



# Public Service Commission

## State of North Dakota

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August 17, 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 completed a technical review of the application for Bond Release No. 3 to Permit NAFK-9601. The following items were noted in that review and must be corrected prior to approval:

### **Attachment II – Bond Calculation**

1. The sum of the total undisturbed area plus the total disturbed area does not equal the total permitted area on page 5. The total undisturbed acres should be 800.7 to correspond with the table on page 5, and previous bond releases. Please make the necessary corrections. (SAS & MSK)
2. Please add a footnote to the NAFK-9601 Calculation – Supplement No. 2 indicating that these calculations are based on the acreage of the original permit area and original bond amount and therefore, the acreages listed may not correspond with the current acreage.

### **Attachment IV – Letters...Parties**

3. Please provide the actual notice letters that were sent. These letters should specify the actual date of the letter and date by which comments must be submitted or hearing requested. (SAS)
4. If maps of the proposed partial bond release areas were sent with the notification letters, then please include a copy of the map that was sent with the notice letters. It is recommended that maps of the bond release area be included with the notification letters in the future. (SAS)

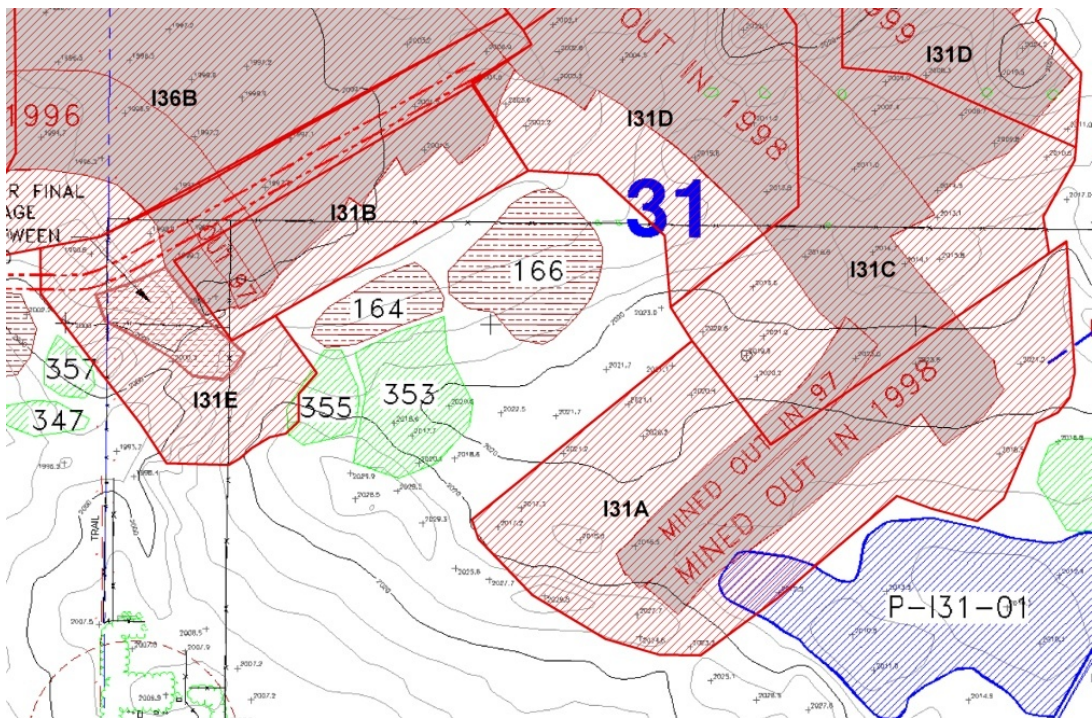
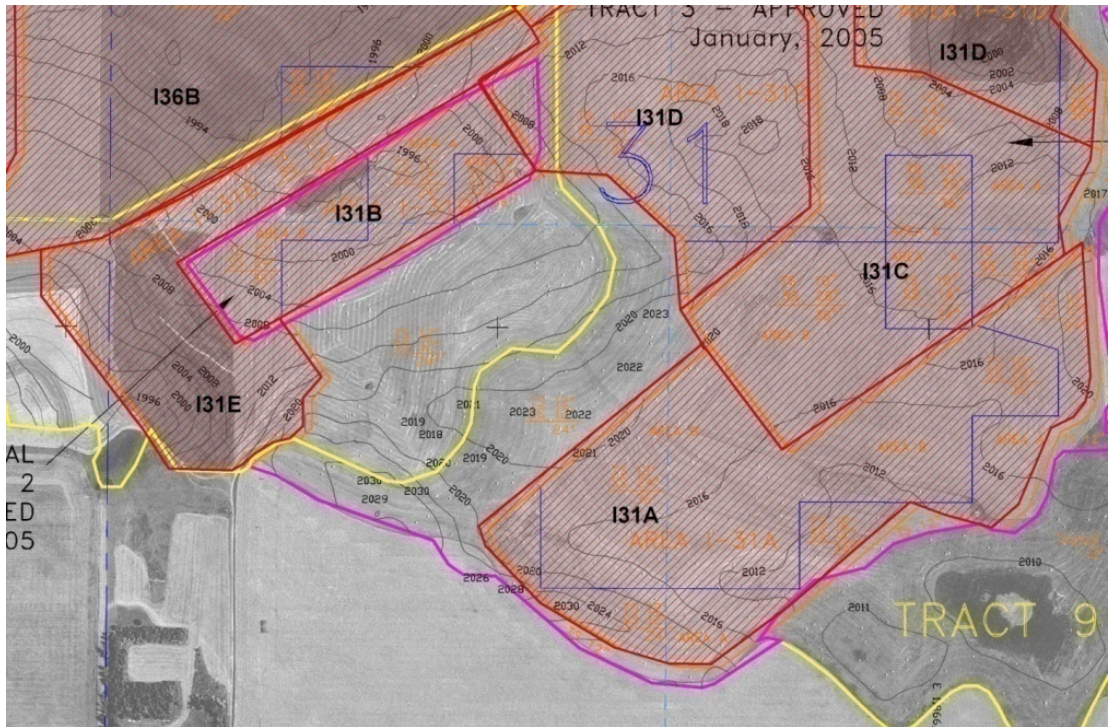
### **Attachment VI – General Information**

5. Please revise the subsoil respread thickness for Tract 7, and the corresponding footnote, because all areas of Tract 7 received 24 inches of total topsoil and subsoil respread thickness. Also, please revise the subsoil respread thickness for Tracts 8 and 9 to indicate that only a specified thickness of topsoil was respread because these tracts were areas of associated disturbance used for stockpiles and a sedimentation pond. (WTG)

### **Attachment VII – Regraded...Map**

6. The contour lines on Attachment VII should extend 500 to 1000 feet beyond the disturbance boundary (of the bond release tracts) to clearly illustrate how the reclamation will tie into the adjacent undisturbed land. (MSK)
7. Please make the following corrections to the map submitted with the bond release application (most of the corrections have already been made to successive updated versions of the map provided to Bill Gunnerson, the most recent of which was submitted to the PSC via email on July 28, 2009):
  - a) Please correct the SPGM respread depth labels for grade approval area I-25C to read 11 inches of topsoil and 13 inches of subsoil as described in the September 21, 2004 grade approval request and the October 15, 2004 approval letter.
  - b) Please correct the SPGM respread depth labels for Tracts 8 and 9 to read 12 inches of topsoil only because these tracts were areas of associated disturbance used for stockpiles and a sedimentation pond. Also, please add a SPGM respread depth label of 11 inches of topsoil only to an unlabeled area of associated disturbance used for stockpiles in the NW¼ of Section 30 of Tract 7.
  - c) Please illustrate and label the 2.77 acre parcel of reclaimed prime farmland in the SE¼ of Section 36 as described in Section 2.8.1 - Soils and Prime Farmland Narrative and shown on Section 4.1.2 - Post-Mining Land Use Map of the permit.
  - d) Please add a soil respread thickness boundary (blue line) to separate the Sheldon property in the S½ of the NE¼ of Section 30 from the Falkirk property in the remaining portion of grade approval I-30C in Tract 7. Also please add a SPGM respread depth of 12 inches of topsoil and 12 inches of subsoil to the Sheldon property as described in the November 30, 2005 grade approval request.
  - e) Based on a review of grade approvals for Permit NAFK-9601, and Section 3.1.5 - Pit Layout and Facilities Map of the permit, it appears that a parcel of approximately 50 acres in Section 31 bounded by grade approval areas I-31A, I-31C, I-31D, I-31B, and I-31E, should be labeled as requiring respread of 12 inches of topsoil only because it is an area of associated disturbance. As shown on the images below, the area is labeled as 12 inches each of topsoil and subsoil respread, but was not included in a

grade approval because it was used as a location for SPGM stockpiles. Part of the area is in Tract 7 of Partial Bond Release No. 3, while the remaining area received partial bond release in January 2005. Soil probing in the area included with Tract 7 indicated that the area was an associated disturbance. Please review the SPGM thickness that was respread for this area, and correct the labeling if necessary. (WTG)



Mr. Joe Clarke  
August 17, 2009  
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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 a long, sweeping underline.

James R. Deutsch  
Director  
Reclamation Division