

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

**Falkirk Mining Company**  
**Revision No. 37, Permit NAFK-8405**  
**Approval**

**Case No. RC-17-453**

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

**May 15, 2018**

Based on the application for **Revision Number 37 to Permit Number NAFK-8405 received November 9, 2017**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

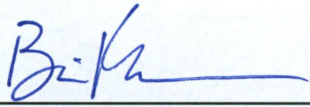
1. The revision application submitted on November 9, 2017 is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code.
2. The applicant has received Federal coal lease NDM 107039 covering 160 acres of federal coal within the permit area. As required by Special Condition No. 1 for Revision Number 37, no coal removal on this tract may occur until the U.S. Department of the Interior approves the federal mine plan pursuant to 30 CFR 746.11. Until that mine plan is approved, surface disturbances on the federal coal tract must be limited to those activities that are needed for carrying out mining on the adjoining tracts where the coal interests are privately owned.
3. Performance bonds in the total amount of \$88,700,000 are currently sufficient for the proposed mining and reclamation operations in the consolidated bond area for the Falkirk Mine that includes Permit NAFK-8405.
4. The Commission's other findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.

**Revision Number 37 to Permit Number NAFK-8405 is hereby granted to The Falkirk Mining Company to mine the federal and private coal tract located in the SE1/4 of Section 10 within the existing permit area, modify operations and reclamation plans to include this additional mining area, and to update other information and plans in this permit as described in the revision application received November 9, 2017.**

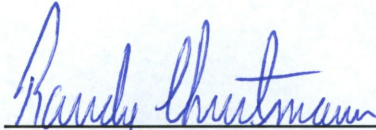
The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on attached PSC Reclamation Form - 3. Pursuant 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**



**Brian Kroshus  
Commissioner**



**Randy Christmann  
Chairman**



**Julie Fedorchak  
Commissioner**