



April 27, 2021

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 the SW $\frac{1}{4}$ of Section 22, Permit NAFK-8405

Dear Mr. Moos:

The Falkirk Mining Company (Falkirk) is requesting a variance to the 10-year liability period for portions of the SW $\frac{1}{4}$ of Section 22, Township 146 North, Range 82 West. The proposed bond release area will include both the SW $\frac{1}{4}$ of Section 22 and the NW $\frac{1}{4}$ of Section 27, Township 146 North, Range 82 West (See attached maps). The cropland in both quarters are located in Falkirk's Permit NAFK-8405 and are owned by Michael Berg. The variance is being requested for 11.3 acres that is located in the SW $\frac{1}{4}$ of Section 22. The variance areas were associated with two topsoil stockpiles and both areas were mined. The topsoil piles were respread and reclaimed in the winter of 2014 and a crop has been planted since the spring of 2014. The total area of disturbance is approximately 150.2 acres in the SW $\frac{1}{4}$ of Section 22 and 148.9 acres in NW $\frac{1}{4}$ of Section 27. In the SW $\frac{1}{4}$ of Section 22, the remaining acres outside the variance areas were reclaimed in 1992, 1993, 1995, 2008, 2011 and 2012. The NW $\frac{1}{4}$ of Section 27 was reclaimed in 1990, 1991, 1992, 1993, 1994, and 1995. The two topsoil piles account for 7.5 percent of the disturbance area in the SW $\frac{1}{4}$ of Section 22 or 3.8 percent for the proposed bond release area in both the SW $\frac{1}{4}$ of Section 22 and the NW $\frac{1}{4}$ of Section 27.

Reclamation for the proposed bond release area in the SW $\frac{1}{4}$ of Section 22 and the NW $\frac{1}{4}$ of Section 27 are exceeding bond release standards for cropland and the two reclaimed seasonal wetlands. The cropland in both quarters are farmed as separate tracts. The SW $\frac{1}{4}$ of Section 22 is farmed by one operator and the NW $\frac{1}{4}$ of Section 27 was farmed by two operators prior to 2017. After 2017, both quarters have been framed by the same farm operation. The variance areas were incorporated

1 RC-21-158 Filed 04/27/2021 Pages: 5
Variance from the 10-year liability period for 11.3 acres located in Permit NAFK-8405
Falkirk Mining Company

Mr. Dean K. Moos
April 27, 2021
Page 2

into the adjacent cropland in the NW¹/₄ of Section 22 in 2014. The adjusted standard for soybeans using the cropland conversion factor in SW¹/₄ of Section 22 for 2017 is 21.3 bu/ac and 32.9 bu/ac for 2013. The adjusted standard for cropland in the SW¹/₄ of Section 22 in 2013 is 46.4 bu/ac. The soybeans in the SW¹/₄ of Section 22 yielded 26.9 bu/ac in 2017 and 36.4 bu/ac in 2013. The wheat cropland yielded 49.5 bu/ac using a combined field harvest in 2013. The adjusted standard for cropland in the NW¹/₄ of Section 27 for 2017 is 28.5 bu/ac, 45.2 bu/ac for 2015, 44.2 bu/ac for 2013 and 26.9 bu/ac for 2011. The wheat cropland in the NW¹/₄ of Section 27 yielded 33.2 bu/ac in 2017, 59.7 bu/ac in 2015, 54.8 bu/ac in 2013 and 46.4 bu/ac in 2011. The yields that are provided for the NW¹/₄ of Section 27 are from two farm operators. One operator made the required productivity standards in portions of the quarter in 2017 and 2015 and the other operator made the standards in the adjacent portion of the quarter in 2013 and 2011. Therefore, the cropland contained in the representative tracts of the revegetation class in the SW¹/₄ of Section 22 and the NW¹/₄ of Section 27 exceeded the required productivity standards.

The two reclaimed seasonal wetlands in the NW¹/₄ Section 27 exhibits vegetation zones dominated by native, perennial, emergent and submergent hydrophytes appropriate for the abiotic characteristics of a seasonal wetland. The proposed bond release area also includes a post-mine industrial/commercial basin electric tower and a two-row conservation shelterbelt planting. Falkirk would like to release the proposed bond release area in the SW¹/₄ of Sections 22 and the NW¹/₄ of 27 from Falkirk's Permit area.

Regards,

THE FALKIRK MINING COMPANY

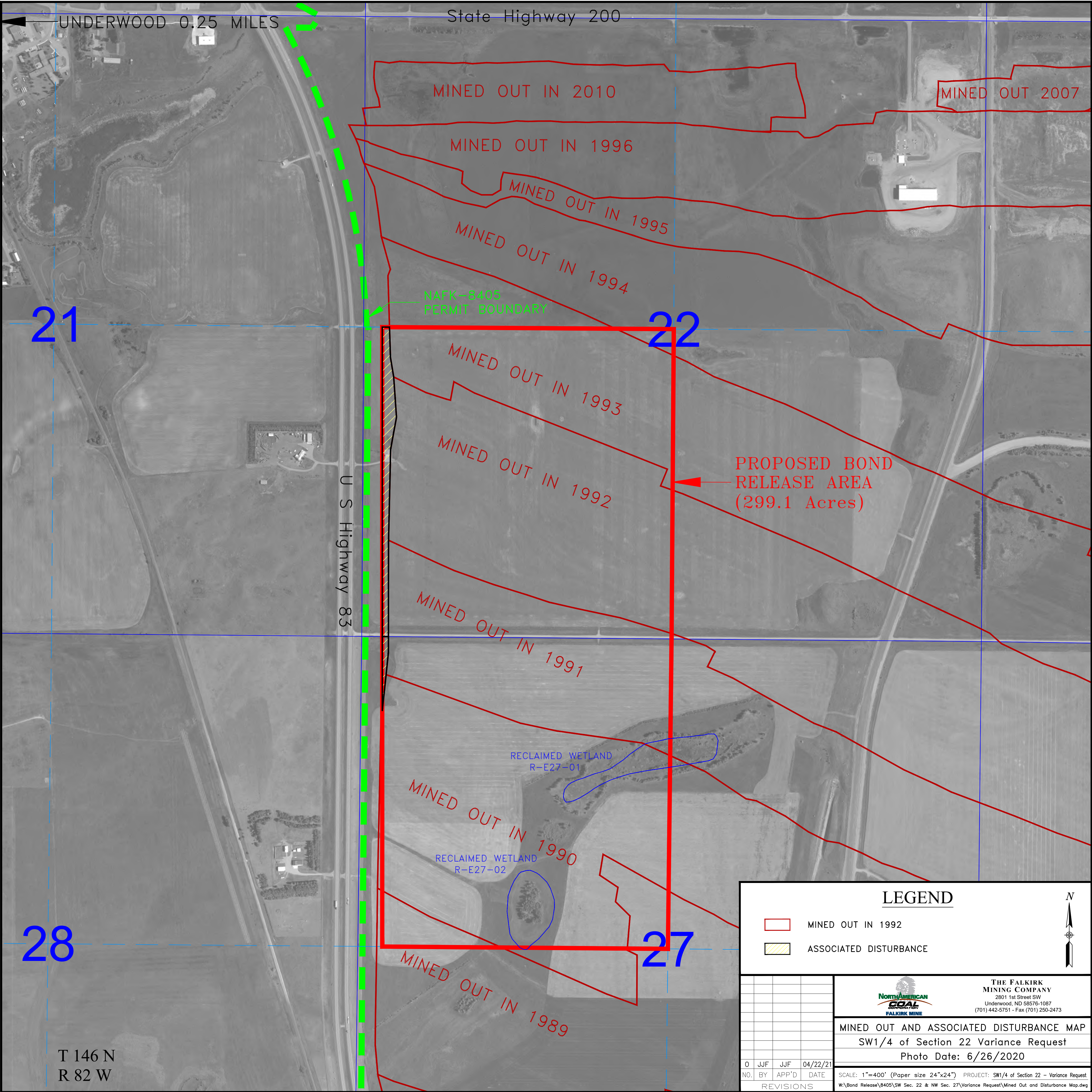


Jason Frye
Environmental Specialist

JF

Attachments

cc: Zanna Brinkman
Guy Welch
Preston Ripplinger
Jeff Roerick
Steve Burke



UNDERWOOD 0.25 MILES

State Highway 200

21

22

U S Highway 83

28

27

T 146 N
R 82 W

MINED OUT IN 2010

MINED OUT 2007

MINED OUT IN 1996

MINED OUT IN 1995

MINED OUT IN 1994

NAFK-8405
PERMIT BOUNDARY

MINED OUT IN 1993

PROPOSED BOND
RELEASE AREA
(299.1 Acres)

MINED OUT IN 1992

MINED OUT IN 1991

RECLAIMED WETLAND
R-E27-01

MINED OUT IN 1990

RECLAIMED WETLAND
R-E27-02

MINED OUT IN 1989

LEGEND

- MINED OUT IN 1992
- ASSOCIATED DISTURBANCE

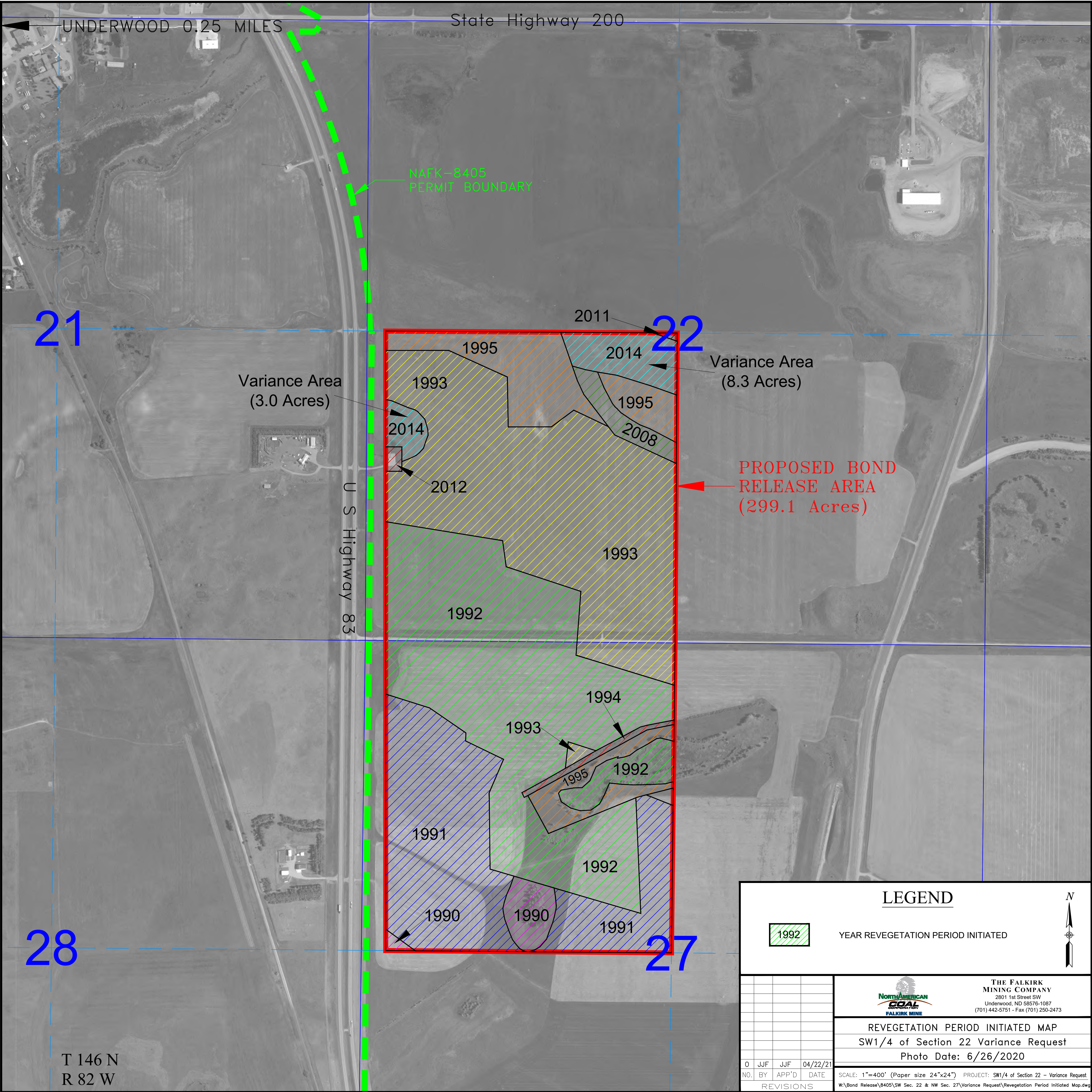


NO.	BY	APP'D	DATE
0	JJF	JJF	04/22/21
REVISIONS			

**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
SW1/4 of Section 22 Variance Request
Photo Date: 6/26/2020

SCALE: 1"=400' (Paper size 24"x24") PROJECT: SW1/4 of Section 22 - Variance Request
W:\Bond Release\8405\SW Sec. 22 & NW Sec. 27\Variance Request\Mined Out and Disturbance Map.dwg



UNDERWOOD 0.25 MILES

State Highway 200

NAFK-8405
PERMIT BOUNDARY

21

22

Variance Area
(3.0 Acres)

Variance Area
(8.3 Acres)

PROPOSED BOND
RELEASE AREA
(299.1 Acres)

U S Highway 83

28

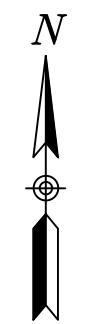
27

T 146 N
R 82 W


LEGEND



YEAR REVEGETATION PERIOD INITIATED

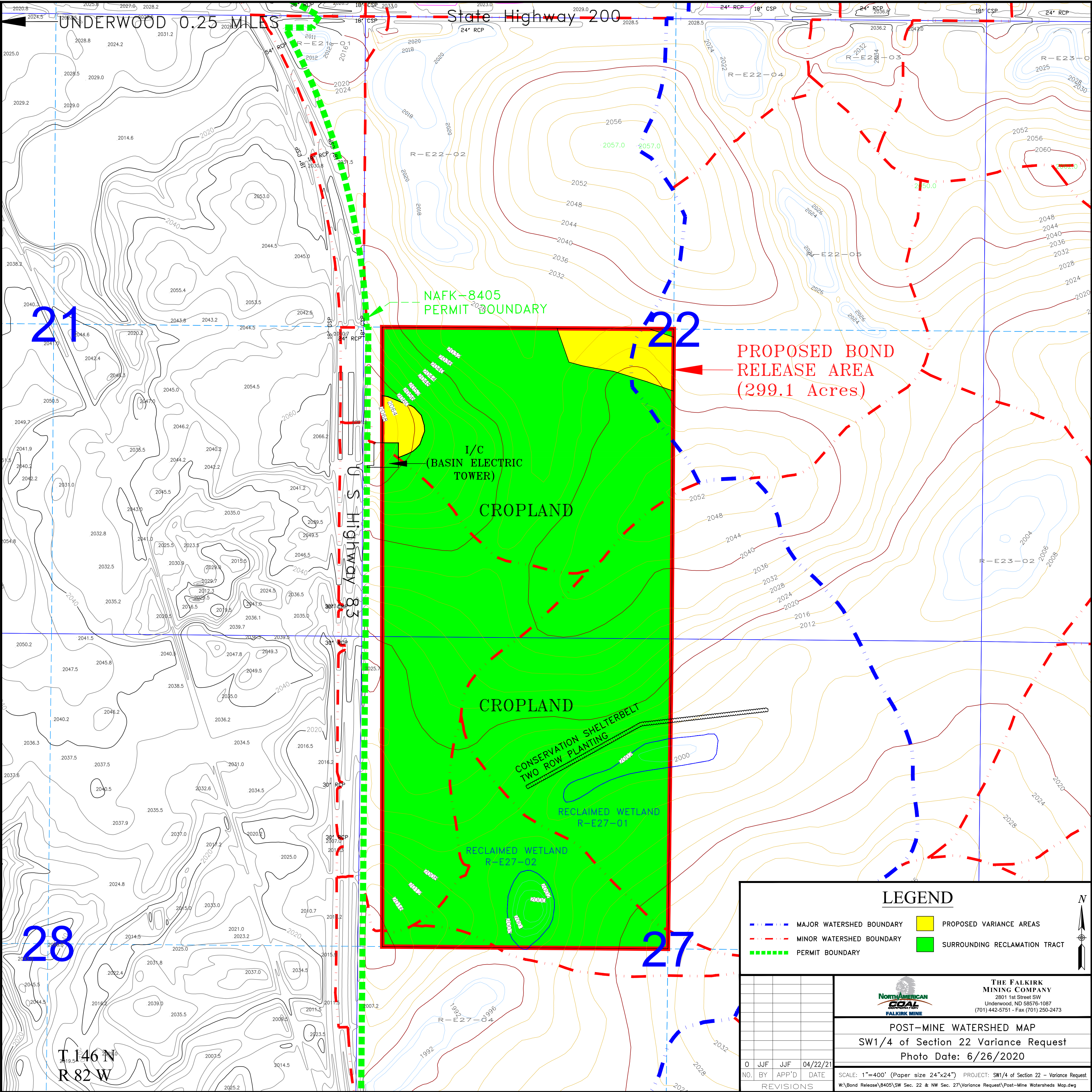


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 2801 1st Street SW
 Underwood, ND 58576-1087
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REVEGETATION PERIOD INITIATED MAP
 SW1/4 of Section 22 Variance Request
 Photo Date: 6/26/2020

SCALE: 1"=400' (Paper size 24"x24") PROJECT: SW1/4 of Section 22 - Variance Request
 W:\Bond Release\8405\SW Sec. 22 & NW Sec. 27\Variance Request\Revegetation Period Initiated Map.dwg



UNDERWOOD 0.25 MILES

State Highway 200

NAFK-8405 PERMIT BOUNDARY

PROPOSED BOND RELEASE AREA (299.1 Acres)

I/C (BASIN ELECTRIC TOWER)

CROPLAND

CROPLAND

CONSERVATION SHELTERBELT TWO ROW PLANTING

RECLAIMED WETLAND R-E27-01

RECLAIMED WETLAND R-E27-02

T 146 N
R 82 W

LEGEND

- MAJOR WATERSHED BOUNDARY
- MINOR WATERSHED BOUNDARY
- PERMIT BOUNDARY
- PROPOSED VARIANCE AREAS
- SURROUNDING RECLAMATION TRACT



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

POST-MINE WATERSHED MAP
SW1/4 of Section 22 Variance Request
Photo Date: 6/26/2020

SCALE: 1"=400' (Paper size 24"x24") PROJECT: SW1/4 of Section 22 - Variance Request
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