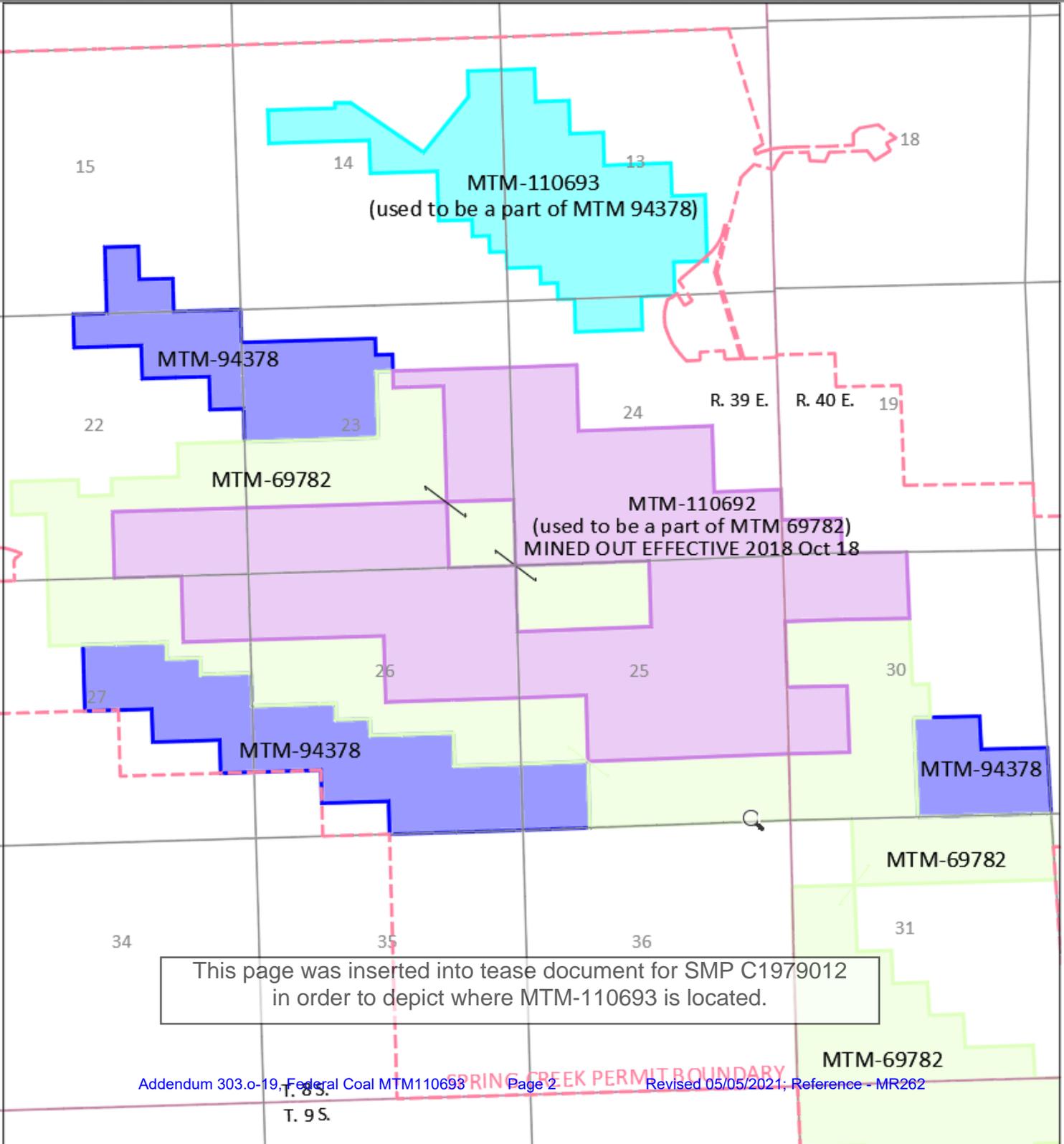


ADDENDUM 303.o-19

SPRING CREEK MINE

FEDERAL COAL LEASE MTM-110693





United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Montana/Dakotas State Office
5001 Southgate Drive
Billings, Montana 59101
<http://www.blm.gov/montana-dakotas>

May 4, 2021

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

DECISION

Receipt No. 7019 0700 0001 5528 8414

Assignor: :
Spring Creek Coal LLC :
748 T7 Road : COAL LEASE ASSIGNMENTS
Gillette WY 82718 :

Receipt No. 7019 0700 0001 5528 8407

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

Transfer of Interest Affecting Coal Leases Approved

On, November 8, 2019, your assignments of Record Title Interest in a Federal Coal Lease were submitted to this office for approval. The affected coal leases are as follows:

BLM

<u>Serial Number</u>	<u>Acres</u>	<u>Former Owner of Record</u>	<u>New Owner of Record</u>
MTM 069782	1624.06	Spring Creek Coal LLC	Navajo Transitional Energy Company LLC
MTM 094378	692.50	Spring Creek Coal LLC	Navajo Transitional Energy Company LLC
MTM 110453 (LMU)	2316.56	Spring Creek Coal LLC	Navajo Transitional Energy Company LLC
MTM 110692	1379.06	Spring Creek Coal LLC	Navajo Transitional Energy Company LLC
MTM 110693	425.50	Spring Creek Coal LLC	Navajo Transitional Energy Company LLC
MTM 088405	150.00	Spring Creek Coal LLC	Navajo Transitional Energy Company LLC

In addition, on November 8, 2019, the new owners of record, filed acceptable evidence of their qualifications and holdings.

The requested lease assignments are part of the Federal assets that are affected by, and previously agreed to, the parties *In re Cloud Peak Energy Inc., et al.* (Cloud Peak) Sale Order dated October 2, 2019, Chapter 11 Bankruptcy Case No. 19-11047 (Bankr. D. Del.). Cloud Peak acknowledges that the subject Federal coal leases and Logical Mining Units may not be transferred or assigned without the Department of Interior's (DOI) consent. NTEC has voluntarily entered into an installment agreement with the DOI's Office of Natural Resource Revenues (ONRR) for the repayment of past-due royalties owed on the subject Federal coal leases. Where Federal coal leases are sought to be transferred and the DOI has executed an agreement related to those leases, a reorganized debtor or purchaser that has entered into the agreement with the DOI is contractually required to fulfill the agreement's obligations (such as making installment payments) in addition to fulfilling the lease obligations after the leases are assigned. Because NTEC's installment agreement creates a new obligation for payments for monies owed on the lease accounts, the lease accounts will be considered in good standing only if NTEC has complied with the settlement terms. The ONRR has reported to the Bureau of Land Management (BLM) that NTEC is current with its royalty installment payments, and as a result, the BLM has determined that NTEC's agreement with ONRR to pay royalty installment payments, per the terms of the agreement, satisfies/meets the BLM's good standing determination under 43 CFR 3453.3-1(a)(6).

With NTEC having satisfied the regulatory requirements, these assignments are approved effective March 25, 2021, the date this office received copies of all required documents and fees and bond requirements were met. As of this date, the BLM acknowledges that NTEC holds 100 percent record title interest in the above Federal coal leases; therefore, NTEC is responsible for complying with the applicable laws and regulations, in addition to the most recent readjustment of terms and conditions covering these leases. Please note, **rental payments for these leases are due annually.**

Appeal Information

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.

A notice of appeal can be submitted by paper hardcopy only. The BLM will not accept a notice of appeal transmitted electronically (e.g., by email, facsimile, or social media means). Also, the BLM will not accept a petition for stay that is transmitted electronically (e.g., by email, facsimile, or social media means). Even if the BLM has previously corresponded with NTEC by email, facsimile, or social media means, the BLM will not accept a notice of appeal transmitted electronically. Both the notice of appeal and any petition for stay must be received on paper at the office address above.

If you wish to file a petition for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board pursuant to Part 4, Subpart B, 4.21 of Title 43, Code of Federal Regulations, 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 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.

Should you have any questions, please feel free to contact Kimberly Dowdle of this office at (406) 896-5046.

Sincerely,



John Mehlhoff
State Director

Enclosure:
Form 1842-1

Cc:
Office of Natural Resources Revenue
Solid Minerals Services
Box 25165, MS 63230B
Denver, CO 80225

Office of Surface Mining
Box 11018
Casper, WY 82602

The Honorable Greg Gianforte
Office of the Governor
Box 200801
Helena, MT 59620

Field Office Manager, Miles City Field Office