

UNITED STATES

DEPARTMENT OF THE INTERIOR

This mining plan approval document is issued by the United States of America to:

Falkirk Mining Company  
2801 1<sup>st</sup> St. SW  
Underwood, ND 58576-1087

for a mining plan modification for Federal lease NDM107039 at the Falkirk Mine. This mining plan approval supplements all previous mining plan approvals for the Falkirk Mine. The approval is subject to the following conditions. Falkirk Mining Company is hereinafter referred to as the operator.

1. Statutes and Regulations: This mining plan approval is issued pursuant to Federal lease NDM107039; the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.); and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351 et seq.). This mining plan approval is subject to all applicable laws and regulations of the Secretary of the Interior which are now or hereafter in force; and all such laws and regulations are made part hereof. The operator shall comply with the provisions of the Federal Water Pollution and Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and other applicable Federal laws.
2. This document approves the mining plan modification for Federal lease NDM107039 at the Falkirk Mine and authorizes coal development or mining operations on the Federal lease within the area of mining approval. This authorization expands the approved mining plan area into the following Federal coal lands:

NDM107039:

Sixth PM, T146N, R82W, McLean County, North Dakota  
Section 10 SE1/4

These lands in Federal lease NDM107039 encompass 160 acres and are found on the United States Geological Service 7.5 minuet Quadrangle map of Red Desert: Black Rock South and North, as shown in the map appended hereto as Attachment A.

3. The operator shall conduct coal development or mining operations only as described in the complete permit application package, and approved by the North Dakota Public Service

Commission, Reclamation Division, except as otherwise directed in any conditions of this mining plan approval.

4. The operator shall comply with the terms and conditions of the lease, this mining plan approval, and the requirements of North Dakota Permit NAFK-8405 issued under the North Dakota State program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
5. This mining plan approval shall be binding on any person conducting coal development or mining operations under the approved mining plan and shall remain in effect until superseded, canceled, or withdrawn.
6. If, during mining operations, unidentified prehistoric resources are discovered, the operator shall ensure that the resources are not disturbed and shall notify the North Dakota Public Service Commission, Reclamation Division and the Office of Surface Mining Reclamation and Enforcement. The operator shall take such actions as are required by the North Dakota Public Service Commission, Reclamation Division (PSC) in coordination with the Office of Surface Mining Reclamation and Enforcement (OSMRE).
7. The Secretary retains jurisdiction to modify or cancel this approval, as required, on the basis of further consultation with the U.S. Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act, as amended, 16 U.S.C. 1531 et seq.

  
\_\_\_\_\_  
Joseph R. Balash  
Assistant Secretary  
Land and Minerals Management  
U.S. Department of the Interior

  
\_\_\_\_\_  
Date

Attachment