



Public Service Commission

State of North Dakota

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October 14, 2009

Mr. Randy Crooke
Environmental Manager
Falkirk Mining Company
P.O. Box 1087
Underwood, ND 58576-1087

Dear Mr. Crooke:

The Reclamation Division has completed its review of the deficiency responses to Revision No. 13 to Surface Coal Mining Permit NAFK-9601 received on August 27, 2009. This revision proposes to change the post-mining land use on 428 acres to recreational use and updates other sections of the permit in response to our recent mid-term permit review. The following items were noted during our review as requiring further clarification or modification before we will recommend Commission approval of this revision:

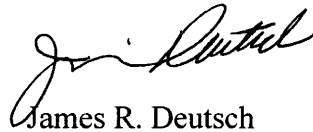
Section 1.0 – Introductory, Legal ... Information

- 1) Follow-up to deficiency item #7: The coal ownership percentage for Robert A. Sitz and Jean Sitz for Tract 15 is **still** missing from the map in Section 1.5.3. Please insert the correct percent of ownership. In addition, the new hyper links supplied on Tracts 10, 11, 15, and 16A do not seem to be linked to the correct pages as indicated. All of the links go to the beginning page of the Coal Lake Land Transfer document. Please verify that the hyper links work correctly. (SAS)
- 2) Follow-up to midterm review item #16: Please update the Revegetation Success Standards Map, Section 4.1.6a, to delineate the boundaries of the areas used to develop the cropland tracts unadjusted standards. In other words, the map should show that the pre-mine native grassland in the NE¼ of Section 25 was not included in the Section 25 cropland unadjusted standard. This issue might most easily be addressed by also showing the pre-mine land uses on the map, Section 4.1.6a. (GAW)

Mr. Randy Crooke
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If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Deutsch". The signature is fluid and cursive, with a large initial "J" and "D".

James R. Deutsch
Director
Reclamation Division

cc: McLean County Auditor

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