



Public Service Commission

State of North Dakota

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November 3, 2011

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

Dear Mr. Crooke:

The Reclamation Division has completed an initial review of Final Bond Release Application No. 3 to Permit NAFK-8705. The items listed below must be addressed prior to publishing the newspaper notice or notifying the surface owners, adjacent surface owners and governmental agencies.

Attachment III – Public Notice

1. Please edit the first sentence of the public notice to clarify that the bond release tract contains reclaimed wetlands and public roads in addition to cropland. As currently written, the notice incorrectly indicates that all 217.5 acres are cropland. Alternatively, the word “cropland” could be changed to “land” since the landuse is discussed in the fourth paragraph. (GAW)
2. Since this tract was originally included in an earlier permit and later incorporated into Permit NAFK-8705, please indicate the original permit number and approval date and the date it was incorporated (approval date) into Permit NAFK-8705 as required by NDCC 38-14.1-17(1)(a)(2). (GAW/WTG)

Attachment IV – Letters to Interested Parties

3. Laurance and Nancy Heger are listed as the surface owners of the bond release tract but the Surface and Coal Ownership Map in Revision 33 to Permit NAFK-8705 indicates that Falkirk is the surface owner. Please include information in the bond release application showing updated surface and adjacent surface ownership for the bond release tracts. (GAW/WTG)
4. Steve and Katherine Heger are shown as adjacent surface owners on the Surface and Coal Ownership Map in the permit but a notification letter is not included for them in the bond release application. Please review and update as necessary. (GAW/BEB)
5. Krist and Taryn Kjelstrup are shown as adjacent surface owners (SW¹/₄SE¹/₄ of Section 17) on the Surface and Coal Ownership Map in the permit but they are not listed as adjacent surface owners in Attachment IV. Please review and update as necessary. (GAW)
6. Please include a surface and adjacent surface ownership map that shows the surface and adjacent surface owners of the bond release tract. The information listed in Attachment IV of the bond release application is inconsistent with the information currently in the permit. (GAW)
7. As required by Policy Memorandum No. 9 to Mine Operators, please attach the newspaper notice map or similar map to each of the notification letters to interested parties. (WTG)
8. As recommended by Policy Memorandum No. 9 to Mine Operators, please reference adjoining property owners as such in the first paragraph of the notification letters. (WTG)

Attachment VIII – Cropland Data

9. Please include data demonstrating revegetation success on the cropland that was reclaimed in 1986 (primarily subtract 3B). This area is currently in a pre-cropland grass/legume mix that is being used as a buffer zone for wetlands R-W20-02 and R-W20-1. Subtract 3A does not adequately represent subtract 3B (different age of reclamation). The Reclamation Division believes the buffer zone area is much larger than necessary to protect the reclaimed wetlands from sedimentation and that appropriate data will be necessary to prove reclamation success of subtract 3B. It may be more appropriate to include subtract 3B with the tract to the south. (GAW/JRD)

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The Reclamation Division is planning to proceed with scheduling an inspection of the property within 30 days of receipt of the application; however, this is weather dependant. Please submit 6 copies of the bond release application with your response to this letter.

If you have any questions, please contact this office.

Sincerely,



for

James R. Deutsch

Director

Reclamation Division