



FALKIRK MINE

July 14, 2008

Mr. Dean Moos
Assistant Director of Reclamation
ND State Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505

RE: Request for Variance on Section 1 NAFK-8705

Dear Mr. Moos:

Falkirk is requesting a variance to the 10-year liability period for portions of the E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 1, Township 145 North, Range 83 West. The cropland is located in Falkirk's NAFK-8705 permit. The variance is being requested for 12 acres of land associated with a diversion and pond that were reclaimed and cropped in 2001. The total area of disturbance is approximately 22 acres within Section 1. The remaining 10 acres of disturbance were reclaimed in 1983-1986 and later 60% partially released (1st and 2nd Stage). The diversion and pond account for 55 percent of the disturbance area. Since the lands not meeting the 10-year liability period exceed 20% of the disturbed area, Falkirk is requesting that the reclaimed acres be attached to the adjacent 62 acres east of the variance area. These acres are located west of the existing haul road in section 6. The area was seeded from 1981-1986. No repair work has been conducted on either the requested variance area (Section 1) or the reclaimed area (Section 6) to which this tract is being attached.

Reclamation in Section 1 is completed, and the area is exceeding bond release standards for cropland. Both Falkirk and the current landowners, Kenneth and Wanda Pfaff, would like to release this area from Falkirk's Permit area.

Sincerely,

THE FALKIRK MINING COMPANY

A handwritten signature in cursive script that reads "Jeremy Eckroth".

Jeremy Eckroth
Environmental Specialist

Enc.

Cc: Steven Schroeder

3

RC-08-224 Filed: 7/14/2008 Pages: 1
Updated Variance Request Filed by Falkirk