



July 15, 2010

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 Technical Review Responses (2) for Permit NAFK-9503

Dear Mr. ^{JR}Deutsch:

Falkirk submits the following responses to the review items from your July 2, 2010 letter required to be addressed prior to approval for the above-referenced permit revision.

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)*

Please see updated Section 1.3.1.

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)*

Please see updated Section 1.3.2

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)*

Sections 2.6.4, Surface Water Features and Monitoring Sites Map, 2.6.5a, Pre-Mining PHC Map, 2.6.5b, Post-Mining PHC Map, and 2.6.5c, Surface Water Probable Hydrologic Consequences Data, have been updated to correspond with the Total Water Management Plan Map in Section 3.6.1a.

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)***

Verbage at the bottom of Page 1 in Section 3.1.1 has been changed to read "2011-2016."

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)***

The hyperlinks in Sections 3.6.17, 3.6.18, and 3.6.19 have been repaired.

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)***

Post-Mining Land Use Map, Section 4.1.2, has been updated to show added/revised prime soils located in the E½ of Section 27, T145N, R83W.

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)***

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As agreed to in a phone conversation of July 13th with Assistant Director Dean Moos, Falkirk will address Areas E and G in historic variance areas map in Revision 20. No further clarification of Area H is necessary as the need and explanation for Area H remains unchanged from the approved permit.

Other:

8. Updated Section 1.1.6, Schedule of Violations.
9. Section 3.1.5, Pit Layout and Facilities Map, has been updated to show added SPGM stockpile location to the NE¼ of Section 15, T145N, R83W.

Sincerely,

THE FALKIRK MINING COMPANY



D. Randall Crooke
Environmental Manager

DRC/dge