NOTE: **DO NOT MODI IIS FORM.** Use typewriter or print neatl blue ink. Submit two (2) copies one of which must be an original Form 1 as supplied by the Department of Environmental Quality, Land Quality Division.

STATE OF WYOMING
DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION
APPLICATION
FOR
PERMIT TO MINE
OR
AMENDMENT TO A PERMIT TO MINE
OR
COAL PERMIT RENEWAL

1. (a) Name, telephone number, and mailing address of applicant:
Brook Mining Co., LLC 1101 Sugarview Drive, Suite 201, Sheridan, WY 82801 - (307) 674-8000, FAX (866) 519-5232

(b) If the applicant is a partnership, association or corporation, (circle one) the names and addresses of all managers, partners and executives directly responsible for operations in this State: Limited Liability Company

Name: Randall W. Atkins Address: 1101 Sugarview Drive, Suite 201, Sheridan, WY 82801
Title: Manager, Chairman, Chief Executive Officer Phone No. (307) 674-8000

Name: Michael D. Bauersachs Address: 250 West Main Street, Suite 201, Lexington, KY 40507
Title: Manager, President, Secretary Phone No. (859) 244-7455

Name: Address:
Title: Phone No.

Name: Address:
Title: Phone No.

2. Name, address, and telephone number of the agent or person to whom any notice under the provisions of Wyoming Environmental Quality Act or Rules and Regulations adopted thereunder may be sent: Randall W. Atkins 1101 Sugarview Drive, Suite 201, Sheridan, WY 82801 (307) 674-8000

3. Attach the following information as part of the specific appendices:

(a) APPENDIX "A"

Names and addresses of surface and mineral owners of record within the proposed permit (amendment) area.

(b) APPENDIX "B"

(i) Names and last known addresses of the owners of record of the surface rights of the lands immediately adjacent to the proposed permit (amendment) area.

(ii) Names and last known addresses of any other persons within one-half (1/2) mile having a valid legal estate of record.

(iii) **For surface coal mining operations**, the names and last known addresses of coal ownership immediately adjacent to the proposed permit (amendment) area.

Appendices "A" and "B" shall each be accompanied by maps showing the ownership locations required by the respective appendices. Mapping of (b)(ii) is not required.

(c) APPENDIX "C"

(i) All lands to be included in the proposed permit (amendment) area shall be tabulated by legal subdivision, section, township, range, county, and municipal corporation, if any, and the number of acres for each subdivision listed.

(ii) Lands which are to be part of the proposed permit (amendment) area, for which no right to mine is claimed shall be identified in item (c)(i) above as such and tabulated separately listing the number of acres for each legal subdivision.

(iii) Lands which are located within other permit areas shall be identified and a copy of the land use agreement with the other permittee shall be attached as part of this application.

(iv) An original United State Geological Survey topographic map, clearly outlining and identifying the lands to be within the proposed permit areas, shall be provided. Photo copies or other similar copies are not acceptable unless prior approval is obtained from the Land Quality Division.

TFN6 2/025
RECD DEC 13,2019

Initial RWA Date 11/19/19

Permit No.
Temporary Filing No. 6 2/025

(d) APPENDIX "D"

A description of the land which shall include: historic and present land use; vegetative cover; annual rainfall; general directions and average velocities of the winds; indigenous wildlife; present surface water and the immediate drainage areas; valid water rights; nature and depth of the overburden, subsoil, topsoil; including a soils map; mineral seams, or other deposits; subsurface water(s) known to exist above the deepest projected depth of the mining operation.

(e) APPENDIX "E"

A map or maps with the boundary of the proposed permit (amendment) are clearly outlined and identified showing:

(i) The lands to be affected by the mining;

(ii) The drainage area within and surrounding the proposed permit (amendment) area;

(iii) The location and names, where known, of all roads, railroads, public or private rights-of-way and easements, utility lines, lakes, streams, creeks, springs, and other surface water courses, oil wells, gas wells, and water wells;

(iv) An outline of the probable limits of all areas previously disturbed or to be disturbed by underground or subsurface mining, whether active or inactive, on or immediately adjacent to the proposed permit (amendment) area;

(v) The names, last known addresses and boundary lines of the present surface landowners and occupants on the adjacent land to be affected;

(vi) The location, ownership, and uses of all buildings on, or on lands adjacent to, the land to be affected;

(vii) Information presented as part of APPENDIX "D" when necessary for clarification.

4. Mineral(s) to be mined: Coal
Mining method to be used: Strip/Highwall

Estimated dates of commencement and termination of the proposed operation:
Start: 2020 Terminate: 2062

6. The total number of acres in the proposed permit (amendment) area and an estimate of the total number of acres to be affected by the operation:

Permit Acres	Approved Acreage to Affect	Surface Ownership
Original Permit	Original Permit	No. of Federal Acres
Approved Amendments	Approved Amendments	No. of State Acres
This Application 4,548.8	This Application 1,135.1	No. of Private Acres 4,548.8
Total Acres 4,548.8	Total Acres 1,135.1	Total Acres 4,548.8

7. The name, if any, by which the permit (amendment) lands or any part thereof are known:
Brook Mine

8. The nearest town or city: Ranchester, WY

9. A filing fee of $100.00 ($200.00 for amendments) plus $10.00 for each acre in the request permit (amendment) area. For any single permit (amendment) the maximum fee shall not exceed $2,000.00.

10. Plan or plans of the applicant, including maps for the proposed mining operation and the reclamation of all affected lands as required by W.S. §35-11-406(b) and Chapter 2, Sec. 2 of the Land Quality Rules and Regulations.

11. Each application **for coal mining operations** shall also contain:

(a) Additional information as required in Chapter 2, Section 2 of the Land Quality Division Coal Rules and Regulations;

(b) A certification that the applicant has a public liability insurance policy in force for the proposed mining and reclamation, as required by W.S. §35-11-406(a)(xiii) and Land Quality Division Coal Rules and Regulations Chapter 12, Section 2.;

(c) A listing of all notices of violations required by W.S. §35-11-406(a)(xiv).

12. The following obligations are incumbent upon the applicant upon approval of this application:

(a) The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit, to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

(b) The operator shall allow the Director, the Administrator and/or his authorized representatives, at reasonable times and upon presentation of appropriate credentials, to enter upon and have access to any and all lands covered by this permit and amendments thereto and to inspect and copy any records or documents, obtain or monitor any samples or sampling, for any activities associated with the operation and permit.

(c) The following shall also apply **for coal mining operations**:

(i) The operator shall conduct his operation in a manner which prevents violation of any other applicable State or Federal law.

TFN6 2/025
RECD DEC 13, 2019

Initial RWA Date 11/19/19

Permit No.
Temporary Filing No. 62/025

Scanned 12/26/2020

(ii) The operato: ll take all possible steps to nize any adverse impact to the environment ublic health and safety resi g from noncompliance with his approved mi and reclamation plan and c terms and conditions of any permit or license, including monitoring to define the nature of the noncompliance and warning of any potentially dangerous condition.

(iii) The operator shall conduct all operations in accordance with his approved mining and reclamation plan and with any special conditions of the permit or license attached thereto.

(iv) All reclamation fees shall be paid as required by Title IV, P.L. 95-87, for coal produced under the permit for sale, transfer or use.

FINAL SWORN STATEMENT

State of Wyoming)
) ss
County of Sheridan)

I Randall W. Atkins being duly sworn on my oath that I am the applicant (President or Vice President if the applicant is a corporation) for the foregoing permit (amendment); that I have read the said application and fully know the contents thereof; that all statements contained in the permit (amendment) application are true and correct to my best knowledge and belief; by execution of this statement I certify that Brook Mining Co., LLC, applicant or entities controlled by or under common control with the applicant has the right and power by the legal estate owned to mine from the land for which this permit (amendment) is desired; that applicant or entities controlled by or under common control with the applicant has not forfeited, or is not involved in forfeiture proceedings for, a bond posted for reclamation purposes; and if a **surface coal mining application**, that applicant or entities controlled by or under common control with the applicant has paid the reclamation fees for this and all coal mining tions under the jurisdiction of P.L. 95-87 as required by Title IV of that law; and that cant or entities controlled by or under common control with the applicant has not had any Federal or State coal mining permits suspended or revoked in the five years preceding the date of this application.

Dated this 19th day of November, 20 19.

Signature Randall W. Atkins

(Corporate Seal)

Name Randall W. Atkins
(Printed or typed)

Title Manager, Chairman, Chief Executive Officer

The foregoing instrument was acknowledged before me by _____
this 19th day of November, 2019.

Witness my hand and official seal.

Carla J. Ash
(Notary Public or Secretary if a Corporation)

Carla J. Ash
(Name printed or typed)

ry Seal)

CARLA J. ASH - NOTARY PUBLIC
COUNTY OF SHERIDAN STATE OF WYOMING
My Commission Expires Dec. 11, 2021

My Commission Expires: 12.11.2021

TFN6 2/025
RECD DEC 13,2019

Initial RWA Date 11/19/19

Permit No. _____
Temporary Filing No. 6 2/025

The State of Wyoming)
) ss
Department of Environmental Quality)

This is to certify that I have examined this foregoing application and do hereby grant the same subject to the following limitations and conditions:

This permit/coal renewal/amendment grants only the right to affect the land described in Appendix "C" of the application.

Acceptance of the approved permit/coal renewal/amendment obligates the operator to abide by the standard conditions specified in Item No. 12 of this application form. Any condition and/or special condition attached to approval of this permit/coal renewal/amendment shall supersede and/or replace any conflicts with the original permit, amendments, coal renewals or any other revision.

Additional special conditions and limitations are as follows:

Form 1, Condition 1: Structures identified in a pre-blast survey to (1) have plaster on lathe construction or (2) to otherwise face a greater risk to damage due to blasting vibrations will be subject to a 0.5 inches per second limit with a scaled distance factor of 85.

Form 1, Condition 2: The blasting schedule will be limited to weekdays, excluding holidays. The blasting schedule will also be limited to times between 8:00 AM and sunset. Blasting may not be conducted at times different from those announced in the blasting schedule except in conditions where operator or public safety requires detonation or for emergency blasting actions. Reasons for detonation outside of the published blasting schedule shall be documented.

Form 1, Condition 3: In July 2019, Brook Mine installed an alluvial monitor well 578415-AL-1, to monitor water levels and water quality of the Tongue River alluvium. Two quarters of data were collected in July 2019 and December 2019. These two quarters of data are included in the permit application. Brook Mine has collected and submitted to WDEQ/LQD the third and fourth quarters of water level and water quality data for this alluvial monitor well. This data along with appropriate revisions to text, figures, and tables in Appendix D6 shall be submitted to WDEQ/LQD as a non-significant revision no later than August 31, 2020. In addition, Brook Mine shall monitor alluvial wells 578524-AL-1, 578420-AL-1, and 578415-AL-1 on a quarterly basis for the entire life of the Brook Mine. The quarterly data collected from these three wells shall be submitted to WDEQ/LQD in the standard Coal Annual Report Format as part of the annual report submittals.

Form 1, Condition No. 4: Within 60 days of approval of the Brook Mine Permit, Brook Mine shall submit a non-significant revision to the permit to include the USFWS approval letter of their MBHFI and Raptor monitoring plan.

Form 1, Condition No. 5: Within 60 days of approval of the Brook Mine Permit, Brook Mine shall submit a non-significant revision to update Appendix D9 with wildlife monitoring data obtained during their spring 2020 surveys. This application shall also include required revisions to the mine and reclamation plans to protect any sensitive species or nest location(s) as recommended by the USFWS.

Form 1, Condition No. 6: Within 60 days of approval of the Brook Mine Permit, Brook Mine shall submit a non-significant revision to update the mine plan to include the commitment to prohibit surface disturbances within a two-mile buffer of any known sage-grouse lek from March 15 through June 30 of each calendar year to prevent impacts to lekking, nesting, and early brood rearing.

Form 1, Condition No. 7: Within 60 days of approval of the Brook Mine Permit, Brook Mine shall submit a non-significant revision to update Appendix D10, the Mine Plan, and Reclamation Plan to incorporate as appropriate the June 19, 2020 wetlands jurisdictional determination from the US Army Corps of Engineers.

Form 1, Condition 8: Within ninety (90) days of each LQD approval revision for Permit No. 213 (Big Horn Coal Mine) which affects the "Dual Permitted Areas" between Permit Nos. 213 and the Brook Mine permit, Brook Mine shall submit a revision to their permit. This revision application shall update and revise all text and maps associated with the "Dual Permitted Area" to bring the Brook Mine Permit into accord with the revised Permit No. 213. The LQD District III Office shall notify Brook Mine of the need to submit any such revisions. Brook Mine shall also notify Big Horn Coal Company of any revision application Brook Mine submits to LQD that affects lands within the DPA. This notification shall occur within 7 days after a Temporary File Number (TFN) has been assigned to the revision by LQD.

Form 1, Condition 9: Before commencing mining in the TR-1 area or any subsequent highwall mining panel, Brook Mine shall provide WDEQ/LQD with the results from physical property testing of cores from a minimum of at least three geotechnical core holes for each panel to be mined. For the TR-1 area, this will require drilling and sampling at least two more core holes in addition to the previously tested hole 2017-4 core. The location and number of the core holes to be drilled should be based on a geostatistical algorithm, such as Kriging (Gaussian process regression), to demonstrate the adequacy of the core holes for purposes of characterizing each highwall

mining panel. Samples collected from each core hole should include the roof, coal, and floor of the proposed highwall mining panel. For all future core holes, Atterberg limits and consolidated-drained triaxial testing should be performed in addition to the testing procedures performed on core hole 2017-4.

The results of the core laboratory testing shall be reviewed and analyzed by a Wyoming registered Professional Geologist or Engineer. The Mine Plan and Subsidence Control Plan shall be revised, if necessary, based upon the additional data and analyses.

Form 1, Condition 10: Brook Mine shall submit all data and analysis from the geotechnical testing required in Condition No. **9** to WDEQ/LQD in the form of non-significant revisions to the Mine Plan and Subsidence Control Plan. Brook Mine shall not commence mining in any new highwall mining panel until WDEQ/LQD has provided written approval of the corresponding non-significant revision.

Form 1, Condition 11: Within 60 days of approval of the Brook Mine Permit, Brook Mine shall submit a non-significant revision to correct an inadvertent omission from the third paragraph of Section MP-6.4 of Mine Plan Addendum MP-6. The third paragraph of Section MP-6.4 shall be revised to the following, which existed in the permit application prior to the March 2019 responses to comments:

"Regardless of its right to subside the surface, the operator acknowledges that, if subsidence due to its mining operation causes material damage or reduces the value of the reasonably foreseeable use of the surface lands, the land will, to the extent technologically feasible, be restored to a condition capable of supporting the uses it was capable of supporting prior to subsidence. The operator will continue to perform remediation on any subsidence, detected during or subsequent to the 6-month monitoring period, until bond release is approved."

Form 1, Condition 12: The Brook Mining Company, LLC reclamation bond for PT0841 in the amount of $1,358,637 must be posted and approved prior to commencement of mine related disturbance.

Brook Mining Company, LLC has demonstrated that the Brook Mine surface coal mine permit application substantially complies with Article 4 of the Wyoming Environmental Quality Act and all other applicable State and Federal Laws and regulations.

The Brook Mine permit is issued with the conditions described within this document and the following standard conditions, as required by Wyoming Department of Environmental Quality, Land Quality Division Rules and Regulations Chapter 12, Section 1(a)(xviii):

(A) All operations shall be conducted in accordance with the approved mining and reclamation plan and any conditions of the permit or license.

(B) The rights of entry shall be provided as described by the Act and any regulations promulgated pursuant thereto.

(C) The operation shall be conducted in a manner which prevents violation of any other applicable State or Federal law.

(D) All possible steps shall be taken to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with this approved mining and reclamation plan and other terms and conditions of any permit or license, including monitoring to define the nature of the noncompliance and warning of any potentially dangerous condition; and

(E) All reclamation fees shall be paid as required by Title IV, P.L. 95-87, for coal produced under the permit for sale, transfer, or use.

Approved: Alan Edwards
Acting Administrator
Land Quality Division
Department of Environmental Quality

Approved: _____
Director
Department of Environmental Quality

Effective Date: July 7, 2020

Permit No. PT0841
TFN No. 6 2/025

THE STATE OF WYOMING)
)ss
DEPARTMENT OF ENVIRONMENTAL QUALITY)

is to certify that I have examined the foregoing application and do hereby grant the same ct to the following limitations and conditions:

This permit/coal renewal/amendment grants only the right to affect the land described in Appendix "C" of the application.

Acceptance of the approved permit/coal renewal/amendment obligates the operator to abide by the standard conditions specified in Item No. 12. of this application form. Any condition and/or special condition attached to approval of this permit/coal renewal/amendment shall supersede and/or replace any conflicts with the original permit, amendments, coal renewals or any other revision.

Additional special conditions and limitations are as follows:

Approved:_____
Administrator
Land Quality Division
Department of Environmental Quality

Approved:_____
Director
Department of Environmental Quality

TFN6 2/025
RECD DEC 13, 2019

Effective Date:_____

Form 1
Rev. 6/00
Page 4 of 4 **Initial** RWB **Date** 11/19/19

Permit No._____
Temporary Filing No. 6 2/025