



April 7, 2017

Mr. Dean K. Moos
Reclamation Director
ND State Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505

RE: Completeness Review Responses for Revision 29 to Permit NAFK-9503

Dear Mr. Moos:

Falkirk submits the following responses to the completeness review items listed in your March 21, 2017 letter required to be addressed prior to the revision being deemed complete and prior to publication of the notice.

Revision Application

- 1. Please change the description on the Revision 29 application to be consistent with the changes we have requested to the second and third sentences of the newspaper publication notice. (ZAB)*

Please see the updated application in Section 1.1.1, Application Forms.

Newspaper Publication Notice

- 2. Please revise the first paragraph of the publication notice to clarify that the revision proposes a cessation pit where mining will cease for a specific period of time. Consider combining the second and fourth sentences in the first paragraph similar to the following: "The permit revision contains detailed plans for a mining pit cessation in Section 28, T145N, R83W, and changes the mine plan and reclamation schedule in Sections 28 and 29, T145N, R83W". The mine pit cessation is a significant alteration to the mining and reclamation plan and makes this revision subject to the public notice requirements. The statement above, or a similar revised statement of your choosing, should describe the affected area depicted on the publication map. (ZAB/GAW)*

Please see the updated newspaper publication notice in Section 1.2.4, Newspaper Publication Notice.

- 3. Please move the post-mining topography from the second sentence of the public notice to the third sentence that contains additional information. The sentence should also be revised to clarify that changes are being proposed to the currently approved post-mining topography and reclamation schedule, rather than suggesting that detailed plans are being submitted. The topography change is not significant and it affects more than the affected area in Sections 28 and 29 that is depicted on the publication map. (ZAB/GAW)*

Please see the updated newspaper publication notice in Section 1.2.4, Newspaper Publication Notice.

- 4. Please add reclamation plans and ground water hydrology to the list of additional information that was updated in the third sentence. (ZAB)*

Please see the updated newspaper publication notice in Section 1.2.4, Newspaper Publication Notice.

- 5. Please move the worst-case bond costs to the end of the third sentence and revise to stand-alone Worst Case Reclamation Bond/Cost. (ZAB)*

Please see the updated newspaper publication notice in Section 1.2.4, Newspaper Publication Notice.

- 6. The public notice states, "The owners of the surface and coal in Sections 28 and 29 are as follows." This sentence should be amended to state, "The owners of the surface and coal in Sections 28 and 29 that will be affected by the mining plan changes are as follows." Please add the underlined language to the sentence to provide clarification to the notice. (BEB)*

Please see the updated newspaper publication notice in Section 1.2.4, Newspaper Publication Notice.

- 7. The second-to-last paragraph in addition to the last sentence of the notice makes reference to the application for revision and renewal. Revision No. 29 is not a renewal application and any references to permit renewal should be removed from the notice. (BEB/GAW)*

Please see the updated newspaper publication notice in Section 1.2.4, Newspaper Publication Notice.

8. *Please review the public notice record for road closure, operations within 100 feet of public roads and road relocations to ensure closures, relocations and operations within 100 feet to ensure they meet the requirements of NDAC 69-05.2- 04-01.1 and 69-05.2-04-01.3. The public notice narrative for Renewal No. 4 and Revision No. 27 indicated that County Road No. 17 would be relocated one-half to one mile to the west during the current permit term but Revision 29 alters these plans. (GAW)*

Please see the updated newspaper publication notice in Section 1.2.4, Newspaper Publication Notice.

Newspaper Publication Map

9. *The legend information in the Newspaper Publication Reference Map cites Revision No. 24. Please change this to Revision No. 29. (BEB/GAW)*

Please see the updated newspaper publication reference map in Section 1.2.4k, Newspaper Publication Reference Map, Revision 29.

10. *Please depict and label County Roads 16, 17, 19 and 20 on the newspaper reference map as was done with Revision 27. (GAW)*

Please see the updated newspaper publication reference map in Section 1.2.4k, Newspaper Publication Reference Map, Revision 29.

11. *Please change the Mining Variance label on the newspaper publication map to something general such as Affected Area. The Mining Variance label may not be applicable on this map given that the area will not be mining during the current term of the permit. Section 4.2.1b indicates that SPGM will not even be removed from Section 29 until mining resumes in 2021. (ZAB/GAW)*

Please see the updated newspaper publication reference map in Section 1.2.4k, Newspaper Publication Reference Map, Revision 29.

Section 1.1.2 – Revision Summary Pages

12. *Please revise the first paragraph of the Revision Summary page to be consistent with the changes we have requested to the second and third sentences of the newspaper publication notice. (ZAB)*

Please see the updated revision summary pages in Section 1.1.2, Revision Summary Pages.

- 13. Please revise Riverdale and East Permits in the last sentence of paragraph two on the revision summary page to the appropriate permit numbers. (ZAB)**

Please see the updated revision summary pages in Section 1.1.2, Revision Summary Pages.

Section 1.2 – Legal Information

- 14. Please incorporate a copy of the updated newspaper publication notice and reference map into Section 1.2.4 of the permit as appropriate. (BEB)**

Please see the newspaper publication reference map in Section 1.2.4k, Newspaper Publication Reference Map, Revision 29.

Section 3.5 – Operations - Transportation Facilities

- 15. Please update Sections 3.5.20 and 3.5-21, Road Relocation and Closure Plan Narrative and Road Relocation and Closure Plan Map, respectively, to clarify changes proposed with road closures and relocations included with Revision 29. The Road Relocation and Closure Plan Map, Section 3.5-21 indicates that portions of County Road 17 will be closed in 2015, which is obviously incorrect and the mining plan shown on this map is very different than what is shown on the current Pit Layout and Facilities Map, Section 3.1.5. Public Road Relocation and Closure Plans should be included in Section 1.3.6 of the Permit rather than Section 3.5, Operations – Transportation Facilities which traditionally included mining related haul road transportation facility information. (GAW)**

Please see the updated road relocation and closing plan narrative and map in Sections 3.5.20, Road Relocation and Closing Plan Narrative, and 3.5.21, Road Relocation and Closing Plan Map. The road relocation and closure plans will remain in Sections 3.5.20 and 3.5.21.

Section 4.2.2 – Reclamation Schedule

- 16. Please revise the first paragraph of Section 4.2.1a, Temporary Mining Cessation Plan, to clarify why Falkirk has decided to delay the construction of County Road 17 to the west as discussed and depicted in the public notice for Renewal 4 and Revision 27. The narrative is written as if the mine plan is being changed and that the cessation pit is necessary because of County Road 17 closure and relocation changes. It is questionable whether a 4-year cessation pit variance should be granted simply because the County Road 17 relocation road has not been constructed as originally planned and approved. Please revise the narrative to explain why County Road 17 was not relocated to the west as originally planned. It appears the primary reason a cessation pit is being requested**

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is to allow the South Riverdale pits to catch up with the pits in Section 28, and for overburden material balance handling plans and topographic changes. (GAW)

Please see the updated temporary mining cessation plan in Section 4.2.1a, Typical Cross-Section for Reestablished Section Line Roads.

- 17. Please revise the Area R and S Reclamation Area narratives in Section 4.2.2, Reclamation Schedule, to include separate narratives for Areas R and S and the subareas within each of these Areas in instances where the Area comprises distinct and separate subareas. Please also discuss the cessation pit in Area R separately from the future high wall area in Section 29, and include a detailed time-line for each reclamation variance area. The future high wall variance area in Section 29 should be identified as a potential future variance area at this time since the area will not be mined until the next permit term, and it is not clear when Falkirk is planning to use a portion of Area R as an overburden stockpile site. (GAW)***

Please see updated Section 4.2.2, Reclamation Schedule, and updated Section 4.2.3, Grading Sequence Map.

Sincerely,

THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv