



# Public Service Commission

600 East Boulevard Ave  
Dept. 408  
Bismarck, ND 58505-0480  
701-328-2400  
ndpsc@nd.gov

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

*sent via email and regular mail*

May 20, 2025

Mr. Jason Frye  
Environmental Specialist  
Falkirk Mining Company  
P.O. Box 1087  
Underwood, ND 58576-1087  
jason.frye@nacoal.com

Dear Mr. Frye:

This is to inform you of the Commission's May 19, 2025 approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-9601 at the Falkirk Mine, PSC Case No. RC-24-346. Final bond release has been approved for 394.2 acres of land located in portions of Sections 30 and 31, T146N, R81W, McLean County. This bond release application consists of approximately 273.3 acres of reclaimed cropland, 1.55 acres of reclaimed seasonal wetland, 0.76 acres of reclaimed temporary wetland, 1.2 acres of reclaimed section line road, and 117.3 acres of land that was not disturbed by mining activities.

The bond release will become effective on June 18, 2025, unless a formal conference is requested. You may request a reduction to Collateral Bond No. CB-9601-1 in the amount of \$353,998.73 when the bond release becomes effective.

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 w/o enclosure: Steve Burke (steve.burke@nacoal.com)  
Tanner Jochim (tannert.jochim@nacoal.com)

Falkirk Mine\Permits\NAFK - 9601\Bond Release\Bond Release 6\BR6\_AL\_5-20-25



# Public Service Commission

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Randy Christmann

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Bismarck, ND 58505-0480  
701-328-2400  
ndpsc@nd.gov

*sent via certified mail*

May 20, 2025

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

Dear Commissioners:

This is to inform you of the Commission's May 19, 2025 approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-9601 at the Falkirk Mine, PSC Case No. RC-24-346. Final bond release has been approved for 394.2 acres of land located in portions of Sections 30 and 31, T146N, R81W, McLean County. This bond release application consists of approximately 273.3 acres of reclaimed cropland, 1.55 acres of reclaimed seasonal wetland, 0.76 acres of reclaimed temporary wetland, 1.2 acres of reclaimed section line road, and 117.3 acres of land that was not disturbed by mining activities. The bond release will become effective on June 18, 2025, unless a formal conference is requested.

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

Cert No. 9589 0710 5270 1582 7574 33



# Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

600 East Boulevard Ave  
Dept. 408  
Bismarck, ND 58505-0480  
701-328-2400  
ndpsc@nd.gov

*sent via certified mail*

May 20, 2025

Honorable Roxanne Kapanke  
President of City Commission  
P.O. Box 168  
Underwood, ND 58576-0168

Dear President Kapanke:

This is to inform you of the Commission's May 19, 2025 approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-9601 at the Falkirk Mine, PSC Case No. RC-24-346. Final bond release has been approved for 394.2 acres of land located in portions of Sections 30 and 31, T146N, R81W, McLean County. This bond release application consists of approximately 273.3 acres of reclaimed cropland, 1.55 acres of reclaimed seasonal wetland, 0.76 acres of reclaimed temporary wetland, 1.2 acres of reclaimed section line road, and 117.3 acres of land that was not disturbed by mining activities. The bond release will become effective on June 18, 2025, unless a formal conference is requested.

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

Sincerely,

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Jonathan Emmer  
Director  
Reclamation Division

Enclosure

Cert No. 9589 0710 5270 1582 7574 40



# Public Service Commission

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Randy Christmann

Jill Kringstad

600 East Boulevard Ave  
Dept. 408  
Bismarck, ND 58505-0480  
701-328-2400  
ndpsc@nd.gov

*sent via certified mail*

May 20, 2025

Mr. Mark Lemm  
City Commission President  
907 Main Ave  
PO Box 467  
Washburn, ND 58577-0467  
marktlemm@gmail.com

Dear President Lemm:

This is to inform you of the Commission's May 19, 2025 approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-9601 at the Falkirk Mine, PSC Case No. RC-24-346. Final bond release has been approved for 394.2 acres of land located in portions of Sections 30 and 31, T146N, R81W, McLean County. This bond release application consists of approximately 273.3 acres of reclaimed cropland, 1.55 acres of reclaimed seasonal wetland, 0.76 acres of reclaimed temporary wetland, 1.2 acres of reclaimed section line road, and 117.3 acres of land that was not disturbed by mining activities. The bond release will become effective on June 18, 2025, unless a formal conference is requested.

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

Cert No. 9589 0710 5270 1582 7574 57



# Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

600 East Boulevard Ave  
Dept. 408  
Bismarck, ND 58505-0480  
701-328-2400  
ndpsc@nd.gov

*sent via email and regular mail*

May 20, 2025

Mr. Jeffrey Fleischman, Chief  
Denver Field Division  
Office of Surface Mining  
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 May 19, 2025 approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-9601 at the Falkirk Mine, PSC Case No. RC-24-346. Final bond release has been approved for 394.2 acres of land located in portions of Sections 30 and 31, T146N, R81W, McLean County. This bond release application consists of approximately 273.3 acres of reclaimed cropland, 1.55 acres of reclaimed seasonal wetland, 0.76 acres of reclaimed temporary wetland, 1.2 acres of reclaimed section line road, and 117.3 acres of land that was not disturbed by mining activities. The bond release included a portion of federal coal tract located in the SE $\frac{1}{4}$  of Section 30, T146N, R81W.

The bond release will become effective on June 18, 2025, unless a formal conference is requested. Falkirk may request a reduction to Collateral Bond No. CB-9601-1 in the amount of \$353,998.73 when the bond release becomes effective.

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,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer  
Director  
Reclamation Division

Enclosures

cc via email only: John Sieving (jsieving@osmre.gov)

Falkirk Mine\Permits\NAFK - 9601\Bond Release\Bond Release 6\BR6\_AL\_5-20-25



# Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

Jill Kringstad

600 East Boulevard Ave  
Dept. 408  
Bismarck, ND 58505-0480  
701-328-2400  
ndpsc@nd.gov

*sent via email only*

May 20, 2025

Mr. Luke Toso  
Ecological Services Supervisor  
U.S. Fish and Wildlife Service  
3425 Miriam Avenue  
Bismarck, ND 58501-7926  
luke\_toso@fws.gov

Dear Mr. Toso:

This is to inform you of the Commission's May 19, 2025 approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-9601 at the Falkirk Mine, PSC Case No. RC-24-346. Final bond release has been approved for 394.2 acres of land located in portions of Sections 30 and 31, T146N, R81W, McLean County. This bond release application consists of approximately 273.3 acres of reclaimed cropland, 1.55 acres of reclaimed seasonal wetland, 0.76 acres of reclaimed temporary wetland, 1.2 acres of reclaimed section line road, and 117.3 acres of land that was not disturbed by mining activities. The bond release will become effective on June 18, 2025, unless a formal conference is requested.

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

Sincerely,

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Jonathan Emmer  
Director  
Reclamation Division

Enclosure



# Public Service Commission

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Randy Christmann

Jill Kringstad

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Dept. 408  
Bismarck, ND 58505-0480  
701-328-2400  
ndpsc@nd.gov

*sent via email only*

May 20, 2025

Ms. Beth Knutson  
McLean County Auditor  
PO Box 1108  
Washburn, ND 58577-1108  
baknutson@nd.gov

Dear Ms. Knutson:

This is to inform you of the Commission's May 19, 2025 approval of Bond Release No. 6 to Surface Coal Mining Permit NAFK-9601 at the Falkirk Mine, PSC Case No. RC-24-346. Final bond release has been approved for 394.2 acres of land located in portions of Sections 30 and 31, T146N, R81W, McLean County. This bond release application consists of approximately 273.3 acres of reclaimed cropland, 1.55 acres of reclaimed seasonal wetland, 0.76 acres of reclaimed temporary wetland, 1.2 acres of reclaimed section line road, and 117.3 acres of land that was not disturbed by mining activities. The bond release will become effective on June 18, 2025, unless a formal conference is requested.

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Jonathan Emmer  
Director  
Reclamation Division

Enclosure

**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**

 _____ <b>Sheri Haugen-Hoffart</b> Commissioner	 _____ <b>Randy Christmann</b> Chair	 _____ <b>Jill Kringstad</b> Commissioner
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Falkirk Mine\Permits\NAFK - 9601\Bond Release\Bond Release 6\BR6\_apprvl\_award\_5-19-25

**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.