

MAY 6 2008
#30845
PUBLIC SERVICE COMMISSION



1150 West Century Avenue
Bismarck, ND 58503
Mailing Address:
P.O. Box 5568
Bismarck, ND 58506-5568
(701) 530-1400
(701) 530-1451 FAX

April 17, 2008

FROM DIRECTOR - RECLAMATION DIV.

Date: 5-6-08

Action: Steve

Info. Only: _____

Info & File: _____

Mr. James R. Deutsch
Director - Reclamation Division
Public Service Commission
600 E. Boulevard Ave., Dept. 408
Bismarck, ND 58505-0480

RE: Gascoyne Mine – Permit KRGC-8101
Final Bond Release #5

Dear Mr. Deutsch:

Submitted herewith please find five copies of revised or updated text pages and maps in response to the comments contained in your Initial Review letter dated January 2, 2008. The following information responds directly to each of those items. The enclosed binders are designed to be a direct replacement for the initial submittal.

ITEM 1: Attachment 2 – Metes and Bounds Description

The permit number has been corrected to show KRGC-8101.

ITEM 2: Attachment 3 – Newspaper Notice

The permit number has been corrected to show KRGC-8101.

ITEM 3: Attachment 3 – Newspaper Notice

The date for completing backfilling and grading was corrected to October 1994.

ITEM 4: Attachment 3 – Newspaper Notice

A directional arrow and Highway 12 label have been added to the public notice map for clarification.

ITEM 5: Attachment 4 – Letters of Notification

The recipients have been updated to reflect the latest version of Policy Memo 9.

ITEM 6: Attachment 4 – Letters of Notification

No changes were made since the adjacent landowner in the NW¼ of Section 34 is not Dakota Prairie Beef, but GMHR and they are currently listed.

ITEM 7: Attachment 4 – Letters of Notification

Copies will be provided once the letters are mailed to the surface and adjacent surface owners.

ITEM 8: Attachment 4 – Letters of Notification

The phrase "...within 30 days after the last publication of the public notice in the Bowman County Pioneer" will be replaced with the actual deadline once the notice is sent for publication.

ITEM 9: Attachment 7 – Supporting Narrative

The reference has been corrected to read "...Township 131 North..."

ITEM 10: Attachment 7 – Supporting Narrative

The table on page 1 of Attachment 7 was corrected to the calculated value of 32.7 acres undisturbed.

ITEM 11: Attachment 7 – Supporting Narrative

The ownership table was adjusted to more clearly delineate the surface and coal owners.

ITEM 12: Attachment 7 – Supporting Narrative

The coal owners' names have been added to replace the "et. al." reference.

ITEM 13: Attachment 7 – Supporting Narrative

As was noted in the midterm review response letter, this road has remained per the request of the landowner to support his farming operations. KRC believes this road is a supporting use for the hayland; therefore, the current designation seems to be proper. Also, language was added to the narrative explaining how the area covered by the road are accounted for in the determination of the unadjusted standard and harvested yields.

ITEM 14: Attachment 7 – Supporting Narrative

A discussion has been added as to the integrity of the structural features.

ITEM 15: Attachment 7 – Supporting Narrative

A short discussion has been added to the narrative to address each of the permanent pond requirements as well as reference to specific sections of the permit that provide more detailed discussions of Ponds 10 and 11.

ITEM 16: Attachment 7 – Supporting Narrative

A sentence has been added to the discussion for the Industrial and Commercial sites.

ITEM 17: Attachment 7 – Supporting Narrative

A note has been added to refer to Table 1 for the seeded species and rates for the Tame Pastureland site.

ITEM 18: Attachment 7 – Supporting Narrative

A sentence has been added to the first paragraph under Determination of Revegetation Success Standards.

ITEM 19: Attachment 7 – Supporting Narrative

The tables have been corrected as advised.

ITEM 20: Attachment 7 – Supporting Narrative

The Table 11 heading has been carried over to the subsequent pages.

ITEM 21: Attachment 7 – Supporting Narrative

A discussion of the post-mining hydrologic assessment has been included within this attachment that addresses items “a” through “d”.

ITEM 22: Attachment 7 – Supporting Narrative

A brief narrative discussing the results of the Wildlife Monitoring Plan has been added. Also, a reference to the specific location in the permit was added.

ITEM 23: Attachment 7 – Supporting Narrative

The transect numbers were added to Exhibit 7.4 as they relate to the transects listed on Table 10.

ITEM 24: Attachment 7 – Supporting Narrative

An additional exhibit was added to this attachment (Exhibit 7.5) to show the sampling locations for each year that data was collected via hand sampling.

ITEM 25: Attachment 9 – Bond Calculations

The bond release amount calculations have been revised slightly, taking into consideration the partial bond releases on some of the acreage. Additionally, an exhibit illustrating these acres (Exhibit 9.1) and showing the calculations for remaining acres has been added to this attachment.

Should you or your staff have any questions on the information contained herein, please contact the Bismarck Office.

Sincerely,



Michael J. Fagerland

Encl.