



Public Service Commission

State of North Dakota

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March 31, 2009

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 a completeness review of the applications for Revision No. 32 and Renewal No. 4 to Permit NAFK-8705. The following items were noted during the review and must be corrected prior to publication of the newspaper notice:

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)
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)
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 16th response letter should also be discussed in the revision summary page. (GAW)

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)
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 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)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division