



July 2, 2014

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

RE: Revision 33, Mid-Term Review for Permit NAFK-8405

Dear Mr. ^{Jim}Deutsch:

Falkirk submits the following responses to the technical review items listed in your May 29, 2014 letter required to be satisfactorily addressed before the Reclamation Division will recommend Commission action on this application.

Section 1.0 – Introductory Information

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

Please see the updated Section 1.2.5, which now includes the Cancellation Endorsement for 2014.

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 Figenskau Mine Area. (RLK)***

Please see the updated Pit Layout and Facilities Map in Section 3.1.5 and the Transportation Facilities Map in Section 3.5.2.

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***

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included in Section 1.5.1 that identifies certain operations allowed on the property provided such operations do not come within 300 feet of the occupied dwelling. Please review and revise as appropriate. (RLK)

Please see updated narrative in Section 4.1.1.

4. *The narrative added to Section 4.1.1 regarding the post-mining 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 8th e-mail message would address this item.) (JRD)*

Please see the added table in Section 4.1.1.

OTHER:

Please see updated information detailing the lowering of the road grade under the HWY 83 bridge to allow the transport of our large equipment under the highway. Sections updated include:

Section 3.1.5, Pit Layout and Facilities Map
Section 3.5.1, Haulage Road Narrative
Section 3.5.4, Permanent Haulage Road No. 1, Plan and Profile

Also, please see revised Section 3.6.58, Design of Sedimentation Pond P-E16-01 which includes Design of Diversion D-E15-01, and added Section 3.6.58b, Details of Diversion D-E15-01.

Sincerely,

THE FALKIRK MINING COMPANY



D. Randall Crooke
Environmental Manager

DRC/tjv