



## FALKIRK MINE

March 17, 2014

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

**RE: Completeness Review Responses for Mid-Term Review (Revision 33)  
to Permit NAFK-8405**

Dear Mr. Deutsch:

Falkirk submits the following responses to the completeness review of the application for Revision No. 33 (Mid-Term Review) to Surface Coal Mining Permit NAFK-8405 for the Falkirk Mine in your letter dated March 4, 2014.

### 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 post-mine 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 include 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 SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, but this tract is not in the Permit. (GAW/ZAB)*

Please see updated Section 1.2.4, Newspaper Publication Notice.

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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)***

Please see updated Section 1.5.3, Surface and Coal Ownership Map.

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)***

Please see updated Section 1.2.4, Newspaper Publication Notice.

**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 SE¼ of the SW¼ of Section 26 affected by the Coal Lake Crossing will be replaced in this location as shown on the Post-Mine 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)***

Please see updated Section 4.1.6.

Sincerely,

**THE FALKIRK MINING COMPANY**



D. Randall Crooke  
Environmental Manager

DRC/dge  
Enc.