETURN RECEIPT REQUESTED -- 7007 0710 0001 3297 6770 (Company)
7007 0710 0001 3297 6787 (LLC)

DECISION

Spring Creek Coal Company	:	
Box 67	:	
Decker, Montana 59025	:	Assignment of Rights-of-way for
	:	Road and Railroad Spurline in
Spring Creek Coal LLC	:	Big Horn County, Montana
Box 67	:	
Decker, Montana 59025	:	

Assignment Approved - MTM-37463 and MTM-42398

Spring Creek Coal LLC requested assignment approval of the subject road and railroad spurline rights-of-way from Spring Creek Coal Company by the applications received on February 20, 2009. MTM-37463 and MTM-42398 were granted to Spring Creek Coal Company on August 6, 1979 and June 1, 1979, respectively. These rights-of-way were to expire in 2009, but both were renewed until December 31, 2038. These rights-of-way were issued and renewed under the authority of Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761)

The processing fee for the assignment has been received and the requirements of Title 43 Code of Federal Regulations, part 2800 have been met. Therefore, assignments of the road and railroad spurline rights-of-way are approved under the authority of Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and subject to the conditions and terms of the original grant and the new grant. Rental is current for both.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact Dalice Landers, Realty Specialist, at (406) 233-2836.



Deborah K. Johnson
Associate Field Manager

Enclosure:

Form 1842-1



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301-0940
<http://www.blm.gov/mt>

In Reply Refer To:

MTM-37463
2800 (MTC022)

MAY 29 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED - 7008 0150 0002 0907 3916

DECISION

Spring Creek Coal LLC	:	Renewal of Right-of-way for
Box 67	:	a Road in Big Horn County,
Decker, Montana 59025	:	Montana, Principal Meridian

Right-of-Way Grant MTM-37463 Renewed Rental Determined

Enclosed is a copy of your right-of-way (ROW) renewal grant, serial number MTM-37463, which allows the use of public land for a road. It was approved for renewal by the BLM on May 29, 2009 and is authorized pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

The advance rental for the ROW is determined to be \$1,058.27 for the period from August 7, 2009 to December 31, 2038. BLM has received your advance rental for the term of the right-of-way.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact Dalice Landers, Realty Specialist, at (406) 233-2836.



Deborah K. Johnson
Associate Field Manager

Enclosures:

Grant
Receipt
Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER MTM-37463

1. A right-of-way is here by granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Spring Creek Coal LLC
Box 67
Decker, Montana 59025

receives a right to construct, operate, maintain, and terminate a road on public land described as follows:

T. 8 S., R. 39 E., Section 13: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Big Horn County, Montana, PMM.

- b. The right-of-way area granted herein is 100 feet wide, 1,980 feet long, and contains 4.55 acres, more or less
- c. This instrument shall terminate on December 31, 2038, unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

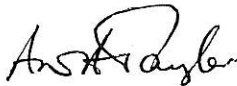
3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit A dated April 17, 2009, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

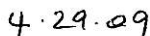
IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant.



(Signature of Holder)



(Title)



(Date)



(Signature of Authorized Officer)



(Title)



(Effective Date of Grant)



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-0940

<http://www.blm.gov/mt>



In Reply Refer To:

MTM-37463
2800 (MTC022)

APR 20 2009

Spring Creek Coal LLC
Box 67
Decker, Montana 59025

Dear Mr. Marshall:

Enclosed are two copies of an unsigned right-of-way (ROW) grant for renewal of your road right-of-way, MTM-37463. Please review the document and if it meets with your approval, sign and date both copies and return them to the address shown above. Upon our receipt of the signed documents and the fees discussed below, we will issue the ROW grant absent any other unresolved issues.

Rent for use of public lands must be paid prior to renewal of the ROW grant. Rent for a linear right-of-way is based on a schedule that is adjusted annually based on the Implicit Price Deflator (IPD), an inflation index. You may obtain a copy of the rent schedule from this office or by accessing the following website:

http://www.blm.gov/wo/st/en/prog/energy/cost_recovery_regulations.html.

You have the option of paying the rent in 10-year periods or for the entire term of your ROW grant. Provided you remit payment by May 22, 2009, your rent is estimated to be:

\$ 336.07 for the first 10-year period from August 7, 2009 to December 31, 2018,
\$ 697.17 for the first 20-year period from August 7, 2009 to December 31, 2028 or
\$1,058.27 for the entire 30-year term from August 7, 2009 to December 31, 2038.

Please return ALL signed copies of the grants along with the right-of-way rental (10, 20, or 30 years) as discussed above by May 22, 2009. If these requirements are not met, your application may be denied.

We have also approved the merger to Spring Creek Coal LLC. If you have any questions, contact Dalice Landers, Realty Specialist, at 406-233-2836.

Sincerely,

Associate Field Manager

Enclosures:

Grants (2)



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-0940

<http://www.blm.gov/mt>

In Reply Refer To:

MTM-37463

2800

FEB 25 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED - 7007 0710 0001 3297 6596

DECISION

Spring Creek Coal Company	:	Renewal Application for
Box 67	:	Road Right-of-way in
Decker, Montana 59025	:	Big Horn County, Montana, PMM

Processing Category Determined

On February 20, 2009, you filed an application for renewal of a right-of-way for an access road across public land. The following public land is affected by your application:

T. 8 S., R. 39 E., Section 13: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Big Horn County, Montana, PMM.

We assigned serial number MTM-37463 to your application. Please refer to this number in all future correspondence relating to this project.

According to Federal regulations contained in 43 CFR 2804.14, BLM is required to be reimbursed for the costs incurred in processing a right-of-way renewal application. We have determined that the appropriate processing category for your application is Category 2. The nonrefundable processing fee for a Category 2 is \$386.00. We have already received the processing fee.

We will begin processing your right-of-way renewal application. Our goal is to process your application in 60 days or less. We will notify you within the first 30 days of the initial processing period if we cannot meet this goal and provide you with our best estimate as to when we will complete the work on your application.

If we decide to renew the grant, you will be assessed monitoring fees based on the estimated number of hours required to monitor your activities allowed under the grant. You will also be charged rent for the use of public land based on 1) the acreage involved, and 2) the type of granted use. The website below contains additional information on monitoring fees and rent.

<http://www.blm.gov/nhp/what/lands/realty/rowcr/>

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions regarding your right-of-way application or the fees connected with it, please contact Dalice Landers, Realty Specialist, at 406-233-2836.


Associate Field Manager

Enclosures:

Receipt
Form 1842-1



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
<http://www.blm.gov/mt/>



IN REPLY TO:
MTM-37463
2800

JAN 28 2009

Spring Creek Coal Company
Box 67
Decker, Montana 59025

Dear Spring Creek:

Your right-of-way MTM-37463 for a road that crosses Federal land will expire on August 6, 2009. It is located across the following Federal land:

T. 8 S., R. 39 E., Section 13: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Big Horn County, Montana.

I have attached a copy of the original right-of-way grant for your information. The original right-of-way was granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

If you wish to renew, you must complete a ***SF-299 Application for Transportation and Utility Systems and Facilities on Federal Lands***. I have enclosed a copy of the form. You must reimburse BLM in advance for the administrative costs for the processing of the renewal. It has been determined that your application falls under a Category 2 (FLPMA). Under this category, you are required to pay a nonrefundable application processing fee in the amount of \$386.00 before we can take further action on your application. The application should be submitted 120 days prior to expiration so BLM personnel can conduct a field inspection to ensure the authorization is being used as originally provided in the grant.

If you do not want to renew the right-of-way grant, please send a letter to our office stating that you want to terminate or relinquish the right-of-way. The right-of-way area would have to be reclaimed and inspected by BLM personnel before it is terminated or relinquished.

If you have any questions or comments, please feel free to contact Dalice Landers, Realty Specialist, at the above address or call 406-233-2836.

Sincerely,

Shane Findlay
Acting Supervisory Land Use Specialist

Enclosures:
Original Grant
SF-299

SUMMARY - BLM EASEMENT
MTM-37463

TOWNSHIP 8 SOUTH, RANGE 39 EAST, M.P.M.
Section 13 :NESE

Containing 4.55 acres, more or less

Big Horn County, Montana

**SURFACE
OWNERSHIP:**

**COAL
OWNERSHIP:**

UNITED STATES

LESSOR:

UNITED STATES - BLM

LESSEE:

SPRING CREEK COAL COMPANY

EFFECTIVE:

8-6-1979

TERM:

Five (5) years - with renewals

EXPIRES:

8-6-2009

RENTAL:

\$147.00/5 Year term

Invoiced to mine @ Decker

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Montana State Office
P. O. Box 30157
Billings, Montana 59107

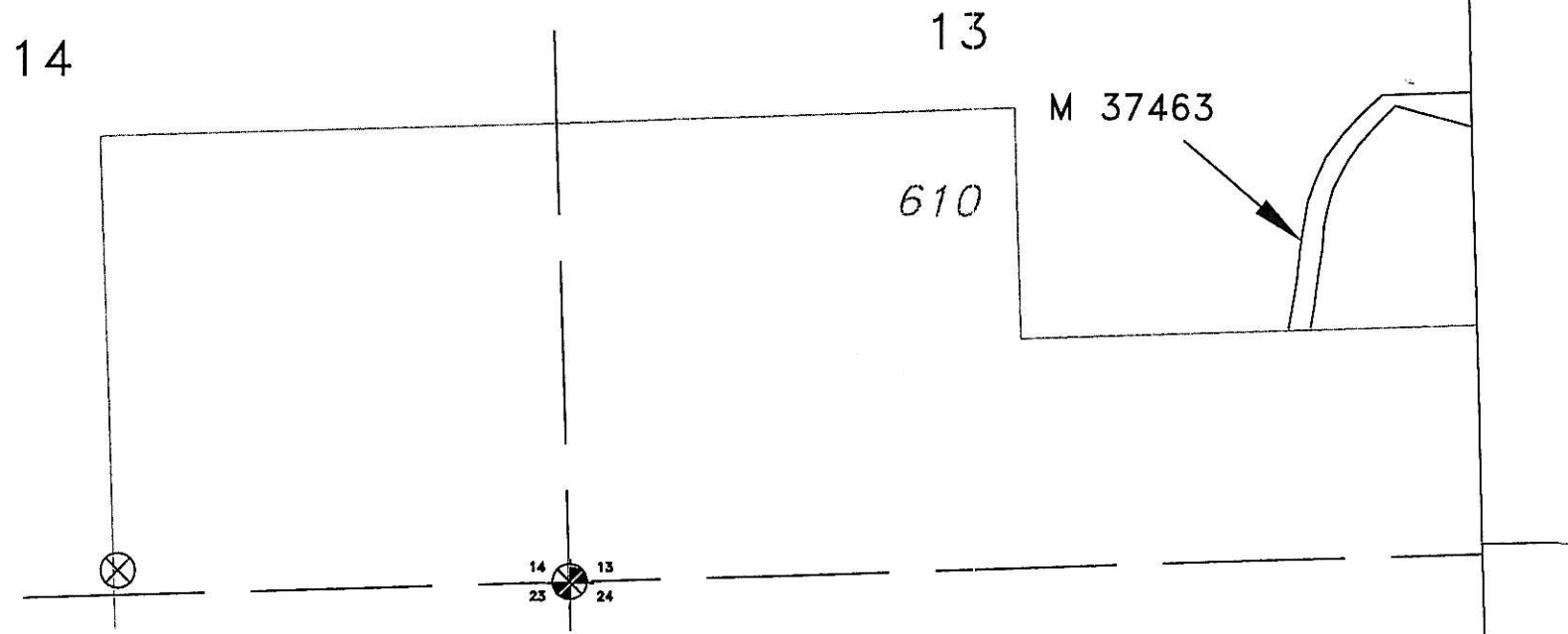
DECISION

NON-EXCLUSIVE RIGHT-OF-WAY GRANTED

Details of Grant

Serial number of grant-----	M 37463
Name of grantee-----	Spring Creek Coal Company
	920 S.W. 6th Avenue
Map showing the location and dimensions of grant:	Portland, OR 97204
Map designations-----	Exhibit A
Date filed-----	June 3, 1977
Permitted use by grantee-----	Construct, maintain, and use an access road.
Authority for grant-----	Title V, Act of October 21, 1976 (90 Stat. 2723)
Regulations applicable to grant:	
Code reference-----	43 CFR 2800 through 2811
Circular numbers-----	2384 and 2323
Date of grant-----	August 6, 1979

MTM-37463
Big Horn County, MT



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Billings, Montana 59101

STIPULATIONS FOR RIGHT OF WAY GRANT UNDER 43 CFR 2800

Serial No. M-37463

(REQUIREMENTS SHOWN IN CAPITALIZED PRINT ARE SPECIFIED BY REGULATION OF THE SECRETARY OF THE INTERIOR - 43 CFR 2801.1-5.
Others are specified by this office, pursuant to authority granted by the Secretary of the Interior)

This permit is issued subject to the following conditions:

- (1) To address all matters relating to these stipulations to:
District Manager, BLM
P.O. Box 940
Miles City, Montana 59301
who is the authorized representative of the Secretary of the Interior, or such other representative as may from time to time be designated, provided that such designation shall be in writing and delivered to the permittee or his agent.
- (2) If the permittee constructs any camp on the land, such camp shall be located at a place approved by the authorized representative of the Secretary of the Interior, and such representative shall have authority to require that such camp be kept in a neat and sanitary condition.
- (A) TO COMPLY WITH STATE AND FEDERAL LAWS APPLICABLE TO THE PROJECT FOR WHICH THE RIGHT-OF-WAY IS APPROVED, AND TO THE LANDS WHICH ARE INCLUDED IN THE RIGHT-OF-WAY, AND LAWFUL EXISTING REGULATIONS THEREUNDER.
- (B) TO CLEAR AND KEEP CLEAR THE LANDS WITHIN THE RIGHT-OF-WAY TO THE EXTENT AND IN THE MANNER DIRECTED BY THE SUPERINTENDENT IN CHARGE; AND TO DISPOSE OF ALL VEGETATIVE AND OTHER MATERIAL CUT, UPROOTED, OR OTHERWISE ACCUMULATED DURING THE CONSTRUCTION AND MAINTENANCE OF THE PROJECT IN SUCH MANNER AS TO DECREASE THE FIRE HAZARD AND ALSO IN ACCORDANCE WITH SUCH INSTRUCTIONS AS THE SUPERINTENDENT IN CHARGE MAY SPECIFY.
- (C) TO TAKE SUCH SOIL AND RESOURCE CONSERVATION AND PROTECTION MEASURES, INCLUDING WEED CONTROL, ON THE LAND COVERED BY THE RIGHT-OF-WAY AS THE SUPERINTENDENT IN CHARGE OF SUCH LANDS MAY REQUEST.
- (1) To reseed the entire disturbed soil area, if any, on the lands within the right of way to Western Wheatgrass ^{than the actual roadway.} ~~other~~. Seeding is to be done by seed drill, preferably disked. The seed is to have a minimum of 90 to 95 percent purity and 90 percent germination. The seeding is to be done at a depth of approximately one inch. The seeding is to be accomplished during the months of September or October or April or May, immediately following construction on the right of way. The seeding is to be at the rate of SLX ~~(6) pounds~~ ^{6 pounds} viable seed per acre. In the event the reseeding is deemed a failure by the Local District Manager, during a period of one to three years after the seed is drilled in the ground, the permittee shall reseed again the entire area of disturbed soil under the same standards and rates as specified above.
- (2) In the location, design, construction and maintenance of all authorized works, buildings, plants, waterways, roads, telegraph or telephone lines, pipelines, reservoirs, tanks, pumping stations, or other structures or clearances, the permittee shall do all things reasonably necessary to prevent or reduce to the fullest extent scarring and erosion of the land, pollution of the water resources and any damage to the watershed. Where construction, operation, or maintenance of any of the facilities on or connected with this permit causes damage to the watershed or pollution of the water resources, the permittee

- (E) TO BUILD AND REPAIR SUCH ROADS, FENCES, AND TRAILS AS MAY BE DESTROYED OR INJURED BY CONSTRUCTION WORK AND TO BUILD AND MAINTAIN NECESSARY AND SUITABLE CROSSINGS FOR ALL ROADS AND TRAILS THAT INTERSECT THE WORKS CONSTRUCTED, MAINTAINED, OR OPERATED UNDER THE RIGHT-OF-WAY.
- (1) To install and maintain cattle guards to prevent the passage of livestock in any openings made in fences by the permittee or his contractors and subcontractors to provide access to the lands covered by this permit for automotive and other equipment.
 - (2) To install and maintain cattle guards in all fences at point intersected by the right of way, or to reconstruct such fences in as good a condition as they were previous to intersection.
- (F) TO PAY THE UNITED STATES THE FULL VALUE FOR ALL DAMAGES TO THE LANDS OR OTHER PROPERTY OF THE UNITED STATES CAUSED BY HIM OR BY HIS EMPLOYEES, CONTRACTORS, OR EMPLOYEES OF THE CONTRACTORS, AND TO INDEMNIFY THE UNITED STATES AGAINST ANY LIABILITY FOR DAMAGES TO LIFE, PERSON OR PROPERTY ARISING FROM THE OCCUPANCY OR USE OF THE LANDS UNDER THE RIGHT-OF-WAY, EXCEPT THAT WHERE A RIGHT-OF-WAY IS GRANTED HEREUNDER TO A STATE OR OTHER GOVERNMENTAL AGENCY WHICH HAS NO LEGAL POWER TO ASSUME SUCH A LIABILITY WITH RESPECT TO DAMAGES CAUSED BY IT TO LANDS OR PROPERTY, SUCH AGENCY IN LIEU THEREOF AGREES TO REPAIR ALL SUCH DAMAGES.
- (1) To pay the lessor (the United States) or its tenant, as the case may be, for any and all damages to or destruction of property caused by the permittee's operations hereunder; to save and hold the lessor or its tenants harmless from all damage or claims for all damage to persons or property resulting from the permittee's operations under this permit.
 - (2) To recognize existing uses and commitments, in the form of Department of the Interior grazing, timber cutting, special use permits, water developments, ditch, road, trail, pipeline, telephone line, fence rights of way, and similar improvements, and to conduct his operations so as to interfere as little as possible with the rights and privileges granted by these permits, leases, or with other existing uses.
 - (3) To restore to previous condition all water spreading dikes, reservoirs, or other structures on the lands which are intercepted or disturbed by construction activity along the right of way.
- (G) TO NOTIFY PROMPTLY THE SUPERINTENDENT IN CHARGE OF THE AMOUNT OF MERCHANTABLE TIMBER, IF ANY, WHICH WILL BE CUT, REMOVED, OR DESTROYED IN THE CONSTRUCTION AND MAINTENANCE OF THE PROJECT, AND TO PAY THE UNITED STATES THROUGH SUCH SUPERINTENDENT IN ADVANCE OF CONSTRUCTION SUCH SUM OF MONEY AS SUCH SUPERINTENDENT MAY DETERMINE TO BE THE FULL STUMPAGE VALUE OF THE TIMBER TO BE SO CUT, REMOVED, OR DESTROYED.
- (H) TO COMPLY WITH SUCH OTHER SPECIFIED CONDITIONS, WITHIN THE SCOPE OF THE APPLICABLE STATUTE AND LAWFUL REGULATIONS THEREUNDER, WITH RESPECT TO THE OCCUPANCY AND USE OF THE LANDS AS MAY BE FOUND BY THE AGENCY HAVING SUPERVISION OF THE LANDS TO BE NECESSARY AS A CONDITION TO THE APPROVAL OF THE RIGHT-OF-WAY IN ORDER TO RENDER ITS USE COMPATIBLE WITH THE PUBLIC INTEREST.
- (I) THAT UPON REVOCATION OR TERMINATION OF THE RIGHT-OF-WAY, UNLESS THE REQUIREMENT IS WAIVED IN WRITING, HE SHALL, SO FAR AS IT IS REASONABLY POSSIBLE TO DO SO, RESTORE THE LAND TO ITS ORIGINAL CONDITION TO THE ENTIRE SATISFACTION OF THE SUPERINTENDENT IN CHARGE.
 - (J) THAT HE SHALL AT ALL TIMES KEEP THE MANAGER INFORMED OF HIS ADDRESS, AND, IN CASE OF CORPORATIONS, OF THE ADDRESS OF ITS PRINCIPAL PLACE OF BUSINESS AND OF THE NAMES AND ADDRESSES OF ITS PRINCIPAL OFFICERS.
 - (1) Unless otherwise authorized, prior to the beginning of operations, to appoint and maintain at all times during the term of this permit a local agent upon whom may be served written orders or notices respecting matters contained in this stipulation and to inform the authorized representative of the Secretary of the name and address of the agent. If a sub-

Special Stipulations

6. This right-of-way may be renewed. If renewed, the right-of-way will be subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest.
 7. There is hereby reserved to the Secretary of the Interior, or his lawful delegate, the right to grant additional rights-of-way or permits for compatible uses on, over, under, or adjacent to the land involved in this grant.
 8. The width of the right-of-way hereby granted is 100 feet, being 50 feet on each side of the centerline as shown on Exhibit "A".
 9. The term of this grant is 30 years with the right of renewal as provided in special stipulation No. 6.
-