

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Bond Release 4, Permit NAFK-8405
Application

Case No. RC-22-262

RELEASE OF BOND
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

March 8, 2023

Based on the application for **Bond Release Number 4 for Surface Coal Mining Permit NAFK-8405**, filed June 8, 2022, 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 November 3, 2022.
2. On October 26, 2022, 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. 4 for Surface Coal Mining Permit No. NAFK-8405 is hereby granted to the Falkirk Mining Company effective April 7, 2023, 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 22 and 27, T146N, R82W of McLean County,
releasing all reclamation liabilities on 286.9 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 272.3 acres of cropland, 8.1 acres of seasonal wetlands, 5.4 acres of county road, 0.9 acres of two-row conservation shelterbelt planting, and a 0.2 acre industrial area occupied by a Basin Electric Power Cooperative tower.

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



Sheri Haugen-Hoffart
Commissioner



Randy Christmann
Chair



Julie Fedorchak
Commissioner

MINING BOND RELEASE #4
Sections 22 and 27, T146N, R82W

A tract of land for MINING BOND RELEASE in Section 22 and 27, T146N, R82W of the Fifth Principal Meridian, McLean County, North Dakota.

Being further described as follows:

Beginning at the north 1/4 corner of Section 27, T146N, R82W;
thence South 00°40'16" West a distance of 2,644.45 feet to the center of said Section;
thence North 89°31'53" West a distance of 2,336.23 feet on the east-west ¼ line of said Section;
thence North 00°00'00" East a distance of 2,644.66 feet to the south line of Section 22 T146N, R82W;
thence North 00°00'00" West a distance of 2,640.43 feet to the east-west ¼ line of said Section;
thence South 89°36'25" East a distance of 2,385.99 feet to the center of said Section;
thence South 00°24'27" West a distance of 2,643.62 feet to the south ¼ corner of said Section being also the Point of Beginning.

Said tract contains 286.9 acres.

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

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