



Public Service Commission

State of North Dakota

COMMISSIONERS

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June 23, 2021

Mr. Jason Frye
Environmental Specialist
Falkirk Mining Company
PO Box 1087
Underwood, ND 58575-1087
jason.frye@nacoal.com

Dear Mr. Frye:

This is to inform you that on June 23, 2021, the Public Service Commission approved your request for a variance from the ten-year responsibility period for 11.3 acres within a tract of reclaimed lands located in the SW1/4 of Section 22, T146N, R82W, within Surface Coal Mining Permit NAFK-8405. The variance will allow the area where a topsoil stockpiles were reclaimed in 2014 to be considered for bond release with the surrounding areas that were reclaimed several years earlier. The final bond release application that will include this variance area will need to include appropriate information from the variance request.

Enclosed is the variance approval form. If you have any questions, please contact this office.

Sincerely,

Dean K. Moos
Director
Reclamation Division

Enclosure

cc via email only: Steve Burke (steve.burke@nacoal.com)

Falkirk Mine\Permits\NAFK - 8405\Variances\2021\Variance_AL_6-23-21

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Variance, Permit NAFK-8405
Application

Case No. RC-21-158

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

June 23, 2021

Based on the application initially received April 27, 2021, a variance to the Ten-Year Performance Bond Liability Period for a portion of Permit Number NAFK-8405 is hereby granted to The Falkirk Mining Company to combine the performance bond responsibility period for two reclaimed stockpile areas with that of the surrounding reclamation tracts for the following described area:

Approximately 11.3 acres of reclaimed cropland within a tract of reclaimed lands located in the SW $\frac{1}{4}$ of Section 22, T146N, R82W, McLean County.

Based on the application for the variance to Permit Number NAFK-8405 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 areas revegetated in 2014 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 that 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



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Brian Kroshus
Commissioner