

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Falkirk Mining Company**  
**Bond Release No. 2, Permit NAFK-8705**  
**Approval**

**Case No. RC-06-532**

**RELEASE OF BOND**  
**FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS**

**May 21, 2008**

Based on the application for **Bond Release Number 2 to Surface Coal Mining Permit NAFK-8705**, received December 27, 2006, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. Attached to the Application for Release of Bond were copies of all letters sent by the Permittee as required by NDCC §38.14.1-17(1)(b). Affidavits of publication for the advertisement required by NDCC §38.14.1-17(1)(a) have been filed and have been made part of the Application for Release of Bond. The last date of publication was September 20, 2007.
2. On September 5, 2007, the Commission conducted an inspection and evaluation of the reclamation work involved in this bond release as required by NDCC §38.14.1-17(3). The surface owners, agents, or lessees were given notice of the bond release inspection and had the opportunity to participate with the Commission in conducting the inspection of the bond release areas at the Falkirk Mine.

In accordance with NDCC §38.14.1-17, Bond Release No. 2 for Surface Coal Mining Permit NAFK-8705 is hereby granted to The Falkirk Mining Company effective June 23, 2008, unless a formal hearing is requested. No monetary reduction to the reclamation bonds were requested with this application. The area is described by the metes and bounds descriptions as follows:

**Portions of Section 31, T146N, R82W, McLean County,**  
**releasing all remaining reclamation liabilities on 193.4 acres.**



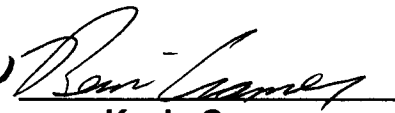
The decision to release all remaining bond on this acreage is made for the following reason:

The Falkirk Mining Company has met the requirements of the applicable reclamation laws and rules administered by the Commission for successfully reclaiming 140.4 acres of fish and wildlife habitat grassland, 46 acres of reclaimed wetlands and 7.0 acres of public road right-of-ways. The vegetation success standards and all other applicable performance standards have been met to the satisfaction of the Commission. The reclaimed areas are subject to the North Dakota's current (1979) reclamation law and rules.

**IMPORTANT – PLEASE READ**

1. If bond release has been approved, actual release of bond shall not occur until the effective date of this decision. If a formal hearing is requested on this bond release decision by a person with a valid legal interest or by the head of any state or local government agency with appropriate jurisdiction, the actual release of bond may not occur until after a final decision is issued following the formal hearing. A request for formal hearing by any such person must be filed with the Public Service Commission within 30 days of this bond release decision.
2. If bond release has been disapproved or if you are unsatisfied with the amount of bond approved for release, you have the right to request a formal hearing regarding this decision by filing an application for a hearing with the Public Service Commission within 30 days of the date of this decision.

**PUBLIC SERVICE COMMISSION**

 Tony Clark Commissioner	 Susan E. Wefald President	 Kevin Cramer Commissioner
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