



April 9, 2009

FROM DIRECTOR - RECLAMATION DIV.

Date: \_\_\_\_\_

Action: \_\_\_\_\_

Info. Only: \_\_\_\_\_

Info & File: \_\_\_\_\_

Mr. James R. Deutsch  
Reclamation Director  
ND State Public Service Commission  
600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505

**RE: Revision 32 Completeness Review Responses for Permit NAFK-8705**

Dear Mr. Deutsch:

Falkirk submits the following responses to the completeness review items listed in your March 31, 2009 letter required to be addressed for the fourth renewal of the aforementioned permit.

**Section 1.1 – Introductory Information**

- 1. Both the renewal application (page 84 of Section 1.1.1) and the newspaper notice indicate that a 2-year permit term (July 6, 2009 - July 6, 2011) is being requested. We assume this should be a 5-year permit term since facilities in this permit area will continue to support future mining activities. Please make the necessary corrections to the appropriate sections. (SAS & WTG)***

The renewal application, Page 84 of Section 1.1.1, the first page of the revision application, Page 82 of Section 1.1, and the newspaper notice, Section 1.2.4, have been corrected to indicate a 5-year permit term.

- 2. The renewal application on page 84 of Section 1.1.1 must include an attached statement of the reason(s) for requesting the renewal as required by the renewal form. This information was included on the revision form; however, this is not the correct place for the statement. In addition, statements also need to be included indicating that the reclamation bond will remain sufficient and in full force for the entire renewal period as well as liability insurance. [NDAC 69-05.2-11-03(5)] (SAS)***

A statement of the reason for requesting the renewal has been attached as Page 85 of Section 1.1.1.

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- 3. Please update the Summary Page for Revision 32, Section 1.1.2, to address all of the changes being proposed with the revision. The issues listed under "other" in Falkirk's March 16<sup>th</sup> response letter should also be discussed in the revision summary page. (GAW)***

Section 1.1.2 has been updated to address all of the changes being proposed with this revision.

- 4. Please update the newspaper advertisement, Section 1.2.4, to more fully address the changes being proposed with Revision 32. Specifically, the changes listed in items 20 through 24 must be discussed. These include proposed land use changes from cropland to fish and wildlife habitat grassland and changes to the surface water management plans. (GAW)***

Section 1.2.4 has been updated.

- 5. Please provide a copy of the map that is to be included with the public notice for the renewal and revision in Section 1.2.4. This map needs to identify areas that will be affected by the land use changes. (GAW, SAS & WTG)***

Section 1.2.4o, Newspaper Publication Reference Map, has been added.

### **Section 3.0 - Operation Plans**

- 6. Please update Section 3.5, Transportation Facilities, to include design plans for the haulroad which will be moved to accommodate the Wash Bay Pond. (MDB)***

Please see revised Section 3.5.2, Transportation Facilities Map, Section 3.5.4, Haulroad Section A and 3.5.4a, Section C Profiles.

Sincerely,

**THE FALKIRK MINING COMPANY**



Joe Clarke  
Environmental Manager

JWC/dge