

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Bond Release No. 5, Permit NAFK-8705
Approval

Case No. RC-12-793

RELEASE OF BOND
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

December 4, 2013

Based on the application for **Bond Release Number 5 for Surface Coal Mining Permit NAFK-8705**, dated October 31, 2012 and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The Bond Release Application contains 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 July 3, 2013.
2. On June 25, 2013, 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 area at the Falkirk Mine.

In accordance with NDCC §38.14.1-17, Bond Release No. 5 for Surface Coal Mining Permit No. NAFK-8705 is hereby granted to The Falkirk Mining Company effective January 6, 2014, 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:

A portion of Section 20, T146N, R82W, McLean County,
releasing all reclamation liabilities on 137.6 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 applicable reclamation laws and rules administered by the Commission for successfully

reclaiming 130.7 acres of cropland and 6.9 acres of public roads, including 0.7 acre of a road that was not disturbed by mining activities. This reclaimed land is subject to the current reclamation law. Yield data has been submitted for the reclaimed cropland demonstrating that this land yielded equal to or greater than the approved success standard for at least two growing seasons after year six of the revegetation responsibility period. McLean County has indicated their satisfaction with reclamation of the township road.

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



Randy Christmann
Commissioner



Brian P. Kalk
Chairman



Julie Fedorchak
Commissioner