

**North American
COAL**

COYOTE CREEK MINE

CHRISTOPHER D. FRIEZ
Vice President-Land, Associate General Counsel and Assistant Secretary

Telephone: 701-222-7580
E-Mail: christopher.friez@nacco.com

May 9, 2024

Derrick Braaten
Braaten Law Firm
109 N. 4th Street, Suite 100
Bismarck, ND 58501

Delivered via e-mail only to: derrick@braatenlawfirm.com

RE: Your letter dated May 1, 2024 – Casey and Julie Voigt

Dear Derrick:

I am in receipt of your letter dated May 1, 2024 regarding a mine inspection under paragraph 21(b) of the Lease dated December 29, 2010.

We note that paragraph 21(b) provides, “Upon prior written notice to Lessee, Lessor and its agents shall have the right at all reasonable times... (b) to enter upon the Leased Premises for the purpose of inspecting and surveying the same and/or determining Lessee’s compliance with its obligations under the [Lease]; provided, however, that no such inspection of Lessee’s records or the Leased Premises shall unreasonably interfere with Lessee’s operations and activities and provided further that Lessor shall be responsible for any injury to Lessor and/or Lessor’s agent(s) which occur on the Leased Premises...” Coyote Creek Mining Company, LLC (“CCMC”) does not agree that taking soil samples is “inspecting and surveying” and further does not see any lease obligation for which such soil samples would be used for which to determine compliance with the terms of the Lease.

Notwithstanding the above, CCMC does not object to allowing Mr. Voigt to enter the property for the purpose stated in your May 1, 2024 letter. However, such access must be subject to certain requirements because of active mining operations and safety regulations. These requirements follow below.

The SW¼ of Section 36, Township 143 North, Range 89 West

We note your May 1, 2024 letter requests access to the SW¼ of Section 36, Township 143 North, Range 89 West (the “SW¼”). The State of North Dakota owns this SW¼, not Mr. Voigt, and thus access will not be granted to the SW¼.

Coyote Creek Mining Company
918 E. Divide Ave, Suite 200
Bismarck, ND 58501

P: 701-222-7580

nacco.com

75 RC-24-244 Filed 12/18/2024 Pages: 21
Exhibit LO3 - CCMC Letter Dated 5-9-24

Office of Administrative Hearings
Hope Hogan, ALJ - Office of Administrati

63 RC-24-245 Filed 12/18/2024 Pages: 21
Exhibit LO3 - CCMC Letter Dated 5-9-24

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Hope Hogan, ALJ - Office of Administrati



Section 25, Township 143 North, Range 89 West

Active mining and reclamation operations are being conducted on Section 25, Township 143 North, Range 89 West (“Section 25”) and thus Section 25 is an active mine area. Entry into an active mine area cannot be allowed without escort and additional safety and other measures. CCMC remains committed to following all laws and regulations at all times and thus entry into the mine site for the purposes in your May 1, 2024 letter must comply with all applicable laws and regulations.

Requirements for Entry

Entry into the mine site and Section 25 (the “Property”) for the purpose stated in your May 1, 2024 letter will be allowed subject to the following requirements:

1. To ensure the entry does not interfere with CCMC’s operations and activities, Mr. Voigt shall provide notice to CCMC no less than three days in advance of this entry (the “Notice of Entry”);
2. When providing the Notice of Entry, Mr. Voigt shall inform CCMC who will be accompanying him for this entry by providing the names of any individuals and any company name;
3. The entry is weather dependent. If wet, or other, conditions exist at the time of entry, the entry will be rescheduled to avoid damage to the Property;
4. The Notice of Entry must include specific areas of Section 25 that are desired to be visited as Section 25 contains a number of active and changing conditions. The area of entry must be specifically and clearly identified upon Notice of Entry. CCMC will do its best to allow access to the desired specific locations, provided access does not interfere with CCMC’s operations or present an unacceptable safety hazard;
5. Mr. Voigt and any individuals accompanying Mr. Voigt will be escorted by mine personnel at all times;
6. Mr. Voigt and any individuals accompanying Mr. Voigt will be required to complete the required Mine Safety and Health Administration (“MSHA”) Hazard Training at the mine site prior to entering the Property. If any individuals do not complete the required Hazard Training, they will not be allowed on the Property;
7. Mr. Voigt and any individuals or contractors accompanying him must comply with the requirements set forth on Attachment 1.
8. All vehicles or other equipment will be inspected by mine site personnel to confirm they meet all MSHA requirements prior to entering the Property. If any vehicles or equipment do not meet all MSHA requirements, they will not be allowed on the Property. To expedite review of all equipment and vehicles, a list of equipment and vehicles expected to be used for this entry shall be provided to CCMC upon Notice of Entry;
9. Failure to comply with any applicable MSHA requirement, safety standard, or other rule or regulation will result in immediate removal from the Property; and

10. No photographs or video recordings are allowed at any time.

CCMC cannot stress enough the importance of safety here, as this is an active mine area.

Finally, CCMC will split any soil samples taken by Mr. Voigt to obtain its own testing on the same exact soil samples taken by Mr. Voigt.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CDF', with a long horizontal flourish extending to the right.

Christopher D. Friez

Enc. Attachment 1

cc: Wade Mann (via e-mail)
Zach Eiken (via e-mail)
Brenden Brinkman (via e-mail)

CONTRACTOR SAFETY REQUIREMENTS OF COYOTE CREEK MINING COMPANY, L.L.C.

I. INTRODUCTION

Safety is the paramount concern of Coyote Creek Mining Company, L.L.C. ("Company"). Company expects all contractors performing work on its property to comply with its safety rules and with all applicable federal, state and local laws, rules and regulations. Company has developed this document to assist contractors in understanding their safety obligations. As used in this document, the term, "CONTRACTOR" includes SUBCONTRACTORS and vendors conducting business on the mine site.

II. STARTUP SAFETY MEETING

Representatives of Company will be available to meet prior to the commencement of work to review CONTRACTOR's safety program and discuss health and safety requirements applicable to CONTRACTOR's work. At this meeting, the parties, among other things, can review the manner in which CONTRACTOR intends to administer its safety and health program, delegation of responsibility for implementing the program and who will supervise the program in the field for CONTRACTOR.

III. TRAINING

Since the CONTRACTOR in this situation will not be working on the property more than five days some of the training requirements of Federal Mine Safety and Health Administration ("MSHA") will not be required.

Company will provide to CONTRACTOR's employees an introduction to work environment and a hazard training class applicable to the possible mine work exposure while at the mine prior to the commencement of work. CONTRACTOR will be responsible for providing appropriate task training on equipment and the jobs for persons entering the area designated as being under CONTRACTOR's control. Any of CONTRACTOR's employees who will be working on the mine site for twelve months or more will be required to have an annual refresher training (8 hours) for each twelve month period.

IV. APPLICABLE RULES, REGULATIONS AND POLICIES

CONTRACTOR is required to comply with all federal, state and local laws, rules and regulations applicable to its work, including, but not limited to, MSHA and codes incorporated by reference in those regulations, such as National Fire Protection Association (NFPA), National Electric Code (NEC), Associated General Contractor's Association (AGCA), American Welding Society (AWS), Society of Automotive Engineers (SAE) and Underwriters Laboratories (UL). CONTRACTORS also must comply with Company's safety policies applicable to its work. If there is a conflict between such policies and any applicable federal, state, or local law, rule or regulation, CONTRACTOR shall follow the more stringent provision. **FAILURE TO COMPLY WITH THESE LAWS, RULES, REGULATIONS AND POLICIES MAY RESULT IN CONTRACT TERMINATION AND/OR IMMEDIATE REMOVAL FROM THE PROPERTY.**

CONTRACTOR shall cooperate with all Company employees responsible for safety, security, and fire protection. Also, CONTRACTOR is responsible for protecting its work and for protecting Company's employees and property from injury resulting from CONTRACTOR's work.

The following is a list of several of the major safety policies of Company with which CONTRACTOR is required to comply.

1. Accidents

CONTRACTOR must report all accidents involving its employees to Company management or to the contract administrator overseeing CONTRACTOR's work for Company. An accident report

must be prepared as soon as possible thereafter (within 24 hours) and a copy delivered to Company management or the contract administrator.

2. Emergency Evacuation Plans

CONTRACTOR must have a detailed evacuation plan for its employees and must familiarize them with the plan. This plan must include escape routes and procedures in cases of emergency. A listing of emergency procedures will be handed out during the startup safety meeting.

3. Fire Hoses and Fire Extinguishers

CONTRACTOR is responsible for providing adequate fire protection in all areas of its work. Company has fire hoses and extinguishers located throughout the mine site, but Company is not a substitute for the equipment CONTRACTOR is required to have, and are for emergency fire use only! If CONTRACTOR uses any of Company's fire extinguishers or hoses, CONTRACTOR must return the item(s) immediately to the point of origin and report such use in writing to Company.

All mobile equipment including trucks, front end loaders, bulldozers and portable welding units must be equipped with at least one (1) portable fire extinguisher. Each portable fire extinguisher must show a proof of inspection at least once every six months.

Emergency procedures will be discussed during the startup safety meeting discussed above.

4. Housekeeping and Clean-up

CONTRACTOR shall maintain its work areas in a neat and orderly condition. Upon completion of work each day, all tools, materials, etc. shall be removed, and the work area shall be "broom cleaned" or its equivalent, unless otherwise specified. Trash and spills (oils, water, etc.) must be cleaned up as soon as practical and not left to accumulate until the end of the day. Aisles and exits shall be kept free of any material at all times.

A copy of Company's housekeeping standard will be reviewed during the pre-construction safety meeting and used as a guide to compliance with this rule.

5. Safety Equipment

The following personal protective equipment must be worn in all designated areas on Company's premises. Company may require CONTRACTOR to remove any employee who fails to wear required personal protective equipment.

- A. Hard Hats: Must be of a type designed and specified to protect employees against the hazard to which they will be exposed and must be worn in all designated areas.
- B. Safety Glasses: Must be of a type designed and specified to protect employees against the hazard to which they will be exposed and must be worn in all designated areas. Must meet the ANSI Z87.1 requirements for safety eyewear.
- C. Safety Shoes: Steel or composite-toed safety shoes must be worn at all times while in active work areas of the mine. Protective safety footwear must comply with the ASTM Standards F2413 and F2412. These ASTM standards set forth minimum requirements for the performance of footwear to provide protection against a variety of workplace hazards.
- D. Earmuffs/Plugs: Hearing protection must be worn in all areas of the mine where dangerous noise levels exist as required by MSHA CFR Part 62 for Occupational Noise Exposure. Single hearing protection must be worn in designated areas where noise levels exceed 90 decibels. In areas on the mine where noise levels exceed 105 decibels then dual hearing protection (ear plugs and ear muffs) are required.

- E. High-Visibility Clothing: High-visibility clothing is required to be worn in active work areas on the mine.
- F. Other Equipment: Such as fall protection harnesses, respirators, gloves, face shields, etc. must be worn when the hazards to which employees are exposed dictate their use.

Company's safety department has specifications for all personal protective equipment used by its employees. If CONTRACTOR does not have the safety equipment needed for use on the job, it may consult the safety department for advice on purchasing.

6. **Smoking/Vaping**

Smoking/Vaping within Company's buildings and structures is not permitted except in designated smoking/vaping areas. Smoking/Vaping outside the building is prohibited in certain areas. These locations have been identified with "No Smoking" or "Smoking Prohibited" signs.

7. **Storerooms and Stock Areas**

These areas are "off limits" to all CONTRACTOR personnel.

Company personnel must supervise all materials or equipment obtained or loaded by CONTRACTOR from the storeroom or stock areas. All material or equipment received by CONTRACTOR personnel is the liability of CONTRACTOR and shall be properly secured and protected.

8. **Utilities**

Company will furnish CONTRACTOR with both electrical and water services to the extent specified in the contract. CONTRACTOR shall be responsible for running lines and pipe from Company's services; however, Company personnel will make the actual service connections. Unless otherwise specified in the contract, CONTRACTOR will be required to furnish compressed air and all other services necessary for its work.

Electrical systems must be reviewed by a MSHA certified electrician before being energized.

9. **Welding**

CONTRACTOR is responsible for ensuring that any welding or cutting it does comply with the safety provisions of the National Fire Protection Association's fire codes, MSHA regulations and any other regulations applicable to such work.

10. **Yard and Vehicle Traffic Rules**

Posted traffic controls on the mine site must be followed at all times. CONTRACTOR personnel shall utilize a designated route to access their work area whenever possible.

CONTRACTOR's employees will have a designated parking area in a non-active work area whenever possible. When left unattended and parked, all of CONTRACTOR's vehicles shall have the motor turned off, parking brakes properly set, gear selector placed in parking position, and the ignition key removed, if there is one.

11. **Tool Box Safety Meetings**

Tool box safety meetings are required to be held on a weekly basis. These meetings shall be conducted by or under the direction of CONTRACTOR's superintendent in charge of the work. The safe way of performing the work at hand and the nature of the hazards involved should be featured, with the meetings open to general discussion. Company personnel may attend these meetings.

12. Use of Mine Facilities and Equipment

- A. All lifts and elevators on the mine site are "off limits" to all CONTRACTOR personnel, unless Company's management or the contract administrator approves the use of such equipment.
- B. CONTRACTOR personnel are not permitted to use Company's equipment unless approved by Company's management or the contract administrator, in which case Company personnel will operate the equipment.

13. Hazard Communication Program

Effective September 23, 2002, CONTRACTOR shall comply with all requirements of 30 CFR including implementation of a Hazard Communication (HAZCOM) Program for all employees who work on Company's premises. CONTRACTOR will be required to train all of its employees in the safe use of Hazardous Materials.

CONTRACTOR must have on site a list of all hazardous materials that CONTRACTOR intends to bring on to Company's premises, as well as a Material Safety Data Sheet for each such material. Such Material Safety Data Sheets must comply with North Dakota Workers' Compensation rules and regulations and MSHA requirements. A MSDS for chemicals that pose a hazard to Company employees must be placed on file with Company.

CONTRACTOR must inform its employees about any health hazards associated with products and materials with which they will be required to work or to which they will be exposed. CONTRACTOR also must inform its employees about precautions to take and emergency requirements.

COMPANY – Hazard Communication (HazCom) is the training, labeling, and other ways that miners, contractors, and visitors are warned about the hazardous chemicals stored, used, or produced at Company. Everyone who comes on this mine property has a "right-to-know" about any hazardous chemicals to which they can be exposed.

This written program complies with the Hazard Communication requirements of the Mine Safety and Health Administration (MSHA), 30 CFR. This written program is posted on the official company bulletin board and is also available by contacting the Safety Department.

This program is applicable to:

- All areas of this mine.
- Each hazardous chemical brought to the mine or produced at the mine, unless exempted from this program by 47.91 of MSHA's HazCom rule.
- Each employee of the mine, contractors and their employees while at this mine, and any other persons who could be exposed.

Specifics of required training and postings may be reviewed during the startup meeting. Questions or concerns may be posed prior to meeting.

14. Occupational Noise Exposure

Effective September 13, 2000, CONTRACTOR shall comply with all requirements of 30 CFR et.al including the implementation of a hearing conservation program in accordance with 30 CFR for all of CONTRACTOR's employees who work on Company's premises. CONTRACTOR will be required to perform its own noise exposure assessment in accordance with 30 CFR for all such employees.

15. **Electrical Tools**

A green card electrician must inspect all electrical tools on a monthly basis. It is the responsibility of CONTRACTOR to ensure the inspection is done and the results are properly recorded. Company personnel may be utilized for the inspection if specified in the contract.

16. **Contractor Equipment**

All of CONTRACTOR's equipment must be in good operating condition and must be maintained in accordance with MSHA requirements. Equipment checks shall be made at the beginning of each working shift. Any unsafe condition found must be noted and corrected before that equipment is placed in operation.

Contractor Equipment Checklist "Training Guidelines"

The following is a series of guidelines to assist Contractors in complying with safety requirements of the Company. These guidelines below are not all-inclusive and in no way shall circumvent any legal requirements.

1. **Cab Windows:** Cab windows shall be made of safety glass or the equivalent. They shall be kept clean and shall not be cracked in a way that will affect the operator's vision. Any vehicle with a broken windshield that affects vision will not be allowed to operate on the mine site.
2. **Windshield Wipers:** The windshield wipers on all vehicles shall be kept in working order. A vehicle without wipers may be allowed to operate for a reasonable time, however, if weather conditions arise that create a need for wipers the vehicle must be shut down until repairs can be made. Broken wipers should in all cases be able to be repaired before the next operating shift.
3. **Review Mirrors:** Two (2) outside mirrors are required on all trucks. Scrapers require a mirror on the blind side. All other equipment must be evaluated according to it's application. Broken mirrors that obstruct vision shall be tagged and repaired as soon as possible.
4. **Audible Horn:** Each vehicle shall be equipped with a horn that is audible over the sound of the vehicle's operation. Vehicles without working horns will not be allowed to operate on the mine site.
5. **Parking Brake:** All vehicles shall be equipped with adequate parking brakes. Vehicles without adequate parking brakes shall not be allowed to operate on the mine site.
6. **Service Brakes:** A good working service brake is of particular importance to the safe operation of any vehicle. Vehicles without good service brakes will not be allowed to operate on the mine site.
7. **Extraneous Material:** Cabs shall be kept free of extraneous material. Tools and other heavy items that can become a projectile must not be stored in a cab unless secured. Such material must be removed from the cab immediately.
8. **Fire Extinguisher:** All vehicles must be equipped with an adequate fire extinguisher. The fire extinguisher must have a tag showing it has been checked within the last six months. Fuel and explosives trucks must have two (2) fire extinguishers.

9. **Headlights, Taillights, Brake lights:** All lights should be in serviceable condition. If there is a problem with the headlights or the taillights the vehicle may be operated until dark. Brake lights must be repaired as soon as possible. Headlights should be on at all times while on the mine site.
10. **Back-Up Alarms:** On any vehicle where the rear vision is obstructed or mirror is required to back up, a back-up alarm is required. No such vehicle may be allowed to operate unless it is equipped with a working back-up alarm.
11. **Roll Over Protection:** All scrapers, loaders, dozers, graders, and tractors are required to have roll over protection. If there is a danger of roll over during operation, other equipment may also be required to have ROPS. A tag that certifies the ROPS must be visible on the structure. Such equipment shall not be used on the mine site unless it has ROPS.
12. **Mechanical Equipment Guards:** All gears, open sprockets, chains, pulleys, shafts, or any other moving machinery that can be contacted by persons and cause injury, must be guarded. Items with improper guarding must be tagged out and not used until corrected.
13. **Housekeeping:** Oil and grease accumulations on engines or other places that represent fire hazards must be cleaned. Trash and other combustibles must be properly contained. Problems should be corrected before equipment is used on the mine site. Every Contractor is responsible for cleaning up its work area and disposing of materials properly.
14. **Flammables and Explosives:** All flammables and explosives must be properly stored and have the correct signs. All compressed gas cylinders must be secured in an upright position and have the valves protected. Problems should be corrected prior to bringing vehicles on to the mine site.
15. **Tires:** All tires shall be in safe running condition. Particular attention should be paid to the driver tire on scrapers. Vehicles with unsafe tires should be scheduled for repair as soon as possible.
16. **Seatbelts:** It is an absolute priority that all vehicles be equipped with seatbelts and that seatbelts be worn at all times while operating any vehicles or equipment on the mine site.

The above guidelines are meant to help interpret the items listed on the Contractor Equipment Checklist.

Contractor Equipment Checklist

Contractor Name _____

Company Representative _____ Date _____

Equipment description and/or number _____

The following items are specifically referenced by law (i.e. MSHA 30 CFR Part 77, OSHA CFR Regulations) and must be checked prior to beginning work (77.1606a) for the Company and daily before the equipment is operated. All defective items must be repaired before operation (77.1606c).

1.	Cab windows	(77.1605a)	(1926.601.b.5)	_____
2.	Windshield wipers	(77.404)		_____
3.	Rear view mirrors	(77.404)		_____
4.	Audible horn	(77.1605d)	(1926.601.b.14)	_____
5.	Parking brake	(77.1605b)	(1926.601.b.14)	_____
6.	Service brake	(77.1605b)	(1926.601.b.14)	_____
7.	Cab free of extraneous material	(77.1607d)	(1926.601.b.14)	_____
8.	Fire extinguisher	(77.1109c)	(1926.601.b.14)	_____
9.	Headlights	(77.1605d)	(1926.601.b.2)	_____
10.	Taillights	(77.1605d)	(1926.601.b.2)	_____
11.	Brake lights	(77.1605d)	(1926.601.b.2)	_____
12.	Backup alarm	(77.410)	(1926.601.b.4)	_____
13.	Roll-over protection	(77.403)	(1926.1000)	_____
14.	Mechanical equipment guards	(77.400)	(1926.601.b.13)	_____
15.	Housekeeping			_____
16.	Flammables and explosives	(77.1103)		_____
17.	Tires	(77.404)		_____
18.	Seatbelts	(77.403 a & g)	(1926.601.b.9)	_____

The above equipment is cleared for use at the Company (YES - NO)

It is understood that should the above equipment develop a safety defect at any time during it's operation, it will be shut down and the appropriate repairs made.

Contractor Representative Signature

Contractor Tool Checklist

The checklist below contains potential hazards and problems that are often encountered when using hand tools. This is not an all-inclusive list but rather a guideline of items to watch for and correct.

- No cracked or taped tool handles.
- No painted wooden tool handles or wood ladders.
- No mushroom punches and chisels.
- Safety must be in place on all lifting hooks.
- All containers of liquids must be labeled.
- All flammable liquids must be in a labeled safety can. These cans must also seal tightly and have a flash arrester.
- Additional fuel tanks on the back of pickups must have a sign that says "Flammable".
- All compressed gas cylinders must be secured in an upright position with the valves protected.
- Any open or moving machinery must be guarded.
- A qualified green card electrician prior to use and then monthly must check all electrical equipment thereafter. A log of that inspection is required.
- No tool trigger locks are allowed.
- All power tools must either be double insulated or have a 3-prong ground plug.
- "Chicago coupler" type air hoses are discouraged, however if used they must be pinned at all couplers.
- Ladders cannot be cracked or damaged in any way that affects the structural integrity.
- Nylon slings cannot be damaged in such a way where the interior red thread shows.
- Air compressors must have a pressure relief valve on the tank.
- Aerosol cans should not be kept in a vehicle cab. Aerosol cans should not be loose in the cargo space of a truck, and all cans should have a lid.
- Vehicle cabs shall be kept clear of extraneous material.
- Torches must have a flash arrester on both the oxygen and the acetylene hoses.
- Torches must have overhead protection to prevent damage to the regulators.
- All saws and grinders must have guards in place. Grinder stones and disc must have the correct RPM rating for the grinder being used.
- Bench grinders must have the tool rest adjusted tight to the stone.
- Community water jugs shall be sealed with tape, signed, and dated. Water must be replaced daily.
- Trouble lights shall either have a plastic bulb guard or a metal guard that has a secure ground to the cord. Trouble lights shall not be used as extension cords.
- Pneumatic tools shall be in good condition and shall have hoses and fittings that have the correct burst rating.

No tool that is defective or altered in a way to make it hazardous shall be brought onto the mine site. Tools that become defective must be tagged out immediately until repairs can be made.



COYOTE CREEK MINE

CHRISTOPHER D. FRIEZ
Vice President-Land, Associate General Counsel and Assistant Secretary

Telephone: 701-222-7580
E-Mail: christopher.friez@nacco.com

August 9, 2024

Derrick Braaten
Braaten Law Firm
109 N. 4th Street, Suite 100
Bismarck, ND 58501

Delivered via e-mail only to: derrick@braatenlawfirm.com

RE: Your letter dated August 8, 2024 – Casey and Julie Voigt

Dear Derrick:

I am in receipt of your letter dated August 8, 2024, to Coyote Creek Mining Company (“CCMC”) requesting further soil sampling in Section 25, Township 143 North, Range 89 West (“Section 25”) and the SE $\frac{1}{4}$ of Section 36, Township 143 North, Range 89 West (the “SE $\frac{1}{4}$ of Section 36”).

As before, access for the intended soil sampling must be subject to certain requirements because of active mining operations and safety regulations. These requirements follow below.

Active mining and reclamation operations are being conducted on Section 25 and the SE $\frac{1}{4}$ of Section 36 and those areas are active mine areas. Entry into an active mine area cannot be allowed without escort and additional safety and other measures. CCMC remains committed to following all laws and regulations at all times and thus entry into the mine site for the purposes in your August 8, 2024 letter must comply with all applicable laws and regulations.

Requirements for Entry

Entry into the mine site and Section 25 and the SE $\frac{1}{4}$ of Section 36 (the “Property”) for the purpose stated in your August 8, 2024 letter will be allowed subject to the following requirements:

1. To ensure the entry does not interfere with CCMC’s operations and activities, Mr. Voigt shall provide notice to CCMC no less than three days in advance of this entry (the “Notice of Entry”). If the drilling rig is available at a time such that three days advance notice is required, CCMC will reasonably attempt to accommodate an earlier required entry.
2. When providing the Notice of Entry, Mr. Voigt shall inform CCMC who will be accompanying him for this entry by providing the names of any individuals and any company name.
 - a. Thank you for identifying the individual conducting the soil sampling, the driller, the rig type and the testing entity in your August 8, 2024 letter. CCMC considers this requirement fulfilled by your August 8, 2024 letter. If any of this information changes, please have Mr. Voigt provide those changes at the Notice of Entry.

Coyote Creek Mining Company
918 E. Divide Ave, Suite 200
Bismarck, ND 58501

P: 701-222-7580

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3. The entry is weather dependent. If wet, or other, conditions exist at the time of entry, the entry will be rescheduled to avoid damage to the Property.
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CCMC cannot stress enough the importance of safety here, as these are active mine areas.

Finally, CCMC will split any soil samples taken by Mr. Voigt to obtain its own testing on the same exact soil samples taken by Mr. Voigt.

Sincerely,



Christopher D. Friez

Enc. Attachment 1

cc: Wade Mann (via e-mail)
Zach Eiken (via e-mail)
Donn Steffen (via e-mail)

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CONTRACTOR is required to comply with all federal, state and local laws, rules and regulations applicable to its work, including, but not limited to, MSHA and codes incorporated by reference in those regulations, such as National Fire Protection Association (NFPA), National Electric Code (NEC), Associated General Contractor's Association (AGCA), American Welding Society (AWS), Society of Automotive Engineers (SAE) and Underwriters Laboratories (UL). CONTRACTORS also must comply with Company's safety policies applicable to its work. If there is a conflict between such policies and any applicable federal, state, or local law, rule or regulation, CONTRACTOR shall follow the more stringent provision. **FAILURE TO COMPLY WITH THESE LAWS, RULES, REGULATIONS AND POLICIES MAY RESULT IN CONTRACT TERMINATION AND/OR IMMEDIATE REMOVAL FROM THE PROPERTY.**

CONTRACTOR shall cooperate with all Company employees responsible for safety, security, and fire protection. Also, CONTRACTOR is responsible for protecting its work and for protecting Company's employees and property from injury resulting from CONTRACTOR's work.

The following is a list of several of the major safety policies of Company with which CONTRACTOR is required to comply.

1. Accidents

CONTRACTOR must report all accidents involving its employees to Company management or to the contract administrator overseeing CONTRACTOR's work for Company. An accident report

must be prepared as soon as possible thereafter (within 24 hours) and a copy delivered to Company management or the contract administrator.

2. **Emergency Evacuation Plans**

CONTRACTOR must have a detailed evacuation plan for its employees and must familiarize them with the plan. This plan must include escape routes and procedures in cases of emergency. A listing of emergency procedures will be handed out during the startup safety meeting.

3. **Fire Hoses and Fire Extinguishers**

CONTRACTOR is responsible for providing adequate fire protection in all areas of its work. Company has fire hoses and extinguishers located throughout the mine site, but Company is not a substitute for the equipment CONTRACTOR is required to have, and are for emergency fire use only! If CONTRACTOR uses any of Company's fire extinguishers or hoses, CONTRACTOR must return the item(s) immediately to the point of origin and report such use in writing to Company.

All mobile equipment including trucks, front end loaders, bulldozers and portable welding units must be equipped with at least one (1) portable fire extinguisher. Each portable fire extinguisher must show a proof of inspection at least once every six months.

Emergency procedures will be discussed during the startup safety meeting discussed above.

4. **Housekeeping and Clean-up**

CONTRACTOR shall maintain its work areas in a neat and orderly condition. Upon completion of work each day, all tools, materials, etc. shall be removed, and the work area shall be "broom cleaned" or its equivalent, unless otherwise specified. Trash and spills (oils, water, etc.) must be cleaned up as soon as practical and not left to accumulate until the end of the day. Aisles and exits shall be kept free of any material at all times.

A copy of Company's housekeeping standard will be reviewed during the pre-construction safety meeting and used as a guide to compliance with this rule.

5. **Safety Equipment**

The following personal protective equipment must be worn in all designated areas on Company's premises. Company may require CONTRACTOR to remove any employee who fails to wear required personal protective equipment.

- A. **Hard Hats:** Must be of a type designed and specified to protect employees against the hazard to which they will be exposed and must be worn in all designated areas.
- B. **Safety Glasses:** Must be of a type designed and specified to protect employees against the hazard to which they will be exposed and must be worn in all designated areas. Must meet the ANSI Z87.1 requirements for safety eyewear.
- C. **Safety Shoes:** Steel or composite-toed safety shoes must be worn at all times while in active work areas of the mine. Protective safety footwear must comply with the ASTM Standards F2413 and F2412. These ASTM standards set forth minimum requirements for the performance of footwear to provide protection against a variety of workplace hazards.
- D. **Earmuffs/Plugs:** Hearing protection must be worn in all areas of the mine where dangerous noise levels exist as required by MSHA CFR Part 62 for Occupational Noise Exposure. Single hearing protection must be worn in designated areas where noise levels exceed 90 decibels. In areas on the mine where noise levels exceed 105 decibels then dual hearing protection (ear plugs and ear muffs) are required.

- E. High-Visibility Clothing: High-visibility clothing is required to be worn in active work areas on the mine.
- F. Other Equipment: Such as fall protection harnesses, respirators, gloves, face shields, etc. must be worn when the hazards to which employees are exposed dictate their use.

Company's safety department has specifications for all personal protective equipment used by its employees. If CONTRACTOR does not have the safety equipment needed for use on the job, it may consult the safety department for advice on purchasing.

6. **Smoking/Vaping**

Smoking/Vaping within Company's buildings and structures is not permitted except in designated smoking/vaping areas. Smoking/Vaping outside the building is prohibited in certain areas. These locations have been identified with "No Smoking" or "Smoking Prohibited" signs.

7. **Storerooms and Stock Areas**

These areas are "off limits" to all CONTRACTOR personnel.

Company personnel must supervise all materials or equipment obtained or loaded by CONTRACTOR from the storeroom or stock areas. All material or equipment received by CONTRACTOR personnel is the liability of CONTRACTOR and shall be properly secured and protected.

8. **Utilities**

Company will furnish CONTRACTOR with both electrical and water services to the extent specified in the contract. CONTRACTOR shall be responsible for running lines and pipe from Company's services; however, Company personnel will make the actual service connections. Unless otherwise specified in the contract, CONTRACTOR will be required to furnish compressed air and all other services necessary for its work.

Electrical systems must be reviewed by a MSHA certified electrician before being energized.

9. **Welding**

CONTRACTOR is responsible for ensuring that any welding or cutting it does comply with the safety provisions of the National Fire Protection Association's fire codes, MSHA regulations and any other regulations applicable to such work.

10. **Yard and Vehicle Traffic Rules**

Posted traffic controls on the mine site must be followed at all times. CONTRACTOR personnel shall utilize a designated route to access their work area whenever possible.

CONTRACTOR's employees will have a designated parking area in a non-active work area whenever possible. When left unattended and parked, all of CONTRACTOR's vehicles shall have the motor turned off, parking brakes properly set, gear selector placed in parking position, and the ignition key removed, if there is one.

11. **Tool Box Safety Meetings**

Tool box safety meetings are required to be held on a weekly basis. These meetings shall be conducted by or under the direction of CONTRACTOR's superintendent in charge of the work. The safe way of performing the work at hand and the nature of the hazards involved should be featured, with the meetings open to general discussion. Company personnel may attend these meetings.

12. Use of Mine Facilities and Equipment

- A. All lifts and elevators on the mine site are "off limits" to all CONTRACTOR personnel, unless Company's management or the contract administrator approves the use of such equipment.
- B. CONTRACTOR personnel are not permitted to use Company's equipment unless approved by Company's management or the contract administrator, in which case Company personnel will operate the equipment.

13. Hazard Communication Program

Effective September 23, 2002, CONTRACTOR shall comply with all requirements of 30 CFR including implementation of a Hazard Communication (HAZCOM) Program for all employees who work on Company's premises. CONTRACTOR will be required to train all of its employees in the safe use of Hazardous Materials.

CONTRACTOR must have on site a list of all hazardous materials that CONTRACTOR intends to bring on to Company's premises, as well as a Material Safety Data Sheet for each such material. Such Material Safety Data Sheets must comply with North Dakota Workers' Compensation rules and regulations and MSHA requirements. A MSDS for chemicals that pose a hazard to Company employees must be placed on file with Company.

CONTRACTOR must inform its employees about any health hazards associated with products and materials with which they will be required to work or to which they will be exposed. CONTRACTOR also must inform its employees about precautions to take and emergency requirements.

COMPANY – Hazard Communication (HazCom) is the training, labeling, and other ways that miners, contractors, and visitors are warned about the hazardous chemicals stored, used, or produced at Company. Everyone who comes on this mine property has a "right-to-know" about any hazardous chemicals to which they can be exposed.

This written program complies with the Hazard Communication requirements of the Mine Safety and Health Administration (MSHA), 30 CFR. This written program is posted on the official company bulletin board and is also available by contacting the Safety Department.

This program is applicable to:

- All areas of this mine.
- Each hazardous chemical brought to the mine or produced at the mine, unless exempted from this program by 47.91 of MSHA's HazCom rule.
- Each employee of the mine, contractors and their employees while at this mine, and any other persons who could be exposed.

Specifics of required training and postings may be reviewed during the startup meeting. Questions or concerns may be posed prior to meeting.

14. Occupational Noise Exposure

Effective September 13, 2000, CONTRACTOR shall comply with all requirements of 30 CFR et.al including the implementation of a hearing conservation program in accordance with 30 CFR for all of CONTRACTOR's employees who work on Company's premises. CONTRACTOR will be required to perform its own noise exposure assessment in accordance with 30 CFR for all such employees.

15. **Electrical Tools**

A green card electrician must inspect all electrical tools on a monthly basis. It is the responsibility of CONTRACTOR to ensure the inspection is done and the results are properly recorded. Company personnel may be utilized for the inspection if specified in the contract.

16. **Contractor Equipment**

All of CONTRACTOR's equipment must be in good operating condition and must be maintained in accordance with MSHA requirements. Equipment checks shall be made at the beginning of each working shift. Any unsafe condition found must be noted and corrected before that equipment is placed in operation.

Contractor Equipment Checklist "Training Guidelines"

The following is a series of guidelines to assist Contractors in complying with safety requirements of the Company. These guidelines below are not all-inclusive and in no way shall circumvent any legal requirements.

1. **Cab Windows:** Cab windows shall be made of safety glass or the equivalent. They shall be kept clean and shall not be cracked in a way that will affect the operator's vision. Any vehicle with a broken windshield that affects vision will not be allowed to operate on the mine site.
2. **Windshield Wipers:** The windshield wipers on all vehicles shall be kept in working order. A vehicle without wipers may be allowed to operate for a reasonable time, however, if weather conditions arise that create a need for wipers the vehicle must be shut down until repairs can be made. Broken wipers should in all cases be able to be repaired before the next operating shift.
3. **Review Mirrors:** Two (2) outside mirrors are required on all trucks. Scrapers require a mirror on the blind side. All other equipment must be evaluated according to it's application. Broken mirrors that obstruct vision shall be tagged and repaired as soon as possible.
4. **Audible Horn:** Each vehicle shall be equipped with a horn that is audible over the sound of the vehicle's operation. Vehicles without working horns will not be allowed to operate on the mine site.
5. **Parking Brake:** All vehicles shall be equipped with adequate parking brakes. Vehicles without adequate parking brakes shall not be allowed to operate on the mine site.
6. **Service Brakes:** A good working service brake is of particular importance to the safe operation of any vehicle. Vehicles without good service brakes will not be allowed to operate on the mine site.
7. **Extraneous Material:** Cabs shall be kept free of extraneous material. Tools and other heavy items that can become a projectile must not be stored in a cab unless secured. Such material must be removed from the cab immediately.
8. **Fire Extinguisher:** All vehicles must be equipped with an adequate fire extinguisher. The fire extinguisher must have a tag showing it has been checked within the last six months. Fuel and explosives trucks must have two (2) fire extinguishers.

9. **Headlights, Taillights, Brake lights:** All lights should be in serviceable condition. If there is a problem with the headlights or the taillights the vehicle may be operated until dark. Brake lights must be repaired as soon as possible. Headlights should be on at all times while on the mine site.
10. **Back-Up Alarms:** On any vehicle where the rear vision is obstructed or mirror is required to back up, a back-up alarm is required. No such vehicle may be allowed to operate unless it is equipped with a working back-up alarm.
11. **Roll Over Protection:** All scrapers, loaders, dozers, graders, and tractors are required to have roll over protection. If there is a danger of roll over during operation, other equipment may also be required to have ROPS. A tag that certifies the ROPS must be visible on the structure. Such equipment shall not be used on the mine site unless it has ROPS.
12. **Mechanical Equipment Guards:** All gears, open sprockets, chains, pulleys, shafts, or any other moving machinery that can be contacted by persons and cause injury, must be guarded. Items with improper guarding must be tagged out and not used until corrected.
13. **Housekeeping:** Oil and grease accumulations on engines or other places that represent fire hazards must be cleaned. Trash and other combustibles must be properly contained. Problems should be corrected before equipment is used on the mine site. Every Contractor is responsible for cleaning up its work area and disposing of materials properly.
14. **Flammables and Explosives:** All flammables and explosives must be properly stored and have the correct signs. All compressed gas cylinders must be secured in an upright position and have the valves protected. Problems should be corrected prior to bringing vehicles on to the mine site.
15. **Tires:** All tires shall be in safe running condition. Particular attention should be paid to the driver tire on scrapers. Vehicles with unsafe tires should be scheduled for repair as soon as possible.
16. **Seatbelts:** It is an absolute priority that all vehicles be equipped with seatbelts and that seatbelts be worn at all times while operating any vehicles or equipment on the mine site.

The above guidelines are meant to help interpret the items listed on the Contractor Equipment Checklist.

Contractor Equipment Checklist

Contractor Name _____

Company Representative _____ Date _____

Equipment description and/or number _____

The following items are specifically referenced by law (i.e. MSHA 30 CFR Part 77, OSHA CFR Regulations) and must be checked prior to beginning work (77.1606a) for the Company and daily before the equipment is operated. All defective items must be repaired before operation (77.1606c).

- | | | | | |
|-----|---------------------------------|----------------|-----------------|-------|
| 1. | Cab windows | (77.1605a) | (1926.601.b.5) | _____ |
| 2. | Windshield wipers | (77.404) | | _____ |
| 3. | Rear view mirrors | (77.404) | | _____ |
| 4. | Audible horn | (77.1605d) | (1926.601.b.14) | _____ |
| 5. | Parking brake | (77.1605b) | (1926.601.b.14) | _____ |
| 6. | Service brake | (77.1605b) | (1926.601.b.14) | _____ |
| 7. | Cab free of extraneous material | (77.1607d) | (1926.601.b.14) | _____ |
| 8. | Fire extinguisher | (77.1109c) | (1926.601.b.14) | _____ |
| 9. | Headlights | (77.1605d) | (1926.601.b.2) | _____ |
| 10. | Taillights | (77.1605d) | (1926.601.b.2) | _____ |
| 11. | Brake lights | (77.1605d) | (1926.601.b.2) | _____ |
| 12. | Backup alarm | (77.410) | (1926.601.b.4) | _____ |
| 13. | Roll-over protection | (77.403) | (1926.1000) | _____ |
| 14. | Mechanical equipment guards | (77.400) | (1926.601.b.13) | _____ |
| 15. | Housekeeping | | | _____ |
| 16. | Flammables and explosives | (77.1103) | | _____ |
| 17. | Tires | (77.404) | | _____ |
| 18. | Seatbelts | (77.403 a & g) | (1926.601.b.9) | _____ |

The above equipment is cleared for use at the Company (YES - NO)

It is understood that should the above equipment develop a safety defect at any time during its operation, it will be shut down and the appropriate repairs made.

Contractor Representative Signature

Contractor Tool Checklist

The checklist below contains potential hazards and problems that are often encountered when using hand tools. This is not an all-inclusive list but rather a guideline of items to watch for and correct.

- No cracked or taped tool handles.
- No painted wooden tool handles or wood ladders.
- No mushroom punches and chisels.
- Safety must be in place on all lifting hooks.
- All containers of liquids must be labeled.
- All flammable liquids must be in a labeled safety can. These cans must also seal tightly and have a flash arrester.
- Additional fuel tanks on the back of pickups must have a sign that says "Flammable".
- All compressed gas cylinders must be secured in an upright position with the valves protected.
- Any open or moving machinery must be guarded.
- A qualified green card electrician prior to use and then monthly must check all electrical equipment thereafter. A log of that inspection is required.
- No tool trigger locks are allowed.
- All power tools must either be double insulated or have a 3-prong ground plug.
- "Chicago coupler" type air hoses are discouraged, however if used they must be pinned at all couplers.
- Ladders cannot be cracked or damaged in any way that affects the structural integrity.
- Nylon slings cannot be damaged in such a way where the interior red thread shows.
- Air compressors must have a pressure relief valve on the tank.
- Aerosol cans should not be kept in a vehicle cab. Aerosol cans should not be loose in the cargo space of a truck, and all cans should have a lid.
- Vehicle cabs shall be kept clear of extraneous material.
- Torches must have a flash arrester on both the oxygen and the acetylene hoses.
- Torches must have overhead protection to prevent damage to the regulators.
- All saws and grinders must have guards in place. Grinder stones and disc must have the correct RPM rating for the grinder being used.
- Bench grinders must have the tool rest adjusted tight to the stone.
- Community water jugs shall be sealed with tape, signed, and dated. Water must be replaced daily.
- Trouble lights shall either have a plastic bulb guard or a metal guard that has a secure ground to the cord. Trouble lights shall not be used as extension cords.
- Pneumatic tools shall be in good condition and shall have hoses and fittings that have the correct burst rating.

No tool that is defective or altered in a way to make it hazardous shall be brought onto the mine site. Tools that become defective must be tagged out immediately until repairs can be made.