

**SECOND MODIFICATION TO  
AGREEMENT  
BETWEEN MONTANA RESOURCES, LLP AND  
THE STATE OF MONTANA THROUGH THE  
NATURAL RESOURCE DAMAGE PROGRAM  
REGARDING ACCESS AND PLACEMENT OF PARROT TAILINGS**

This Second Modification to the Access Agreement between Montana Resources, LLP ("MR") and the State of Montana through the Natural Resource Damage Program ("State") Regarding Access and Placement of Parrot Tailings ("Access Agreement") is made this 25<sup>th</sup> day of January, 2018. The First Modification changed the date in Paragraph E; all other terms of the Access Agreement remained the same.

The Parties mutually agree to modify the Access Agreement as follows:

- Add this sentence to end of Paragraph K.1.a: *"A Contractor Controlled Insurance Program ("CCIP") may be utilized to meet the requirements of Paragraph K.1.a so long as it contains both (i) limits no less than \$10,000,000 per occurrence and \$20,000,000 in the aggregate and (ii) a reinstatement of limits endorsement."*
- Modify Paragraph K.3.e as follows: Delete *"Each insurance policy shall contain an Owners Interest Coverage endorsement in favor of the State and MR."* Replace it with: *"Each CGL policy shall contain an Owners Interest Coverage endorsement in favor the State and MR. Provided however, that in the event that a CCIP is utilized to meet the requirements of Paragraph K.1.a, no Owners Interest Coverage endorsement shall be required."*
- Add this sentence to the end of Paragraph K.5: *"In the event that a CCIP is utilized to meet the requirements of Paragraph K.1.a, an enrolled Subcontractor meets the requirements of paragraph K.1.a through coverage under the CCIP."*

All other terms of the Access Agreement remain the same.

**FOR THE STATE OF MONTANA:**

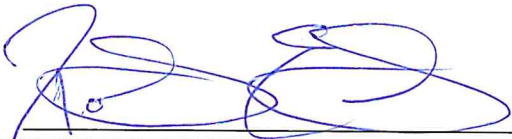


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Date

**FOR MONTANA RESOURCES, LLP:**



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25<sup>th</sup> 2018

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Date