

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Bond Release No. 3, Permit NAFK-8405
Application

Case No. RC-21-221

RELEASE OF BOND
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

April 13, 2022

Based on the application for **Bond Release Number 3 for Surface Coal Mining Permit NAFK-8405**, filed June 1, 2021 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 September 23, 2021.
2. On September 8, 2021, 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. 3 for Surface Coal Mining Permit No. NAFK-8405 is hereby granted to The Falkirk Mining Company effective May 13, 2022, 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 is generally as follows:

Portions of Sections 23 and 24, T146N, R82W of McLean County,
releasing all reclamation liabilities on 92.3 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 reclaiming 22.3 acres of land, which consists of approximately 11.7 acres of native grasslands, 4.0 acres of cropland, and 6.6 acres of industrial/commercial abandoned mine land that is approved for recreational land use. The bond release area also includes 70.0 acres of land that was not affected by mining activities. The vegetation success standards and all

other applicable performance standards have been met to the satisfaction of the Commission. The acreage included in this bond release is subject to the 1979 reclamation law.

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


Julie Fedorchak
Chairman


Sheri Haugen-Hoffart
Commissioner

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MINING BOND RELEASE TRACT #3 PORTIONS
of SECTIONS 23 & 24, T146N, R82W

A tract of land for MINING BOND RELEASE in portions of 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 west 1/4 corner of said Section 24, T146N, R82W; thence S 89°29'43" E a distance of 1280.47 feet on the east-west 1/4 quarter line of said Section; thence S 00°36'54" W a distance of 1263.90 feet; thence S 89°28'10" W a distance of 218.89 feet; thence S 47°39'37" W a distance of 1447.64 feet to the east line of said Section 23, T146N, R82W; thence S 47°39'37" W a distance of 646.77 feet to the south line of said Section; thence N 89°07'43" W a distance of 482.08 feet on the south line of said Section; thence N 37°11'58" W a distance of 181.86 feet; thence N 83°30'58" W a distance of 131.37 feet; thence N 56°29'52" W a distance of 95.09 feet; thence N 21°51'45" W a distance of 901.38 feet; thence N 28°53'20" W a distance of 356.08 feet; thence S 89°57'46" E a distance of 483.07 feet to the C1/16SE corner of said Section; thence S 89°57'46" E a distance of 1313.60 feet to the E1/16SE corner of said Section; thence N 00°33'41" E a distance of 1321.17 feet on the east line of said Section to the Point of Beginning.

Said tract contains 92.3 acres.

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