

Public Service Commission

State of North Dakota

COMMISSIONERS

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February 22, 2023

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 February 22, 2023, the Public Service Commission approved your request for a variance from the ten-year responsibility period for 4.5 acres within a tract of reclaimed lands located in the SW¼ of Section 22, T146N, R82W, within Surface Coal Mining Permit NAFK-8405. The variance will allow the area where a topsoil stockpile and temporary haulroad were reclaimed in 2008 and 20011 to be considered for bond release with the surrounding areas that were reclaimed 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,

Zanna Brinkman
Director
Reclamation Division

Enclosure

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

Falkirk Mine\Permits\NAFK - 8405\Variances\2023\Variance_AL_2-22-23

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Variance, Permit NAFK-8405
Application

Case No. RC-23-48

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

February 22, 2023

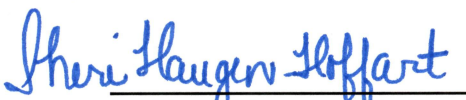
Based on the application initially received February 3, 2023, a variance to the Ten-Year Performance Bond Liability Period for a portion of Permit Number NAFK-8405 is hereby granted to The Falkirk Mining Company to combine the performance bond responsibility period for a reclaimed stockpile and temporary haulroad areas with that of the surrounding reclamation tracts for the following described area:

Approximately 4.5 acres of reclaimed cropland within a tract of reclaimed lands located in the SW¹/₄ 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 2008 and 2011 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.
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



**Sheri Haugen-Hoffart
Commissioner**



**Randy Christmann
Chair**



**Julie Fedorchak
Commissioner**