



Public Service Commission

State of North Dakota

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March 4, 2014

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 completeness review of the application for Revision No. 33 to Surface Coal Mining Permit NAFK-8405 for the Falkirk Mine. The following items were noted during that review and must be satisfactorily addressed prior to the revision being deemed complete and before publication of the public notice:

Section 1.2 – Legal Information

1. The public notice includes complicated metes and bounds descriptions for Tracts 7A and 7A-1, but it does not appear that any portion of Tract 7A is actually included in the proposed postmine land use change associated with the Coal Lake Transfer. If portions of Tract 7A are not included in the proposed land use change, then that tract should be deleted from the public notice. The full metes and bounds descriptions listed in the public notice are also described in Section 1.1.5 of the permit. We have historically allowed the location of the tracts to be generally described as being located in “portions of $\frac{1}{4}$ of Section ___” and depicted on the accompanying map to meet the requirement of NDAC 69-05.2-10-01. However, Falkirk is including the entire metes and bounds descriptions of the tracts affected by this revision. Falkirk could generally describe the tract location as indicated above in the public notice so long as the exact tract location is depicted on the accompanying map. In addition, it appears that the metes and bounds description and the accompanying map includes areas outside the permit boundary (area in Tracts 7A.1 and 10 between the permit boundary and Coal Lake). These areas should not be included in the public notice since they are not part of the permit area. Please also note that the description for Tract 14 includes the SE1/4SE1/4 of Section 26 but this tract is not in the Permit. (GAW/ZAB)
2. Please review the spelling of Bolinski in Tracts 7A and 7A.1 of the Public Notice and revise if appropriate. The name is spelled as Bolinske in Section 1.5.1 and is spelled Bolinski in Section 1.5.3. In addition, it appears that for Tract 7A.1, Parick J. Ward should be Patrick J. Ward. (ZAB)

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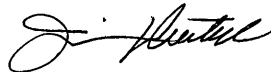
3. Please add the following statement to the end of the Public Notice. *The written request should state the concerns or objections regarding the revision.* (ZAB)

Section 4.1.6 – Sampling Methods and Success Standards

4. Please revise Section 4.1.6, Sampling Methods and Success Standards, to include the Recreation land use classification and specifically discuss the standards that will be applied to reclaimed wetlands and woodlands located within the area being classified as Recreation land. Also, if reclaimed wetland R-26-01 is considered a replacement wetland, it will need to meet the wetland success standards. It is not clear if the woodland located in the northeast corner of the SE1/4 of the SW1/4 of Section 26 affected by the Coal Lake Crossing will be replaced in this location as shown on the Postmine Land Use Map, Section 4.1.2; or if any other woodlands were affected and are to be replaced in this recreation area. Please clarify as necessary. (GAW)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division