

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Bond Release No. 6, Permit NAFK-8705
Application

Case No. RC-23-152

RELEASE OF BOND
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

December 13, 2023

Based on the application for **Bond Release Number 6 for Surface Coal Mining Permit NAFK-8705**, dated March 31, 2023, 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 August 10, 2023.
2. On August 22, 2023, 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. 6 for Surface Coal Mining Permit NAFK-8705 is hereby granted to the Falkirk Mining Company effective January 15, 2024, unless a formal hearing is requested. No monetary release is being 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 metes and bounds descriptions and is generally as follows:

All of Section 36, T146N, R83W, McLean County, releasing all reclamation liabilities on 642.2 acres.

The decision to release all remaining bond on this acreage is made for the following reasons:

The Falkirk Mining Company has met the requirements of the reclamation law and rules administered by the Commission for successfully reclaiming 580.5 acres of native grassland, 2.4 acres of reclaimed wetland, and 10.8 acres of County Road 16 and section line trails. The bond release application contains

48.5 acres of land that was not disturbed by mining and reclamation 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


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner

Falkirk Mine\Permits\NAFK - 8705\Bond Release\Bond Release 6\BR6_apprvl_award_12-13-23