

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Falkirk Mining Company  
Variance, Permit NAFK-9601  
Application**

**Case No. RC-18-304**

**VARIANCE TO THE PERFORMANCE BOND LIABILITY  
PERIOD OF A SURFACE COAL MINING PERMIT**

**September 26, 2018**

Based on the application received on August 10, 2018, a variance to the Ten-Year Performance Bond Liability Period for a portion of Permit Number NAFK-9601 is hereby granted to the Falkirk Mining Company to combine the performance bond responsibility period for a reclaimed sedimentation pond area with that of the surrounding reclamation tracts on the following described areas:

**Approximately 26.3 acres of reclaimed cropland within a tract of reclaimed lands located in the E1/2SE1/4 of Section 30 and NE1/4 of Section 31, T146N, R81W, McLean County.**

Based on the application for the variance to Permit Number NAFK-9601 and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The Falkirk Mining Company has affirmatively demonstrated that reclamation of the areas revegetated in 2012 will provide equal or greater protection to the environment and to public health and safety;
2. The Commission has determined that all areas are reclaimed and vegetation is established as required by the approved reclamation plan; and
3. The Falkirk Mining Company must satisfy all reclamation success standards described in NDAC Chapter 69-05.2-22 when final bond release is requested.

**PUBLIC SERVICE COMMISSION**

  
**Brian Kroshus  
Commissioner**

  
**Randy Christmann  
Chairman**

  
**Julie Fedorchak  
Commissioner**

7

**RC-18-304** Filed: 9/26/2018 Pages: 1  
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a Surface Coal Mining Permit**