



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

July 2, 2010

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

Dear Mr. Clarke:

The Reclamation Division has reviewed your May 27, 2010, response to the April 7, 2010, technical deficiencies of Revision 19 to Permit NAFK-9503. The following items must be satisfactorily addressed before we recommend approval of this revision application.

Section 1.3.1 – Names of Officers...Structure

1. With reference to item No. 51, the information for the Otter Creek Mining Company, L.L.C. has not been updated from the information that was e-mailed to the AVS office on June 11, 2010, by Belinda Coleman dated May 26, 2010. In that listing, Jim Melchior is now also listed as a "Manager" effective April 22, 2010. Please update the listing accordingly. (SAS)

Section 1.3.2 – Names of Other Mines

2. Please provide information for the two mines that are operated by the wholly-owned subsidiaries of North American Coal; namely the Eagle Pass Mine (Dos Republicas Coal Partnership) and the Five Forks Mine (Five Forks Mining, L.L.C.). (SAS)

Section 2.6.5 – Surface Water Probable Hydrologic Consequences

3. In the Pre-Mining PHC Map of Section 2.6.5a, the sub-watershed in the S½ of Section 36 is not labeled, nor does Section 2.6.5a correspond with the Total Water Management Plan Map in Section 3.6.1a. Please review and update as necessary. (MSK)

Section 3.1 – Operation Plan – General

4. Original deficiency No. 30 requested that the years in the table near the bottom of page 1 be corrected for errors. The last years are now listed as “2001-2016” in the table. We assume this should be listed as “2011-2016”. Please correct as necessary. (SAS)

Section 3.6 – Operations – Surface Water Management

5. Hyperlinks provided in the narratives of Sections 3.6.17, 3.6.18, and 3.6.19 do not work. Please repair the links. (MSK)

Section 4.1.2 – Post-Mining Land Use Map

6. Follow-up to Original Technical Deficiency No. 38. Please further revise the polygon shown as “where prime farmland will not be reclaimed” in the SE¼ of Section 27 on the Post-Mining Land Use Map, Section 4.1.2. An additional grade approval request (R27B) for more prime farmland reclamation adjoining grade approval R27A was submitted on June 16, 2010. (WTG)

Section 4.2 – Reclamation – General

7. Follow-up to Original Item No. 46. Falkirk is proposing to develop a historic variance area map with Revision No. 20. However, a new Area H variance area is being added with Revision No. 19 while language regarding an old variance Area H is being retained. This is very confusing since the two Area H areas are a mile from each other and it appears Variance Area P is going to replace the need for former Variance Area H. Falkirk is proposing to remove some historic Variance Areas (Areas E and G) with this revision, but for some reason is retaining the language regarding old Variance Area H. Again, this is very confusing. Please revise to have only one Variance Area H. (GAW)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division