



Public Service Commission

State of North Dakota

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November 20, 2012

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 conducted a technical review of the Falkirk Mining Company's application for Revision 34 to Surface Coal Mining Permit NAFK-8705 that was deemed complete on September 24, 2012. The following items need to be satisfactorily addressed prior to recommending approval of the revision.

General

1. Please update the appropriate maps (Metes and Bounds, Surface and Coal Ownership, Pit Layout and Facilities, and Post Mine Land Use at a minimum) to reflect the areas that were bond released with the approval of Bond Release No. 3 to Permit NAFK-8705. Other maps can be updated if other changes are being made. The bond related areas should be shaded or cross-hatched to show the bond release status on these maps. (BEB, MSK)
2. As described in the attached October 25, 2012 letter from the State Water Commission to the PSC, please provide the necessary approval correspondence from the State Water Commission to the City of Underwood to add the area underlain by the French Drain as a "point of diversion" to Underwood's existing Water Permit No. 4198 or alternatively, provide the necessary approval correspondence from the State Water Commission to the City of Underwood for a new water permit for the French Drain area. (BEB)

Section 1.2 – Legal Information

3. Please update the summation of legal description acreages in the permit area and the metes and bounds description of the permit boundary in Section 1.2.1 to account for the release of lands in the W1/2 of Section 20 with Bond Release No. 3 to Permit NAFK-8705. The Metes and Bounds Description Map, Section 1.2.2, and a proposed Third Deletion Metes and Bounds Map and description (likely Section 1.2.2f) should be added to the permit at this time. (BEB, MSK)

Section 1.3.2 - Names of Other Mines

4. Please update Section 1.3.2 as necessary to reflect any updates to North American Coal Corporation operations identified in the Consolidated Legal information Report. (WTG)

Section 2.6 – Surface Water Information and Monitoring Plan

5. In the Surface Water Monitoring Plan, Section 2.6.7, the last sentence indicates one rain gauge is delineated on the Surface Water Features and Monitoring Sites Map, Section 2.6.4, but the map identifies two rain gauge locations. Perhaps the last sentence could be revised to indicate rain gauge locations are identified on the map. Please revise as appropriate. (RLK)

Section 3.6 – Operations – Surface Water Management

6. Please include a legend on the Total Water Management Plan Map, Section 3.6.3a. (MSK)

Section 4.1 – Post-Mining Land Use and Revegetation

7. In Section 4.1.2, Post Mine Land Use, the topography around wetlands R-28-03 and R-28-04 is different from what is shown in Section 5.2.2a – Wetland Details R-28-03 and R-28-04. Please correct these inconsistencies, and any others that may be altered to reflect the new post mine topography. (MSK)
8. Please update Section 4.1.3, Pre- and Post-Mining Land Use Acreage Comparison Table, to reflect the land use acreage changes for the 217.5 acres of land included in Final Bond Release 3 to Permit NAFK-8705 which became effective August 13, 2012. (RLK)
9. Please update Section 4.1.3, Pre- and Post-Mining Land Use Acreage Comparison Table, to account for wetland R-31-02 which is being added with this revision. Please explain why this wetland is being added. (GAW)
10. Please update Section 4.1.5, Revegetation Procedures and Establishment, to include the Recreational Land Use being proposed in this revision. (GAW, ZAT)
11. Please update Section 4.1.6, Sampling Methods and Success Standards, to include the Recreational Land Use being proposed in this revision. (GAW, ZAT)

The Reclamation Division also suggests that as part of this revision, Falkirk begins to update Section 4.1.6a, Revegetation Success Standards Map and Unadjusted Standards Tables, to add the information for the east portion of the permit area (Sections 4, 28, 29, 32 and 33) where mining has been completed and the limits of disturbance are known.

Mr. D. Randall Crooke
November 20, 2012
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If you have any questions, please contact this office.

Sincerely,

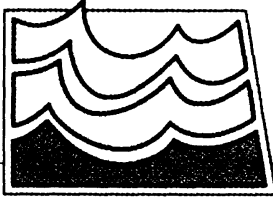
A handwritten signature in black ink, appearing to read "J. Deutsch". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke.

James R. Deutsch
Director
Reclamation Division

Attachment

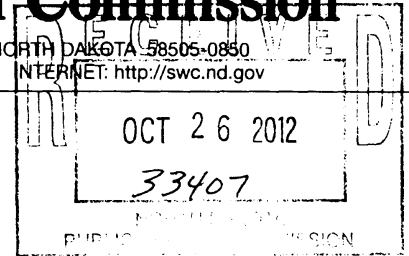
cc: McLean County Auditor

Minedata/Falkirk/Permits/NAFK-8705/Revisions/No.34/Rev34_tech_rvw_ltr_11-20-12.docx



North Dakota State Water Commission

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WATER APPROPRIATION DIVISION (701)328-2754

October 25, 2012


Mr. James R. Deutsch, Director
Reclamation Division
Public Service Commission
State Capitol Building
Bismarck, ND 58505

Dear Mr. Deutsch:

In a September 24, 2012 letter, you requested a review of proposed Revision Number 34 to Falkirk Mine Permit NAFK-8705. Revision Number 34 includes adding a 2,400 feet long French drain, trending east-west across the north half of NW1/4 Section 28, Twp. 146-082, along the Hagel Bed in the final highwall south of Underwood. Water from the French drain is to be used to irrigate the City of Underwood's Westridge golf course.

Underwood Public Recreation System's Water Permit No. 4198 allows for the irrigation of 46.5 acres of the golf course with up to 21 acre-feet of water annually. The City of Underwood's began, but has yet to complete, the process of adding the area underlain by the drain as an approved 'point of diversion' for their golf course irrigation permit. The City has been advised they need to continue the process of adding a point of diversion to their water permit, or to apply for a new permit if more than 21 acre-feet of water per year are used.

Proposed Revision No. 34 to Permit NAFK-8705 is satisfactory to this reviewer.


Alan Wanek
Hydrologist Manager

AW: /1687.13