



Public Service Commission

State of North Dakota

COMMISSIONERS

Tony Clark
Brian P. Kalk
Kevin Cramer

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

November 22, 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 scheduled a field inspection for Bond Release Application No. 3 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine. We will meet at the Falkirk Mine Office **at 10:00 a.m., CDT on Tuesday, November 29, 2011**. This final bond release covers approximately 217.5 acres of land located in portions of the W1/2 of Section 20, T146N, R82W, McLean County, ND. This inspection will be postponed until next spring if inclement weather or snow cover prohibits an adequate evaluation of the reclamation tract.

Please note that OSM concurrence for this bond release will be required before Commission approval since the NW1/4 of Section 20 contained federal coal that was mined.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Deutsch".

James R. Deutsch
Director
Reclamation Division

Minedata/Falkirk/Permits/NAFK-8705/BondRelease/BondRelease3/BR3_insp_ltrs.docx



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November 22, 2011

Laurance and Nancy Heger
607 Kennedy Street
Underwood, ND 58576

Dear Mr and Ms. Heger:

The Reclamation Division has scheduled a field inspection for Bond Release Application No. 3 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine. Falkirk is requesting final bond release on approximately 217.5 acres of land located in portions of the W1/2 of Section 20, T146N, R82W, McLean County, ND. As surface owner of this property, you or your representative is invited to participate in the final bond release inspection. We will meet at Falkirk's mine office **at 10:00 a.m., CDT on Tuesday, November 29, 2011**. The land included in this bond release application consists of approximately 195.6 acres of cropland, 13.0 acres of roads and 8.9 acres of reclaimed wetlands.

Contact Guy Welch at 701-328-2298 if you plan to attend so that you can be contacted in case of cancellation or delay. This inspection will be postponed until next spring if inclement weather or snow cover prohibits an adequate evaluation of the reclamation tract. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "James R. Deutsch".

James R. Deutsch
Director
Reclamation Division

CC: Steve Heger, (2896 3rd Str. NW, Underwood, ND 58576)

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November 22, 2011

Mr. Jeffrey Fleischman, Director
OSM Casper Field Office
PO Box 11018
150 East B Street - Room 1018
Casper, WY 82602-5004

Dear Mr. Fleischman:

The Reclamation Division has scheduled a field inspection for Bond Release Application No. 3 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine. Falkirk is requesting final bond release on approximately 217.5 acres of land located in portions of the W1/2 of Section 20, T146N, R82W, McLean County, ND. You or your representative is invited to participate in the final bond release inspection. We will meet at Falkirk's mine office **at 10:00 a.m., CDT on Tuesday, November 29, 2011**. The land included in this bond release application consists of approximately 195.6 acres of cropland, 13.0 acres of roads and 8.9 acres of reclaimed wetlands. A portion of this tract, the NW1/4 of Section 20, contains Federal coal that was mined therefore, your concurrence will be necessary before the bond release can be approved. A CD containing a copy of the bond release application is enclosed.

Contact Guy Welch at 701-328-2298 if you plan to attend so that you can be contacted in case of cancellation or delay. This inspection will be postponed until next spring if inclement weather or snow cover prohibits an adequate evaluation of the reclamation tract. If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

Enclosure: CD

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November 22, 2011

McLean County Commissioners
McLean County Courthouse
Washburn, ND 58577

Dear Commissioners:

The Reclamation Division has scheduled a field inspection for Bond Release Application No. 3 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine. Falkirk is requesting final bond release on approximately 217.5 acres of land located in portions of the W1/2 of Section 20, T146N, R82W, McLean County, ND. You and/or your representative(s) are invited to participate in the final bond release inspection. We will meet at Falkirk's mine **office at 10:00 a.m., CDT on Tuesday, November 29, 2011**. The land included in this bond release application consists of approximately 195.6 acres of cropland, 13.0 acres of roads and 8.9 acres of reclaimed wetlands. County Road 14 along the north edge of the tract was not disturbed by mining activities but the township road on the west side of the tract was affected by mining and reconstructed.

Contact Guy Welch at 701-328-2298 if you plan to attend so that you can be contacted in case of cancellation or delay. This inspection will be postponed until next spring if inclement weather or snow cover prohibits an adequate evaluation of the reclamation tract. If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division



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November 22, 2011

Mr. Scott Hochhalter
State Soil Conservation Specialist
2718 Gateway Ave., Suite #104
Bismarck, ND 58503

Dear Mr. Hochhalter:

The Reclamation Division has scheduled a field inspection for Bond Release Application No. 3 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine. Falkirk is requesting final bond release on approximately 217.5 acres of land located in portions of the W1/2 of Section 20, T146N, R82W, McLean County, ND. You are invited to participate in the final bond release inspection. We will meet at Falkirk's mine office **at 10:00 a.m., CDT on Tuesday, November 29, 2011**. The land included in this bond release application consists of approximately 195.6 acres of cropland, 13.0 acres of roads and 8.9 acres of reclaimed wetlands.

Contact Guy Welch at 701-328-2298 if you plan to attend so that you can be contacted in case of cancellation or delay. This inspection will be postponed until next spring if inclement weather or snow cover prohibits an adequate evaluation of the reclamation tract. If you have any questions, please contact this office.

Sincerely,

James R. Deusch
Director
Reclamation Division



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November 22, 2011

Terry Allbee
ND Natural Resource Trust
1605 E. Capitol Avenue, Suite 101
Bismarck, ND 58501-2102

Dear Mr. Allbee:

The Reclamation Division has scheduled a field inspection for Bond Release Application No. 3 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine. Falkirk is requesting final bond release on approximately 217.5 acres of land located in portions of the W1/2 of Section 20, T146N, R82W, McLean County, ND. You or a representative from your organization is invited to participate in the final bond release inspection as a member of the Wetlands Advisory Committee. We will meet at Falkirk's mine office **at 10:00 a.m., CDT on Tuesday, November 29, 2011.**

The land included in this bond release application consists of approximately 195.6 acres of cropland, 13.0 acres of roads and 8.9 acres of wetland. The wetland acreage consists of three reclaimed seasonal basins that are replacing wetland acreage that existed prior to mining. Information regarding these wetlands is in Attachment IX of the enclosed CD. Also enclosed is a memo that outlines the role of the Wetlands Advisory Committee. The Public Service Commission's Revegetation Success Standards for reclaimed wetlands can be found at <http://www.psc.nd.gov/docs/guidelines/coalmining/revegdocusjuly2003final.pdf>.

Contact Guy Welch at 701-328-2298 if you plan to attend so that you can be contacted in case of cancellation or delay. This inspection will be postponed until next spring if inclement weather or snow cover prohibits an adequate evaluation of the reclamation tract. If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

Enclosures: Memo & CD

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November 22, 2011

Mr. Terry Ellsworth
U.S. Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, ND 58501-7926

Dear Mr. Ellsworth:

The Reclamation Division has scheduled a field inspection for Bond Release Application No. 3 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine. Falkirk is requesting final bond release on approximately 217.5 acres of land located in portions of the W1/2 of Section 20, T146N, R82W, McLean County, ND. A representative from your organization is invited to participate in the final bond release inspection as a member of the Wetlands Advisory Committee. We will meet at Falkirk's mine office at **10:00 a.m., CDT on Tuesday, November 29, 2011.**

The land included in this bond release application consists of approximately 195.6 acres of cropland, 13.0 acres of roads and 8.9 acres of wetland. The wetland acreage consists of three reclaimed seasonal basins that are replacing wetland acreage that existed prior to mining. Information regarding these wetlands is in Attachment IX of the enclosed CD. Also enclosed is a memo that outlines the role of the Wetlands Advisory Committee. The Public Service Commission's Revegetation Success Standards for reclaimed wetlands can be found at <http://www.psc.nd.gov/docs/guidelines/coalmining/revvegdocjuly2003final.pdf>.

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Sincerely,

A handwritten signature in black ink, appearing to read "James R. Deutsch".

James R. Deutsch
Director
Reclamation Division

Enclosures: Memo & CD

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November 22, 2011

Mr. Terry Steinwand, Director
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, ND 58501-5095

Dear Mr. Steinwand:

The Reclamation Division has scheduled a field inspection for Bond Release Application No. 3 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine. Falkirk is requesting final bond release on approximately 217.5 acres of land located in portions of the W1/2 of Section 20, T146N, R82W, McLean County, ND. You or a representative from your organization is invited to participate in the final bond release inspection as a member of the Wetlands Advisory Committee. We will meet at Falkirk's mine office at **10:00 a.m., CDT on Tuesday, November 29, 2011.**

The land included in this bond release application consists of approximately 195.6 acres of cropland, 13.0 acres of roads and 8.9 acres of wetland. The wetland acreage consists of three reclaimed seasonal basins that are replacing wetland acreage that existed prior to mining. Information regarding these wetlands is in Attachment IX of the enclosed CD. Also enclosed is a memo that outlines the role of the Wetlands Advisory Committee. The Public Service Commission's Revegetation Success Standards for reclaimed wetlands can be found at <http://www.psc.nd.gov/docs/guidelines/coalmining/revvegdocjuly2003final.pdf>.

Contact Guy Welch at 701-328-2298 if you plan to attend so that you can be contacted in case of cancellation or delay. This inspection will be postponed until next spring if inclement weather or snow cover prohibits an adequate evaluation of the reclamation tract. If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

Enclosures: Memo & CD

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November 22, 2011

Mr. David D. Dewald
Natural Resource Conservation Service
220 East Rosser Ave.
P.O. Box 1458
Bismarck, North Dakota 58502

Dear Mr. Dewald:

The Reclamation Division has scheduled a field inspection for Bond Release Application No. 3 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine. Falkirk is requesting final bond release on approximately 217.5 acres of land located in portions of the W1/2 of Section 20, T146N, R82W, McLean County, ND. You or a representative from your organization is invited to participate in the final bond release inspection as a member of the Wetlands Advisory Committee. We will meet at Falkirk's mine office **at 10:00 a.m., CDT on Tuesday, November 29, 2011.**

The land included in this bond release application consists of approximately 195.6 acres of cropland, 13.0 acres of roads and 8.9 acres of wetland. The wetland acreage consists of three reclaimed seasonal basins that are replacing wetland acreage that existed prior to mining. Information regarding these wetlands is in Attachment IX of the enclosed CD. Also enclosed is a memo that outlines the role of the Wetlands Advisory Committee. The Public Service Commission's Revegetation Success Standards for reclaimed wetlands can be found at <http://www.psc.nd.gov/docs/guidelines/coalmining/revegdocusjuly2003final.pdf>.

Contact Guy Welch at 701-328-2298 if you plan to attend so that you can be contacted in case of cancellation or delay. This inspection will be postponed until next spring if inclement weather or snow cover prohibits an adequate evaluation of the reclamation tract. If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

Enclosures: Memo & CD

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November 22, 2011

Mr. David D. Hendrickson
District Conservationist
Turtle Lake Field Office
24 2nd Ave. E., Box 537
Turtle Lake, ND 58575-0537

Dear Mr. Hendrickson:

The Reclamation Division has scheduled a field inspection for Bond Release Application No. 3 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine. Falkirk is requesting final bond release on approximately 217.5 acres of land located in portions of the W1/2 of Section 20, T146N, R82W, McLean County, ND. You are invited to participate in the final bond release inspection. We will meet at Falkirk's mine office **at 10:00 a.m., CDT on Tuesday, November 29, 2011**. The land included in this bond release application consists of approximately 195.6 acres of cropland, 13.0 acres of roads and 8.9 acres of reclaimed wetlands.

Contact Guy Welch at 701-328-2298 if you plan to attend so that you can be contacted in case of cancellation or delay. This inspection will be postponed until next spring if inclement weather or snow cover prohibits an adequate evaluation of the reclamation tract. If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

PUBLIC SERVICE COMMISSION

Reclamation Division

Memorandum

TO: Wetlands Advisory Committee
FROM: Jim Deutch, Reclamation Division
DATE: November 22, 2011
SUBJECT: Wetlands Advisory Committee

The Wetlands Advisory Committee was formed in the mid 1980's to help the Reclamation Division establish final bond release revegetation success standards for reclaimed wetlands on surface coal mined land in North Dakota. The Commission adopted reclaimed wetland success standards in 1988. These success standards are listed in Section II-H of the Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre and Postmining Vegetation Assessments document, which can be found on the PSC website. The reclaimed wetland success standard includes an on-site inspection by the Commission and the Wetlands Advisory Committee members.

The Falkirk Mining Company submitted a final bond release application that includes three reclaimed wetlands. Thus, the Wetlands Advisory Committee will be asked to participate in the final bond release inspection and review the bond release application to help us determine if the final bond release success standards have been achieved, in accordance with our requirements.

The Wetlands Advisory Committee initially included representatives from USFWS, NDGFD, UND and NDSU. Representatives from UND and NDSU are no longer participating as members of the Advisory Committee and have been replaced by NRCS and a conservation group, North Dakota Natural Resource Trust. The Wetlands Advisory Committee presently consists of the following organizations.

ND Natural Resource Trust
(Attn: Mr. Terry Allbee)
1605 E. Capitol Avenue, Suite 101
Bismarck, ND 58501-2102

U.S. Fish and Wildlife Service
(Attn: Terry Ellsworth)
3425 Miriam Avenue
Bismarck, ND 58501-7926

NRCS State Office
(Attn: Mr. David Dewald)
220 E. Rosser Avenue
Bismarck, ND 58502-1458

ND Game and Fish Department
(Director's Representative)
100 N Bismarck Expressway
Bismarck, ND 58505