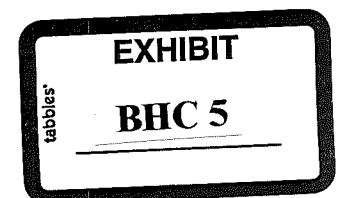


Requested Permit Conditions

- TR-1 trench excavation and the highwall mining thereof shall not commence until:
 - Brook has obtained additional overburden samples and conducted strength tests in consultation with and the approval of results by DEQ.
 - DEQ has reviewed and accepted a groundwater and surface water impact analysis (during-mining and postmining) based on site specific textural and hydrologic data.
 - The hydrologic control plan is revised to include water treatment facilities approved by DEQ.
 - Brook has geographically identified and individually quantified all water sources to be used by the mine. Groundwater sources shall also be identified by their geologic source(s).
 - Brook Mine has corrected to DEQ's satisfaction the design error in sedimentation pond SP-8.
 - Brook installs seismic monitoring to ensure proper blasting controls for the protection of Big Horn infrastructure, improvements and tenants.



Requested Permit Conditions

- The TR-1 Trench may not remain open at the conclusion of mining for use as a water source for subsequent mining operations on adjacent lands.
- Prior to the commencement of mining operations, DEQ must approve a final report submitted by Brook Mine that provides map locations, descriptions, photographs and any existing evidence of underground coal fires within and 500 feet adjacent to all areas of proposed highwall mining.
- Prior to the commencement of mining operations, Brook Mine must submit and DEQ must approve additional downstream surface and groundwater monitoring locations (1) in the Tongue River alluvium adjacent to TR-1, (2) within existing backfill of Pits 1 and 2 directly east of TR-1, and (3) surface monitoring on the Tongue River, north of TR-1, in order to adequately monitor the off-site hydrologic impacts from mining the TR-1 Trench.

Requested Permit Conditions

- No permit shall issue or mine operations commence until Brook's mine plan MP.22 and reclamation plan RP.12 are amended to accurately reflect:
 - There are no operational, surface use, or overlapping permit boundary agreements between Brook Mine and Big Horn Coal.
 - Big Horn maintains a reclamation performance bond which is adequate to reclaim Big Horn facilities and all disturbance associated with Big Horn operations (+/- 25 acres) within Big Horn's permit area.
 - Big Horn shall not be responsible for reclamation of any disturbance unrelated to Big Horn operations and facilities, specifically including, but not limited to, Brook Mine disturbance within the +/- 25 acres subject to Big Horn's reclamation performance bond.
 - Brook Mine shall maintain a reclamation performance bond which is adequate to reclaim all disturbance associated with Brook Mine operations within Brook Mine's permit area.
- No permit shall issue or mine operations commence until Brook Mining Company has executed a bond pursuant to W.S. 35-11-416(a) for the use and benefit of Big Horn Coal in an amount sufficient to pay for all statutorily covered surface damages.