

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Revision No. 32, Permit NAFK-8705
Approval

Case No. RC-09-106

REVISION OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS

June 24, 2009

Based on the application for **Revision Number 32 to Permit Number NAFK-8705** received **March 17, 2009**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on March 17, 2009, is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code;
2. The Commission's findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.

Revision Number 32 to Permit Number NAFK-8705 is hereby conditionally granted to the Falkirk Mining Company to identify the next five-year coal removal subarea, change the post-mining land use on 177 acres from cropland to fish and wildlife habitat and industrial use, add design plans for relocating a section of haul road, and update legal and ownership information, surface water management plans and other mining and reclamation plans for the next five-year permit term as described in the permit revision application received March 17, 2009.

The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on attached PSC Reclamation Form - 3. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit.

PUBLIC SERVICE COMMISSION


Tony Clark
Commissioner


Kevin Cramer
President


Brian P. Kalk
Commissioner