

FALKIRK MINE

June 30th, 2026

Mr. Jonathan Emmer
Reclamation Director
ND State Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

RE: Request for Variance on the SE¼ of Section 23, Permit NAFK-8405

Dear Mr. Emmer:

The Falkirk Mining Company (Falkirk) is requesting a variance to the 10-year liability period for a portion in the SE¼ of Section 23, Township 146 North, Range 82 West. The proposed bond release areas will include portions of the NE¼ of Section 22 and the S½ of Section 23, Township 146 North, Range 82 West (See attached maps). The native grassland in the NE¼ of Section 22 is owned by Heith Pochant, the native grassland in the SE¼ of Section 23 is owned by Chad and Jennifer Berg, the recreational in the SE¼ of Section 23 is owned by the Falkirk Mine, and the Industrial/Commercial in the S½ of Section 23 is owned by Waste Management of ND. The variance is being requested for 1.5 acres that is located in the SE¼ of Section 23. The requested variance area was an access road that was mined. The access road was respread and reclaimed in 2017 and seeded to native grassland seed mix in 2018. The total area of disturbance is approximately 92.5 acres in the proposed bond release area. The remaining acres outside of the variance areas were reclaimed in 1995, 1997, 2008, and 2010 through 2016 (See Revegetation Period Initiated Map for locations). The access road accounts for 1.6 percent of the disturbance area for the proposed bond release area, or 1.3 percent of the entire area.

The native grassland in the SE¼ of Section 23 of the proposed bond release area exceed the bond release standards. The loamy reference area was used to calculate the productivity standard of 2,957 lbs/acre in 2024 and 2,618 lbs/acre in 2025. The production data from the reclaimed native grassland in SE¼ of Section 23 was 4,083 lbs/acre in 2024 and 3,585 lbs/acre in 2025. The loamy reference area was used to calculate the weighted cover value of 90.9% in 2024 and 90.9% in 2025. The cover data collected from the native grassland in the SE¼ of Section 23 was 96.2% in 2024 and 97.3% in 2025. The total cover is based on basal hits of perennial species. In 2024 and 2025, the reclaimed native grassland had five native grass species that were present using cover data. The reclaimed native grassland in 2024 had two cool season grasses and two warm season grasses. In 2025, two cool season grasses and three warm season grasses meet the three percent relative basal cover threshold. The relative composition of all warm season grasses in 2024 was 15% relative cover and 2025 it was 16% relative cover. The species list contained 16 native forbs in 2024 and 2025. This

1 RC-26-242 Filed 06/30/2026 Pages: 5
Variance from the 10-year liability period for 1.5 acres in Permit NAFK-8405

Mr. Jonathan Emmer

June 30th, 2026

Page 2

data provides that the production, cover, diversity, and seasonality standards for the reclaimed native grassland in the SE¹/₄ of Section 23 were met in 2024 and in 2025. This data included the variance area in the sampling.

The reclaimed seasonal wetland in the NE¹/₄ Section 22 exhibits vegetation zones dominated by native, perennial, emergent and submergent hydrophytes appropriate for the abiotic characteristics of a seasonal wetland. The native grassland in the NE¹/₄ of Section 22 meet the production, cover, diversity, and seasonality standards in 2022 and 2023. The recreational in the SE¹/₄ of Section 23 meet the vegetative ground cover standard 2023. The Industrial/Commercial in the S¹/₂ of Section 23 meet the vegetative ground cover standard 2026. The proposed bond release area also includes a post-mine land use of shelterbelt planting, portions of a county/township road and State Highway 200A. Falkirk would like to release the proposed bond release area in the NE¹/₄ of Section 22 and the S¹/₂ of Section 23 from Falkirk's Permit NAFK-8405.

Regards,

THE FALKIRK MINING COMPANY



Tanner Jochim

Environmental Specialist

TJ

Attachments

cc: Johnathan Emmer
Monty Johnson
Guy Welch
Warren Swenson
Jeff Roerick
Preston Ripplinger
Taylor DeVries
Brandon Myran
Steve Burke

Falkirk Mine

2801 1st Street SW

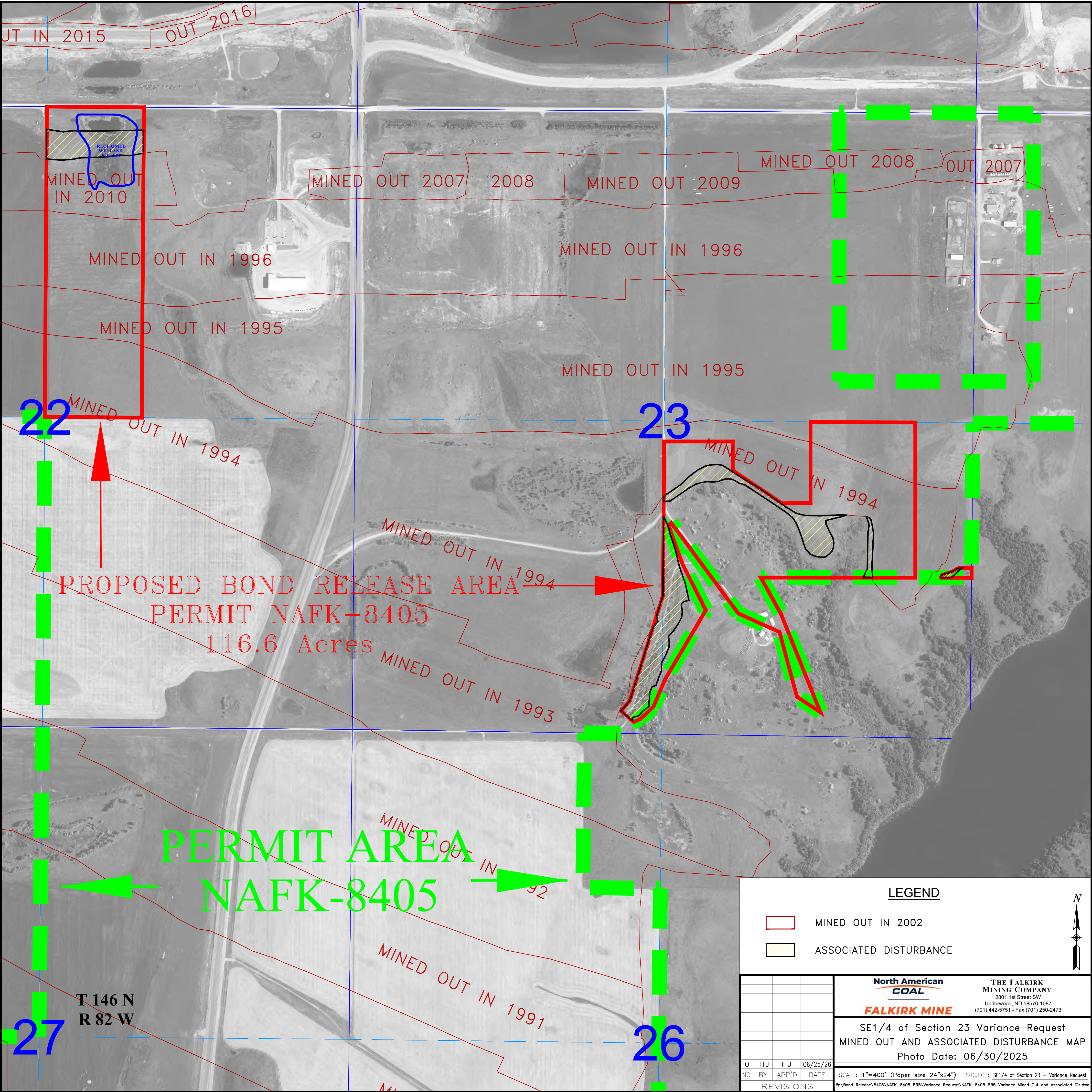
Underwood, ND 58576

P: 701.442.5751 F: 701.250.2473

NACoal.com

The Falkirk Mining Company, a subsidiary company of The North American Coal Corporation

 A NACCO COMPANY



LEGEND

MINED OUT IN 2002

ASSOCIATED DISTURBANCE

NO.	BY	APP'D	DATE
0	TTJ	TTJ	06/25/26

REVISIONS

North American COAL

FALKIRK MINE

SE1/4 of Section 23 Variance Request
MINED OUT AND ASSOCIATED DISTURBANCE MAP
Photo Date: 06/30/2025

SCALE: 1"=400' (Paper size 24"x24") PROJECT: SE1/4 of Section 23 - Variance Request
W:\Bond Release\8405\NAFK-8405 BR5\Variance Request\NAFK-8405 BR5 Variance Mined Out and Associated Dis.dwg

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

UT IN 2015

OUT 2016

MINED OUT IN 2010

MINED OUT IN 1996

MINED OUT IN 1995

MINED OUT IN 1994

MINED OUT IN 1996

MINED OUT 2007

2008

MINED OUT 2009

MINED OUT 2008

OUT 2007

MINED OUT IN 1995

22

23

PROPOSED BOND RELEASE AREA
PERMIT NAFK-8405
116.6 Acres

MINED OUT IN 1994

MINED OUT IN 1993

MINED OUT IN 1992

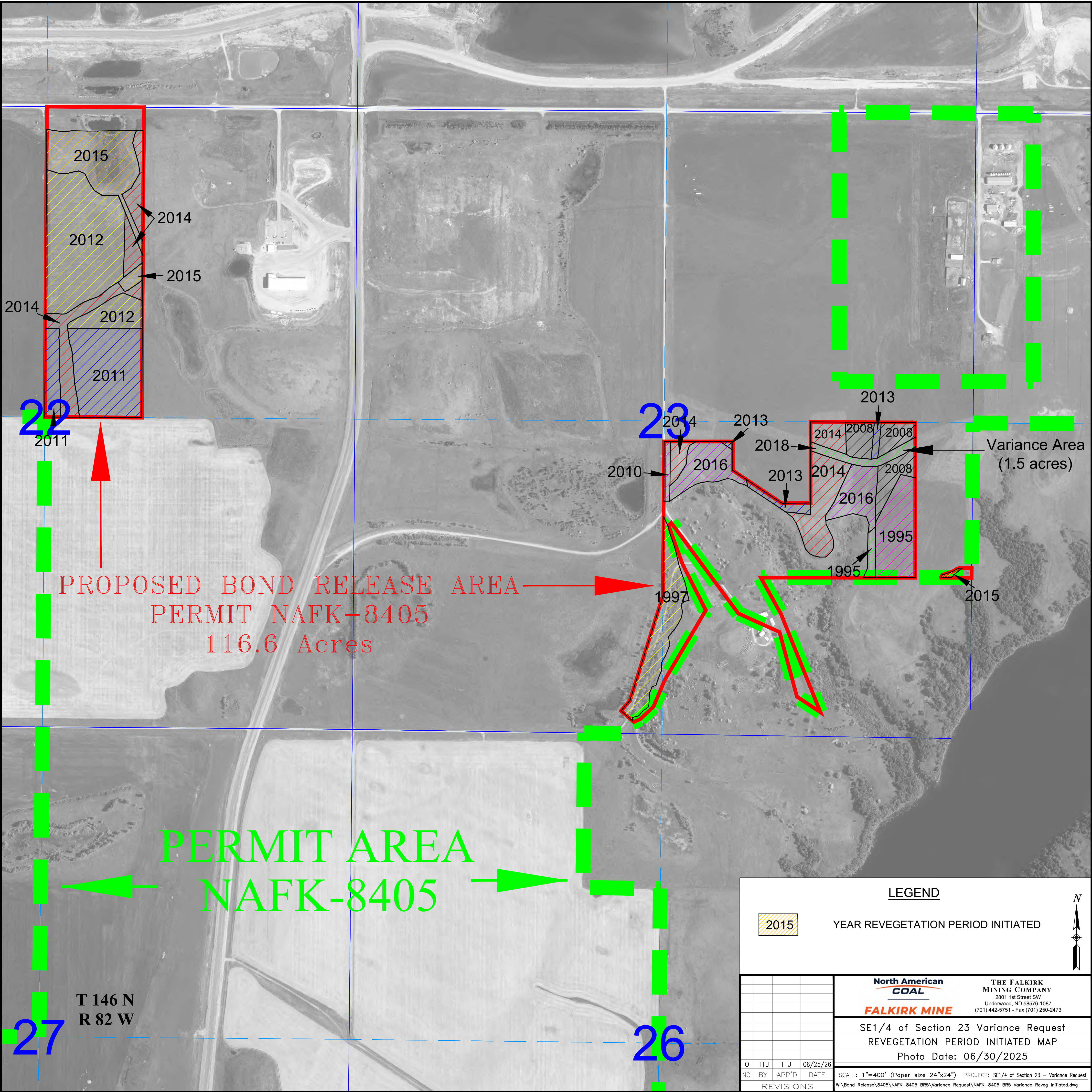
PERMIT AREA
NAFK-8405

MINED OUT IN 1991

27

26

T 146 N
R 82 W



PROPOSED BOND RELEASE AREA
PERMIT NAFK-8405
116.6 Acres

PERMIT AREA
NAFK-8405

Variance Area
(1.5 acres)

LEGEND



YEAR REVEGETATION PERIOD INITIATED



North American
COAL
FALKIRK MINE

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

SE1/4 of Section 23 Variance Request

REVEGETATION PERIOD INITIATED MAP

Photo Date: 06/30/2025

0	TTJ	TTJ	06/25/26
NO.	BY	APP'D	DATE
REVISIONS			

SCALE: 1"=400' (Paper size 24"x24") PROJECT: SE1/4 of Section 23 - Variance Request
W:\Bond Release\8405\NAFK-8405 BR5\Variance Request\NAFK-8405 BR5 Variance Revog Initiated.dwg

T 146 N
R 82 W

