

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Bond Release No. 2, Permit NAFK-8405
Approval

Case No. RC-19-325

RELEASE OF BOND
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

April 15, 2020

Based on the application for **Bond Release Number 2 for Surface Coal Mining Permit NAFK-8405**, filed September 23, 2019 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 October 31, 2019.
2. On October 23, 2019, 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. 2 for Surface Coal Mining Permit No. NAFK-8405 is hereby granted to The Falkirk Mining Company effective May 15, 2020, 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 23 and 24, T146N, R82W of McLean County, releasing
all reclamation liabilities on 87.1 acres.**

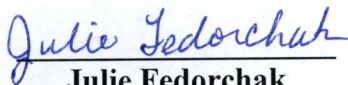
The decision to release all of the bond on this acreage is made for the following reasons:

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 82.9 acres of reclaimed land approved for residential land use. The bond release area also includes 4.2 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.

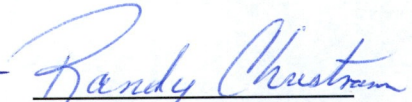
PUBLIC SERVICE COMMISSION



Julie Fedorchak
Commissioner



Brian Kroshus
Chairman



Randy Christmann
Commissioner

MINING BOND RELEASE TRACT #2
SECTIONS 23 & 24, T146N, R82W

A tract of land for MINING BOND RELEASE in Sections 23 & 24, Township 146 North; Range 82 West of the Fifth Principal Meridian, McLean County, North Dakota.

Being further described as follows:

Beginning at the northwest corner of said Section 24, T146N, R82W;
thence S 89°32'45" E a distance of 487.76 feet on the north line of said Section;
thence S 00°00'00" E a distance of 2287.35 feet;
thence N 89°50'48" W a distance of 510.01 feet to the west line of said Section;
thence N 89°50'54" W a distance of 1146.15 feet;
thence N 00°00'00" W a distance of 2295.15 feet to the north line of Section 23, T146N, R82W;
thence S 89°35'29" E a distance of 1168.44 feet to the Point of Beginning.

Said tract contains 87.1 acres.

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