

November 17, 2011

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

**RE: Technical Review Responses to Bond Release 3-2011 for Permit NAFK-8705**

Dear Mr. Deutsch:

Falkirk submits the following responses to the review items of the application for Bond Release Application No. 3 for Permit NAFK-8705 noted in your November 3, 2011 letter.

**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 land use is discussed in the fourth paragraph. (GAW)*

Please see the updated Public Notice.

- 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)*

Please see the updated Public Notice.

**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)*

Please see the Ownership Map added to Attachment ii - General Information Section.

- 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)***

Please see added notification letter.

- 5. Krist and Taryn Kjelstrup are shown as adjacent surface owners (SW¼SE¼ 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)***

Please see the Ownership Map added to Attachment ii - General Information Section. The Kjelstrups are not adjoining landowners.

- 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)***

Please see the Ownership Map added to Attachment ii - General Information Section.

- 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)***

Please see updated notification letters.

- 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)***

Please see updated notification letters.

#### **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***

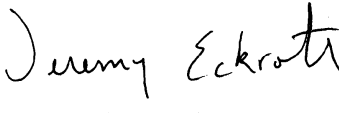
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***R-W20-1. Subtract 3A does not adequately represent Subtract 3B (different age of reclamation). The Reclamation Division believes the buffer zone area is much larger than necessary to protect the reclaimed wetlands from sedimentation and that appropriate 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)***

Please see new information added to Attachment VIII - Cropland Data.

Sincerely,

**THE FALKIRK MINING COMPANY**

for 

D. Randall Crooke  
Environmental Manager

DRC/dge  
Enc.