



Public Service Commission

State of North Dakota

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March 21, 2011

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

Dear Mr. Crooke:

The Reclamation Division has reviewed your March 10, 2011, response and changes to our March 3, 2011, technical review of Falkirk's application for Revision No. 27 to Permit NAFK-8405. The following review item must be satisfactorily addressed before the revision application can be approved:

Follow-up to original deficiency No. 32. In Section 4.2.2, Reclamation Schedule Narrative, the narrative for Area J states that "Falkirk requests a variance in Area J, from ... because some rough grading will exceed the 180-day time period, and seeding may exceed the 3-year contemporaneous period in portions of the area." Please rephrase this sentence to reflect that the variance for this area was previously approved (list the date of approval in the permit narrative). Also, in this section it is stated that boxcut and pre-bench material haulage will continue in 2011 and will be finished in 2016. Due to settling problems that frequently occur when reclaiming an area adjacent to undisturbed land, specifically where wetlands are designed to be placed near the highwall interface, we believe a further variance from the contemporaneous reclamation requirements should be requested for these areas to allow time for settling before the respreading of subsoil and topsoil. Soil respread should be delayed until the probability of differential settling is minimized. Please address these items. (MSK)

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

cc: McLean County Auditor

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11 RC-10-655 Filed 03/21/2011 Pages: 1
Second technical deficiency letter sent to the applicant
Public Service Commission
Bruce Beechie

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