



Public Service Commission

State of North Dakota

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August 25, 2008

Mr. Joe Clarke
Technical Group Manager
Falkirk Mining Company
P.O. Box 1087
Underwood, ND 58576-1087

Dear Mr. Clarke:

The Reclamation Division has conducted an initial review of the application for Revision No. 13 to Permit NAFK-9601 that proposes to change the post-mining land use on 428 acres to recreational use. During that review the following items were noted that must be satisfactorily addressed prior to beginning the newspaper publication for this significant revision:

Section 1.0 – Introductory, Legal, ... Information

1. Section 1.2.4 (proposed newspaper announcement) the last paragraph states that a "...informal conferences on the application or a petition to designate the area as unsuitable for surface coal mining operations may be submitted..." Since this revision does not add any areas to the permit, the language on filing a petition to designate areas unsuitable for mining should be deleted. (SAS)
2. Please include copies of the agreement for transferring ownership of the lands from Falkirk to the NDDOT that is to be filed in Section 1.5.1. Document(s) from participating State Agencies that commits to, and describes management of the lands for the intended post-mine land use (recreational lands) should also be placed in the permit. (GAW)

Section 4.0 – Reclamation Plans

3. Please update Section 4.1.5, Revegetation Procedures and Establishment, and Section 4.1.6, Sampling Methods and Success Standards, to address the revegetation procedures and success standards for the disturbed areas that are to be reclaimed to recreation land. Although the post-mine land use for the disturbed areas is being changed to recreation

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land, most of the area has already been reclaimed to native grassland, cropland/hayland and a created wetland. The reclaimed wetland is replacing pre-mine wetland acreage so it will need to function as a wetland. The Reclamation Division believes that the previously approved land use categories should be listed and shown on a map as subcategories of the recreation land, similar to what has been done with the proposed developed water resources. (GAW)

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Deutsch", written in a cursive style.

James R. Deutsch
Director
Reclamation Division