



# Public Service Commission

## State of North Dakota

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April 24, 2018

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 Falkirk Mining Company's application for Revision No. 38 to Surface Coal Mining Permit NAFK-8705 at the Falkirk Mine submitted on March 30, 2018. Revision No. 38 has been determined to be a significant revision and is therefore subject to the notice, hearing and procedural requirements. A couple of our review items are more technical in nature and they have been listed separately. Your response to them at this time will provide additional clarity before the revision application is deemed complete and sent to the Advisory Committee and other interested parties. We ask, but do not require, that items No. 6 and 7 be addressed at this time.

### Completeness Items

#### Section 1.2 – Newspaper Publication Notice

1. Please consider revising the public notice to include a general legal description rather than the detailed metes and bounds descriptions for Tracts 9A and 10 provided in the listing of surface and coal owners affected by Revision No. 38. Although NDCC 38-14.1-18 requires a precise location, this office has allowed the map required by NDAC 69-05.2-10-01 to show the exact location. (RLK)

#### Section 2.6.5 – Probably Hydrologic Consequences

2. Please update the Probable Hydrologic Consequences narrative, Section 2.6.5, with a determination that addresses each of the alternatives proposed with Revision No. 38 so a thorough hydrologic assessment can be made by the Commission as required by NDCC 38-14.1-14(1)(o). This should include an analysis of consequences of a cessation pit, mining eventually continuing northward and the contingency plan. (GAW)

**Section 3.1 – Operations Plan – General**

3. Similar to other permit area ash disposal facilities, haulroads, sedimentation ponds, SPGM and overburden stockpiles, the Section 26 ash pit will be a significant feature/facility on the landscape for many years and this feature should be depicted on the Pit Layout and Facilities Map until it is reclaimed. Please depict this feature on the Pit Layout and Facilities Map, Section 3.1.5, so our Advisory Review committee members and other interested permit reviewers can easily identify the location of the Section 26 ash pit because it is the focus of this revision application. (BEB)

**Section 4.2 – Reclamation – General**

4. Please revise the Section 26 Ash Pit Contingency Plan, Section 4.2.1d, to address how topographic changes proposed with the contingency plan will affect reclaimed wetland R-26-01. (GAW)
5. Please update the Variance Area T narrative in Section 4.2.2, Reclamation Schedule, to clarify if the proposed variance will potentially delay bond release on reclaimed lands located adjacent to the N1/2 of Section 26 and the S1/2S1/2S1/2 of Section 23. (GAW)

**Technical Items**

**Section 1.1 – Introductory Information**

6. Please update the Revision Instruction List for Revision No. 38 in Section 1.1.3. Item No. 8 of the list indicates that Page 5 of Section 1.3.5, Other Licenses and Permits, was updated; however, there is no Page 5 in Section 1.3.5. Please update the list to show that Page 4 was updated. (BEB)

**Section 4.2 – Reclamation – General**

7. Falkirk is proposing to respread 24" of SPGM on the reclaimed special waste landfill based on the graded spoil quality. Since the spoil/overburden used to backfill the final pit will come from another area, please re-evaluate whether a proposed respread depth of 24" is appropriate based on the source of the material. (GAW)

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos  
Director  
Reclamation Division