



Public Service Commission

State of North Dakota

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July 16, 2013

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 completed a technical review of Bond Release Application No. 4 to Permit NAFK-8705. The following issues must be addressed before the Reclamation Division recommends Commission action.

Application - General

1. Please include the appropriate attachment labels in the Title Block on Attachment II, Metes and Bounds Map; Attachment V, Aerial Photo Base Map; and Attachment VI, Topographic & SPGM Thickness Map so that the attachments are labeled as identified in the table of contents. (GAW)

Attachment ii – General

2. Please review the first sentence of the fifth paragraph on page 6/182, Attachment ii – General Information, which states the cropland in the bond release tracts was farmed by Kent Pfaff. The cropland data sheets in Attachment VIII – Cropland Data list Kenneth Pfaff as tenant. (ZAT)

Attachment VI – Topographic and SPGM Thickness Map

3. Please include the topsoil and subsoil respread depths on the Topographic and SPGM Thickness Map, Attachment VI. The map presently only shows that 60 inches of soil was respread but the topsoil and subsoil depths must be included as required by NDAC 69-05.2-12-12(6). (GAW/RLK)

Attachment VII – Reclamation History

4. Attachment VII, Reclamation History, does not provide the topsoil respread thickness for Subtracts 4A and 4B. Please provide the topsoil respread depths in the Soil Respread table and/or narrative following the table in the Reclamation History. (RLK/GAW)

Mr. D. Randall Crooke

July 16, 2013

Page 2 of 3

5. Please revise the Seeding section of Attachment VII, Reclamation History, to clarify which seed mix was used on subtract 4B. (GAW)
6. Please review and correct the backfilling and grading dates listed as 1997 (subtract 4A) and 1998 (subtract 4B) in the Reclamation History of Attachment VII, page 69/182. The years 1997 and 1998 are not consistent with the dates listed for SPGM respread (1983, 1986) or the final grading date (1982) given in the Public Notice and Attachment ii – General Information. (ZAT)
7. Please include a statement in Attachment VII, Reclamation History, or in Attachment VIII, Cropland Data, to mention why the premine soils that are considered prime farmland do not have to meet the prime farmland revegetation success standards. (GAW)

Attachment VIII – Cropland Data

8. The note at the bottom of Attachment VIII, Cropland Data, indicates that Falkirk assumed map unit 36 was a Bowbells/Williams complex averaging 70% Williams. This should really be edited to read that the map unit was considered a Williams/Bowbells complex rather than a Bowbells/William complex. The dominant soil in the mapping unit should be listed first to avoid confusion and to follow accepted protocol. (GAW)
9. The unadjusted standard was developed using 21.3 acres of land but 23 acres was disturbed according to information on page 1 of Attachment VII. Please either explain this acreage difference or adjust the table on page 1 of Attachment VIII, Cropland Data. (GAW)
10. Please update the summary information at the end of the Adjusted Cropland Yield Standard, Attachment VIII, to account for dockage. The yields for both years were not adjusted to account for dockage. (GAW)
11. In Attachment VIII, Cropland Data, the scanned copies of the elevator scale tickets provided for the 2009 crop are not legible. If possible, please replace the copies with ones that are more readable. (RLK)
12. In Attachment VIII Cropland Data, page 76/182, please change the heading Bond Release 3-2011 to Bond Release 4-2012. (ZAT)
13. A duplicate copy of the 1-page Wildlife Monitoring Data report appears to have been inadvertently placed in the middle of the Cropland Data section on page 78 of the application. Since the same wildlife report is already provided in Attachment IX – Wildlife Data, the duplicate copy that is provided in the Cropland Data section can be deleted. (BEB)

Attachment X – Hydrologic Assessment

14. None of the many hyperlinks that are provided in the hydrologic assessment report, Section 1 - Introduction, work. Please repair the broken links. (BEB)
15. The first paragraph in Section 1 – Introduction, provides a listing of North Dakota Century and Administrative Codes referencing hydrologic protection performance standards of which the PHA has addressed; however, NDAC 69-05.2-12 is listed twice in the sentence and perhaps the intent was to list NDAC 69-05.2-14, which is also required to be evaluated during bond release

Mr. D. Randall Crooke

July 16, 2013

Page 3 of 3

application and has been adequately addressed in the PHA. Please review and revise the listing as deemed necessary. (BEB)

16. Narrative in the second paragraph of Section 2.4.2 of Section 1 states that post-mining nitrate concentrations are low and well within the 10 mg/l limit set for human consumption; however, this statement may need to be revised somewhat considering the data show nitrate levels associated with ground water monitoring well RP-21 has recorded variable concentrations of nitrate during the period of record but as high as 44.5 mg/l. Please revise the narrative accordingly. (BEB)
17. On page 18 of Attachment X, please clarify or correct the statement "... drained n portions of the permit area ..." appearing in the first sentence of the last paragraph. (RLK)
18. The heading for the Monitoring Wells Details Spreadsheet on page 112 that follows the Monitoring Wells Location Map in Section 1 – Introduction depicts *Bond Release Tract 3* and should be changed to depict Bond Release Tract 4. Please update the heading. (BEB)
19. The section title bookmark for the Potentiometric Surface Maps of Attachment X, Hydrologic Assessment, takes the reader to the Monitoring Wells TDS Graphs; however, the expanded tree structure bookmarks under the section title bookmark do take the reader to the four separate potentiometric surface maps. Repair of the section title bookmark is suggested, but not required. (BEB)

Ponded water was noted on several very small spots during the final bond release inspection. We normally require such features be repaired prior to final bond release approval. However, during the inspection we understood the surface owner, Kenneth Pfaff, to say that he was not concerned with these features. The Reclamation Division will attempt to obtain written documentation from Mr. Pfaff that states that he does not want these features repaired prior to bond release. Otherwise, Falkirk will be required to repair these features prior to final bond release approval.

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division