

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

**Falkirk Mining Company**  
**Bond Release No. 1, Permit NAFK-8405**  
**Approval**

**Case No. RC-16-656**

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

**August 16, 2017**

Based on the application for **Bond Release Number 1 for Surface Coal Mining Permit NAFK-8405**, 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. 1 for Surface Coal Mining Permit No. NAFK-8405 is hereby granted to The Falkirk Mining Company effective September 18, 2017, unless a formal hearing is requested. No monetary release was requested since the current bond amount is based on the worst-case reclamation condition in a consolidated bond area that includes this permit and others at the Falkirk Mine. The area is described by the attached metes and bounds description and as follows:

**Portions of Sections 26 and 35, T146N, R82W, McLean County,**  
**releasing all reclamation liabilities on 200.1 acres.**

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

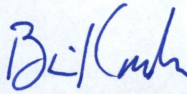
The Falkirk Mining Company has met the requirements of the applicable reclamation laws and rules administered by the Commission for successfully implementing the post-mine land uses as approved in the reclamation plan. The bond release includes approximately 52.0 acres of reclaimed land

approved for recreational land use including a 5.7 acre reclaimed wetland. The bond release area also includes 148.1 acres of land that was not disturbed by mining activities. Most of the bond release tract is part of the Coal Lake Wildlife Management Area owned by the North Dakota Department of Transportation to mitigate No-Mow/Managed-Mow acres for state highways in McLean County.

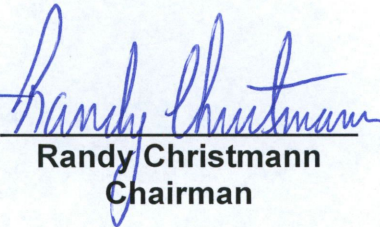
**IMPORTANT – PLEASE READ**

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.

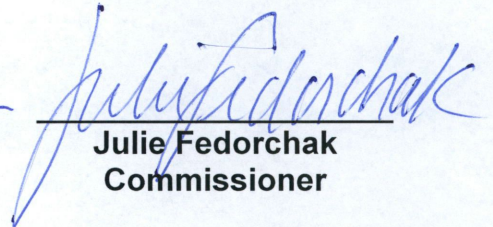
**PUBLIC SERVICE COMMISSION**



**Brian Kroshus**  
Commissioner



**Randy Christmann**  
Chairman



**Julie Fedorchak**  
Commissioner

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

A tract of land for MINING BOND RELEASE in Sections 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 center  $\frac{1}{4}$  corner of said Section 26, T146N, R82W;  
thence N  $00^{\circ}34'33''$  E a distance of 1318.45 feet to the CN $\frac{1}{16}$  corner of said Section;  
thence N  $89^{\circ}13'24''$  W a distance of 660.06 feet to the CENW $\frac{1}{64}$  corner of said Section;  
thence N  $00^{\circ}34'54''$  E a distance of 1319.25 feet to the EW $\frac{1}{64}$  corner of said Section;  
thence S  $89^{\circ}07'21''$  E a distance of 405.32 feet on the north line of said Section;  
thence S  $29^{\circ}11'28''$  E a distance of 85.26 feet;  
thence S  $39^{\circ}45'42''$  E a distance of 195.27 feet;  
thence S  $65^{\circ}08'21''$  E a distance of 94.31 feet to the north-south  $\frac{1}{4}$  line of Section 26, T146N, R82W;  
thence S  $00^{\circ}41'52''$  W a distance of 89.50 feet on the north-south  $\frac{1}{4}$  line of said Section;  
thence S  $77^{\circ}17'28''$  E a distance of 549.03 feet;  
thence N  $89^{\circ}58'16''$  E a distance of 364.91 feet;  
thence S  $00^{\circ}53'53''$  E a distance of 245.36 feet;  
thence S  $63^{\circ}46'07''$  E a distance of 156.96 feet;  
thence N  $64^{\circ}21'36''$  E a distance of 322.38 feet;  
thence S  $89^{\circ}38'30''$  E a distance of 399.97 feet;  
thence S  $23^{\circ}24'58''$  W a distance of 830.46 feet;  
thence S  $09^{\circ}34'26''$  E a distance of 1683.04 feet;  
thence S  $26^{\circ}29'26''$  W a distance of 1039.62 feet;  
thence S  $44^{\circ}47'06''$  W a distance of 1809.94 feet;  
thence S  $00^{\circ}28'31''$  W a distance of 1317.53 feet to the east-west  $\frac{1}{16}$  line of said Section 35, T146N, R82W;  
thence N  $89^{\circ}20'34''$  W a distance of 658.57 feet on said east-west  $\frac{1}{16}$  line to the CENW $\frac{1}{64}$  corner of said Section;  
thence N  $00^{\circ}33'00''$  E a distance of 1320.34 feet to the EW $\frac{1}{64}$  corner of said Section;  
thence N  $00^{\circ}34'54''$  E a distance of 1323.18 feet to the CESW $\frac{1}{64}$  corner of said Section 26;  
thence S  $89^{\circ}15'46''$  E a distance of 660.33 feet to the CS $\frac{1}{16}$  corner of said Section;  
thence N  $00^{\circ}34'33''$  E a distance of 1323.53 feet to the Point of Beginning.

Said tract contains 200.13 acres.