



Public Service Commission

State of North Dakota

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March 4, 2016

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

Dear Mr. Frye:

The Reclamation Division has reviewed Falkirk's February 29, 2016 response to our February 19th technical review of Revision No. 27 and Renewal No. 4 to Surface Coal Mining Permit NAFK-9503. The following items need to be satisfactorily addressed before the revision and renewal applications can be approved:

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)

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)
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)

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

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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)

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)
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)
7. 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)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division

cc: Jeremy Eckroth
McLean County Auditor