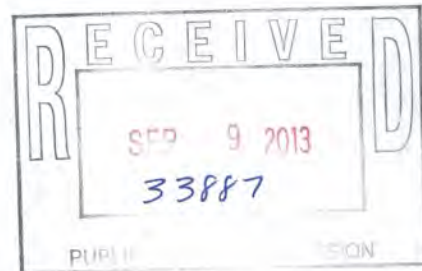


**NORTH AMERICAN**  
**COAL**  
CORPORATION

September 6, 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 for Bond Release Application No. 4**  
**to Permit NAFK-8705**

Dear Mr. <sup>Jim</sup>Deutsch:

Falkirk submits the following responses to the review items listed in your July 16, 2013 letter required to be addressed prior to Reclamation Division recommendation for 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)*

Please see updated maps.

**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)*

As discussed with Zanna Ternes on September 5, 2013, Kenneth Pfaff is the landowner and Kent Pfaff is his son. Their farming operation is a family operation.

**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)*

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Falkirk Mining Company  
Randy Crooke

Please see the updated topsoil and subsoil respread depths on the Topographic and SPGM Thickness Map, Attachment VI.

**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)*

Please see the updated topsoil and subsoil respread depths in Attachment VII on page 69.

5. *Please revise the Seeding section of Attachment VII, Reclamation History, to clarify which seed mix was used on subtract 4B. (GAW)*

Subtract 4B was seeded with a cover crop of sudan grass on July 22, 1985. It is shown in the management history on page 70. The area was broken the following year (1986) and cropped. Since it was a cover crop of sudan grass, the seed mix is not included in the seeding mixture section.

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)*

Please see the updated backfilling and grading dates in Reclamation History of Attachment VII.

7. *Please include a statement in Attachment VII, Reclamation History, or in Attachment VIII, Cropland Data, to mention why the pre-mine soils that are considered prime farmland do not have to meet the prime farmland revegetation success standards. (GAW)*

Please see the footnote added to the bottom of the Soil Respread Section of Attachment VII - Reclamation History on page 69.

**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)*

Please see the updated note at the bottom of Attachment VIII - Cropland Data on page 73.

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)*

Please see the note added to the bottom of the Unadjusted Cropland Standard table on page 73.

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)*

The yields were already adjusted to account for dockage.

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)*

Due to the quality of the original ticket, the included ticket is the best we can get for a copy.

12. *In Attachment VIII, Cropland Data, page 76/182, please change the heading Bond Release 3-2011 to Bond Release 4-2012. (ZAT)*

Please see the updated heading on page 76.

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)*

The duplicate copy was deleted.

**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)**

Please see updated hyperlinks in Attachment X.

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

Please see updated narrative in Section 1 on page 88.

- 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)**

Please see updated narrative in the second paragraph of Section 2.4.2 of Section 1 on page 100.

- 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)**

Please see updated narrative in Attachment X on page 105.

- 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)**

Please see updated narrative in Attachment X on page 112.

- 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**

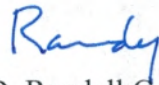
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*reader to the four separate potentiometric surface maps. Repair of the section title bookmark is suggested, but not required. (BEB)*

Please see the corrected bookmark. It now takes the reader to the first Potentiometric Map.

Sincerely,

**THE FALKIRK MINING COMPANY**

A handwritten signature in blue ink that reads "Randy".

D. Randall Crooke  
Environmental Manager

DRC/dge