



Public Service Commission

State of North Dakota

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August 30, 2018

Mr. Jason Frye
Environmental Specialist
Falkirk Mining Company
P.O. Box 1087
Underwood, ND 58576-1087


Dear Mr. Frye:

The Reclamation Division has reviewed Falkirk's August 10, 2018 request for a variance to the ten-year performance bond responsibility period for approximately 3.4 acres in the SE1/4 of Section 30, T146, R81W, and 22.9 acres in the NE1/4 of Section 31, T146N, R81W, within Permit NAFK-9601. A variance for the former sedimentation pond area described in the request appears to be reasonable to allow final bond release as part of a larger tract as outlined in Policy Memorandum No. 20. However, the following items must be addressed before we can recommend approval of a variance for this tract:

1. Please revise to include a narrative that discusses surface ownership, reclamation and management of the proposed variance request and adjacent areas. In addition, please specifically address the following items: (GAW)
 - a. It is not clear if the variance area was initially managed as hayland or how many years it has been managed with the adjacent reclamation tract.
 - b. The variance request area in Section 31 exceeds 20% of the disturbed acres in the proposed bond release tract in Section 31, so further explanation and justification is needed for combining the two tracts.
2. Please revise the request to "affirmatively demonstrate that the reclamation carried out on the proposed variance areas provides equal or greater protection to the environment and to public health" as required by Policy Memorandum No. 20. (GAW/PJR)
3. Please include a brief narrative and supporting information demonstrating that the revegetation success standards can be met for the proposed bond release tract as requested in paragraphs 6 and 8 of Policy Memorandum No. 20. (RLK/PJR)
4. Please revise the Post-Mine Watershed Map to depict the proposed variance areas and surrounding reclamation tract as required by Policy Memorandum No. 20, or provide the maps included with the request in GIS or AutoCAD format. (GAW)

If you have any questions, please contact this office.

2 RC-18-304 Filed 08/30/2018 Pages: 1
Technical review letter on variance request
Public Service Commission
Dean Moos

Sincerely,

Dean K. Moos
Director
Reclamation Division