

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Bond Release No. 5, Permit NAFK-9601
Approval

Case No. RC-18-367

RELEASE OF BOND
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

JUNE 12, 2019

Based on the application for **Bond Release Number 5 for Surface Coal Mining Permit NAFK-9601**, filed October 10, 2018 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 29, 2018.
2. On November 14, 2018, 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. 5 for Surface Coal Mining Permit No. NAFK-9601 is hereby granted to The Falkirk Mining Company effective July 12, 2019, unless a formal hearing is requested. Release in the amount of \$319,989.78 is approved. The area is described by a metes and bounds description and as follows:

Portions of Sections 30 and 31, T146N, R81W, McLean County, releasing all reclamation liabilities on 307.7 acres.

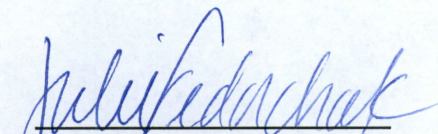
The decision to release all of the bond on this acreage is made for the following reasons:

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 168.5 acres of reclaimed land approved for cropland use, 2.6 acres of reclaimed section line trail and a 6.7 acre reclaimed seasonal wetland. The bond release area also includes 129.9 acres of land that was not disturbed by mining activities.

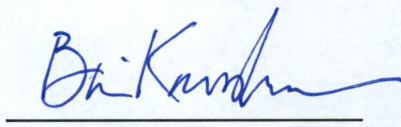
IMPORTANT – PLEASE READ

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.

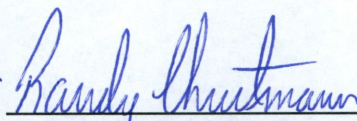
PUBLIC SERVICE COMMISSION



Julie Fedorchak
Commissioner



Brian Kroshus
Chairman



Randy Christmann
Commissioner

MINING BOND RELEASE #5
SECTIONS 30 AND 31, T146N-R81W

SUBTRACT #5A

A tract of land for MINING BOND RELEASE in Sections 30 & 31, Township 146 North; Range 81 West of the Fifth Principal Meridian, McLean County, North Dakota.

Being further described as follows:

Beginning at the northeast corner of said Section 31, T146N, R81W;
thence S 00°34'48" W a distance of 2642.80 feet to the east 1/4 corner of said Section;
thence N 89°34'48" W a distance of 2642.64 feet to the center 1/4 corner of said Section;
thence N 00°34'27" E a distance of 2645.80 feet to the north 1/4 corner of said Section;
thence S 89°30'54" E a distance of 1542.91 feet on the north line of said Section;
thence N 00°18'43" E a distance of 2646.02 feet to the east-west 1/4 line of Section 30, T146N, R81W;
thence S 89°28'41" E a distance of 1100.00 feet to the east 1/4 corner of said Section;
thence S 00°18'43" W a distance of 2645.31 feet to the Point of Beginning.

Said tract contains 227.24 acres.

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

SUBTRACT #5B

A tract of land for MINING BOND RELEASE in Section 30, Township 146 North; Range 81 West of the Fifth Principal Meridian, McLean County, North Dakota.

Being further described as follows:

Beginning at the northeast corner of said Section 30, T146N, R81W;
thence S 00°18'52" W a distance of 1323.14 feet to the N1/16 corner of said Section;
thence N 89°27'57" W a distance of 2648.00 feet to the CN1/16 corner of said Section;
thence N 00°14'22" E a distance of 1323.71 feet to the N¼ corner of said Section;
thence S 89°27'13" E a distance of 2649.73 feet to the Point of Beginning.

Said tract contains 80.48 acres.

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