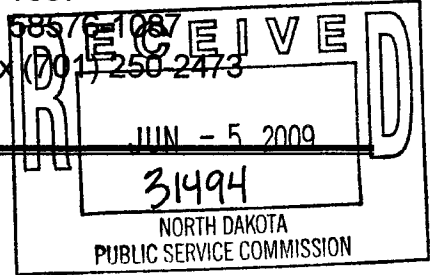


**NORTH AMERICAN**  
**COAL**  
CORPORATION  
**FALKIRK MINE**

**THE FALKIRK MINING COMPANY**  
2801 1st St. SW  
P.O. Box 1087  
Underwood, ND 58576-1087  
(701) 442-5751 • Fax (701) 250-2473



**SCANNED**

Date 6.4.09

June 4, 2009

File FK-6-4-09-partial-rls-rgst(31494)

Mr. James R. Deutsch  
Reclamation Director  
ND State Public Service Commission  
600 East Boulevard, Dept. 408  
Bismarck, ND 58505

FROM DIRECTOR - RECLAMATION DIV.

Date: 6-5-09

Action: Steve

Info. Only: \_\_\_\_\_

Info & File: \_\_\_\_\_

Dear Mr. Deutsch:

Please find enclosed a two compact disc containing the Application for Partial Release No. 3 of Reclamation Performance Bond to Falkirk's Permit NAFK-9601. Falkirk has requested a reduction of \$1,091,614.41 for completion of backfilling, grading, and respread of suitable plant growth material. As a result, Falkirk's new bond coverage would be \$3,495,436.59, approximately \$389,836.59 over the required \$3,105,600. Falkirk's current bond coverage is \$4,587,051.

If you have any questions regarding this report, please contact me at 250-2463.

Sincerely,

**THE FALKIRK MINING COMPANY**

Joseph Clarke III  
Environmental Manager

JWCIII/JJE

Enc.



**APPLICATION FOR PARTIAL RELEASE OF BOND FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS**

**PUBLIC SERVICE COMMISSION  
RECLAMATION DIVISION  
SFN 19812 (Rev. 05-2001)**

Name of Permittee <b>The Falkirk Mining Company</b>		Bond Release Number <b>No. 3</b>	Date <b>June 4, 2009</b>	
Post Office Address <b>2801 1st St. SW, P.O. Box 1087</b>		City <b>Underwood</b>	State <b>ND</b>	Permit Number <b>NAFK-9601</b>
			Zip Code <b>58576-1087</b>	

Pursuant to the provisions of NDCC 38-14.1-17, the above named Permittee hereby makes Application for Partial Release of Bond for Surface Coal Mining and Reclamation Operations for the above Bond Release Number and Permit Number.

Partial release of bond is requested for the tracts clearly delineated on the attached map, Attachment I, which are particularly described by the attached metes and bounds descriptions, Attachment II, and as follows:

TRACT NUMBER	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
7	547.2	25 & 36	146N	82W	McLean
		30 & 31	146N	81W	McLean
8	32.9	36	146N	82W	McLean
9	34.5	31	146N	81W	McLean
<b>TOTAL ACRES</b>		<b>614.6</b>			

Release of bond for completion of backfilling, grading, and respread of suitable plant growth material allowing for a bond release of up to 60%. Falkirk is requesting a total bond reduction of \$1,091,614.41.

(Include the stage(s) of reclamation completed as described in NDCC 38-14.1-17(7) and acreage requested for each stage) in the amount of \$ 1,091,614.41 for the above-described tracts is requested for the following reasons (Identify each tract number and provide separate reasons and the amount for each tract):

Tract 7:  
Stage 1 and 2 Partial Bond Release for the completion of backfilling, grading, and respread of suitable plant growth material in the amount of \$971,902.71.

Tract 8:  
Stage 1 and 2 Partial Bond Release for the completion of backfilling, grading, and respread of suitable plant growth material in the amount of \$58,434.94.

Tract 9:  
Stage 1 and 2 Partial Bond Release for the completion of backfilling, grading, and respread of suitable plant growth material in the amount of \$61,276.76.

Falkirk is requesting, through Partial Bond Release of the above tracts, to reduce the current bond amount by \$1,091,614.41. Please see Attachment II, Bond Calculation.

Attachment I

Attached to this partial bond release application is the following information:

- Attachment III is a copy of the proposed advertisement required by NDCC 38-14.1-17(1)(a). (The affidavit of publication must be submitted within 30 days of this request.)
- Attachment IV consists of copies of all letters sent pursuant to NDCC 38-14.1-17(1)(b).
- Attachment V is an aerial photo based map (or other pre-approved map) that delineates and identifies each tract contained in the bond release application.
- Attachments VI through VII, which contain the detailed information for each tract as listed on the Addendum to this application form. (Include separate attachments for each tract contained in the bond release application.)

VERIFICATION

Name of Official	Jeremy Eckroth
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I, the above named official, am authorized to represent the Permittee for the foregoing bond release application, have read the complete application and certify that all applicable reclamation activities have been accomplished in accordance with North Dakota Administrative Code Article 68-05.2, North Dakota Century Code Chapter 38-14.1, and the approved reclamation plan. All statements contained in the bond release application and attachments are true and correct to the best of my knowledge and belief.

Dated and signed this 6-4-09 (date).

By <u>Jeremy Eckroth</u>	Title Environmental Specialist
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STATE OF NORTH DAKOTA     )  
COUNTY OF McLean     )ss.

The foregoing instrument was acknowledged before me this 6/4/09 (date) by Jeremy Eckroth known to me to be the Environmental Specialist of The Falkerts Manning Co. a corporation, on behalf of the corporation.

(SEAL)

Diana G. Edinger  
Notary Public

DIANA G EDINGER  
Notary Public  
State of North Dakota  
My Commission Expires Feb. 9, 2011

My Commission Expires Feb. 9, 2011

**ADDENDUM TO PARTIAL BOND RELEASE APPLICATION**

**ATTACHMENT     I**

Bond Release Number <b>3</b>	For Permit Number <b>NAFK-9601</b>	Tract Number <b>Tracts 7 through 9</b>
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**NOTE:** When bond release is requested for any combination of the release stages detailed below, the application must contain all the information required for each release stage.

Attached is the following information for the above Bond Release Tract Number (check applicable types of information that is attached):

- A brief history of the approximate dates of: a) initial mining related disturbance, b) coal removal, c) grading within the tract, and d) law liability period. If more than one law liability period occurs in a tract, delineate the different reclamation law liability lines on a map and refer to the attachment.
- If bond release for backfilling and grading (Stage 1) is requested, a postmining topographic map of the tract (attach a separate map or refer to the attachment containing this information).
- If bond release for suitable plant growth material respread (Stage 2) is requested, a map that delineates the topsoil and subsoil respread thicknesses and respread dates for the tract (attach a separate map or refer to the attachment containing this information).
- If bond release for vegetation establishment (Stage 3) is requested, the following information:
  - 1) A postmining topographic map and a map showing the topsoil and subsoil respread thicknesses in the tract (attach a separate map or refer to the attachment containing the information).
  - 2) Dates of initial and any subsequent seedings.
  - 3) Species seeded and rates.
  - 4) History of all management on the tract, including:
    - a) Fertilizer use - types, rates and date of application.
    - b) Herbicide and other pesticide use - types, rates and date of application.
    - c) Grazing history - number of head and dates grazed.
    - d) Breaking of pre-cropland grass/legume stand - date and type of equipment used.
    - e) Crops harvested - types of crops and dates harvested.
  - 5) Documentation that vegetation has become established on the tract. Ground cover data and an aerial photo based map (or other pre-approved map) showing sampling locations must be included for any native grassland, tame pastureland, fish and wildlife habitat with grassland vegetation and wetland vegetation types, previously mined areas, recreation land uses, and areas to be developed to industrial and commercial uses (attach a separate map or refer to the attachment containing this information).
  - 6) Documentation that suspended solids are not being contributed to stream flow or runoff outside the permit area in excess of that allowed by NDAC 69-05.2-16-04.
  - 7) If any prime farmlands are included in the tract, documentation that the productivity has been restored, including specific standards and methods used for obtaining crop yields.
  - 8) If a permanent impoundment is included in the tract, a discussion of how plans for sound future management of the impoundment have been implemented by the landowner or permittee as required by NDAC 69-05.2-12-12(7)(c). Include a written commitment from the landowner to follow a sound management plan for the impoundment.