



September 5, 2018

Mr. Dean K. Moos
Reclamation Director
ND State Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505

RE: Variance Request Review of Sections 30 & 31 to Permit NAFK-9601

Dear Mr. Moos:

Falkirk submits the following responses to the variance request review of Sections 30 & 31 to Surface Coal Mining Permit NAFK-9601 for The Falkirk Mine in your letter dated August 30, 2018.

1. *Please revise to include a narrative that discusses surface ownership, reclamation and management of the proposed variance request and adjacent areas. In addition, please specifically address the following items: (GAW)*
 - a. *It is not clear if the variance area was initially managed as hayland or how many years it has been managed with the adjacent reclamation tract.*
 - b. *The variance request area in Section 31 exceeds 20% of the disturbed acres in the proposed bond release tract in Section 31, so further explanation and justification is needed for combining the two tracts.*

Please see the updated variance narrative.

2. *Please revise the request to “affirmatively demonstrate that the reclamation carried out on the proposed variance areas provides equal or greater protection to the environment and to public health” as required by Policy Memorandum No. 20. (GAW/PJR)*

Please see the updated variance narrative.

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Response letter from Falkirk on technical review
The North American Coal Corporation
Jason Frye

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- 3. Please include a brief narrative and supporting information demonstrating that the re-vegetation success standards can be met for the proposed bond release tract as requested in paragraphs 6 and 8 of Policy Memorandum No. 20. (RLK/PJR)***

Please see the updated variance narrative.

- 4. Please revise the Post-Mine Watershed Map to depict the proposed variance areas and surrounding reclamation tract as required by Policy Memorandum No. 20, or provide the maps included with the request in GIS or AutoCAD format. (GAW)***

Please see the updated Post-Mine Watershed map.

Sincerely,

THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv