

Mining Plan Approval Document

UNITED STATES

DEPARTMENT OF THE INTERIOR

This mining plan approval document is issued by the United States of America to

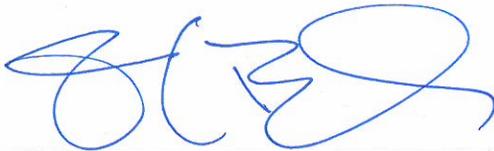
Farrell-Cooper Mining Company
P.O. Box 11050
Fort Smith, Arkansas 72917

for a mining plan for Federal Coal Lease OKNM 108097, the McCurtain Underground Mine, subject to the following conditions. Farrell-Cooper Mining Company is referred to in this approval as the operator.

1. Statutes and Regulations - This mining plan approval is issued under Federal Coal Lease OKNM 108097; the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*); and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351 *et seq.*). This mining plan approval is subject to all applicable regulations of the Secretary of the Interior which are now or hereafter in force and all such regulations are made a part hereof. The operator shall comply with the provisions of the Water Pollution Control Act (33 U.S.C. 1151 *et seq.*), the Clean Air Act (42 U.S.C. 7401 *et seq.*), and other applicable Federal laws.
2. This document approves the McCurtain Underground Mine mining plan for Federal Coal Lease OKNM 108097, and authorizes coal development or mining operations on the Federal lease within the area of the mining plan approval. This approval is based on the documentation provided pursuant to 30 CFR 746.13 and constitutes the approval of a mining plan as required by the Mineral Leasing Act. This authorization is not valid beyond the approximately 2,380 acres in Sections 8, 9, 10 11, 14, 15, 16, and 17, Township 8 North, Range 22 East, Indian Meridian, Haskell County, Oklahoma as shown on the map appended hereto as Attachment A.
3. The operator shall conduct coal development or mining operations in compliance with this mining plan approval and as described in the complete permit application package approved by the Oklahoma Department of Mines (ODM).

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4. The operator shall comply with the terms and conditions of the Federal coal lease, this mining plan approval and the requirements of Oklahoma Permit 4285F issued under the Oklahoma State program as approved under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).
5. This mining plan approval shall be binding on any person conducting coal development or mining operations under the approved mining plan and shall remain in effect until superseded, canceled, or withdrawn.
6. If prehistoric or historic resources are discovered during the mining operations, the operator shall ensure that the resources are not disturbed and shall notify ODM and the Office of Surface Mining Reclamation and Enforcement (OSM). The operator shall take such actions as are required by ODM in coordination with OSM.
7. The Secretary retains jurisdiction to modify or cancel this approval, as required, on the basis of further consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act, as amended (16 U.S.C. §§ 1531 *et seq.*).



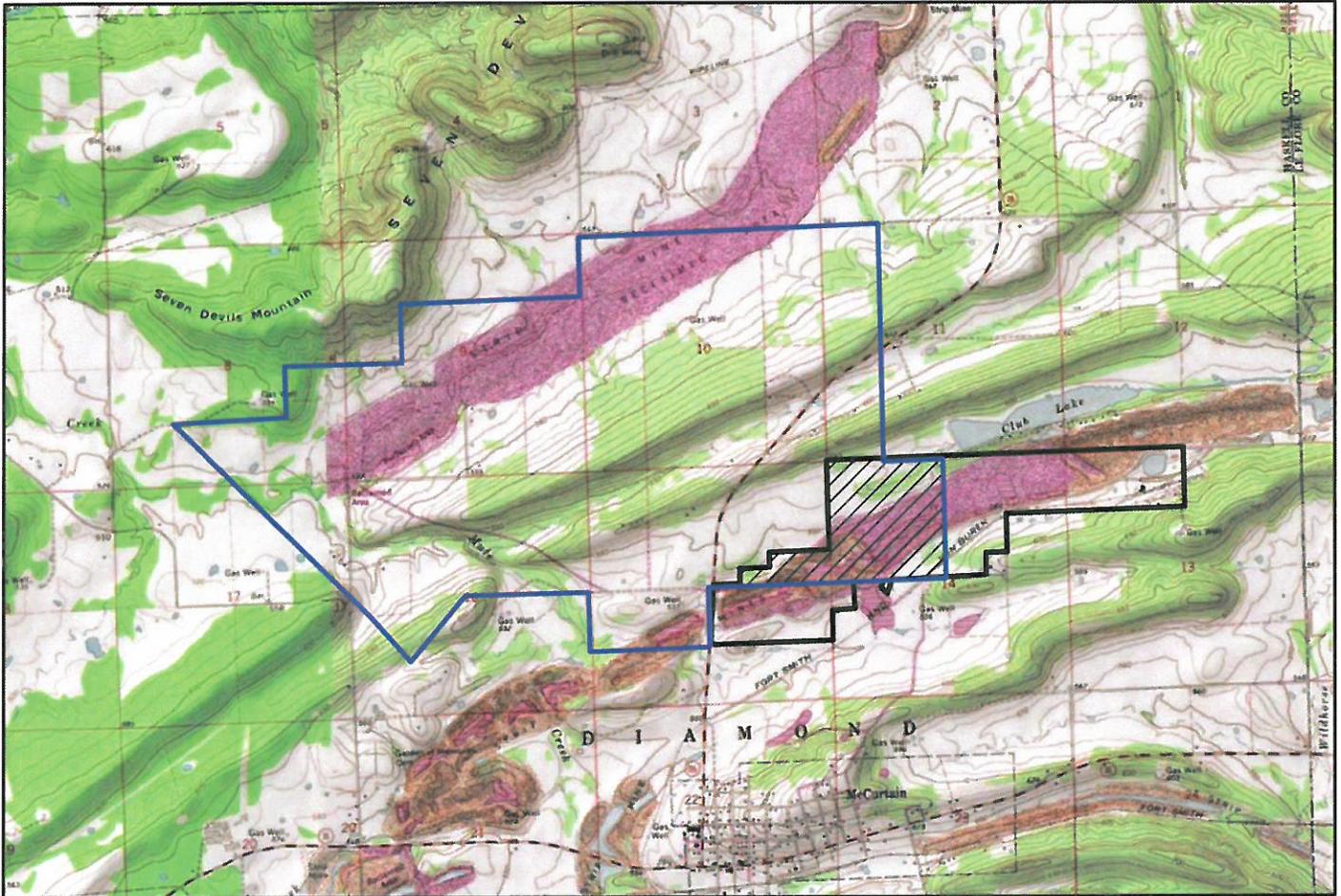
Principal Deputy Assistant Secretary – Land and Minerals Management

2/10/13

Date

Attachment A

Attachment A. Location Map. Farrel-Cooper Mining Company. McCurtain Mine Permit 4285F Haskell County, Oklahoma



-  Federal Lease (2380 Acres)
-  SMCRA Permit (462 Acres)
-  Overlap Area (186 Acres)

