



August 10, 2018

Mr. Dean K. Moos  
Reclamation Director  
ND State Public Service Commission  
600 East Boulevard, Dept. 408  
Bismarck, ND 58505-0480

**RE: Request for Variance on Sections 30 and 31, Permit NAFK-9601**

Dear Mr. Moos:

The Falkirk Mining Company (Falkirk) is requesting a variance to the 10-year liability period for portions of the E½SE¼ of Section 30, Township 146 North, Range 81 West and for portions of the E½NE¼ of Section 31, Township 146 North, Range 81 West (See attached maps). The cropland in both Sections ~~are~~ located in Falkirk's Permit NAFK-9601 and are owned Falkirk. The variance is being requested for 3.4 acres in Section 30 and 22.9 acres in Section 31. These lands were associated with a sedimentation pond and were not mined. The pond or variance area in Section 30 and 31 ~~was~~ reclaimed in the fall of 2011 and a crop has been planted ~~eropped~~ ~~is~~ since 2012. Silt fences and bale dikes were installed prior to removing the pond and the area was chiseled, disked, rock picked and mulched after reclamation was completed in 2011. There has been no known erosion or sediment loss outside of the permit boundary since the pond was reclaimed. The total area of disturbance is approximately 43.5 acres in Section 30 and 111.3 acres in Section 31. The remaining 40.1 acres of disturbances in Section 30 were reclaimed in 1998, 1999 and 2007 and the remaining 88.4 acres in Section 31 were reclaimed in 1998, 2003, 2005 and 2007. The pond accounts for 7.8 percent of the disturbance area in Section 30 and 20.6 percent in Section 31. The pond accounts for 17 percent of the disturbance area for the proposed bond release area in Sections 30 and 31.

Reclamation for the proposed bond release area in Sections 30 and 31 are exceeding bond release standards for cropland and the reclaimed seasonal wetland. The cropland in Sections 30 and 31

4 RC-18-304 Filed 09/10/2018 Pages: 5  
Revised Variance Request  
The North American Coal Corporation  
Jason Frye

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are farmed as separate tracts but have been farmed by the same farmer since 2009. The variance area was incorporated into the adjacent cropland in Section 30 and 31 in 2012. The adjusted standard for cropland in Section 30 for 2014 is 55.1 bu/ac and 30.9 bu/ac for 2017. The cropland in Section 30 yielded 59.2 bu/ac in 2014 and 31.6 bu/ac in 2017. The adjusted standard for cropland in Section 31 for 2013 is 47.2 bu/ac and 30.5 bu/ac for 2017. The cropland in Section 31 yielded 49.9 bu/ac in 2013 and 34.5 bu/ac in 2017. Therefore, the cropland contained in the representative tracts of the revegetation class exceeded the required productivity standards. The reclaimed seasonal wetland in Section 31 exhibits vegetation zones dominated by native, perennial, emergent and submergent hydrophytes appropriate for the abiotic characteristics of a seasonal wetland. Falkirk would like to release the proposed bond release ~~this~~ area in Sections 30 and 31 from Falkirk's Permit area.

Regards,

**THE FALKIRK MINING COMPANY**



Jason Frye  
Environmental Specialist

JF  
Attachments  
cc: Zanna Brinkman

MINED OUT IN 2002

30

29

MINED OUT IN 2003

MINED OUT IN 2001

MINED OUT IN 2002

MINED OUT IN 2000

2004

2003

MINED OUT IN 1998

PROPOSED BOND  
RELEASE AREA  
(227.2 Acres)

MINED OUT IN 1999

MINED  
2000

RECLAIMED WETLAND  
LW-NE31-1

MINED OUT IN 1997

1996

31

32

MINED OUT IN 1998

OUT 97



MINED OUT IN 97

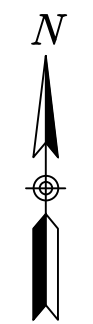
T 146 N  
R 82 W

T 146 N  
R 81 W

NAFK-9601  
PERMIT BOUNDARY

### LEGEND

-  MINED OUT IN 2002
-  ASSOCIATED DISTURBANCE



THE FALKIRK  
MINING COMPANY  
2801 1st Street SW  
Underwood, ND 58576-1087  
(701) 442-5751 - Fax (701) 250-2473

MINED OUT AND ASSOCIATED DISTURBANCE MAP  
Sections 30 and 31 Variance Request  
Photo Date: 7/05/2018

NO.	BY	APP'D	DATE
0	JJF	JJF	08/10/18
REVISIONS			

SCALE: 1"=400' (Paper size 24"x24") PROJECT: Sections 30 and 31 - Variance Request  
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30

29

31

32

2007

1999

1998

2012

Variance Area  
(3.4 Acres)

2007

2007

2012  
Variance Area  
(22.9 Acres)

PROPOSED BOND  
RELEASE AREA  
(227.2 Acres)

1998

2003

2005

1998

T 146 N  
R 82 W

T 146 N  
R 81 W

NAFK-9601  
PERMIT BOUNDARY

LEGEND



YEAR REVEGETATION PERIOD INITIATED

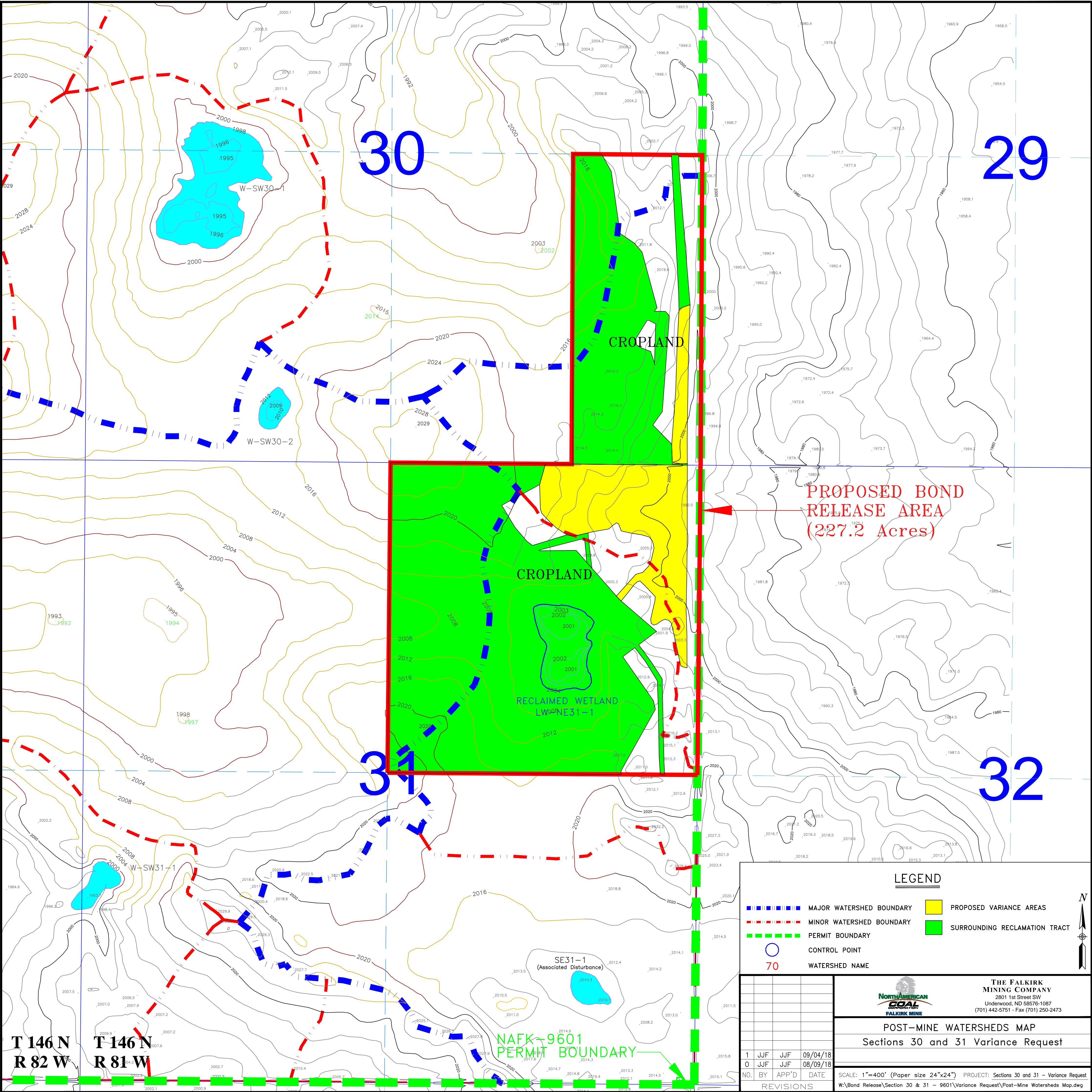


THE FALKIRK  
MINING COMPANY  
2801 1st Street SW  
Underwood, ND 58576-1087  
(701) 442-5751 - Fax (701) 250-2473

REVEGETATION PERIOD INITIATED MAP  
Sections 30 and 31 Variance Request  
Photo Date: 7/05/2018

NO.	BY	APP'D	DATE
0	JJF	JJF	08/9/18
REVISIONS			

SCALE: 1"=400' (Paper size 24"x24") PROJECT: Sections 30 & 31 - Variance Request  
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30

29

31

32

**PROPOSED BOND  
RELEASE AREA  
(227.2 Acres)**

CROPLAND

CROPLAND

RECLAIMED WETLAND  
LW-NE31-1

NAFK-9601  
PERMIT BOUNDARY

T 146 N R 82 W T 146 N R 81 W

LEGEND			
	MAJOR WATERSHED BOUNDARY		PROPOSED VARIANCE AREAS
	MINOR WATERSHED BOUNDARY		SURROUNDING RECLAMATION TRACT
	PERMIT BOUNDARY		
	CONTROL POINT		
	70 WATERSHED NAME		

		<b>THE FALKIRK MINING COMPANY</b> 2801 1st Street SW Underwood, ND 58576-1087 (701) 442-5751 - Fax (701) 250-2473	
		POST-MINE WATERSHEDS MAP Sections 30 and 31 Variance Request	
1	JJF	JJF	09/04/18
0	JJF	JJF	08/09/18
NO.	BY	APP'D	DATE
REVISIONS			

SCALE: 1"=400' (Paper size 24"x24") PROJECT: Sections 30 and 31 - Variance Request  
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