



March 7, 2013

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

RE: Technical Review Responses (2) for Revision 34 to Permit NAFK-8705

Dear Mr. ^{Lin}Deutsch:

Falkirk submits the following responses to the technical review items listed in your January 31, 2013 letter required to be satisfactorily addressed prior to approval of the revision.

General

- 1. Follow-up to original Item No. 2: Thank you for providing the application notice for the proposed change in the point of diversion to the City of Underwood's existing Water Permit No. 4198. Please provide a copy of the State Water Commission's approval document for the additional point of diversion, when received, as this revision cannot be approved without that information. (BEB)***

A Temporary Water Permit has been added to Section 1.1.5. The City of Underwood is in the process of adding an additional point of diversion to their existing Water Permit No. 4198. The approval of the additional point of diversion is anticipated in early 2014 as referenced in updated Section 4.1.1, Post-Mining Land Use Narrative.

Section 1.2 - Legal Information

- 2. Follow-up to original Item No. 3: There appears to be a discrepancy with remaining acreage in Permit NAFK-8705 following your response to updates with the original request in Section 1.2.1, Legal Description of Permit Area. Acreage in Section 20 was shown on page 1 in Section 1.2.1 to contain 355.2 acres and now shows that 217.5 acres (which is correct) were released for Bond Release No. 3, bringing the new total in Section 20 to 137.7 acres. However, total acreage for Permit NAFK-8705 depicted at the bottom of the same page was originally 10,880 acres and was reduced by 216.6 acres for a new total in NAFK-8705 of 10,663.4 acres, which represents a difference of .9 acres from what appears to be the correct amount. This same total, 10,663.4 acres, is also depicted on page 5 of the same section. To further complicate the matter, the Third Deletion to West Permit NAFK-8705, Metes and Bounds in Section 1.2.2f, shows that 217.61 acres were released with Bond Release No. 3. Please accurately and consistently represent the remaining acreage in Section 20 and in the remainder of Permit NAFK-8705. (BEB)***

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As discussed in the phone conversation with Mr. Beechie on February 18, 2013, the correct permit acreage is listed in the permit. It was 10,880.9 acres before the bond release of 217.5 acres in Section 20. Therefore, the resulting permit acreage of 10,663.4 acres is correct. The reason for the 0.10 acre difference from the Third Deletion and the Bond Release package is a result of a change in surveying methods from conventional survey to GPS.

Section 4.1 - Post-Mining Land Use and Revegetation

- 3. Follow up to original Item No. 7: Please revise the Post-Mining Land Use Map, Section 4.1.2, to show the labels of the created wetlands. The blue color of the basins is on top of the label making them illegible. (GAW)*

Please see updated Post-mining Land Use Map, Section 4.1.2.

- 4. Follow up to original Item No. 10: Please review the updated narrative in Section 4.1.5 and change (latest addition) to (latest edition) or (latest version). (ZAT)*

Please see updated narrative in Section 4.1.5.

Sincerely,

THE FALKIRK MINING COMPANY



D. Randall Crooke
Environmental Manager