



THE FALKIRK MINING COMPANY  
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July 2, 2009

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

**RE: REMEDIAL ACTION PLAN FOR NOTICE OF VIOLATION NO. 0903**

Dear Mr. Deutsch:

This letter constitutes The Falkirk Mining Company's (Falkirk) remedial action plan for the above referenced Notice of Violation (NOV). Under the action plan, Falkirk is required to provide an explanation of the circumstances leading to the removal of topsoil from a small reclaimed area located in the SE $\frac{1}{4}$  of Section 5, T145N, R82W in Permit NAFK-8705. The NOV states "topsoil was removed from a reclaimed area that had received partial bond release prior to approval of a revision application that contains plans for the relocation of a primary haulroad through the area". This is not a true statement as the topsoil was not removed from a reclaimed area that had received partial bond release, but rather from an area adjacent thereto (refer to attached map of the area). The area of topsoil removal was fully bonded. Falkirk is also required to describe the steps that will be taken to prevent a similar occurrence in the future and to ensure that no additional topsoil or subsoil is removed from the site until the revision is approved. The remedial action plan must be submitted within 15 days of receipt of the notice, which was received via hand delivery at 10:00 a.m. to Falkirk on June 17, 2009.

Two scrapers were sent to the area on the morning of May 29, 2009 in the SE $\frac{1}{4}$  of Section 5, T145N, R82W. The scrapers removed topsoil from an area that was approximately 55 feet wide by 100 feet long (or 0.13 acres in size). The topsoil was taken to the pile site located just north of the removal area. All of the disturbance was restricted to the topsoil layer. Falkirk's reclamation personnel discovered the issue soon after it occurred and immediately stopped the removal of topsoil. The Reclamation Planner contacted PSC staff to make them aware of the situation. Falkirk replaced the small amount of topsoil and bladed the area to return it to its original condition. There has been no environmental degradation of this area.

To prevent a similar occurrence, maps depicting all Reclamation Division related field approvals have been placed in the Reclamation Supervisors' offices by the Reclamation Planner, who solely will also be responsible for maintaining the maps and ensuring that they are up to

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date. The action plan has been communicated at ensuing Production Meetings, which are held on a routine basis (three times a week). It is Falkirk's belief that no environmental degradation occurred, and the minimal disturbance took place within permitted, bonded, water controlled areas which were proposed for disturbance. Approval of the disturbance was subsequently granted by the PSC on June 24, 2009, thus making this situation moot.

If you have any questions or require further information, please advise.

Sincerely,

**THE FALKIRK MINING COMPANY**

A handwritten signature in blue ink that reads "Joe Clarke". The signature is written in a cursive, flowing style.

Joe Clarke  
Environmental Manager

JWC III/dge  
Enc.

