



# Public Service Commission

## State of North Dakota

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May 29, 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 technical review of Falkirk Mining Company's application for Revision No. 33 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 1.0 – Introductory Information**

1. Follow-up to midterm item No. 2: Please provide the Cancellation Endorsement for the updated certificate of liability as required by NDCC 38-14.1-14(3). (ZAB)

### **Section 3.0 – Operations Plans**

2. As required by NDAC 69-05.2-09-02(7), please update the Pit Layout and Facilities Map, Section 3.1.5, and the Transportation Facilities Map, Section 3.5.2, to depict the temporary ramp/haulage route currently located on the east side of the Figskau mine area. (RLK)

### **Section 4.1 – Post-Mining Land Use and Revegetation**

3. The narrative added in Section 4.1.1 regarding a variance to allow disturbance within 500 feet of an occupied dwelling in Tract 42 owned by Collin and Vonnie Weisz, states that Falkirk has obtained a variance agreement allowing disturbance within 300 feet of the occupied dwelling. This does not agree with the Waiver and Consent Agreement included in Section 1.5.1 that identifies certain operations allowed on the property

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provided such operations do not come within 300 feet of the occupied dwelling. Please review and revise as appropriate. (RLK)

4. The narrative added to Section 4.1.1 regarding the postmining land use changes proposed by Revision 33 should list the number of acres of cropland, native grassland, woodlands, wetlands and section line right-of-ways (plus the acreage in any other land use category) that will be changed to recreational use as proposed by this revision. (Adding a table similar to that included in Mr. Eckroth's May 8<sup>th</sup> e-mail message would address this item.) (JRD)

Also, the public comment period for this revision has ended and we have not received any comments or objections to this revision application. If you have any questions, please contact this office.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division

cc: McLean County Auditor