



May 25, 2018

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

**RE: Completeness Review Responses for Revision 38 to Permit NAFK-8705**

Dear Mr. Moos:

Falkirk submits the following responses to the completeness review of the application for Revision No. 38 to Surface Coal Mining Permit NAFK-8705 for The Falkirk Mine in your letter dated April 24, 2018.

**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)***

Please see the updated newspaper notice in Section 1.2.4.

**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)***

An analysis of the probable hydrologic consequences of a cessation pit, mining continuing northward, and the contingency plan was performed, the results/findings are shown in Section 4.2.1b, Temporary Mining Cessation Plan, Section 2.6.5, Probable Hydrologic Consequences, and Section 4.2.1d, Section 26 Ash Pit Contingency Plan respectively.

### **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)***

Please see the updated Pit Layout and Facilities Map in Section 3.1.5.

### **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)***

Section 4.2.1d, Section 26 Ash Pit Contingency Plan has been updated to reflect the effects of the proposed topographic changes on reclaimed wetland R-26-01.

- 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)***

Section 4.2.1d, Section 26 Ash Pit Contingency Plan was updated due to potential bond release delay if the contingency plan is used.

### **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)***

Mr. Dean K. Moos  
May 25, 2018  
Page 3

Please see updated Section 1.1.3, Revision Instruction Lists. Item No. 8 has been corrected to indicate that Page 4 was updated.

**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)*

The source of the material that will be used to backfill the pit shows a potential 24” respread depth in Section 2.8.7, therefore Falkirk feels that a 24” depth is appropriate.

Sincerely,

**THE FALKIRK MINING COMPANY**



Jason Frye  
Environmental Specialist

JF/tv  
Enc.