



Public Service Commission

State of North Dakota

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December 11, 2012

Mr. D. Randall Crooke
Environmental Manager
Falkirk Mining Company
P.O. Box 1087
Underwood, ND 58576-1087

Dear Mr. Crooke:

The Reclamation Division has conducted a technical review of Falkirk Mining Company's application for Revision No. 30 to Surface Coal Mining Permit NAFK-8405 for the Falkirk Mine. The following items must be satisfactorily addressed before the Reclamation Division will recommend Commission action on this application:

Section 1.1 – Introductory Information

1. Please update item #20 of the List of Changes for Revision No. 30 in Section 1.1.3 to eliminate reference to Sump S-E01-01 because the design (and details) of Sump S-E01-01 was previously approved with Revision No. 29 to NAFK-8405 on February 15, 2012. (BEB)

Section 2.1 – Cultural and Historic Resources

2. The Summary of Cultural Sites located within NAFK-8405, Section 2.1.3, should be revised on page 4 of that section to provide current information regarding Cultural Resource Site 32ML823. (BEB)
3. In Section 2.1.4, Current Status of Cultural Resource Site Inventory, please incorporate a signed copy of the interim mitigation report from Ethnoscience to the State Historical Society. The letter currently provided in the permit appears to be an unsigned/electronic transmittal copy. (BEB)

Section 2.3 – Geology

4. For consistency in depicting acres within the permit that have been mined, please update the Structural Contour Map, Overburden and Interburden Thickness Isopach Maps, and the Drill Hole Location and Cross-Section Reference Map, Sections 2.3.11, 2.3.12, 2.3.13, and 2.3.14, respectively, to display those areas that have been “mined out” since 2008. (BEB)

Section 2.6 – Surface Water Information and Monitoring Plan

5. Please strengthen the green permit boundary line on the Surface Water Features and Monitoring Sites Map, Section 2.6.4, and remove labels from around several areas of the permit boundary that denotes the *NAFK-8405 Rev. 23 Permit Boundary*. (BEB)
6. Please remove the *Revision 23 Sixth Addition* label from the footer at the bottom of pages 1, 2, and 3 in Section 2.6.7, Surface Water Monitoring Plan. (BEB)

Section 3.1 – Operations Plan - General

7. In Section 3.1.1, Operations Narrative, the hyperlinks provided on page 3 through the end of the section do not function. Please activate or repair the hyperlinks as necessary. (RLK)
8. The second sentence describing proposed operations within the Figenskau Underground Mine Area on the last page of the operations description, Section 3.1.1, states that surface mining operations will recover the remaining coal and reclaim the entire mine area; however, the Pit Layout and Facilities and Extended Mine Plan Maps show (at least for now) that a substantial portion of the southern limits of the Figenskau Mine nearest Highway 200 will not be mined and reclaimed in the near future. Please update the narrative regarding this and provide whatever information that you can at this time describing that the remaining southern workings of the Figenskau Mine are planned for mining and reclamation in the future, assuming that remains Falkirk’s tentative plan. (BEB)
9. Now that mitigation work is completed on Cultural Resource Site 32ML823, please update the Pit Layout and Facilities Map in Section 3.1.5 by removing the “Do Not Disturb” language and boundary line surrounding the archeological site. (BEB)
10. A small portion of the 2013 Hitachi Pit as shown on the Pit Layout and Facilities Map falls outside of the Terrain Modification Boundary that is depicted in Section 4.2.6b. Please review and make any necessary corrections to one map or the other so that these boundaries correspond with each other. (BEB)

11. Please review the Extended Mine Plan Map, Section 3.1.6 because it appears that the pit sequence to be mined in 2012 does not align correctly with what was removed in 2011. Basically, the map shows an un-mined pit sequence in both the NW1/4 of Section 13 and the S1/2 of Section 14 between the 2011 and 2012 time periods. Please provide the current information on the map. (BEB)

Section 3.6 – Operations – Surface Water Management

12. In the table of contents for Section 3.6, Operations – Surface Water Management, please correct the title for Section 3.6.56 which appears to incorrectly identify the sump to be added as S-E01-01 instead of S-E13-05. (RLK)
13. Please review and correct the narrative that is provided in Section 3.6.56 regarding Sump S-E01-01 and Pond P-E13-05. Sump S-E01-01 is labeled as being S-E13-05 in all three of the paragraphs provided in this section. (BEB, RLK)
14. Please indicate the surface water controls that are planned for the east side of the Figenskau mine area outside the drainage area for Pond P-E13-05 on the Total Water Management Plan Map or in the narrative of Section 3.6.1. (RLK)
15. Please update the Pond Reclamation and Construction Schedule, Section 3.6.1d, to reflect the planned construction of pond P-E13-05. (RLK)

Section 4.1 – Post-Mining Land Use and Revegetation

16. The hyperlink to the Post-Mining Land Use Map, Section 4.1.2, does not function on the directory page for Section 4.1, Post-Mining Land Use and Revegetation. Please activate or repair the hyperlink. (BEB, RLK)

Consolidated Bonding

17. Please include the width of the Figenskau Pit in the calculations on page 2 of Section 4.2.4, Reclamation Costs (Worst Case). (MDB)
18. The assumptions in Section 4.2.4 list the average pit widths as 180' for NAFK-9503, 180' for NAFK-9503 south, and 160' for NAFK-8405. When comparing these dimensions with those in Section 4.2.4a, Worst Case Pits Cross Sections, the pit widths do not correspond. Section 4.2.4a shows the pit widths as 170' for NAFK-9503, 110' for NAFK-9503 south, and 170' for NAFK-8405. Please address as necessary to ensure these sections correspond with each other as well as the actual field conditions. (MDB)
19. Throughout the narrative and bonding calculation it is stated that a 992G loader will be used. This was updated several years ago to a 993K loader, so we ask that you please reflect this change throughout Section 4.2.4. (MDB)

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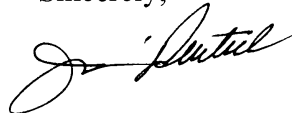
20. Section 4.2.4 lists average pit width for the Tavis Pit in Permit NAFK-9503 as 450 feet, but with a change in mining sequence, the Tavis pit will no longer be mined in this time period. Please remove this reference from Section 4.2.4. (MDB)
21. In Section 4.2.4a, Worst Case Pits Cross-Sections, please label the cut and fill areas with the square footage of material and include the length of the pit or the distance between cross-sections if more than one cross-section is shown for the pit. These values are needed to calculate pit volumes and to assure adequate backfill material is available. Yardage calculations, push distances, haul distances, production values and operation hours were not reviewed at this time due to the lack of this information. Therefore, additional deficiencies may be noted once this information is received. (MDB)

Technical review comments from our advisory review committee are due on December 17, 2012. If any comments or requests for additional information are received from them, we will incorporate those comments in a follow-up review letter to Falkirk.

Additionally, Falkirk was given approval on January 31, 2012 to allow Basin Electric Cooperative to construct a microwave tower on reclaimed land in the SW1/4 of Section 22, T146N, R82W. That approval was based on Falkirk's commitment to incorporate the appropriate details into a forthcoming revision. We request that Falkirk take this opportunity to update the appropriate sections of Permit NAFK-8405 with Revision No. 30 to reflect the constructed tower.

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division

cc: McLean County Auditor