

For this discussion, the following terms are described for clarification.

The term “cover” refers to the material placed directly on the exposed RDA surface, whether on a bench outslope or the flatter operational surface. Cover is not topsoil or considered a substitute for topsoil. Cover material will consist of any native material taken from where topsoil is either non-existent or has been previously removed and segregated as required by Rule 4.06. Cover is also native material lying insitu below the topsoil layer, where the topsoil material has not been removed and segregated. Final placement of cover material is required only where refuse is permanently placed on the actual refuse surface at the RDA.

The term “topsoil” refers to the material required to be harvested under Rule 4.06 and as specifically defined by Rule 4.06.2(2)(b) with regard to the removal of topsoil. Topsoil is present in varying amounts and thicknesses, depending primarily on slope and aspect, in the approved RDA disturbance area, and as described in detail in section 2.04 of the approved permit application.

The term “borrow area” describes the area both previously approved for disturbance and as approved in this plan to serve as a source area for both cover and topsoil that is within the RDA disturbance area and immediately adjacent to the RDA.

The term “early plan” is the plan for reclamation of the RDA at any point in the future before the RDA reaches its final design size. Reclamation costs are based on this worst-case reclamation exposure at the RDA.

The term “final plan” is the approved plan for construction of the RDA to completion to near the top of the valley and as discussed in the permit text, permit figures, and as presented in various portions of Exhibit 30.

#### RDA reclamation operations for the “early plan”

The following analysis supports the early plan for reclamation of the RDA and includes the necessary components to calculate an estimated cost for the work.

1. The area of refuse required to be reclaimed with the application of both cover and topsoil under any future early plan has been determined to be 19 acres in June 2020. This represents a maximum exposure of the surface requiring reclamation should the early plan of reclamation be initiated at any point before the RDA reaches final plan size. NECC commits to not exceeding 19 acres of exposure at any given time. Support for this assumption is shown on Figure 11 of the approved permit application, cross section A-A'. This cross section shows that at approximately the level of bench 4, the post-mining contours progressively step toward the existing contours at a slightly greater angle as the refuse pile grows in size. Therefore, the refuse exposure at about bench 4 would be at its greatest aerial extent and would slowly reduce in aerial extent as the pile increases in elevation. An additional 4 acres of ancillary areas would require topsoil, such as small benches, and other minor disturbances outside the RDA footprint. These ancillary areas are in addition to areas like the “zig zag road” which are included separately in the reclamation cost estimate.