

UNITED STATES
DEPARTMENT OF THE INTERIOR

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

Falkirk Mining Company
Falkirk Mine
2801 1st St. SW
Underwood, ND 58576

for a mining plan modification for the portion of Federal Coal Lease NDM 111489 at the Falkirk Mine, North Dakota covered by Revision 40 to the State Mining Permit NAFK-9503. Falkirk Mining Company is hereinafter referred to as the operator. This approval is subject to the following conditions.

1. Statutes and Regulations: This mining plan modification approval is issued pursuant to Federal Coal Lease NDM 111489; 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 modification approval is subject to all applicable laws and regulations of the Secretary of the Interior that are now or hereafter in force; and all such laws and regulations are made part hereof. The operator must 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 a mining plan modification for the portion of Federal Coal Lease NDM 111489 at Falkirk Mine that is covered by Revision 40 to the State Mining Permit NAFK-9503 and authorizes coal development or mining operations on the parts of the Federal lease within the area of the mining plan approval. This authorization is for the Federal coal lands within the mining plan modification area as described:

Township 144 North, Range 84 West, 5thP.M.
Section 12: NW1/4 (160 acres)

These lands encompass 160 acres and are found on the map as shown in appended attachments hereto referred as Attachment A.

3. This mining plan modification supplements all prior mining plan approvals for the Falkirk Mine.
4. The operator is authorized to conduct coal development, mining, and reclamation operations only as described in the complete permit application approval by North Dakota PSC, except as otherwise directed in the conditions of this mining plan modification approval.

5. The operator must comply with the terms and conditions of the lease, this mining plan modification approval, and the requirements of North Dakota PSC Permit NAFK-9503 issued under North Dakota State Program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. §§ 1201 *et seq.*). The Secretary retains the authority and jurisdiction to modify or cancel this mine plan modification approval for failure to comply with any of these items or applicable laws and regulations.
6. This mining plan modification approval is binding on any person conducting coal development or mining operations under the approved mining plan modification and will remain in effect until superseded, canceled, or withdrawn.
7. If, during surface coal mining and reclamation operations, unidentified prehistoric resources are discovered, the operator must ensure that the resources are not disturbed and must notify North Dakota PSC and Office of Surface Mining Reclamation and Enforcement (OSM). The operator must take such actions as are required by North Dakota PSC in coordination with the OSM.
8. 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.*

LANNY ERDOS Digitally signed by LANNY ERDOS
Date: 2026.09.18 13:30:14 -04'00' Date

Lanny E. Erdos
Director, Office of Surface Mining Reclamation and Enforcement
Exercising Authority of Assistant Secretary - Land and Minerals Management
U.S. Department of the Interior

Attachments: A