



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian P. Kalk

Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

December 15, 2015

Mr. Jason Frye
Environmental Specialist
Falkirk Mining Company
P.O. Box 1087
Underwood, ND 58576-1087

Dear Mr. Frye:

The Reclamation Division has conducted a completeness review of the applications for Revision No. 27 and Renewal No. 4 to Permit NAFK-9503. The following items must be adequately addressed before the applications can be deemed complete and approval is granted to begin publication of the permit revision and renewal newspaper notice. Please respond in a timely manner so that publication of the public notice and the more detailed technical review can begin.

Section 1.1 – Introductory Information

1. The renewal application form must be corrected to identify all lands currently in Permit NAFK-9503. It appears the Revision 20 addition area has been omitted. The total acres should also be corrected to reflect the current total area of 29,310.4 acres. (RLK/BEB/ZAB)

Section 1.2 – Legal Information

2. Please update and re-submit the Newspaper Publication Notice provided in Section 1.2.4 to include the area added with Revision 20 and provide the correct acreage associated with the permit area. (BEB/RLK/GAW/ZAB)
3. Please review the public road closure plan and revise the advertisement if necessary if any additional roads are going to be relocated during the next term of the permit. The Revision 20 notice discussed closing all roads in the permit and relocating the road (CR. 16) between Sections 4 & 9, 5 & 8, 6 & 7 of T145N, R83W and Sections 1 & 12 of T145N, R84W one-half to one mile south but it is not clear if an alternative route of travel is planned for the closure of the roads between Sections 7 & 8, 8 & 9, 9 & 10 and 10 & 11 of T145N, R83W. It is also not clear how traffic is planned on reclaimed County Road 20 and relocated County Road 19 west and north of the Birka Church during the next term of the permit. This should be explained in the public notice if additional route changes are planned. (GAW)

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4. The public notice states that the permit location map shows the location of the City of Underwood, North Dakota; however, the map does not show the location of Underwood. Please update either the map or the notice. Also it appears that the permit area would be contained on portions of several USGS 7.5 minute quadrangle maps rather than just the "Washburn" map. Please update the map reference or revise the narrative to refer to the map attached to the public notice or alternatively, you may remove all references to USGS 7.5 minute quadrangle maps since this information is no longer required by our rules. (BEB/RLK)

Section 1.5.1 Permit Area Surface and Coal Interests

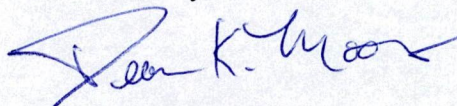
5. A copy of Deed No. FKS195 appears to have been omitted from the application. The document should hyperlink to the surface ownership listing for Tracts 48 and 51. (RLK/ZAB)
6. Please update the address for Forrest W. Ecklund and Alyce F. Ecklund in Tract 102 so the same address is listed in surface ownership and coal ownership. (ZAB)
7. In Tract 129, please update Terry D. Johnson's address in the coal ownership listing so his address is the same in both the surface and coal ownership listings. (ZAB)

Section 2.2 – Description of Ground Water Hydrology

8. Follow-up to pre-renewal review item No. 8: All of the maps in Section 2.2 that were revised to show updated pit progression limits now have the monitoring well locations within the mined-out areas covered up by the pit progression layer. Please place the monitoring well identification and location layers on top of the pit progression layers so that the well locations can be viewed on the map. Also, please review all of the potentiometric surface maps because the updated pit progression layer on those maps now cover up the ground water potentiometric contour lines and elevations that the map is intended to show. (BEB)
9. Follow-up to pre-renewal review item No. 11: Please update the Monitoring Well Information table in Section 2.2.16 to show that replacement ground water monitoring wells 341-1 and 349-1, 2, 3 are in Active status. If you choose, this item can be addressed during technical review of the revision application. (BEB)

If you have any questions, please contact this office.

Sincerely,


for James R. Deutsch
Director
Reclamation Division