



# Public Service Commission

## State of North Dakota

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November 5, 2021

Mr. Jason Frye  
Environmental Specialist  
Falkirk Mining Company  
P.O. Box 1087  
Underwood, ND 58576-1087  
[jason.frye@nacoal.com](mailto:jason.frye@nacoal.com)

Dear Mr. Frye:

The Reclamation Division has completed a technical review of the application for Bond Release No. 3 to Permit NAFK-8405. The following items must be addressed prior to this office recommending Commission action.

### **Attachment ii – General Information**

1. Please provide the acreage of each land use subcategory of the reclaimed recreation land and discuss whether the pre-mine capabilities of the affected lands have been restored as required by NDCC 38-14.1-24(2). (GAW)

### **Attachment VI – Topographic & SPGM Thickness Map**

2. Please depict the topography of the entire bond release tract by including the contours elevations of associated disturbance and undisturbed areas on Attachment VI, Topographic & SPGM Thickness Map. (JAR/GAW/PJR)
3. Please list the SPGM respread depths on areas of associated disturbance on Attachment VI, Topographic & SPGM Thickness Map. (GAW)

### **Attachment VII – Reclamation History**

4. Subtracts 2A and 2B rather than 3A and 3B are listed below the Landowner subsection. Also, subtract 2A rather than 3A and regrade area E24J rather than E23J are listed below the Soil Respread subsection at the bottom of page 1 on Attachment VII, Reclamation History. Please correct these errors. (JAR/GAW)
5. Under the Management subsection in Attachment VII, Reclamation History, the 1996-line item for Subtract 3A is mislabeled as Subtract 2A. Please correct this typographical error. (JAR)

6. Please review and verify all minor watershed boundaries on the Post-Mine Watersheds Map on Attachment VII, Reclamation History as it appears to have discrepancies compared to the Total Water Management Plan Map located in Section 3.6.1a of the approved permit. (PJR)

**Attachment IX – Recreational Vegetation Cover Data**

7. Please revise the percent cover values listed at the end of Tables 1 and 2, Section 23 and Section 24, basal cover sampling data, to comply with NDAC 69-05.2-22-07(3)(a) which requires that all species used in determining ground cover be perennial species that are not detrimental to the post mining land use. Absinth wormwood, a state listed noxious weed, and sweet clover do not meet this requirement and it is questionable if black medic should be considered perennial. Please revise the values listed in the last paragraph on page 2 of Attachments IX and ii, General Information. (GAW)
8. Although it is acceptable to provide an average cover value for the recreation land, the cover sampling data should really be separated by the land use subcategory to demonstrate revegetation success since three different seed mixtures were planted in four different years. It is currently not clear if the temporary cover crop that was planted on the reclaimed cropland subcategory land use in 2018 has established sufficiently to control erosion. (GAW)

If you have any questions, please contact this office.

Sincerely,



Zanna Brinkman  
Director  
Reclamation Division

cc via email only: Karen A. Mosbrucker (karen.mosbrucker@nacoal.com)