

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Bond Release No. 4, Permit NAFK-9601
Approval

Case No. RC-16-655

RELEASE OF BOND
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

August 16, 2017

Based on the application for **Bond Release Number 4 for Surface Coal Mining Permit NAFK-9601**, filed September 23, 2016 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 November 17, 2016.
2. On November 10, 2016, 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. 4 for Surface Coal Mining Permit No. NAFK-9601 is hereby granted to The Falkirk Mining Company effective September 18, 2017, unless a formal hearing is requested. Release in the amount of \$277,832.45 is approved. The area is described by a metes and bounds description and as follows:

Portions of Sections 25, 26 and 35, T146N, R82W, McLean County,
releasing all reclamation liabilities on 428.0 acres.

The decision to release all of the bond on this acreage is made for the following reasons:

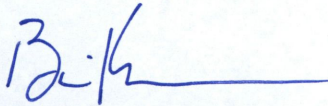
The Falkirk Mining Company has met the requirements of the applicable reclamation laws and rules administered by the Commission for successfully implementing the post-mine land uses as approved in the reclamation plan. The bond release includes approximately 136.5 acres of reclaimed land approved for recreational land use that includes a 1.1 acre reclaimed seasonal wetland. The bond release area also includes 291.5 acres of land that was not disturbed by

mining activities. The entire bond release tract is part of the Coal Lake Wildlife Management Areas owned by the North Dakota Department of Transportation to mitigate No-Mow/Managed-Mow acres for state highways in McLean County

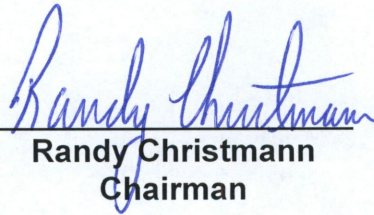
IMPORTANT – PLEASE READ

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



**Brian Kroshus
Commissioner**



**Randy Christmann
Chairman**



**Julie Fedorchak
Commissioner**

MINING BOND RELEASE TRACT #6
SECTIONS 25, 26 & 35 T146N, R82W

A tract of land for MINING BOND RELEASE in Sections 25, 26 & 35, Township 146 North; Range 82 West of the Fifth Principal Meridian, McLean County, North Dakota.

Being further described as follows:

Beginning at the north $\frac{1}{4}$ corner of said Section 25, T146N, R82W;
thence S $00^{\circ}27'44''$ W a distance of 2643.82 feet on the north-south $\frac{1}{4}$ line to the center $\frac{1}{4}$ corner of said Section;
thence S $00^{\circ}27'44''$ W a distance of 1322.03 feet to the CS $\frac{1}{16}$ corner of said Section;
thence N $89^{\circ}47'48''$ W a distance of 1322.08 feet to the SW $\frac{1}{16}$ corner of said Section;
thence S $00^{\circ}27'14''$ W a distance of 1320.89 feet to the W $\frac{1}{16}$ corner of said Section;
thence N $89^{\circ}44'51''$ W a distance of 1321.88 feet to the NE corner of said Section 35, T146N, R82W;
thence S $00^{\circ}29'08''$ W a distance of 1319.12 feet to the N $\frac{1}{16}$ corner of said Section;
thence N $89^{\circ}27'31''$ W a distance of 2643.07 feet on the east-west $\frac{1}{16}$ line of said Section; thence N $00^{\circ}28'13''$ E a distance of 1316.80 feet;
thence N $44^{\circ}47'42''$ E a distance of 1810.01 feet;
thence N $26^{\circ}28'54''$ E a distance of 1039.82 feet ;
thence N $09^{\circ}34'27''$ W a distance of 419.70 feet to the east-west $\frac{1}{4}$ line of said Section 26, T146N, R82W;
thence S $89^{\circ}17'41''$ E a distance of 994.77 feet on said east-west $\frac{1}{4}$ line to the east $\frac{1}{4}$ corner of Section 26;
thence N $00^{\circ}26'45''$ E a distance of 1314.50 feet to the N $\frac{1}{16}$ corner of said Section;
thence N $52^{\circ}19'47''$ E a distance of 2120.51 feet to a witness corner on the north line of Section 25;
thence N $88^{\circ}27'36''$ E a distance of 977.52 feet on said north line to the Point of Beginning.

Said tract contains 427.94 acres.

The Basis of Bearings is the North Dakota State Plane Coordinate System, North Zone; 1927 Datum.