



Public Service Commission

State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
Web: www.nd.gov/psc
E-mail: ndpsc@nd.gov
Phone 701-328-2400
Toll Free 1-877-245-6685
Fax 701-328-2410
TDD 800-366-6888 or 711

January 19, 2010

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

Dear Mr. Crooke:

The Reclamation Division has conducted a completeness review of the application for Revision No. 19 to Surface Coal Mining and Reclamation Permit NAFK-9503 for the Falkirk Mine in accordance with NDAC 69-05.2-05-01(2). This revision contains changes to the Introductory, Environmental, Operations, Reclamation and Wetlands sections of the permit, including revised plans for mining up to the Great River Energy transmission line resulting in changes to the post-mining topography and reclamation schedules within the permit area. The following items must be satisfactorily addressed before the Reclamation Division can deem the application complete.

Section 1.2 – Legal Information

1. In the second and third lines of the Newspaper Publication Notice in Section 1.2.4 it is stated that “The permit application contains...”, when it should really say that “The permit revision contains...” in order to be correct. Please adjust accordingly. (SAS)

Section 2.3 – Description of Geology

2. Please add the 19 drillholes to the Drillhole Information Checklist in Section 2.3.6a that were completed in 2008 (1 through 17, 28, and 30). These are included in Sections 2.3.5 and 2.3.8, and are shown in Sections 2.3.14 and 2.8.3. (WTG & BEB)
3. Please add the data to Section 2.3.6b for drillholes 1, 2, and 3 that were completed in 2008 and shown in Sections 2.3.14 and 2.8.3. (WTG)
4. Please update the Revision number and date on page 1 of Sections 2.3.7a and 2.3.7b and to pages 1 and 2 of the Coal Core Sample Analysis in Section 2.3.9. (WTG)

Section 2.6 – Surface Water Information and Monitoring Plan

5. Please update the Surface Water Features and Monitoring Sites Map in Section 2.6.4 to depict all watershed boundary lines extending beyond the permit boundary approximately 1000 feet. (MSK)

Section 4.1 – Post-Mining Land Use and Revegetation

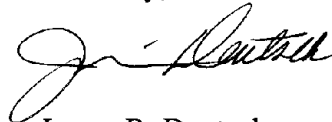
6. If revised or updated landowner preference statements have been received as a result of Falkirk's surface owner re-notification letters sent on December 18, 2009, then please update Section 4.1 accordingly. (GAW)
7. Please update the Post-Mine Land Use Map, Section 4.1.2, to show where temporary wetland acreage will be replaced and list the acres to be replaced in each tract. This information is not included for the additional area to be mined with Revision 19. Prior to this revision, the replacement acreage amount was listed for each tract and the general area where field engineered wetlands were to be constructed were shown. (GAW)
8. In Section 4.1.3, Pre- and Post-Mining Land Use Acreage Comparisons, please highlight only the changes proposed with Revision 19. Also the footnotes indicate this was last changed with Revision 11; however, changes are being proposed with this revision. (GAW)

Section 5.2 – Post-Mining Wetlands

9. The locations of a number of post-mine wetlands are being changed with Revision 19, but the wetland design criteria has not been updated to account for the topographic changes proposed with this revision. Please review and update the design values for the reconstructed wetlands being affected by the topographic changes proposed by this revision. (GAW)

Revision No. 19 was received by the Reclamation Division on December 31, 2009 and as of today, January 19, 2010, there are 101 days of the Commission's 120 day review period remaining. If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division