



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Randy Christmann  
Sheri Haugen-Hoffart  
Julie Fedorchak

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto: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 regular mail*

March 8, 2023

Chad and Jennifer Berg  
276 25<sup>th</sup> Ave NW  
Underwood, ND 58576

Dear Chad and Jennifer Berg:

This is to inform you of the Commission's March 8<sup>th</sup> approval of Bond Release No. 4 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-22-262. Final bond release was approved for 286.9 acres located in portions of Sections 22 and 27 of T146N, R82W, McLean County. The bond release included 272.3 acres of cropland, 8.1 acres consisting of two seasonal wetlands, a 0.9 acre two-row conservation shelterbelt planting, 5.4 acres of county road, and 0.2 acres of industrial.

The bond release will become effective April 7, 2023, 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

Falkirk Mine\Permits\NAFK - 8405\Bond Release\Bond Release 4\BR4\_AL\_3-8-23



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*sent via certified mail*

March 8, 2023

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 March 8<sup>th</sup> approval of Bond Release No. 4 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-22-262. Final bond release was approved for 286.9 acres located in portions of Sections 22 and 27 of T146N, R82W, McLean County. The bond release included 272.3 acres of cropland, 8.1 acres consisting of two seasonal wetlands, a 0.9 acre two-row conservation shelterbelt planting, 5.4 acres of county road, and 0.2 acres of industrial.

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Sincerely,

A handwritten signature in blue ink that reads "Zanna Brinkman".

Zanna Brinkman  
Director  
Reclamation Division

Enclosure

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*sent via certified mail*

March 8, 2023

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 March 8<sup>th</sup> approval of Bond Release No. 4 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-22-262. Final bond release was approved for 286.9 acres located in portions of Sections 22 and 27 of T146N, R82W, McLean County. The bond release included 272.3 acres of cropland, 8.1 acres consisting of two seasonal wetlands, a 0.9 acre two-row conservation shelterbelt planting, 5.4 acres of county road, and 0.2 acres of industrial.

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Sincerely,

Zanna Brinkman  
Director  
Reclamation Division

Enclosure

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*sent via certified mail*

March 8, 2023

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

Dear Commissioners:

This is to inform you of the Commission's March 8<sup>th</sup> approval of Bond Release No. 4 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-22-262. Final bond release was approved for 286.9 acres located in portions of Sections 22 and 27 of T146N, R82W, McLean County. The bond release included 272.3 acres of cropland, 8.1 acres consisting of two seasonal wetlands, a 0.9 acre two-row conservation shelterbelt planting, 5.4 acres of county road, and 0.2 acres of industrial.

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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

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March 8, 2023

Mr. Dave Glatt  
Director  
North Dakota Department of Environmental Quality  
4201 Normandy Street  
Bismarck, ND 58503-1324  
[dglatt@nd.gov](mailto:dglatt@nd.gov)

Dear Mr. Glatt:

This is to inform you of the Commission's March 8<sup>th</sup> approval of Bond Release No. 4 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-22-262. Final bond release was approved for 286.9 acres located in portions of Sections 22 and 27 of T146N, R82W, McLean County. The bond release included 272.3 acres of cropland, 8.1 acres consisting of two seasonal wetlands, a 0.9 acre two-row conservation shelterbelt planting, 5.4 acres of county road, and 0.2 acres of industrial.

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

Sincerely,

A handwritten signature in blue ink that reads "Zanna Brinkman".

Zanna Brinkman  
Director  
Reclamation Division

Enclosure

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March 8, 2023

Curtis Bradbury  
NRCS State Office  
State Biologist  
220 East Rosser Avenue  
Bismarck, ND 58502-1458  
[curtis.bradbury@usda.gov](mailto:curtis.bradbury@usda.gov)

Dear Mr. Bradbury:

This is to inform you of the Commission's March 8<sup>th</sup> approval of Bond Release No. 4 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-22-262. Final bond release was approved for 286.9 acres located in portions of Sections 22 and 27 of T146N, R82W, McLean County. The bond release included 272.3 acres of cropland, 8.1 acres consisting of two seasonal wetlands, a 0.9 acre two-row conservation shelterbelt planting, 5.4 acres of county road, and 0.2 acres of industrial.

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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

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*sent via email only*

March 8, 2023

Drew Becker  
US Fish & Wildlife Service  
3425 Miriam Ave  
Bismarck, ND 58501  
[drew\\_becker@fws.gov](mailto:drew_becker@fws.gov)

Dear Mr. Becker:

This is to inform you of the Commission's March 8<sup>th</sup> approval of Bond Release No. 4 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-22-262. Final bond release was approved for 286.9 acres located in portions of Sections 22 and 27 of T146N, R82W, McLean County. The bond release included 272.3 acres of cropland, 8.1 acres consisting of two seasonal wetlands, a 0.9 acre two-row conservation shelterbelt planting, 5.4 acres of county road, and 0.2 acres of industrial.

The bond release will become effective April 7, 2023, 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

cc via email only: Jerry Reinisch ([jerry\\_reinisch@fws.gov](mailto:jerry_reinisch@fws.gov))

Falkirk Mine\Permits\NAFK - 8405\Bond Release\Bond Release 4\BR4\_AL\_3-8-23



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March 8, 2023

Mr. Jeb Williams, Director  
North Dakota Game and Fish Department  
100 North Bismarck Expressway  
Bismarck, ND 58501-5095  
[jwilliam@nd.gov](mailto:jwilliam@nd.gov)

Dear Director Williams:

This is to inform you of the Commission's March 8<sup>th</sup> approval of Bond Release No. 4 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-22-262. Final bond release was approved for 286.9 acres located in portions of Sections 22 and 27 of T146N, R82W, McLean County. The bond release included 272.3 acres of cropland, 8.1 acres consisting of two seasonal wetlands, a 0.9 acre two-row conservation shelterbelt planting, 5.4 acres of county road, and 0.2 acres of industrial.

The bond release will become effective April 7, 2023, 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,

A handwritten signature in blue ink that reads "Zanna Brinkman".

Zanna Brinkman  
Director  
Reclamation Division

Enclosure

Falkirk Mine\Permits\NAFK - 8405\Bond Release\Bond Release 4\BR4\_AL\_3-8-23



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*sent via email and regular mail*

March 8, 2023

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

Dear Mr. Fleischman:

This is to inform you of the Commission's March 8<sup>th</sup> approval of Bond Release No. 4 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-22-262. Final bond release was approved for 286.9 acres located in portions of Sections 22 and 27 of T146N, R82W, McLean County. The bond release included 272.3 acres of cropland, 8.1 acres consisting of two seasonal wetlands, a 0.9 acre two-row conservation shelterbelt planting, 5.4 acres of county road, and 0.2 acres of industrial. The entire bond release tract is owned by Chad Berg, subject to a contract for Deed to Michael Berg. This bond release application did not contain federal coal.

The bond release will become effective April 7, 2023, 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 copy of the application. If you have any questions, please contact this office.

Sincerely,

Zanna Brinkman  
Director  
Reclamation Division

Enclosures

cc via email only w/o enclosure: John Sieving ([jsieving@osmre.gov](mailto:jsieving@osmre.gov))

Falkirk Mine\Permits\NAFK - 8405\Bond Release\Bond Release 4\BR4\_AL\_3-8-23



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*sent via email only*

March 8, 2023

Ms. Beth Knutson  
McLean County Auditor  
PO Box 1108  
712 5<sup>th</sup> Ave.  
Washburn, ND 58577-1108  
[baknutson@nd.gov](mailto:baknutson@nd.gov)

Dear Ms. Knutson:

This is to inform you of the Commission's March 8<sup>th</sup> approval of Bond Release No. 4 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-22-262. Final bond release was approved for 286.9 acres located in portions of Sections 22 and 27 of T146N, R82W, McLean County. The bond release included 272.3 acres of cropland, 8.1 acres consisting of two seasonal wetlands, a 0.9 acre two-row conservation shelterbelt planting, 5.4 acres of county road, and 0.2 acres of industrial.

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

Sincerely,

A handwritten signature in blue ink that reads "Zanna Brinkman".

Zanna Brinkman  
Director  
Reclamation Division

Enclosure

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*sent via email and regular mail*

March 8, 2023

Mr. Steve Burke  
Environmental Manager  
Falkirk Mining Company  
P.O. Box 1087  
Underwood, ND 58576-1087  
[steve.burke@nacoal.com](mailto:steve.burke@nacoal.com)

Dear Mr. Burke:

This is to inform you of the Commission's March 8<sup>th</sup> approval of Bond Release No. 4 to Surface Coal Mining Permit NAFK-8405 at the Falkirk Mine, Case No. RC-22-262. Final bond release was approved for 286.9 acres located in portions of Sections 22 and 27 of T146N, R82W, McLean County. The bond release included 272.3 acres of cropland, 8.1 acres consisting of two seasonal wetlands, a 0.9 acre two-row conservation shelterbelt planting, 5.4 acres of county road, and 0.2 acres of industrial. The entire bond release tract is owned by Chad Berg, subject to a contract for Deed to Michael Berg.

The bond release will become effective April 7, 2023, 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](mailto:jason.frye@nacoal.com))

Falkirk Mine\Permits\NAFK - 8405\Bond Release\Bond Release 4\BR4\_AL\_3-8-23

**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.

Falkirk Mine\Permits\NAFK - 8405\Bond Release\Bond Release 4\BR4\_apprvl\_award\_3-8-23