



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

October 10, 2016

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

Dear Mr. Frye:

The Reclamation Division has completed an initial review of the applications for Bond Release No. 1 for NAFK-8405 and Bond Release No. 4 for Permit NAFK-9601. Items 1 through 10 below must be addressed prior to publishing the combined public notice and sending the landowner and agency notification letters. The remaining items may be addressed at this time following our more detailed technical review.

Electronic Format

1. Please correct the .htm file title tag to accurately list the bond release applications. The current title tag incorrectly lists Final Bond Release 5-2012, NAFK-8705 that causes the browser's title bar, tab, and task bar icon to display the incorrect bond release application while the home page is open. It should be clear to readers that the file is bond release applications for Permits NAFK-8405 and NAFK-9601. Please also rename the Adobe file to accurately describe it as bond release applications for Permits NAFK-8405 and NAFK-9601. (WTG)
2. Please provide a table of contents for the bond release applications. At Falkirk's discretion the table of contents can be placed in the Adobe file or be accessible with a hyperlink from the home page of the bond release applications. (WTG)
3. Please reverse the order of Attachments I (Metes and Bounds Descriptions) and II (Metes and Bounds Maps) in the bond release applications Adobe file so that the order corresponds with the descriptions of Attachments I and II listed on SFN 19813 (1-2004). (WTG)

Attachment III - Public Notice and Map

4. Please revise the 5th sentence of the 4th paragraph of the public notice as follows, "*As part of the final bond release application, Falkirk is requesting a bond reduction of \$277,832.45 for completion of backfilling, grading and respread of suitable plant growth material.*" The letters to interested parties in Attachment IV should be revised similarly. (ZAB)

5. Please revise "Permit-9601" appearing in the 4th paragraph of the public notice to read "NAFK-9601" or "Permit NAFK-9601" for consistency. The letters to interested parties in Attachment IV should be revised similarly. (RLK)
6. Please revise the public notice map for clarity by moving the Permit Area NAFK-9601 label from Section 24 down into Section 25 so it is within the permit area. Also, please label bond releases 1 and 4 on the map. (ZAB/RLK)

Attachment VI – Topography and SPGM Thickness Map

7. Please revise Attachment VI, Topography and SPGM Thickness Map, to show all areas affected by associated disturbances. (GAW)

Attachment VII – Reclamation History

8. Please revise the Soil Respread subsection in Attachment VIII to provide SPGM respread information on areas affected by associated disturbance. (GAW)
9. Attachment VII includes information indicating portions of the Recreation Area were seeded to three different seed mixtures, native, pre-cropland and temporary seed mixtures. Please include a map, or revise an existing map, to show which areas were seeded to the various mixtures or the land uses prior to changing the area to Recreation land. (GAW)
10. Please include a map that shows when the revegetation period was initiated on all affected lands in the bond release tracts. Attachment XI, Developed Water Resources, indicates that SPGM was respread around the pool areas of the ponds in 2011 but this is not shown on recent Annual Mine Maps. (GAW/RLK)

Technical Review Items that may be addressed at a later date:

Attachment V – Aerial Photo Base Map

11. Please revise the aerial photo base map in Attachment V by moving the Permit Area NAFK-9601 label from Section 24 down into Section 25 so it is within the permit area. Also, please identify the two bond releases and their respective acreages on the map. (ZAB)

Attachment VII – Reclamation History

12. Please revise the Previous Partial Bond Release Map for clarity by moving all permit labels to the inside of their respective permits and provide labels for bond releases 1 and 4 on the map. (ZAB)
13. For clarity and tracking purposes, please revise the Previous Partial Bond Release Map by changing the label in the SE1/4 of Section 35 to *Undisturbed Acres Deleted from Permit Nov. 2004* because this acreage was not bond released, it was deleted with Revision 10. (ZAB)

Attachment VIII – Bond Calculation

14. An Approved Bond Release Number 3 column was added to the top of the bond calculation page for Permit NAFK-9601. The numbers provided are from the BR 3 application and are confusing because the total partial release area only includes acreage for partial bond releases 1 and 2 (849.7

acres) while the cumulative total including partial bond release 3 is 1464.3 acres. Please change the column to **Post Bond Release 3** to provide a better reference and a good template for future bond releases and list the post BR 3 numbers as undisturbed area (801.33 acres); disturbed area no partial bond release (518.7 acres); and disturbed area 60% bond released (1464.4 acres); and total area permitted (2784.43 acres). You may label the disturbed acreages as 40% and 100% bonded if you prefer. Also, please revise the titles in the BR 4 column to be consistent with the titles in BR 3. (ZAB)

15. Please revise the last sentence in the narrative for Permit NAFK-9601 on the introductory page of Attachment VIII to include all four stages of bond release or revising as follows, "*Falkirk is requesting a bond reduction of \$277,832.45 for completion of backfilling, grading and respread of suitable plant growth material.*" (ZAB)

Attachment IX – Recreational Vegetation Data

16. The second page of Attachment IX, Recreational Vegetation Data, mentions recreational land use subcategories of native grassland, cropland, cropland/hayland and road ditches associated with the Coal Lake access road. Please show these land use subcategories on a map. (GAW)
17. Please revise the existing vegetation cover data to include cover data information specific to each land use subcategory. Although the information may be combined to determine an overall average value, the data should also be presented by land use subcategory or revegetation site type so that one can determine revegetation success of the various seed mixtures used. (Section III-C-1 of Guidelines) (GAW)

Attachment X – Wetlands

18. Please revise the narrative discussing reclaimed wetland R-E26-01 to explain that this wetland formed from differential settling. The area was reclaimed to cropland in 1994 and the permit was revised with Revision 20 to retain this wetland feature. The wetland design was completed after the feature formed to demonstrate that the basin could function as a seasonal wetland. (GAW)

Attachment XII – Wildlife Data

19. Please revise Attachment XII, Wildlife Data, to provide the post-mining subcategory land use acreages within the recreational land use tract and compare to the pre-mine land use acreages. (GAW)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division