



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

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

December 13, 2023

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 December 13th approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine, Case No. RC-23-152. Final bond release No. 6 comprises 642.2 acres in Section 36 of T146N, R83W, McLean County. The bond release tract consists of 580.5 acres of reclaimed grassland that includes 2.4 acres of seasonal wetland, and 10.8 acres of road right-of-way that was affected by mining activities. The remainder of the tract, 48.5 acres, was not affected by mining. The entire bond release tract is owned by the North Dakota Department of Trust Lands.

The bond release will become effective January 15, 2024, 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,

Jonathan Emmer
Director
Reclamation Division

Enclosure

cc via email only: Jason Frye (Jason.frye@nacoal.com)
Tanner Jochim (tanner.T.Jochim@nacoal.com)

Falkirk Mine\Permits\NAFK - 8705\Bond Release\Bond Release 6\BR6_AL_12-13-23



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December 13, 2023

McLean County Commissioners
McLean County Courthouse
PO Box 1108
Washburn, ND 58577-1108
mclean.county.district1@gmail.com

Dear Commissioners:

This is to inform you of the Commission's December 13th approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine, Case No. RC-23-152. Final bond release No. 6 comprises 642.2 acres in Section 36 of T146N, R83W, McLean County. The bond release tract consists of 580.5 acres of reclaimed grassland that includes 2.4 acres of seasonal wetland, and 10.8 acres of road right-of-way that was affected by mining activities. The remainder of the tract, 48.5 acres, was not affected by mining. The entire bond release tract is owned by the North Dakota Department of Trust Lands.

The bond release will become effective January 15, 2024, 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,

Jonathan Emmer
Director
Reclamation Division

Enclosure

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sent via certified mail

December 13, 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 December 13th approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine, Case No. RC-23-152. Final bond release No. 6 comprises 642.2 acres in Section 36 of T146N, R83W, McLean County. The bond release tract consists of 580.5 acres of reclaimed grassland that includes 2.4 acres of seasonal wetland, and 10.8 acres of road right-of-way that was affected by mining activities. The remainder of the tract, 48.5 acres, was not affected by mining. The entire bond release tract is owned by the North Dakota Department of Trust Lands.

The bond release will become effective January 15, 2024, 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,

Jonathan Emmer
Director
Reclamation Division

Enclosure

Falkirk Mine\Permits\NAFK - 8705\Bond Release\Bond Release 6\BR6_AL_12-13-23



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State of North Dakota

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sent via certified mail

December 13, 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 December 13th approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine, Case No. RC-23-152. Final bond release No. 6 comprises 642.2 acres in Section 36 of T146N, R83W, McLean County. The bond release tract consists of 580.5 acres of reclaimed grassland that includes 2.4 acres of seasonal wetland, and 10.8 acres of road right-of-way that was affected by mining activities. The remainder of the tract, 48.5 acres, was not affected by mining. The entire bond release tract is owned by the North Dakota Department of Trust Lands.

The bond release will become effective January 15, 2024, 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,

Jonathan Emmer
Director
Reclamation Division

Enclosure

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State of North Dakota

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December 13, 2023

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 December 13th approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine, Case No. RC-23-152. Final bond release No. 6 comprises 642.2 acres in Section 36 of T146N, R83W, McLean County. The bond release tract consists of 580.5 acres of reclaimed grassland that includes 2.4 acres of seasonal wetland, and 10.8 acres of road right-of-way that was affected by mining activities. The remainder of the tract, 48.5 acres, was not affected by mining. The entire bond release tract is owned by the North Dakota Department of Trust Lands.

The bond release will become effective January 15, 2024, 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,

Jonathan Emmer
Director
Reclamation Division

Enclosure

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December 13, 2023

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 December 13th approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine, Case No. RC-23-152. Final bond release No. 6 comprises 642.2 acres in Section 36 of T146N, R83W, McLean County. The bond release tract consists of 580.5 acres of reclaimed grassland that includes 2.4 acres of seasonal wetland and 10.8 acres of road right-of-way that was affected by mining activities. The remainder of the tract, 48.5 acres, was not affected by mining. The entire bond release tract is owned by the North Dakota Department of Trust Lands. This bond release application did not contain federal coal.

The bond release will become effective January 15, 2024, 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,

Jonathan Emmer
Director
Reclamation Division

Enclosures

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

Falkirk Mine\Permits\NAFK - 8705\Bond Release\Bond Release 6\BR6_AL_12-13-23



Public Service Commission State of North Dakota

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Randy Christmann
Sheri Haugen-Hoffart
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December 13, 2023

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 December 13th approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine, Case No. RC-23-152. Final bond release No. 6 comprises 642.2 acres in Section 36 of T146N, R83W, McLean County. The bond release tract consists of 580.5 acres of reclaimed grassland that includes 2.4 acres of seasonal wetland and 10.8 acres of road right-of-way that was affected by mining activities. The remainder of the tract, 48.5 acres, was not affected by mining. The entire bond release tract is owned by the North Dakota Department of Trust Lands.

The bond release will become effective January 15, 2024, 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,

Jonathan Emmer
Director
Reclamation Division

Enclosure

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sent via email only

December 13, 2023

Luke Toso
US Fish & Wildlife Service
3425 Miriam Ave
Bismarck, ND 58501
luke_toso@fws.gov

Dear Mr. Toso:

This is to inform you of the Commission's December 13th approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine, Case No. RC-23-152. Final bond release No. 6 comprises 642.2 acres in Section 36 of T146N, R83W, McLean County. The bond release tract consists of 580.5 acres of reclaimed grassland that includes 2.4 acres of seasonal wetland, and 10.8 acres of road right-of-way that was affected by mining activities. The remainder of the tract, 48.5 acres, was not affected by mining. The entire bond release tract is owned by the North Dakota Department of Trust Lands.

The bond release will become effective January 15, 2024, 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,

Jonathan Emmer
Director
Reclamation Division

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December 13, 2023

Curtis Bradbury
NRCS State Office
State Biologist
220 East Rosser Avenue
Bismarck, ND 58502-1458
curtis.bradbury@usda.gov

Dear Mr. Bradbury:

This is to inform you of the Commission's December 13th approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine, Case No. RC-23-152. Final bond release No. 6 comprises 642.2 acres in Section 36 of T146N, R83W, McLean County. The bond release tract consists of 580.5 acres of reclaimed grassland that includes 2.4 acres of seasonal wetland, and 10.8 acres of road right-of-way that was affected by mining activities. The remainder of the tract, 48.5 acres, was not affected by mining. The entire bond release tract is owned by the North Dakota Department of Trust Lands.

The bond release will become effective January 15, 2024, 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, appearing to read "Jonathan Emmer".

Jonathan Emmer
Director
Reclamation Division

Enclosure

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December 13, 2023

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

Dear Mr. Glatt:

This is to inform you of the Commission's December 13th approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine, Case No. RC-23-152. Final bond release No. 6 comprises 642.2 acres in Section 36 of T146N, R83W, McLean County. The bond release tract consists of 580.5 acres of reclaimed grassland that includes 2.4 acres of seasonal wetland and 10.8 acres of road right-of-way that was affected by mining activities. The remainder of the tract, 48.5 acres, was not affected by mining. The entire bond release tract is owned by the North Dakota Department of Trust Lands.

The bond release will become effective January 15, 2024, 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, appearing to read "Jonathan Emmer".

Jonathan Emmer
Director
Reclamation Division

Enclosure

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December 13, 2023

Mr. Joseph Heringer
Commissioner
North Dakota Department of Trust Lands
1707 N 9th Street
Bismarck, ND 58501
jheringer@nd.gov

Dear Mr. Heringer:

This is to inform you of the Commission's December 13th approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine, Case No. RC-23-152. Final bond release No. 6 comprises 642.2 acres in Section 36 of T146N, R83W, McLean County. The bond release tract consists of 580.5 acres of reclaimed grassland that includes 2.4 acres of seasonal wetland and 10.8 acres of road right-of-way that was affected by mining activities. The remainder of the tract, 48.5 acres, was not affected by mining. The entire bond release tract is owned by the North Dakota Department of Trust Lands.

The bond release will become effective January 15, 2024, 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,

Jonathan Emmer
Director
Reclamation Division

Enclosures

cc via email only: Joseph Stegmiller (jstegmiller@nd.gov)

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

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