



COLLATERAL BONDING INDEMNITY AGREEMENT
PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
 SFN 17709 (Rev. 09-2001)

RECEIVED

APR 21 2023

NORTH DAKOTA
 PUBLIC SERVICE COMMISSION

Permittee The Falkirk Mining Company	
Permit Number NAFK-8405, NAFK-8705, NAFK-9503	Collateral Bond Number CB-9503-6

The parties to this INDEMNITY AGREEMENT are the North Dakota Public Service Commission (NDPSC), indemnitee, and the above named Permittee, holder of the Surface Coal Mining and Reclamation Operations Permit listed above, as indemnitor.

Permittee is duly authorized to do business in the State of North Dakota. Permittee has filed with NDPSC a Collateral Bond in connection with the Permit. The Collateral Bond satisfies the requirements of North Dakota Century Code 38-14.1 and North Dakota Administrative Code Chapter 69-05.2-12.

Permittee desires to indemnify NDPSC from all loss and costs associated with the Collateral Bond number above. Permittee has the full authority to enter into this Indemnity Agreement. Permittee has approval from its Board of Directors to enter into this Indemnity Agreement.* It is in the best interests of Permittee, in the legitimate furtherance of its purposes and business, to enter into this Indemnity Agreement.

NDPSC has the legal authority to administer the bonding requirements for surface coal mining and reclamation operations in the State of North Dakota.

To the extent that there are any Federal lands containing leased Federal coal within the bond area, the Collateral Bond is also payable to the United States/Office of Surface Mining Reclamation and Enforcement (OSMRE). Based on the Cooperative Agreement between the State of North Dakota and the United States Department of the Interior, both NDPSC and OSMRE are co-indemnitees under this Indemnity Agreement and the NDPSC must obtain OSMRE concurrence prior to releasing any obligation under the Collateral Bond for Federal lands containing leased Federal coal. To the extent these Federal lands are involved, release of the Collateral Bond also is conditioned upon compliance with applicable Federal laws and regulations and the provisions of the Cooperative Agreement between the State of North Dakota and the United States Department of the Interior at 30 C.F.R. 934.30. If the Cooperative Agreement at 30 C.F.R. 934.30 is terminated, the Collateral Bond shall continue in effect and, to the extent these Federal lands are involved, the bond shall be payable to the United States.

In consideration of the approval and execution of the Collateral Bond, it is agreed by and between the Permittee and NDPSC as follows:

- I. Permittee, its successors and assigns, jointly and severally do hereby covenant and agree to indemnify NDPSC of, from and against any and all demands, liabilities, charges, costs and expenses of whatsoever kind or nature, which NDPSC may sustain or incur in consequence of the failure by the Permittee to faithfully perform all the requirements of North Dakota Century Code Chapter 38-14.1 and North Dakota Administrative Code Article 69-05.2 under the Permit. With the exception of litigation costs as referenced in Paragraphs V and VIII, Permittee's liability hereunder shall not exceed the principal amount set forth in Permittee's Collateral Bond or the new amount specified by any rider that increases or decreases the bond amount.
- II. This Indemnity Agreement is continuing and is in full force and effect until all of the terms of the Permittee's Collateral Bond and Permit have been performed or otherwise discharged to the satisfaction of NDPSC.
- III. Permittee hereby fully consents and agrees that any of the following shall not discharge the obligations of this Indemnity Agreement:
 1. Renewals, revisions, modifications or riders to the terms of the Collateral Bond, including increases or decreases in the dollar amount of the bond, or the lands to which it applies, in accordance with the requirements of North Dakota Century Code Chapter 38-14.1 and North Dakota Administrative Code Article 69-05.2.

2. Extensions of the time for performance of the whole or any part of the conditions of the Collateral Bond.
 3. Changes, revisions, modifications or renewals to the Permit.
 4. Increases or decreases in bond amount that affect the amount for which indemnification is given.
- IV. NDPSC may institute bond forfeiture proceedings against Permittee in accordance with the forfeiture proceedings in North Dakota Century Code Chapter 38-14.1 and North Dakota Administrative Code Article 69-05.2. In the event forfeiture is ordered entered, NDPSC will mail to Permittee written notices of the amount ordered forfeited.
- V. In the event NDPSC initiates, pursues or is brought into litigation, as a result of attempts to enforce bonding requirements, the Permittee agrees to pay all litigation and administrative costs incurred by NDPSC in any successful effort to enforce this agreement against the Permittee. This agreement pertains to all such costs reasonably connected with the litigation and all administrative costs reasonably incurred in enforcing or in preparation to enforce the rules for Collateral Bonding against the Permittee. Liability for payment of such costs shall not be limited by the principal amount of the Permittee's Collateral Bond. Permittee agrees that vouchers or other proper evidence showing payment shall be conclusive evidence of the fact and amount of liability of such costs.
- VI. This Indemnity Agreement shall be terminated when and to the extent that: (a) NDPSC certifies in writing that the Permittee has successfully completed the mining and reclamation activities pursuant to the Permit, or (b) NDPSC certifies in writing that the Permittee has provided an acceptable alternate bond in substitution for this agreement; or (c) NDPSC otherwise authorizes release of this agreement.
- Permittee has the right at any time to post an acceptable alternate bond, in substitution for and release of all or part of this agreement. Permittee shall notify NDPSC in writing of any such substitution, and NDPSC will notify the Permittee in writing of the acceptability of the substitution. The substitute bond shall not be valid nor effective until NDPSC certifies the acceptability and effective date in writing.
- VII. There are no conditions or limitations to this Indemnity Agreement except those contained in this document. No alteration, change or modification of this agreement shall be binding or effective unless executed in writing, signed by the Permittee, and approved in writing by NDPSC.
- VIII. Permittee agrees to pay all costs and expenses reasonably incurred by NDPSC which are expended in any successful action instituted to enforce the terms of this Indemnity Agreement.
- IX. This Indemnity Agreement shall be good and effective notwithstanding any change or changes in the business name of the Permittee.
- X. No changes, revisions, modifications or renewals to the Collateral Bond of the Permittee or the terms of the Permit shall act as a release of the Permittee from this Indemnity Agreement.
- XI. All notices required to, or which may, be given shall be effective when received by the addressees at the addresses specified below.

1. For the Permittee:

The Falkirk Mining Company
2000 Schafer Street, Suite D
Bismarck, ND 58501-1204

2. For NDPSC:

North Dakota Public Service Commission
State Capitol
12th Floor
Bismarck, ND 58505

Collateral Bond Number
CB-9503-6

- XII. This Indemnity Agreement is a binding contract and shall be construed under and subject to the laws of the State of North Dakota.
- XIII. This Indemnity Agreement may be executed in any number of identical counterparts, each of which, when executed and delivered by the parties hereto, shall be considered to be an original, but all of which shall collectively constitute one and the same instrument.

Effective 04/27/2023 (Date)

EXECUTION BY THE PERMITTEE:

PERMITTEE: The Falkirk Mining Company

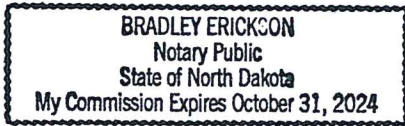
Signature of President or Authorized Officer	
Name Jay H. Kost	Title President

Signature of President or Authorized Officer	
Name Carroll L. Dewing	Title Vice President

State of North Dakota)
 County of Burleigh)SS.

The foregoing instrument was acknowledged before me on this date 4-20-2023 by
Jay H. Kost and Carroll L. Dewing
 of The Falkirk Mining Company, a Ohio
 corporation, on behalf of the corporation.

(SEAL)
ID 32



BY: Bradley Erickson
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: 10-31-2024

* Attach a copy of the corporate resolution authorizing the execution of this collateral bonding indemnity agreement.

THE FALKIRK MINING COMPANY
CERTIFICATE AS TO RESOLUTIONS

The undersigned certifies that he is the Secretary of The Falkirk Mining Company, an Ohio corporation authorized to conduct business in the State of North Dakota (the "Company"), and that as such he is authorized to execute and deliver this Certificate on behalf of the Company, and further certifies that:

1. The following is a correct copy of the resolutions duly adopted by the directors of the Company on April 18, 2023:

WHEREAS, the Company has received a bond determination letter from the North Dakota Public Service Commission requesting that the Company increase its bond area covering Permits Numbers: NAFK-8405, NAFK-8705, and NAFK-9503.

NOW, THEREFORE, BE IT RESOLVED, that the President (which is currently Jay H. Kost), each Vice President (currently Carroll L. Dewing and J. Patrick Sullivan), the Secretary (currently John D. Neumann), each Assistant Secretary (currently Sarah E. Fry, Matthew J. Dilluvio, and Christopher D. Friez), the Controller (currently Andrew B. Hart) or the Treasurer (currently Eric A. Dale) of the Company (the "Authorized Officers") are, and each of them is, hereby authorized to execute and deliver, at such time as they deem appropriate, for and on behalf of the Company, all reclamation bonding documents as may be required by the North Dakota Public Service Commission for approval of the Company's reclamation bonding obligations; and

FURTHER RESOLVED, that the Authorized Officers are, and each of them is, hereby authorized to execute and deliver, at such time as they deem appropriate, for and on behalf of the Company, all documents to secure bonding for the Company's reclamation obligations, including but not limited to collateral bonds, security bonds, and letters of credit; and

FURTHER RESOLVED, that any Authorized Officers are, and each of them hereby is, authorized and empowered to execute and deliver all such documents and instruments and to perform all such acts as any of them deem necessary, convenient or proper to carry out the intent of the foregoing resolution. The performance of any such act and the execution of any such document or instrument by any Authorized Officer pursuant to these resolutions shall be conclusive evidence that the same have been authorized and approved by the Company in every respect.

2. The subject resolutions have not been rescinded and is in full force and effect on the date hereof.

WITNESS, the seal of the Company and the signature of the undersigned this 24th day of April, 2023.



THE FALKIRK MINING COMPANY

By 
John D. Neumann, Secretary

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NORTH DAKOTA
PUBLIC SERVICE COMMISSION

EAST PERMIT NAFK-8405
Revision 42, Eighth Addition

Attachment I - Metes and Bounds

An area of land located in T145N, R82W, T146N, R81W, T146N, R82W and T147N, R82W of the Fifth Principal Meridian, McLean County, North Dakota having the bearings and distances based on the North Dakota State Plane Coordinate System, North Zone, 1927 N.A.D. described as follows:

Beginning at the West 1/4 corner of Section 6, T146N, R81W;
thence South 89°21'51" East a distance of 1,195.10 feet to the northeast corner of Government Lot 6 of said Section;
thence South 00°10'52" West a distance of 2,647.43 feet to the northeast corner of Government Lot 1 of Section 7, T146N, R81W;
thence South 00°17'14" West a distance of 2,645.29 feet to the southeast corner of Government Lot 2, of said Section;
thence South 00°16'31" West a distance of 2,642.51 feet to the southeast corner of Government Lot 4 of said Section 7;
thence South 89°24'30" East a distance of 1,321.08 feet to the north 1/4 corner of Section 18, T146N, R81W;
thence South 00°24'22" West a distance of 5,290.88 feet to the south 1/4 corner of said Section;
thence North 89°24'23" West a distance of 2,581.48 feet to the southwest corner of said Section;
thence North 89°32'48" West a distance of 2,640.57 feet to the south 1/4 corner of Section 13, T146N, R82W;
thence South 45°11'50" West a distance of 59.93 feet;
thence South 00°35'41" West a distance of 2,543.13 feet;
thence North 89°37'23" West a distance of 1,316.19 feet;
thence South 00°36'54" West a distance of 55.88 feet to the east-west 1/4 line of Section 24, T146N, R82W;
thence North 89°29'43" West a distance of 1,280.47 feet to the east 1/4 corner of Section 23, T146N, R82W;
thence South 00°33'41" West a distance of 1,321.17 feet to the E1/16SE corner of said Section;
thence North 89°57'46" West a distance of 1,796.67 feet on the east-west 1/16 line of said Section;
thence South 28°53'20" East a distance of 356.08 feet;
thence South 21°51'45" East a distance of 901.38 feet;
thence North 56°29'52" West a distance of 239.98 feet;
thence North 15°02'56" West a distance of 571.36 feet;
thence North 65°45'37" West a distance of 385.60 feet;
thence North 36°30'07" West a distance of 960.26 feet;
thence South 47°11'40" West a distance of 31.50 feet;
thence South 19°44'45" East a distance of 347.84 feet;
thence South 26°45'56" East a distance of 443.59 feet;

thence South 30°31'09" West a distance of 686.68 feet;
thence South 22°58'45" West a distance of 251.44 feet;
thence South 46°55'49" West a distance of 151.74 feet;
thence South 65°09'54" West a distance of 79.56 feet;
thence South 00°13'05" East a distance of 92.13 feet to the south line of Section 23,
T146N, R82W;
thence North 89°07'21" West a distance of 405.32 feet to the EW1/64 corner of
Section 26, T146N, R82W;
thence South 00°34'54" West a distance of 1,319.25 feet to the CENW1/64 corner
of said Section;
thence South 89°13'24" East a distance of 660.06 feet to the CN1/16 corner of said
Section;
thence South 00°34'33" West a distance of 1,318.45 feet to the center of said Sec-
tion;
thence South 00°34'33" West a distance of 1,323.53 feet to the CS1/16 corner of
said Section;
thence North 89°15'46" West a distance of 660.33 feet to the CESW1/64 corner of
said Section;
thence South 00°34'54" West a distance of 1,323.18 feet to the EW1/64 corner of
Section 35, T146N, R82W;
thence South 00°33'00" West a distance of 1,320.34 feet to the CENW1/64 corner
of said Section;
thence South 89°20'34" East a distance of 658.57 feet on the east-west 1/16 line;
thence South 00°28'31" West a distance of 1,324.65 feet;
thence North 89°34'57" West a distance of 2,645.18 feet;
thence South 00°37'39" West a distance of 2,643.31 feet;
thence North 89°30'18" West a distance of 2,586.38 feet;
thence South 00°00'40" West a distance of 1,093.45 feet;
thence South 33°21'21" West a distance of 472.87 feet;
thence South 80°24'03" West a distance of 420.82 feet;
thence North 76°55'48" West a distance of 730.69 feet;
thence North 00°16'47" East a distance of 1,007.72 feet;
thence North 64°40'53" East a distance of 156.91 feet;
thence North 82°49'13" East a distance of 720.50 feet;
thence North 27°41'21" East a distance of 462.87 feet;
thence North 20°35'22" West a distance of 368.71 feet;
thence South 61°02'06" West a distance of 89.32 feet;
thence North 26°29'32" West a distance of 3,311.69 feet;
thence North 25°14'20" West a distance of 161.25 feet;
thence North 22°49'35" West a distance of 161.29 feet;
thence North 20°21'34" West a distance of 174.61 feet;
thence North 17°56'04" West a distance of 147.91 feet;
thence North 16°54'12" West a distance of 1,271.77 feet;
thence North 00°32'14" East a distance of 7,989.36 feet to the east-west 1/4 line of
Section 22, T146N, R82W;
thence North 89°36'25" West a distance of 14.18 feet on the east-west 1/4 line of
said Section;

thence on a non-tangent curve concave to the southwest with an arc length of 2,670.39 feet, a radius of 5,903.98 feet, a chord bearing of North 15°11'12" West, and a chord length of 2,647.69 feet;

thence South 89°32'04" East a distance of 228.59 feet to the Sight Triangle Line on the easterly Right-Of-Way line of U.S Highway 83;

thence North 32°12'27" East a distance of 117.18 feet on said Sight Triangle line to the south line of Section 16, T146N, R82W;

thence North 61°08'57" West a distance of 583.50 feet on said Sight Triangle to the easterly Right-Of-Way line of U.S Highway 83; Said point being 175 feet easterly of said U.S. Highway 83 alignment;

thence on a non-tangent curve concave to the southwest with an arc length of 1,068.06 feet, a radius of 5,904.65 feet, a chord bearing of North 37°26'04" West, and a chord length of 1,066.60 feet on said Right-Of-Way line to the Curve to Spiral (CS) point;

thence on the arc of a 175 foot offset Spiral Curve concave to the southwest with a chord bearing of North 43°23'54" West, and a chord length of 202.87 feet which at said Highway 83 centerline alignment is a 200 foot exit Spiral to a 1°00'00" central curve to the Spiral to Tangent (ST) point;

thence North 43°37'36" West a distance of 5,134.50 feet on said Easterly Right-Of-Way line to west line of Section 16, T146N, R82W;

thence North 00°36'24" East a distance of 350.40 feet to the northwest corner of said Section;

thence North 89°38'32" West a distance of 339.71 feet on the south line of Section 8, T146N, R82W to said Easterly Right-Of-Way line;

thence North 43°37'36" West a distance of 3,674.25 feet on said Easterly Right-Of-Way line to the east-west 1/4 line of said Section 8, T146N, R82W;

thence North 43°37'36" West a distance of 142.39 feet on said Easterly Right-Of-Way line to the Tangent to Spiral (TS) point;

thence on the arc of a 175 foot offset Spiral Curve concave to the northeast with a chord bearing of North 43°17'44" West, and a chord length of 196.77 feet which at said Highway 83 centerline alignment is a 200 foot entry Spiral to a 1°00'00" central curve to the Spiral to Curve (SC) point;

thence on a non-tangent curve concave to the northeast with an arc length of 1,362.43 feet, a radius of 5,556.06 feet, a chord bearing of North 35°36'03" West, and a chord length of 1,359.02 feet on said Right-Of-Way line to the Curve to Spiral (CS) point;

thence on the arc of a 175 foot offset Spiral Curve concave to the northeast with a chord bearing of North 27°54'26" West, and a chord length of 196.81 feet which at said Highway 83 centerline alignment is a 200 foot exit Spiral to a 1°00'00" central curve to the Spiral to Tangent (ST) point;

thence North 27°34'37" West a distance of 1,279.32 feet on said Easterly Right-Of-Way line to the south line of Section 5, T146N, R82W;

thence North 89°29'05" West a distance of 19.27 feet on the south line of said Section to the easterly Right-Of-Way line of U.S. Highway 83; said point being 158 feet easterly of said U.S. Highway 83 alignment;

thence North 27°34'37" West a distance of 1,396.73 feet on said easterly Right-Of-Way line to the west line of said Section;

thence North 00°30'09" East a distance of 1,386.28 feet to the west 1/4 corner of said Section;
thence North 00°30'12" East a distance of 2,651.66 feet to the northwest corner of said Section;
thence South 89°35'27" East a distance of 2,645.89 feet to the north 1/4 corner of said Section;
thence South 89°35'13" East a distance of 2,645.97 feet to the northeast corner of said Section;
thence South 00°28'49" West a distance of 2,632.19 feet to the east 1/4 corner of said Section;
thence South 89°35'11" East a distance of 5,290.24 feet to the west 1/4 corner of Section 3, T146N, R82W;
thence North 00°30'48" East a distance of 2,632.61 feet to southeast corner of Section 33, T147N, R82W;
thence North 89°35'29" West a distance of 2,646.00 feet to the south 1/4 corner of said Section;
thence North 00°24'05" East a distance of 5,288.90 feet to the north 1/4 corner of said Section;
thence South 89°34'18" East a distance of 2,650.89 feet to northeast corner of said Section;
thence South 00°27'17" West a distance of 2,643.96 feet to east 1/4 corner of said Section,
thence South 89°33'30" East a distance of 5,291.38 feet to east 1/4 corner of Section 34, T147N, R82W;
thence North 00°10'51" East a distance of 2,640.82 feet to the northeast corner of said Section,
thence South 89°39'41" East a distance of 2,657.16 feet to north 1/4 of Section 35, T147N, R82W;
thence South 89°39'32" East a distance of 2,657.18 feet to northeast corner of said Section;
thence South 89°33'21" East a distance of 2,637.36 feet north 1/4 corner of Section 36, T147N, R82W;
thence South 89°33'19" East a distance of 2,637.46 feet to northeast corner of said Section;
thence South 00°19'29" West a distance of 2,643.64 feet to the east 1/4 corner of said Section;
thence South 00°19'35" West a distance of 2,643.57 feet to the southeast corner of said Section;
thence South 00°39'03" West a distance of 2,643.42 feet to the east 1/4 corner of Section 1, T146N, R82W being also the Point of Beginning.

Said area of land, less Exclusion, contains 13,150.0 acres.

EAST PERMIT NAFK-8405

Exclusion Metes and Bounds

An area of land in Sections 23 & 24, Township 146 North, Range 82 West of the Fifth Principal Meridian, McLean County, North Dakota having the bearings and distances based on the North Dakota State Plane Coordinate System, North Zone, 1927 N.A.D. more particularly 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 2,287.35 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 1,146.15 feet;
thence N 00°00'00" W a distance of 2,295.15 feet to the north line of Section 23,
T146N, R82W;
thence S 89°35'29" E a distance of 1,168.44 feet to the Point of Beginning.

Said area contains 87.1 acres.

An area of land in Sections 22 & 27, Township 146 North, Range 82 West of the Fifth Principal Meridian, McLean County, North Dakota having the bearings and distances based on the North Dakota State Plane Coordinate System, North Zone, 1927 N.A.D. more particularly described as follows:

Beginning at the north 1/4 corner of Section 27, T146N, R82W;
thence South 00°40'16" West a distance of 2,644.45 feet to the center of said Section;
thence North 89°31'53" West a distance of 2,336.23 feet on the east-west 1/4 line of said Section;
thence North 00°00'00" East a distance of 2,644.66 feet to the south line of Section 22 T146N, R82W;
thence North 00°00'00" West a distance of 2,640.43 feet to the east-west 1/4 line of said Section;
thence South 89°36'25" East a distance of 2,385.99 feet to the center of said Section;
thence South 00°24'27" West a distance of 2,643.62 feet to the south 1/4 corner of said Section being also the Point of Beginning.

Said area contains 286.9 acres.

This document was originally issued and sealed by Trevor F. Schaar, PLS, Registration Number PLS-28978 on Date 04/20/2022 and is stored at The Falkirk Mining Company, Underwood, North Dakota.

WEST PERMIT NAFK 8705
Revision 35

Metes and Bounds

Portions of Sections 3, 4, 5, 6, 8, and 9, Township 145 North, Range 82 West; Portions of Sections 19, 27, 28, 29, 30, 31, 32, 33, and 34, Township 146 North, Range 82 West; Portions of Sections 22, 23, 24, 25, 26, 27, 35, and 36, Township 146 North, Range R83 West of the Fifth Principal Meridian, County of McLean, State of North Dakota, more particularly described as follows:

Beginning at the southwest corner of said Section 6, Township 145 North, Range 82 West of the Fifth Principal Meridian;

thence North 00°33'07" East, 5287.94 feet along the west line to the northwest corner of said Section 6;
thence North 89°22'03" West, 5284.80 feet along the south line to the southwest corner of said Section 36;
thence North 89°22'13" West, 4821.64 feet along the south line of said Section 35;
thence North 00°37'45" East, 265.02 feet;
thence North 89°22'14" West, 464.27 feet to the west line of said section;
thence North 00°21'17" East, 5020.39 feet along said west line to the northwest corner of said section;
thence North 00°26'38" East, 2641.45 feet along the west line to the west quarter corner of said Section 26;
thence North 89°11'53" West, 952.82 feet along the east-west quarter line of said Section 27;
thence North 00°26'51" East, 325.00 feet;
thence North 89°11'53" West, 361.00 feet;
thence North 00°26'51" East, 2319.52 feet to the north line of said section;
thence North 89°03'49" West, 138.83 feet along said north line of said section;
thence North 00°00'00" East, 788.16 feet;
thence North 90°00'00" West, 150.00 feet;
thence North 00°00'00" East, 140.00 feet;
thence North 90°00'00" West, 435.00 feet;
thence South 00°00'00" West, 918.60 feet to the south line of said Section 22;
thence North 89°03'49" West, 589.79 feet to the south quarter corner of said section;
thence North 00°32'04" East, 2649.25 feet along the north-south quarter line to the center of said section;
thence South 88°54'34" East, 1312.65 feet along the east-west quarter line of said section
thence North 00°30'41" East, 2641.85 feet to the north line of said section;
thence South 88°55'33" East, 1011.58 feet along said north line of said section;
thence South 00°29'17" West, 300.01 feet;
thence South 88°55'33" East, 300.00 feet to the east line of said section;
thence South 88°55'23" East, 50.00 feet;

thence North 00°29'17" East, 300.28 feet to the north line of said Section 23;
thence South 89°15'14" East, 5270.91 feet along said north line to the northeast corner of said section;
thence South 89°37'14" East, 5273.48 feet along the north line to the northeast corner of said Section 24;
thence South 89°34'39" East, 5236.18 feet along the north line to the northeast corner of said Section 19;
thence South 00°32'08" West, 2646.74 feet along the east line to the east quarter corner of said section;
thence South 00°32'41" West, 2647.00 feet along the east line to the southeast corner of said section;
thence South 89°37'10" East, 2646.03 feet along the north line to the north quarter corner of said Section 29;
thence South 89°38'08" East, 2647.31 feet along the north line to the northeast corner of said section;
thence South 00°35'30" West, 851.70 feet along the west line of said Section 28;
thence South 89°29'07" East, 364.14 feet;
thence North 00°30'53" East, 367.22 feet;
thence South 89°29'07" East, 64.17 feet;
thence North 00°08'23" East, 235.95 feet;
thence South 89°29'07" East, 408.30 feet;
thence North 07°29'07" West, 251.04 feet to the north line of said section;
thence South 89°29'22" East, 2842.47 feet along said north line of said section;
thence South 16°54'23" East, 5436.76 feet to the west line of said Section 27;
thence South 16°54'23" East, 106.54 feet to the north line of said Section 34;
thence South 16°54'23" East, 1333.88 feet;
thence South 17°57'24" East, 147.97 feet;
thence South 20°20'54" East, 174.54 feet;
thence South 22°50'19" East, 161.25 feet;
thence South 25°13'49" East, 161.25 feet;
thence South 26°29'53" East, 3311.41 feet;
thence North 61°03'07" East, 89.31 feet;
thence South 20°38'49" East, 368.68 feet;
thence South 27°40'19" West, 198.68 feet to the north line of said Section 3;
thence South 27°40'19" West, 264.28 feet;
thence South 82°49'32" West, 720.64 feet;
thence South 64°36'51" West, 157.10 feet;
thence South 00°16'55" West, 1007.61 feet;
thence South 76°56'48" East, 730.77 feet;
thence North 80°25'33" East, 420.86 feet;
thence North 33°21'14" East, 472.89 feet;
thence South 12°12'41" East, 1371.02 feet;
thence South 10°26'15" East, 193.20 feet;
thence South 07°49'33" East, 1064.92 feet;
thence South 69°07'31" West, 631.45 feet;
thence South 04°14'49" West, 1215.34 feet;

thence North 85°59'45" West, 100.24 feet;
thence North 03°03'20" East, 1172.99 feet;
thence North 89°36'23" West, 2469.42 feet to the east line of said Section 4;
thence North 89°36'23" West, 1182.74 feet;
thence North 70°00'09" West, 2554.48 feet;
thence South 05°52'21" West, 879.62 feet;
thence South 77°19'11" West, 820.00 feet;
thence South 09°59'33" West, 1066.17 feet;
thence North 90°00'00" West, 649.65 feet to the west line of said section;
thence South 00°27'02" West, 59.99 feet along said west line to the southwest corner of
said section;
thence South 00°11'47" East, 35.01 feet;
thence South 89°33'33" East, 650.02 feet;
thence South 89°32'10" East, 1235.04 feet;
thence South 88°23'11" East, 355.14 feet;
thence North 74°19'54" East, 159.38 feet to the north line of said Section 9;
thence North 74°19'54" East, 266.44 feet;
thence North 75°04'07" East, 108.67 feet;
thence North 90°00'00" East, 1510.00 feet;
thence South 19°39'14" East, 121.76 feet to the south line of said Section 4;
thence South 19°39'14" East, 26.90 feet;
thence South 77°28'16" East, 184.39 feet;
thence South 00°00'00" West, 80.00 feet;
thence North 80°08'03" West, 233.45 feet;
thence North 22°37'07" West, 114.82 feet to the north line of said Section 9;
thence North 89°33'15" West, 1585.71 feet along said north line of said section;
thence South 13°36'32" West, 2295.78 feet;
thence South 78°47'06" West, 591.29 feet;
thence North 24°08'44" West, 953.41 feet;
thence North 27°56'40" East, 1579.12 feet;
thence South 89°31'41" West, 1821.06 feet;
thence South 00°39'25" West, 785.05 feet;
thence North 88°40'04" West, 45.57 feet to the west line of said section;
thence North 88°40'04" West, 384.55 feet;
thence North 05°18'52" East, 431.86 feet;
thence North 48°03'10" West, 531.08 feet;
thence North 89°43'45" West, 2116.02 feet;
thence South 02°34'15" East, 245.25 feet;
thence North 90°00'00" West, 350.00 feet;
thence South 75°57'50" West, 288.62 feet;
thence South 01°34'43" West, 1270.48 feet;
thence South 59°39'24" East, 712.62 feet;
thence South 17°23'13" West, 518.70 feet;
thence North 81°01'39" West, 480.88 feet;
thence North 01°39'25" West, 1210.51 feet;
thence North 90°00'00" West, 1660.00 feet;

thence North $00^{\circ}51'38''$ West, 1292.99 feet to the northwest corner of said Section 8;
thence North $89^{\circ}38'25''$ West, 5274.15 feet along the south line of said Section 6 to the
point of beginning;

Said portions of said sections, less exclusionaries on the following pages, contain
10,485.6 acres.

All bearings, distances, and areas are based on the North Dakota State Coordinate
System, North Zone, 1927 Datum.

West Permit NAFK 8705

Metes and Bounds of Exclusions

Portions of Section 5, Township 145 North, Range 82 West; Portions of Sections 22 and 23, Township 146 North, Range 83 West; Portions of Section 29, 30 and 31, Township 146 North, Range 82 West of the Fifth Principal Meridian, County of McLean, State of North Dakota, more particularly described as follows:

Section 5, T145N, R82W:

Commencing at the northwest corner of said Section 5;
thence South $34^{\circ}25'35''$ East, 774.50 feet to the true point of beginning;
thence North $81^{\circ}29'18''$ East, 2230.32 feet;
thence South $00^{\circ}14'46''$ West, 1553.79 feet;
thence South $78^{\circ}52'25''$ West, 882.67 feet;
thence South $82^{\circ}56'41''$ West, 1424.80 feet;
thence North $02^{\circ}57'19''$ East, 1571.10 feet to the true point of beginning.
Said portion of said section contains 81.1 acres.

Sections 22 and 23, T146N, R83W:

Beginning at the southeast corner of said Section 22;
thence North $89^{\circ}03'49''$ West, 235.00 feet along the south line of said section;
thence North $00^{\circ}29'17''$ East, 232.00 feet;
thence North $89^{\circ}03'49''$ West, 99.99 feet;
thence North $01^{\circ}04'57''$ East, 368.89 feet;
thence South $89^{\circ}22'53''$ East, 331.16 feet to the east line of said section;
thence South $89^{\circ}22'53''$ East, 54.13 feet;
thence South $00^{\circ}34'11''$ West, 371.03 feet;
thence North $89^{\circ}03'49''$ West, 53.61 feet to the west line of said Section 23;
thence South $00^{\circ}29'17''$ West, 232.00 feet along said west line of said section to
the true point of beginning;
Said portion of said sections contain 4.6 acres.

Sections 29 and 30, T146N, R82W:

Commencing at the southeast corner of said Section 30;
thence North $00^{\circ}37'36''$ East, 2248.85 feet along the east line of said section to the
true point of beginning;
thence North $90^{\circ}00'00''$ West, 420.00 feet;
thence North $01^{\circ}08'04''$ East, 505.10 feet;
thence North $90^{\circ}00'00''$ East, 415.26 feet to the east line of said section;
thence North $90^{\circ}00'00''$ East, 44.74 feet;
thence South $01^{\circ}08'04''$ East, 505.10 feet;

thence North 90°00'00" West, 60.00 feet to the west line of said Section 29 and
the true point of beginning.
Said portion of said sections contain 5.4 acres.

Sections 31, T146N, R82W:

Beginning at the southeast corner of said Section 31;
thence North 89°31'26" West, 2643.72 feet along the south line of said Section to
the south ¼ corner of said Section 31;
thence North 89°32'12" West, 543.36 feet along the south line of said Section 31;
thence North 00°00'21" West, 3025.77 feet;
thence North 89°58'13" East, 2588.27 feet;
thence South 00°00'39" East, 2113.47 feet;
thence South 89°57'37" East, 607.84 feet to the east line of said Section 31;
thence South 00°33'47" West, 939.86 feet along said east line of said section to
the true point of beginning;
Said portion of said sections contain 193.4 acres.

All bearings and distances are based on the North Dakota State Plane Coordinate System,
North Zone, 1927 datum.

RIVERDALE PERMIT NAFK 9503

Revision 34

Metes and Bounds

An area of land located in T144N, R83W, T144N, R84W, T145N, R82W, T145N, R83W, T145N, R84W, T146N, R83W, and T146N, R84W of the 5th Principal Meridian, McLean County, North Dakota having the bearings and distances based on the North Dakota State Plane Coordinate System, North Zone, 1927 N.A.D. described as follows:

Beginning at the Southeast corner of Section 7, T144N, R83W;
thence North 89°35'36" West a distance of 2656.00 feet to the south ¼ corner of said Section;
thence North 89°35'35" West a distance of 2625.44 feet to the southwest corner of said Section 7;
thence North 89°44'41" West a distance of 2644.14 feet to the south ¼ corner of Section 12, T144N, R84W;
thence North 88°49'38" West a distance of 2651.78 feet to the southwest corner of said Section;
thence North 88°34'04" West a distance of 2652.60 feet to the south ¼ corner of Section 11, T144N, R84W;
thence North 89°29'04" West a distance of 2644.77 feet to the southwest corner of said Section;
thence North 00°32'56" East a distance of 2639.68 feet to the west ¼ corner of said Section 11;
thence North 89°16'12" West a distance of 2653.98 feet to the center ¼ corner of Section 10, T144N, R84W;
thence North 00°20'55" East a distance of 2637.83 feet to the north ¼ corner of said Section;
thence North 00°36'12" East a distance of 4134.12 feet to the north ¼ corner of Section 3, T144N, R84W;
thence South 89°16'46" East a distance of 2065.44 feet to the south ¼ corner of Section 31, T145N, R83W;
thence South 89°17'14" East a distance of 569.46 feet to the northeast corner of Section 3, T144N, R84W;
thence South 89°17'14" East a distance of 2073.25 feet to the southeast corner of Section 31, T145N, R83W;
thence North 00°54'19" East a distance of 2635.01 feet to the east ¼ corner of said Section;
thence North 00°32'30" East a distance of 2644.26 feet to the northeast corner of said Section 31;
thence North 00°28'46" East a distance of 2644.25 feet to the east ¼ corner of Section 30, T145N, R83W;
thence South 89°29'59" East a distance of 2631.71 feet to the center ¼ corner of Section 29, T145N, R83W;

thence North 00°35'48" East a distance of 2644.19 feet to the north ¼ corner of said Section;

thence South 89°29'59" East a distance of 264.00 feet on the north line of said Section 29;

thence North 00°35'37" East a distance of 330.00 feet;

thence North 89°29'59" West a distance of 264.00 feet to the north-south ¼ line of Section 20, T145N, R83W;

thence South 00°35'37" West a distance of 330.00 feet to the north ¼ corner of said Section 29;

thence North 89°29'52" West a distance of 2637.11 feet to the northwest corner of said Section;

thence North 88°57'53" West a distance of 2641.85 feet to the south ¼ corner of Section 19, T145N, R83W;

thence North 00°42'38" East a distance of 5284.61 feet to the north ¼ corner of said Section;

thence North 89°07'14" West a distance of 2671.99 feet to the northwest corner of said Section 19;

thence North 89°14'42" West a distance of 2638.04 feet to the south ¼ corner of Section 13, T145N, R84W;

thence North 89°15'51" West a distance of 2627.20 feet to the southwest corner of said Section;

thence North 00°12'50" East a distance of 2645.67 feet to the west ¼ corner of said Section 13;

thence North 00°12'59" East a distance of 2661.19 feet to the southwest corner of Section 12, T145N, R84W;

thence North 00°37'08" East a distance of 2641.65 feet to the west ¼ corner of said Section;

thence North 00°35'09" East a distance of 2652.61 feet to the southwest corner of Section 1, T145N, R84W;

thence North 00°29'56" East a distance of 2610.67 feet to the west ¼ corner of said Section;

thence North 89°23'07" West a distance of 2652.42 feet to the center ¼ corner of Section 2, T145N, R84W;

thence North 00°45'40" East a distance of 2669.58 feet to the north ¼ corner of said Section;

thence South 89°16'03" East a distance of 2644.09 feet to the southwest corner of Section 36, T146N, R84W;

thence North 00°35'08" East a distance of 2667.51 feet to the west ¼ corner of said Section;

thence North 00°37'53" East a distance of 2625.71 feet to the northwest corner of said Section 36;

thence South 89°22'36" East a distance of 2630.59 feet to the north ¼ corner of said Section;

thence South 89°16'12" East a distance of 2642.16 feet to the northwest corner of Section 31, T146N, R83W;

thence South 89°10'44" East a distance of 2650.00 feet to the north ¼ cor-

ner of said Section;
thence South 00°31'34" West a distance of 2646.56 feet to the center ¼
corner of said Section;
thence South 89°12'30" East a distance of 1321.18 feet to the CE1/16 cor-
ner of said Section;
thence South 00°32'14" West a distance of 1322.15 feet to the SE1/16
corner of said Section;
thence South 89°11'20" East a distance of 1320.92 feet to the S1/16 corner
of said Section;
thence North 00°32'54" East a distance of 1322.60 feet to the east ¼ cor-
ner of said Section;
thence North 00°32'54" East a distance of 2645.20 feet to the northeast
corner of said Section;
thence North 89°10'44" West a distance of 2643.39 feet to the north ¼
corner of said Section;
thence North 00°40'31" East a distance of 2646.91 feet to the center ¼
corner of Section 30, T146N, R83W;
thence South 89°08'32" East a distance of 2643.01 feet to the east ¼ cor-
ner of said Section;
thence South 89°05'01" East a distance of 2645.32 feet to the center ¼
corner of Section 29, T146N, R83W;
thence South 00°39'06" West a distance of 2642.52 feet to the south ¼
corner of said Section;
thence South 89°08'31" East a distance of 2646.03 feet to the northeast
corner of Section 32, T146N, R83W;
thence South 00°37'08" West a distance of 2639.84 feet to the east ¼ cor-
ner of said Section;
thence South 00°37'08" West a distance of 2135.78 feet on the east line of
said Section 32;
thence North 89°08'38" West a distance of 355.14 feet;
thence South 57°16'04" West a distance of 101.16 feet;
thence North 89°34'18" West a distance of 173.33 feet;
thence South 01°52'59" East a distance of 449.41 feet to the south line of
said Section 32;
thence South 89°20'46" East a distance of 593.34 feet to the northwest
corner of Section 4, T145N, R83W;
thence South 89°20'45" East a distance of 2644.16 feet to the north ¼ cor-
ner of said Section;
thence South 00°30'10" West a distance of 5311.62 feet to the south ¼
corner of said Section 4;

thence South 88°58'49" East a distance of 2641.70 feet to the northwest
corner of Section 10, T145N, R83W;
thence South 00°27'03" West a distance of 2634.76 feet to the west ¼ cor-
ner of said Section;

thence South 89°47'52" East a distance of 5285.42 feet to the west ¼ corner of Section 11, T145N, R83W;
thence South 89°15'21" East a distance of 5268.06 feet to the east ¼ corner of said Section;
thence South 89°24'42" East a distance of 5302.72 feet to the east ¼ corner of Section 12, T145N, R83W;
thence South 89°32'28" East a distance of 1315.57 feet to the CW1/16 corner of Section 7, T145N, R82W;
thence North 00°34'42" East a distance of 2646.13 feet to the N1/16NW corner of said Section;
thence South 89°38'10" East a distance of 1316.88 feet to the north ¼ corner of said Section 7;
thence South 89°38'10" East a distance of 2640.37 feet to the northeast corner of said Section;
thence South 00°51'23" East a distance of 1292.99 feet;
thence North 89°59'45" West a distance of 29.76 feet to the east line of said Section 7;
thence South 00°27'44" West a distance of 1359.79 feet to the east ¼ corner of said Section;
thence South 00°27'44" West a distance of 1562.34 on the east line of said Section;
thence North 89°32'16" West a distance of 600.00 feet;
thence South 00°27'44" West a distance of 680.00 feet;
thence South 89°32'16" East a distance of 600.00 feet to the east line of said Section;
thence South 00°27'44" West a distance of 410.33 feet to the northeast corner of Section 18, T145N, R82W;
thence South 00°29'02" West a distance of 2646.98 feet to the east ¼ corner of said Section;
thence North 89°24'43" West a distance of 2651.66 feet to the center ¼ corner of said Section 18;
thence South 00°26'22" West a distance of 2645.39 feet to the south ¼ corner of said Section;
thence South 00°25'22" West a distance of 5291.97 feet to the south ¼ corner of Section 19, T145N, R82W;
thence South 00°28'21" West a distance of 5292.04 feet to the south ¼ corner of Section 30, T145N, R82W;
thence North 89°11'16" West a distance of 2646.60 feet to the northeast corner of Section 36, T145N, R83W;
thence South 00°30'36" West a distance of 2643.80 feet to the east ¼ corner of said Section;
thence South 00°30'36" West a distance of 2643.80 feet to the southeast corner of said Section 36;
thence North 89°27'03" West a distance of 2067.84 feet on the south line of said Section 36 to the northeast corner of Section 4, T144N, R83W;

thence South 00°24'29" West a distance of 1464.28 feet to the east ¼ corner of said Section;
thence South 00°24'29" West a distance of 2642.60 feet to the southeast corner of said Section 4;
thence South 00°26'50" West a distance of 2639.19 feet to the east ¼ corner of Section 9, T144N, R83W;
thence North 89°42'03" West a distance of 5284.07 feet to the west ¼ corner of said Section;
thence North 00°28'47" East a distance of 2642.61 feet to the northwest corner of said Section 9;
thence North 89°41'50" West a distance of 2642.42 feet to the north ¼ corner of Section 8, T144N, R83W;
thence North 89°41'50" West a distance of 2642.42 feet to the northwest corner of said Section;
thence South 00°26'44" West a distance of 2637.01 feet to the west ¼ corner of said Section 8;
thence South 00°26'48" West a distance of 2636.87 feet to the southwest corner of said Section 8, being also the Point of Beginning.

Said area of land, less Exclusions, contains 29,091.0 acres.

Riverdale Permit NAFK 9503

Exclusion Metes and Bounds

A portion of Section 22, Township 145 North, Range 83 West of the Fifth Principal Meridian, County of McLean, State of North Dakota, more particularly described as follows:

Beginning at the southwest corner of said Section 22;
thence South $89^{\circ}43'45''$ East a distance of 467.00 feet on the south line of said Section;
thence North $00^{\circ}35'30''$ East a distance of 467.00 feet;
thence North $89^{\circ}43'45''$ West a distance of 467.00 feet to the west line of said Section;
thence South $00^{\circ}35'30''$ West a distance of 467.00 feet on the west line of said Section to the point of beginning.

Said portion of said section contains 5.0 acres.

A portion of Section 18, Township 145 North, Range 82 West of the Fifth Principal Meridian, County of McLean, State of North Dakota, more particularly described as follows:

Commencing at the northwest corner of said Section 18;
thence South $89^{\circ}26'47''$ East a distance of 491.37 feet on the north line of said section to the point of beginning.
thence South $89^{\circ}26'47''$ East on the north line of said section a distance of 600.00 feet;
thence South $00^{\circ}00'00''$ East a distance of 680.00 feet;
thence North $89^{\circ}26'47''$ West a distance of 600.00 feet;
thence North $00^{\circ}00'00''$ East a distance of 680.00 feet to the point of beginning.

Said portion of said section contains 9.4 acres.

All bearings and distances are based on the North Dakota State Plane Coordinate System, North Zone, 1927 Datum.

This document was originally issued and sealed by Trevor F. Schaar, PLS, Registration Number PLS-28978 on 02/01/2023 and is stored at The Falkirk Mining Company, Underwood, North Dakota.

LEASED FEDERAL TRACTS LEGAL DESCRIPTIONS – ATTACHMENT III

Permit No. NAFK-8405

Township 146 North, Range 82 West

Section 10: E½

Total Acres: 321.2

RECEIVED

APR 21 2023

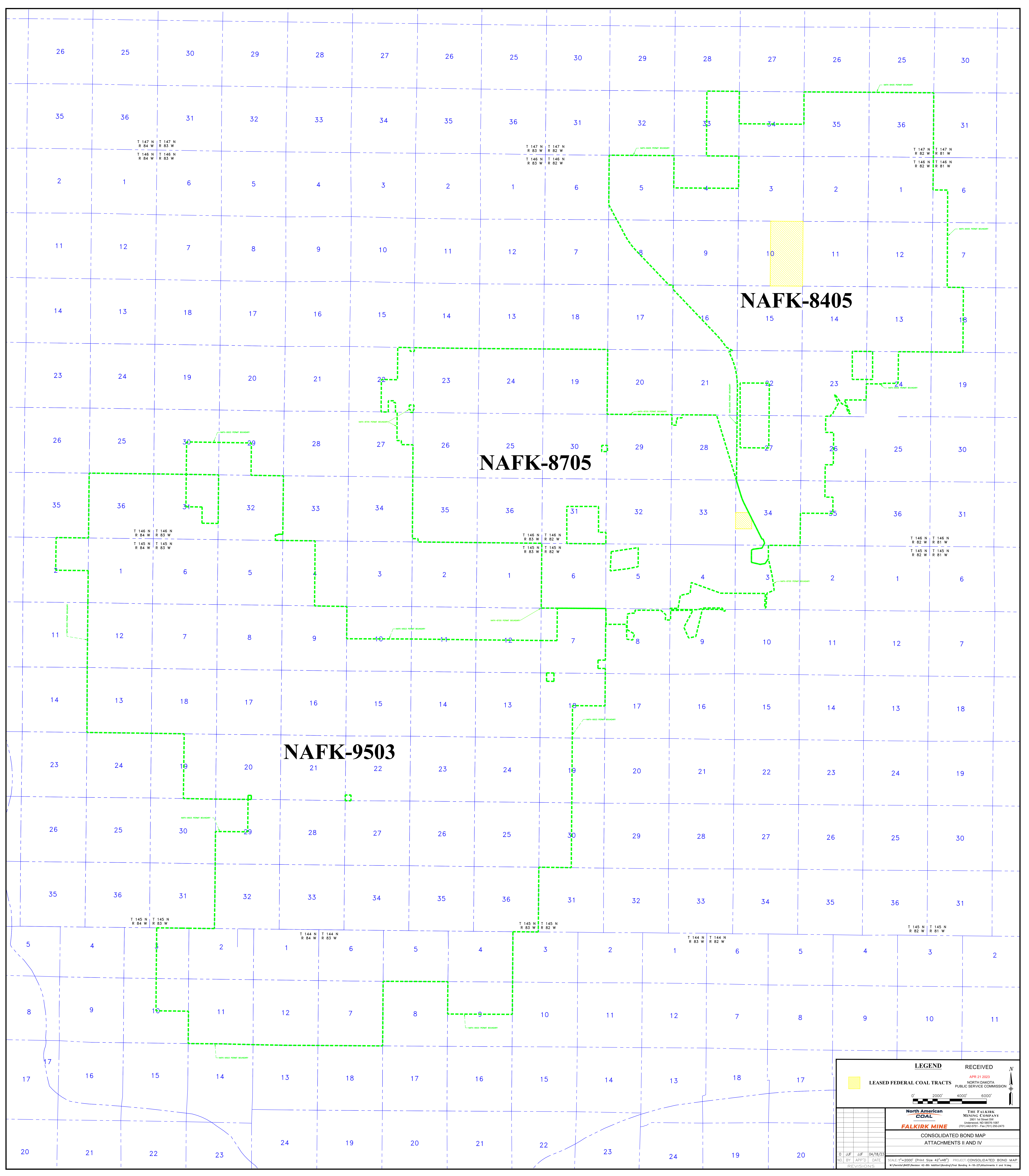
NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Permit No. NAFK-8705

Township 146 North, Range 82 West

Section 34: NW¼SW¼ less Highway 83 and railroad right-of ways

Total Acres: 38.8



T 147 N T 147 N
R 84 W R 83 W
T 146 N T 146 N
R 84 W R 83 W

T 147 N T 147 N
R 83 W R 82 W
T 146 N T 146 N
R 83 W R 82 W

T 147 N T 147 N
R 82 W R 81 W
T 146 N T 146 N
R 82 W R 81 W

T 146 N T 146 N
R 84 W R 83 W
T 145 N T 145 N
R 84 W R 83 W

T 146 N T 146 N
R 83 W R 82 W
T 145 N T 145 N
R 83 W R 82 W

T 146 N T 146 N
R 82 W R 81 W
T 145 N T 145 N
R 82 W R 81 W

T 145 N T 145 N
R 84 W R 83 W

T 144 N T 144 N
R 84 W R 83 W

T 145 N T 145 N
R 83 W R 82 W

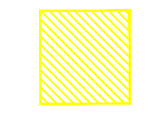




T 144 N T 144 N
R 83 W R 82 W

T 145 N T 145 N
R 82 W R 81 W

NAFK-8405

NAFK-8705

NAFK-9503

LEGEND		RECEIVED	
	LEASED FEDERAL COAL TRACTS	APR 21 2023	
		NORTH DAKOTA PUBLIC SERVICE COMMISSION	
			
			
			
FALKIRK MINE		2801 1st Street SE Underwood, ND 58076-1027 (701) 462-9751 - Fax (701) 250-2473	
CONSOLIDATED BOND MAP ATTACHMENTS II AND IV			
0 JWF JLF NO. BY APP'D DATE REVISIONS	04/18/23	SCALE: 1"=2000' (Print Size: 42"x48")	PROJECT: CONSOLIDATED BOND MAP W:\Projects\NAFK\05\Section 42-8a_Abbott\Bonding\Final Bonding 4-18-23\Attachments II and IV.dwg



COLLATERAL BOND AGREEMENT (CASH DEPOSIT)
PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
 SFN 17707 (Rev. 09-2001)

RECEIVED

APR 21 2023

NORTH DAKOTA
 PUBLIC SERVICE COMMISSION

Permittee The Falkirk Mining Company	
Permit Number NAFK-8405, NAFK-8705, NAFK-9503	Collateral Bond Number CB-9503-6

The above named Permittee is the holder of the Surface Coal Mining and Reclamation Operations Permit listed above and is duly authorized to do business in the State of North Dakota. Permittee, AS PRINCIPAL, is held firmly bound unto the State of North Dakota, in the sum of Eleven Million Four Hundred Seventy-Three Thousand Six Hundred Thirty-Three Dollars (\$ 11,473,633.00), lawful money of the United States of America to be paid to the State of North Dakota upon order of forfeiture by the North Dakota Public Service Commission (NDPSC), for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

Contemporaneously with execution and delivery of this Collateral Bond, the Permittee gives the NDPSC a cash deposit (collateral) in the amount of \$ 11,473,633.00, attached as Exhibit 1. The cash shall be deposited in an escrow account with the Bank of North Dakota (BND) and governed by an escrow agreement between the NDPSC, Permittee and BND.

This agreement covers any and all land affected or to be affected by surface coal mining and reclamation operations within the bond area containing 52,726.6 acres and as described in attached Exhibit 2 (legal description) and Exhibit 3 (map). This agreement covers all mining related disturbances since the issue date of the Permit.

To the extent that there are any Federal lands containing leased Federal coal within the bond area, this Collateral Bond is also payable to the United States/Office of Surface Mining Reclamation and Enforcement (OSMRE). As required by the Cooperative Agreement between the State of North Dakota and the United States Department of the Interior, both NDPSC and OSMRE are co-obligees under this Collateral Bond and the NDPSC must obtain OSMRE concurrence prior to releasing any obligation under this Collateral Bond for Federal lands containing leased Federal coal. The bond area described in Exhibits 2 and 3 contains 360.0 acres of Federal lands containing leased Federal coal. These Federal lands are described in attached Exhibit 4 (legal description) and Exhibit 5 (map). To the extent these Federal lands are involved, release of this Collateral Bond also is conditioned upon compliance with applicable Federal laws and regulations and the provisions of the Cooperative Agreement between the State of North Dakota and the United States Department of the Interior at 30 C.F.R. 934.30. If the Cooperative Agreement at 30 C.F.R. 934.30 is terminated, this Collateral Bond shall continue in effect and, to the extent these Federal lands are involved, the bond shall be payable to the United States.

This agreement shall remain in full force and effect until either released or forfeited under North Dakota Century Code Chapter 38-14.1 and North Dakota Administrative Code Article 69-05.2.

Permittee agrees that this obligation is non-cancellable and that the liability hereunder is for the duration of the surface coal mining and reclamation operations, and continues thereafter for a period coincident with the Permittee's responsibility for the establishment of vegetation on the affected areas pursuant to the requirements of North Dakota Century Code Chapter 38-14.1 and North Dakota Administrative Code Article 69-05.2, EXCEPT THAT the obligation may be reduced if approved by NDPSC or replaced if a substitute bond acceptable to the NDPSC has been submitted.

If Permittee complies with the terms and conditions of the permit and the provisions of North Dakota Century Code Chapter 38-14.1 and North Dakota Administrative Code Article 69-05.2, then the release of this obligation shall proceed as specified in the law and rules.

Permittee further agrees that this Collateral Bond is posted to insure the Permittee's performance upon all acres contained in the permit. Upon bond forfeiture, any bond which continues to be held by the NDPSC for the Permit may be forfeited for use by the NDPSC to complete the reclamation plan for the acres in the Permit and to cover associated administrative expenses.

Collateral Bond Number
CB-9503-6

All interest accrued on the escrow account shall be paid directly to the Permittee. The Permittee hereby understands and agrees that the NDPSC shall have no liability with respect to the specific interest rates, or any changes in such rates.

Permittee further agrees and understands that this Collateral Bond remains in force and effect unless reduced or replaced in accordance with North Dakota Century Code Chapter 38-14.1 and North Dakota Administrative Code Article 69-05.2.

This Collateral Bond may be executed in any number of identical counterparts, each of which, when executed and delivered by the parties hereto, shall be considered to be an original, but all of which shall collectively constitute one and the same instrument.

In witness whereof, we, the said parties, have set our hands and seals.

Effective 04/27/2023 (Date)

PERMITTEE

Signature of President or Authorized Officer <i>Jay H. Kost</i>	
Name Jay H. Kost	Title President

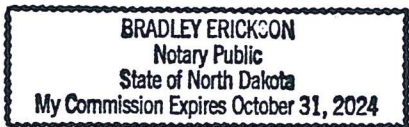
Signature of President or Authorized Officer <i>Carroll L. Dewing</i>	
Name Carroll L. Dewing	Title Vice President

ACKNOWLEDGEMENT OF PERMITTEE

State of North Dakota)
) SS.
County of Burleigh)

The foregoing instrument was acknowledged before me on this date 4-20-2023 by
Jay H. Kost and Carroll L. Dewing
of The Falkirk Mining Company, a Ohio
corporation, on behalf of the corporation.

(S E A L)
ID 33



BY: *Bradley Erickson*
NOTARY PUBLIC
MY COMMISSION EXPIRES: 10-31-2024

Notice of Payment Acceptance
Public Service Commission
State of North Dakota
Reclamation Division

On: 4/26/2023 13:57:23

\$11,473,633.00

Received Of: The Falkirk Mining Company - A Subsidiary of North American Coal Corporation

RE: Case No. RC-23-160; CB-9503-6 for NAFK - 9503, 8405, 8705

Check No: 00230117

Public Service Commission

By: amy