

## MEMORANDUM OF ACCESS

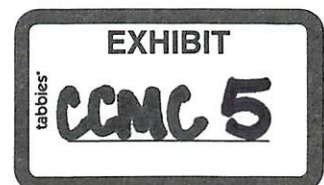
The attached map entitled Voigt Access Map (the "Map"), which is incorporated herein by reference, depicts areas of access around Coyote Creek Mine as follows:

1. Coyote Creek Mining Company ("CCMC") agrees to install gates at locations near the area depicted as Number 1 on the attached Map to allow Casey and Julie Voigt ("Voigts") to move cattle through the area inside the active mining fence.
2. CCMC will leave at a minimum a 250 foot corridor in the area depicted as Number 2 on the Map to allow Voigts to move cattle between the SW4 of Section 24 and the NE4 of Section 24, in Township 143 North, Range 89 West.
3. Access currently exists across the haul road located in the vicinity of the area depicted as Number 3 on the Map, and the Voigts will continue to have such access.
4. Voigts will continue to have access to cross the haul road at the location depicted as Number 4 on the Map.
5. CCMC will install gates in the vicinity of the location depicted as Number 5 on the Map.
6. CCMC will not construct the SPGM pile which was previously planned in the area depicted as Number 6 on the Map, or any other piles or obstacles at this location, which will allow the Voigts to move north and south along Coyote Creek in that area.
7. CCMC will leave a 50 foot unfenced grassed corridor between the east side of County Road 13 and the west side of the SPGM piles located in the area depicted as Number 7 on the map which will allow the Voigts to move cattle north and south through the corridor. A diversion ditch with an approximate 3 to 1 slope will be left between the SPGM piles and the eastern edge of the unfenced grass corridor.
8. Following reasonable notice to CCMC, the Voigts can move cattle through the area marked on the map as "Number 8 – Access will be allowed through this corridor until field conditions no longer allow," on dates and times that are mutually agreeable to the Voigts and CCMC.
9. The access items listed in paragraphs 1-8 shall remain in effect until the lands or gates are needed by CCMC for mining related operations that create a safety risk within the fence line delineating the active mining area which render the areas unsuitable for such access. CCMC will notify the Voigts when any such access items are rendered unsuitable for such access by the Voigts. However, this paragraph does not limit the Voigts from obtaining access through and around other areas of the mine by contacting CCMC to obtain access where necessary and practical by mutual agreement between the parties. This Memorandum does not obviate the other requirements of CCMC's agreement with the County to provide alternate access routes as agreed to in the May 18, 2016 Agreement between those two parties.

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Exhibit CCMC 5 - Memorandum of access dated  
06/09/17

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10. In order to use any of the access items set forth in Numbers 1-8 above, the Voigts must have been properly trained with MSHA and hazard training, in which case they will be allowed to utilize the access items without an escort, except that if an immediate family member of Casey Voigt does not take MSHA training, and wishes to utilize any of the access items set forth in Numbers 1-8 above or the access trails referenced in the Resolution of Mercer County and in Paragraph 1 of the Agreement between Mercer County and CCMC dated May 18, 2016, then that person must complete hazard training and must be accompanied by Casey Voigt, provided that Casey Voigt is in good standing with MSHA and hazard training.
11. By agreeing to this Memorandum the Voigts and CCMC are not waiving any rights under the surface and coal lease between the parties.
12. Paragraph 8 of Exhibit C will apply to the Voigts only to the extent that the infractions pose a substantial safety risk as reasonably determined by CCMC.

Dated this 9<sup>th</sup> day of <sup>June</sup>~~May~~, 2017.

COYOTE CREEK MINING COMPANY, L.L.C.

By: Brenden Brinkman  
Brenden Brinkman, its President

CASEY VOIGT

Casey Voigt



**EXHIBIT C  
TO  
AGREEMENT**

**SAFETY REQUIREMENTS FOR ACCESS TRAILS THROUGH ACTIVE MINING AREAS**

The safety of its employees and the public is paramount to the Coyote Creek Mine. Coyote Creek is concerned that allowing Affected Landowners to travel on Access Trails through Coyote Creek Mine's active mine areas not only compromises the safety of the Affected Landowners but also of Coyote Creek employees. As the County Commission required the Access Trails as a condition to the temporary closing of the Closed Road, Coyote Creek has compiled the following safety requirements for the Affected Landowners:

1. MSHA training will be required for the Affected Landowners that will use the Access Trails more than five times per year. This is a 24 hour MSHA class that is required for all people that enter active mine areas and coexist with mine equipment. An 8 hour refresher class will also be required annually thereafter. Company policy requires that individuals be 18 years old or older to receive training and operate in active mining areas. The MSHA training will be conducted by a certified trainer approved by Coyote Creek Mine and MSHA and will be paid for by Coyote Creek Mine.
2. Annual hazard training is required for all Affected Landowners entering the mine. This one half hour class will be conducted at the mine by Coyote Creek Mine staff or Security.
3. Properly trained Affected Landowners with MSHA and hazard training will be allowed to travel on the Access Trails without an escort. If an untrained person is riding with them an escort will be required unless otherwise approved in writing by Coyote Creek. In such cases, those Affected Landowners will need to call Coyote Creek Mine Security to arrange for an escort.
4. Affected Landowners that only need to use the Access Trails less than five times per year can do so with only hazard training and with an escort. Those Affected Landowners will need to call Coyote Creek Mine Security to arrange for an escort
5. Locked gates will be installed on the Access Trails near to and east of County Road 13 and on the Closed Road west of the crossing of Coyote Creek and the entrance into the Voigt farmstead. Keys will be provided to properly trained Affected Landowners with MSHA and hazard training. The gates must be closed and locked after each passing. The actual location of the Access Trails across the active mine areas may change from time to time.
6. The Affected Landowners must follow all applicable traffic signs and must stay on the Access Trails at all times. No unnecessary stopping or sightseeing will be allowed. Taking photos and videos are prohibited. No alcohol or firearms will be allowed on the Access Trails.

7. The Access Trails will be closed to traffic when the dragline deadheads across the Access Trails (approximately 6 times per year). There will also be times when mine equipment will be crossing the Access Trails at multiple locations to allow for topsoil and subsoil removal and other mining activities. Traffic signs will be posted on the Access Trails at such crossing sites.
8. Any infractions of traffic signs or the safety requirements will result in the loss of unescorted access privileges.
9. Affected Landowners Casey and Julie Voigt (the "Voigts") may enter into a private agreement with Coyote Creek Mine to address access issues specific to the Voigts, and, to the extent that the private agreement conflicts in any way with the requirements outlined in paragraph 4 above, the private agreement shall control and govern the Voigts' use of the Access Trails.