



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

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*sent via email only*

July 9, 2021

Mr. Jason Frye  
Environmental Specialist  
Falkirk Mining Company  
P.O. Box 1087  
Underwood, ND 58576-1087  
[jason.frye@nacoal.com](mailto:jason.frye@nacoal.com)

Dear Mr. Frye:

The Reclamation Division has completed an initial review of Final Bond Release Application No. 3 to Permit NAFK-8405, submitted June 7, 2021. Items listed below must be adequately addressed prior to publishing the public advertisement or mailing the landowner and agency notification letters. An inspection of the property as required by NDCC 38-14.1-17 will be delayed until the public advertisement has been published, the notification letters have been mailed, and the issues listed below have been resolved.

### **Attachment IV – Letters to Interested Parties**

1. Prior to sending letters to interested parties, please make the following updates: (JAR/BEB)
  - a.) Please revise the addressee of the North Dakota Forest Service to Mr. Tom Claeys.
  - b.) Please update Mr. Dave Glatt as the Director of the ND Department of Environmental Quality and remove the reference to the Environmental Health Section.
  - c.) Please revise the addressee to the North Dakota Soil Conservation Committee to Mr. Aaron Fields. Also, please update the address from Unit #104 to Suite #304 as specified in the State Committee's directory.
  - d.) Please update the State Water Commission - State Engineer to Mr. John Paczkowski, P.E.
  - e.) Please replace Ms. Claudia Berg of the State Historical Society with Mr. Bill Peterson.
2. Missouri River Sanitation, Inc., Chad and Jennifer Berg, United States of America, and Waste Management of ND, Inc. are surface owners whose land adjoins and is contiguous with the proposed Bond Release 3 area. Copies of the notification letters have not been submitted as part of the application for bond release as specified in Policy Memorandum No. 9. Please add copies of the letters that Falkirk will send to the people and agencies whose land adjoins the proposed Bond Release #3 area. (JAR/GAW)

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3. Please consider a revision to the public notice and notice letters to agencies and others to clarify that the reclaimed recreation land actually consists of native grassland and cropland. This would fulfill the requirement to inform an interested person of the type of reclamation work performed (see paragraph 4 of Policy Memorandum No. 9 to Mine Operators) since the term recreation land provides little meaningful information about the type of reclamation actually performed. (GAW)

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos  
Director  
Reclamation Division

cc via email only: Tara Voigt (tara.voigt@nacoal.com)

Falkirk Mine\Permits\NAFK - 8405\Bond Release\Bond Release 3\Initial\_Rvw\_Ltr\_7-9-21