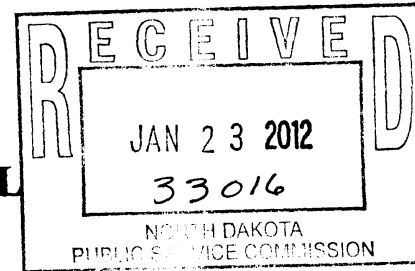


DAKOTA RESOURCE COUNCIL

P. O. Box 1095, Dickinson ND 58602-1095
(701) 483-2851;



January 23, 2012

North Dakota Public Service Commission
Capitol Building
600 East Boulevard Ave.
Bismarck ND 58505

Comments on proposed final bond release for completion of all reclamation work on 217.5 acres of land in Section 20, T146N, R82W, McLean County.

Submitted by Gene Wirtz, 3423 – 3rd St. NW, Underwood ND 58576, Dakota Resource Council Board of Directors

I am a lifelong resident of the Underwood area and for more than 30 years I have operated a family farm near Underwood. I have a strong personal interest in successful reclamation of the Falkirk Mine, since either I or other farmers in the area may at some time be interested in purchasing or leasing this parcel or other reclaimed land in the area. Dakota Resource Council (DRC) is a grassroots, membership-based organization, which has long engaged in numerous energy-related public policy issues, including surface mining reclamation policies, and likewise has a strong a longstanding interest in successful reclamation at Falkirk and other mines in the state.

Our comments primarily address issues raised by this bond release application with regard to North Dakota's program of bonding and bond release procedures.

We note that this final bond release application is the first and only bond release application on this tract of land, at which mining activities began in 1983 and concluded in 1989, well more than 20 years ago. We note additionally that although the Public Service Commission's pending action is characterized as a final bond release, no reduction in bond is anticipated in connection with the pending "bond release" application. This fact brings us to the conclusion that, in fact, there is no effective bond still attached to this particular parcel of land, and that the bond release proceedings are little more than a paper exercise.

In this regard, we respectfully ask that the PSC address the following questions:

1. Since the PSC has for all practical purposes already released the permittee from all bond obligations for this tract of land without a request for bond release on the permittee's part, how does the PSC reconcile this release from bond with the bond release procedures outlined in Title 30, Chapter 25, Subchapter V of the Surface Mining Control and Reclamation Act of 1977?



2. Specifically, how has the PSC safeguarded the rights of myself, DRC and other interested parties to a hearing or informal conference outlined in sections (f) and (g) of Subchapter V, given that all bond on the parcel in question has already been released through administrative proceedings without public notice?

