

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Bond Release 6, Permit NAFK-9601
Application

Case No. RC-24-346

RELEASE OF BOND
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

May 19, 2025

Based on the application for **Bond Release Number 6 for Surface Coal Mining Permit NAFK-9601**, dated September 25, 2024, 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 December 12, 2024.
2. On November 26, 2024, 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 6 for Surface Coal Mining Permit NAFK-9601 is hereby granted to the Falkirk Mining Company effective June 18, 2025 unless a formal hearing is requested. Release in the amount of \$353,998.73 is approved. The area is described by metes and bounds descriptions and generally as follows:

Portions of Sections 30 and 31, T146N, R81W, McLean County, releasing all reclamation liabilities on 394.2 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 reclamation law and rules administered by the Commission for successfully reclaiming approximately 273.3 acres of cropland, 1.55 acres of seasonal wetland, 0.76 acres of temporary wetland, and one reclaimed county section line road for 1.2 acres. The bond release application contains approximately 117.3 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.

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

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|  <u>Sheri Haugen-Hoffart</u> Sheri Haugen-Hoffart Commissioner |  <u>Randy Christmann</u> Randy Christmann Chair |  <u>Jill Kringstad</u> Jill Kringstad Commissioner |
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**Final Bond Release 6
Section 30 and 31, NAFK-9601**

Metes and Bounds Description

MINING BOND RELEASE SUBTRACT #6A

A tract of land for MINING BOND RELEASE in Section 30, Township 146 North; Range 81 West of the Fifth Principal Meridian, McLean County, North Dakota.

Being further described as follows:

Commencing at the southeast corner of said Section 30, T146N, R81W;
thence N 89°30'54" W a distance of 1100.00 feet on the south line of said Section to the Point of Beginning;
thence N 89°30'54" W a distance of 1542.91 feet to the south ¼ corner of said Section;
thence N 00°14'22" E a distance of 2647.03 feet to the center ¼ corner of said Section;
thence S 89°28'41" E a distance of 1546.27 feet on the east-west ¼ line of said Section;
thence S 00°18'43" W a distance of 2646.02 feet to the Point of Beginning.

Said tract contains 93.84 acres.

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

MINING BOND RELEASE SUBTRACT #6B

A tract of land for MINING BOND RELEASE in Section 31, Township 146 North; Range 81 West of the Fifth Principal Meridian, McLean County, North Dakota.

Being further described as follows:

Beginning at the southeast corner of said Section 31, T146N, R81W;
thence N 89°36'41" W a distance of 2642.38 feet to the south 1/4 corner of said Section;
thence N 89°36'37" W a distance of 2595.68 feet to the southwest corner of said Section;
thence N 00°34'37" E a distance of 1322.80 feet on the west line of said Section;
thence S 89°35'43" E a distance of 578.18 feet;
thence N 00°50'25" E a distance of 1322.68 feet to the east-west 1/4 line of said Section;
thence S 89°34'48" E a distance of 2011.28 feet to the center 1/4 corner of said Section;
thence S 89°34'48" E a distance of 2642.64 feet to the east 1/4 corner of said Section;
thence S 00°34'48" W a distance of 2642.79 feet to the Point of Beginning.

Said tract contains 300.32 acres.

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