



March 8, 2016

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

RE: Technical Review Responses (2) for Revision 27, Renewal #4 to Permit NAFK-9503

Dear Mr. Deutsch:

Falkirk submits the following responses to the technical review (2) of the application for Revision No. 27, Renewal #4 to Surface Coal Mining Permit NAFK-9503 for The Falkirk Mine in your letter dated March 4, 2016.

General

- 1. Falkirk's initial response and first technical response both used red text, underscoring and strike-through to identify changes. Since all changes were made in red, a page by page comparison to the previous submittal was necessary to identify where changes were made. This is very time consuming and cumbersome when reviewing long lists or when comparing revised narrative, tables and maps with the approved permit. We request that Falkirk clearly identify changes in your next response with a different color so changes can be easily identified and tracked. For future revisions to all permits, please use one color for your initial response and a different color for each subsequent technical response. (ZAB)***

Falkirk will change the color of text during each technical review round and/or be more detailed in the response.

Section 1.5.1 Permit Surface and Coal Interests

- 2. Please update the revision date for the last change to ownership information on the Section 1.5 – IDENTIFICATION OF INTERESTS AND RIGHTS OF ENTRY page to February 2016. (ZAB)***

The revision date for the last change to ownership information has been updated to February 2016.

- 3. *New item: Please update the surface ownership for Tract 47 on the ownership map in Section 1.5.3 to be consistent with the recent surface owner change made in Section 1.5.1. (ZAB)***

The surface ownership in Tract 47 has been updated on the Surface and Coal Ownership Map in Section 1.5.3 to reflect ownership by The Falkirk Mining Company as reflected in 1.5.1.

Section 4.2 Reclamation General

- 4. *Follow-up to Item No. 14: Please review the revised pit sequence on the Grading Sequence Map in Section 4.2.3 because the pits are not consistent with those depicted on the Pit Layout and Facilities Map. It appears the 2016 pit west of Area L was omitted and the 2017 through 2026 pits may have been mislabeled by at least one year. Revise as appropriate. (ZAB)***

As discussed in the phone conversation with NDPSC staff (Zanna Brinkman) on March 4th, boundary areas shown are reclamation areas and are offset from the pit mining blocks ~800' to 1200' depending on mining conditions and other variables. Please see changes to page 1.

- 5. *Follow-up to Item No. 14: The Pit Layout and Facilities Map depicts mining and the Area U narrative in Section 4.2.2 describes mining in Variance Area U beginning in 2017. Please depict the initial truck/shovel boxpit and the starting pit sequence for 2017-2024 on the Grading Sequence Map in Section 4.2.3. (ZAB)***

As discussed in the phone conversation with NDPSC staff (Zanna Brinkman) on March 4th, please see changes to page 3 and 4 for clarification that the statement is referencing the Pit Layout and Facilities Map in Section 3.1.5.

- 6. *Follow-up to Item No. 14: The Reclamation Schedule Table lists the final seeding date for Variance Area U as 2026 but the narrative lists the final seeding date as 2024. Please revise as appropriate so the final seeding date for Variance Area U is consistent between the narrative and the table. (ZAB)***

As discussed in the phone conversation with NDPSC staff (Zanna Brinkman) on March 4th, please see changes to page 3 and 4 for updates to reclamation area years.

Mr. James R. Deutsch
March 8, 2016
Page 3

Follow-up to Item No. 14: Falkirk requested a temporary variance from the 3-year contemporaneous reclamation requirement for seeding in Area P in December 2015. Approval of the request was granted December 23, 2015 with the understanding the area would be seeded to the post mine land use in the spring of 2016. Please remove Area P from the narrative, reclamation schedule and grading map or provide additional narrative to justify why Area P requires a variance beyond the spring of 2016. (ZAB)

As discussed in the phone conversation with NDPSC staff (Zanna Brinkman) on March 4th, Falkirk Mine received variance for this area to be seeded in the spring of 2016 and will follow this schedule. The reclamation schedule table shown in Section 4.2.2 does not typically show more detail than 1 year blocks. This area was finished mining in 2008 to 2011, so it is appropriate to show variance on 4.2.2 until final seeding takes place. Please see page 6 for "Spring 2016" notation to clarify the more detailed timeframe for the variance.

Sincerely,

THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv