



Public Service Commission
State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

sent via email and regular mail

April 22, 2022

Mr. Steve Burke
Environmental Manager
Falkirk Mining Company
P.O. Box 1087
Underwood, ND 58576-1087
steve.burke@nacoal.com

Dear Mr. Burke:

This is to inform you of the Commission's April 13th approval of Bond Release No. 3 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-21-221. Final bond release was approved for 92.3 acres located in portions of Sections 23 and 24 of T146N, R82W, McLean County. The bond release included 22.3 acres of reclaimed land (11.7 acres of native grasslands, 4.0 acres of cropland, and 6.6 acres of industrial/commercial land) and 70.0 acres that were not affected by mining activities. The entire bond release tract is part of the Coal Lake Wildlife Management Area owned by the State of North Dakota through the North Dakota Department of Transportation.

The bond release will become effective May 13, 2022, unless a formal hearing is requested. The consolidated bond amount at the Falkirk Mine will not be reduced due to continued mining and reclamation operations at the Falkirk Mine.

Enclosed is the original bond release award form. If you have any questions, please contact this office.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosure

cc: via email only: Jason Frye (jason.frye@nacoal.com)

Mine Data\Falkirk Mine\Permits\NAFK - 8405\Bond Release\Bond Release 3\BR3_AL_4-22-2022



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

sent via email and regular mail

April 22, 2022

Mr. Jeffrey Fleischman, Chief
OSM Denver Field Office
PO Box 11018
150 East B Street
Casper, WY 82601-7032
jfleischman@osmre.gov

Dear Mr. Fleischman:

This is to inform you of the Commission's April 13th approval of Bond Release No. 3 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-21-221. Final bond release was approved for 92.3 acres located in portions of Sections 23 and 24 of T146N, R82W, McLean County. The bond release included 22.3 acres of reclaimed land (11.7 acres of native grasslands, 4.0 acres of cropland, and 6.6 acres of industrial/commercial land) and 70.0 acres that were not affected by mining activities. The entire bond release tract is part of the Coal Lake Wildlife Management Area owned by the State of North Dakota through the North Dakota Department of Transportation. This bond release application did not contain federal coal tracts.

The bond release will become effective May 13, 2022, unless a formal hearing is requested. The consolidated bond amount at the Falkirk Mine will not be reduced due to continued mining and reclamation operations at the Falkirk Mine.

Enclosed is a copy of the bond release award form and a DVD copy of the application. If you have any questions, please contact this office.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosure

cc via email only: John Sieving (jsieving@osmre.gov)

Mine Data\Falkirk Mine\Permits\NAFK - 8405\Bond Release\Bond Release 3\BR3_AL_4-22-2022



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

sent via certified mail

April 22, 2022

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

McLean County Commissioners
McLean County Courthouse
PO Box 1108
Washburn, ND 58577-1108

Dear Commissioners:

This is to inform you of the Commission's April 13th approval of Bond Release No. 3 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-21-221. Final bond release was approved for 92.3 acres located in portions of Sections 23 and 24 of T146N, R82W, McLean County. The bond release included 22.3 acres of reclaimed land (11.7 acres of native grasslands, 4.0 acres of cropland, and 6.6 acres of industrial/commercial land) and 70.0 acres that were not affected by mining activities. The entire bond release tract is part of the Coal Lake Wildlife Management Area owned by the State of North Dakota through the North Dakota Department of Transportation.

The bond release will become effective May 13, 2022, unless a formal hearing is requested. The consolidated bond amount at the Falkirk Mine will not be reduced due to continued mining and reclamation operations at the Falkirk Mine.

Enclosed is a copy of the bond release award form. If you have any questions, please contact this office.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosure



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

sent via certified mail

April 22, 2022

Mr. Leon Weisenburger
President of City Commission
City of Underwood
P.O. Box 168
Underwood, ND 58576-0168

Dear President Weisenburger:

This is to inform you of the Commission's April 13th approval of Bond Release No. 3 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-21-221. Final bond release was approved for 92.3 acres located in portions of Sections 23 and 24 of T146N, R82W, McLean County. The bond release included 22.3 acres of reclaimed land (11.7 acres of native grasslands, 4.0 acres of cropland, and 6.6 acres of industrial/commercial land) and 70.0 acres that were not affected by mining activities. The entire bond release tract is part of the Coal Lake Wildlife Management Area owned by the State of North Dakota through the North Dakota Department of Transportation.

The bond release will become effective May 13, 2022, unless a formal hearing is requested. The consolidated bond amount at the Falkirk Mine will not be reduced due to continued mining and reclamation operations at the Falkirk Mine.

Enclosed is a copy of the bond release award form. If you have any questions, please contact this office.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosure

Mine Data\Falkirk Mine\Permits\NAFK - 8405\Bond Release\Bond Release 3\BR3_AL_4-22-2022



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

sent via certified mail

April 22, 2022

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

Mr. Larry Thomas
President, City Commission
907 M Main Ave.
PO Box 467
Washburn, ND 58577-0467

Dear President Thomas:

This is to inform you of the Commission's April 13th approval of Bond Release No. 3 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-21-221. Final bond release was approved for 92.3 acres located in portions of Sections 23 and 24 of T146N, R82W, McLean County. The bond release included 22.3 acres of reclaimed land (11.7 acres of native grasslands, 4.0 acres of cropland, and 6.6 acres of industrial/commercial land) and 70.0 acres that were not affected by mining activities. The entire bond release tract is part of the Coal Lake Wildlife Management Area owned by the State of North Dakota through the North Dakota Department of Transportation.

The bond release will become effective May 13, 2022, unless a formal hearing is requested. The consolidated bond amount at the Falkirk Mine will not be reduced due to continued mining and reclamation operations at the Falkirk Mine.

Enclosed is a copy of the bond release award form. If you have any questions, please contact this office.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosure



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

sent via email only

April 22, 2022

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

Ms. Beth Knutson
McLean County Auditor
PO Box 1108
712 5th Ave.
Washburn, ND 58577-1108
baknutson@nd.gov

Dear Ms. Knutson:

This is to inform you of the Commission's April 13th approval of Bond Release No. 3 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-21-221. Final bond release was approved for 92.3 acres located in portions of Sections 23 and 24 of T146N, R82W, McLean County. The bond release included 22.3 acres of reclaimed land (11.7 acres of native grasslands, 4.0 acres of cropland, and 6.6 acres of industrial/commercial land) and 70.0 acres that were not affected by mining activities. The entire bond release tract is part of the Coal Lake Wildlife Management Area owned by the State of North Dakota through the North Dakota Department of Transportation.

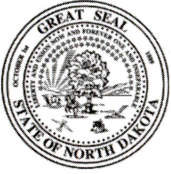
The bond release will become effective May 13, 2022, unless a formal hearing is requested. The consolidated bond amount at the Falkirk Mine will not be reduced due to continued mining and reclamation operations at the Falkirk Mine.

Enclosed is a copy of the bond release award form. If you have any questions, please contact this office.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosure



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

sent via email only

April 22, 2022

Mr. William T. Panos, Director
North Dakota Department of Transportation
608 East Boulevard Ave
Bismarck, ND 58505-0700
bpanos@nd.gov

Dear Director Panos:

This is to inform you of the Commission's April 13th approval of Bond Release No. 3 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-21-221. Final bond release was approved for 92.3 acres located in portions of Sections 23 and 24 of T146N, R82W, McLean County. The bond release included 22.3 acres of reclaimed land (11.7 acres of native grasslands, 4.0 acres of cropland, and 6.6 acres of industrial/commercial land) and 70.0 acres that were not affected by mining activities. The entire bond release tract is part of the Coal Lake Wildlife Management Area owned by the State of North Dakota through the North Dakota Department of Transportation.

This release will become effective May 13, 2022, unless a formal hearing is requested. The consolidated bond amount at the Falkirk Mine will not be reduced due to continued mining and reclamation operations at the Falkirk Mine.

Enclosed is a copy of the bond release award form. If you have any questions, please contact this office.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosure



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

sent via email only

April 22, 2022

Mr. Jeb Williams, Director
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, ND 58501-5095
jwilliam@nd.gov

Dear Director Williams:

This is to inform you of the Commission's April 13th approval of Bond Release No. 3 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-21-221. Final bond release was approved for 92.3 acres located in portions of Sections 23 and 24 of T146N, R82W, McLean County. The bond release included 22.3 acres of reclaimed land (11.7 acres of native grasslands, 4.0 acres of cropland, and 6.6 acres of industrial/commercial land) and 70.0 acres that were not affected by mining activities. The entire bond release tract is part of the Coal Lake Wildlife Management Area owned by the State of North Dakota through the North Dakota Department of Transportation.

This release will become effective May 13, 2022, unless a formal hearing is requested. The consolidated bond amount at the Falkirk Mine will not be reduced due to continued mining and reclamation operations at the Falkirk Mine.

Enclosed is a copy of the bond release award form. If you have any questions, please contact this office.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosure

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

\\coal\Mine Data\Falkirk Mine\Permits\NAFK - 8405\Bond Release\Bond Release 3\BR3_apprvl_award_4-13-2022

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

RC-21-221

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

McLean County Commissioners
 McLean County Courthouse
 PO Box 1108
 Washburn, ND 58577-1108



9590 9402 6880 1104 0496 10

2. Article Number (Transfer from service label)

7021 2720 0003 0053 5656

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Jared O. Henderson

- Agent
- Addressee

B. Received by (Printed Name)

Jared O Henderson

C. Date of Delivery

4-27-22

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail

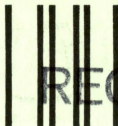
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Restricted Delivery

USPS TRACKING#
BISMARCK ND 585



27 APR 2022 PM 1 L



RECEIVED

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 6880 1104 0496 10

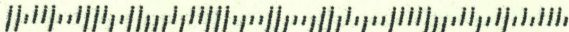
APR 29 2022

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

North Dakota Public Service Commission
600 E Blvd Ave Dept. 408
Bismarck, ND 58505-0480



RC-21-221

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Leon Weisenburger
 President of City Commission
 City of Underwood
 P.O. Box 168
 Underwood, ND 58576-0168



9590 9402 6880 1104 0496 03

2. Article Number (Transfer from service label)

7021 2720 0003 0053 5663

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Debby Swanson

- Agent
- Addressee

B. Received by (Printed Name)

Debby Swanson

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below:

- Yes
- No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery

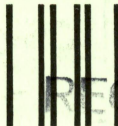
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

USPS TRACKING#

BISMARCK ND 585



25 APR 2022 PM 1 L



RECEIVED

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 6880 1104 0496 03

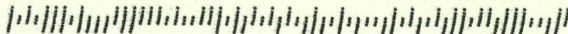
APR 27 2022

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

North Dakota Public Service Commission
600 E Blvd Ave Dept. 408
Bismarck, ND 58505-0480



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Larry Thomas
 President, City Commission
 907 M Main Ave.
 PO Box 467
 Washburn, ND 58577-0467



9590 9402 6880 1104 0495 97

2. Article Number (Transfer from service label)

7021 2720 0003 0053 5670

COMPLETE THIS SECTION ON DELIVERY**A. Signature****X**

E. Meadows

 Agent Addressee**B. Received by (Printed Name)**

Erica Meadows

C. Date of Delivery

4.28.22

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below:

 No**3. Service Type**

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Mail
 Mail Restricted Delivery
 00)

USPS TRACKING#
BISMARCK ND 585



26 APR 2022 PM 1 L

RECEIVED

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 6880 1104 0495 97

MAY - 2 2022

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

North Dakota Public Service Commission
600 E Blvd Ave Dept. 408
Bismarck, ND 58505-0480

