



April 11, 2024

Sent via electronic mail

Keith Walters
Navajo Transitional Energy Company, LLC
Spring Creek Coal Mine
P.O. Box 67
Decker, MT 59025-0000

Permit ID: C1979012
Revision Type: Renewal
Permitting Action: Approval
Subject: Approval of Renewal RN9

Dear Keith Walters:

Enclosed for your records is a copy of the updated SMP C1979012, which will expire on April 11, 2029.

Sincerely,

A handwritten signature in black ink that reads "Eric Dahlgren".

Eric Dahlgren, Acting Supervisor
Coal Section
Mining Bureau
Phone: (406) 444-5245
Fax: 406-444-4988
Email: edahlgren@mt.gov

Cc: Jeff Fleischman, Office of Surface Mining
Erica Trent, Office of Surface Mining

SURFACE/UNDERGROUND MINING PERMIT

State of Montana
Department of Environmental Quality
PO Box 200901
Helena, Montana 59620-0901

SURFACE MINING PERMIT NO. C1979012
Pursuant to Title 82, Chapter 4, Part 2, Montana Code Annotated
(MCA)

Pursuant to Application for Coal Mine Permit Renewal No. RN9 received by the Department of Environmental Quality (DEQ) on August 15, 2023, Coal Mine Permit No. C1979012 issued to Navajo Transitional Energy Company, LLC on April 11, 1979, is hereby renewed as follows:

This permit, when executed by the Chief, Mining Bureau, DEQ, shall authorize the operator to commence coal mining activities as specified herein and as shown on maps, plans, specifications and applications submitted by the operator.

Name and Address of Operator: Navajo Transitional Energy Company, LLC
P.O. Box 67
Decker, MT 59025-0000

Mineral to be mined: Coal

County: Big Horn

Total Bond: \$ 174,816,800.00

Legal Description:

T8S, R39E, Sections: 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 35, and 36 MPM
T8S, R40E, Sections: 18, 19, 20, 27, 28, 29, 30, 31, 32, 34 and 35 MPM
T9S, R40E, Sections: 3, 6, 7, 10, 11, and 15 MPM
T9S, R39E, Sections: 1 and 12 MPM

Acreage Breakdown	Permit Acreage Mineral	Permit Acreage Surface
Federal:	11,872	903
Tribal:	0	0
State:	1,313	867
Private:	332	11,747
County:	0	0
Total:	13,517	13,517

This permit authorizes the permittee to conduct mining activities as specified in:

1. The mining and reclamation permit numbered C1979012 covering this mine or mine complex approved by the Commissioner, Department of State Lands, or Director, DEQ on April 11, 1979, and any approved amendments, revisions, and renewals.
2. The application for renewal of Surface/Underground Coal Mine Permit numbered C1979012, received by DEQ on August 15, 2023, and revised through March 15, 2024.

Permit Conditions: See Attachment A

This permit is issued pursuant to and subject to the provisions of Title 82, Chapter 4, Part 2, MCA, and rules adopted pursuant to Title 82, Chapter 4, Part 2, MCA.

This permit is approved and issued by:


Mining Bureau Chief
Department of Environmental Quality

Effective Date: April 11, 2024

Expiration Date: April 11, 2029

This permit is valid for 5 years and is subject to renewal, suspension or revocation as deemed necessary by DEQ.

Date: 04/10/2024

Attachment A: Permit Conditions for Spring Creek Coal Mine

Revision	Stipulation	Due Date (if applicable)
AM5	SCM committed to a compensatory mitigation obligation of \$1,707,353.05 to be deposited in the Montana Sage Grouse Stewardship Fund (see MCA 76-22-111(1)(a)(ii)). Funds would be deposited after confirmation of approval for both the permit amendment and the compensatory mitigation plan, and before construction begins. See Appendix B of Final EIS.	N/A
AM5	Per the requirements of the Administrative Rules of Montana (ARM) 17.24.1104(1), Navajo Transitional Energy Company, LLC – Spring Creek Mine (NTEC) may not conduct the activities approved under Amendment 5 (AM5) until it has been demonstrated by NTEC and approved by DEQ that sufficient bond has been provided to DEQ for the first year of disturbance. If the current NTEC bond is not sufficient, additional bond must be submitted, as required. Bond will be reviewed annually by DEQ to ensure that DEQ holds adequate bond for AM5 for the anticipated disturbance for the coming year.	N/A
RN9	Within 90 days of USFWS issuance of final guidance regarding Northern Long-eared bats, the permittee in consultation with DEQ, shall evaluate the need to revise the following wildlife plans to align with federal endangered species requirements: Fish and Wildlife Plan (17.24.312), Protection & Enhancement of Fish, Wildlife, & Related Environmental Values (17.24.751), Monitoring Plan (17.24.723). If updates to wildlife plans are deemed necessary, the permittee must submit those updates in a Minor Revision within 180 days of USFWS issuance of final guidance.	90 days from USFWS issuance of final guidance regarding Northern Long-eared bats