



February 9, 2010

FROM DIRECTOR - RECLAMATION DIV.

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

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

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

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

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

**RE: Revision 19 Completeness Review Responses for Permit NAFK-9503**

Dear Mr. <sup>Jim</sup>Deutsch:

Falkirk submits the following responses to the review items from your January 19, 2010 letter required to be addressed before the application can be deemed 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 1.2.4, Newspaper Publication Notice has been revised.

**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)*

Section 2.3.6a, Drillhole Information Checklist, has been updated.

- 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)*

Section 2.3.6b, Drillhole Data, has been updated.

- 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)*

Pages 1 of Section 2.3.7a, Lithologic Logs, and Section 2.3.7b, Geophysical Logs, as well as Pages 1 and 2 of Section 2.3.9, Coal Core Sample Analyses, have been updated to display the Revision Number and date.

**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 2.6.4, Surface Water Features and Monitoring Sites Map, has been updated.

**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)***

Please see updated Sections 4.1.1, Post-Mining Land Use Narrative and 4.1.4, Landowners' Post-Mining Preference Statements. Falkirk received 2 responses, one from Dwight Gradin and one from Eileen Zander

- 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)***

Please see updated Section 4.1.2, Post-Mining Land Use Map.

- 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)***

Please see updated Section 4.1.3, Land Use Acreage Comparison Table. The highlighting has been deleted. The tables did not change due to the pre-mine land uses in those areas being reclaimed acre-for-acre back to the pre-mine acreage.

**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)***

All 33 Post-Mining Wetland Details of Section 5.2.2 have been revised.

**Other**

- 10.** Updated Section 1.1.6, Schedule of Violations Held By North American Coal and Affiliates.
- 11.** Provided an endorsement to Section 1.2.5, Certification of Liability Insurance, as suggested in Public Service Commission's letter of December 14, 2009. The Certificate of Liability Insurance for 2010 has not yet been received, but will be included in this revision during Technical Review.
- 12.** Updated Section 1.3.1, Names of Officers, Directors, and Shareholders and Organizational Structure.
- 13.** Updated Section 1.3.3, Current Permits and Permit Applications, Including Pending Applications Held By North American Coal and Affiliates.
- 14.** Updated Section 1.3.6, Relationship to Areas Designated Unsuitable.
- 15.** Section 2.2.8, Location of All Wells and Cross-Section Reference Map, has been revised.
- 16.** Section 2.2.12, Location Map - Certified Wells, has been revised.
- 17.** Section 2.2.13, Location Map - Operational Wells, has been revised.
- 18.** Section 2.2.21, Current Monitoring Wells Location Map, has been revised.
- 19.** Section 2.2.22, Reclamation Monitoring Wells Location Map, has been revised.
- 20.** Section 2.2.25a, Potentiometric Surface Map - Hagel A Bed, has been revised.
- 21.** Section 2.2.25b, Potentiometric Surface Map - Hagel B Bed, has been revised.

Mr. James R. Deutsch  
February 9, 2010  
Page 4

22. Section 2.2.25c, Potentiometric Surface Map - C Sand, has been revised.
23. Section 2.2.25d, Potentiometric Surface Map - Tavis Creek Bed, has been revised.
24. Section 2.3.14, Drill Hole Location and Cross-Section Reference Map, has been revised.
25. Section 2.6.5b, Post-Mining PHC Map, has been revised.
26. Section 3.1.5, Pit Layout and Facilities Map, has been revised.
27. Section 3.1.6, Extended Mining Plan Topographic Map of Mine Phases, has been revised.
28. Section 3.3.2, Blasting Map, has been revised.
29. Section 3.5.2, Transportation Facilities Map, has been revised.
30. Section 3.5.21, Road Relocation and Closing Plan Map, has been updated.
31. Section 4.1.2, Post-Mining Land Use Map, has been revised.
32. Section 4.2.6b, Post-Mining Contour Map, has been revised.
33. Section 4.2.7b, Post-Mining Area Slope Map, has been revised.

Sincerely,

**THE FALKIRK MINING COMPANY**



D. Randall Crooke  
Environmental Manager

DRC/dge  
Enc.