

FALKIRK MINE

September 21, 2022

Ms. Zanna Brinkman
Reclamation Director
ND State Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505

RE: Initial Review Responses for Final Bond Release No. 4 to NAFK-8405

Dear Ms. Brinkman:

Falkirk submits the following responses to the initial review of the application for Bond Release No. 4 for Permit NAFK-8405 in response to your letter dated July 28, 2022.

General

- 1. Please consider revising the entire bond release application by removing references to Subtract 4, unless Falkirk intended to split Bond Release 4 into more than one subtract. If the intent was to include more than one subtract, please update the application appropriately. (PJR/JAR)***

Please see the updated application and bond release package. Subtract 4A was replaced with tract 4.

Attachment ii – General Information

- 2. Please include the coal removal dates to establish the law liability period for Final Bond Release 4 in the narrative of Attachment ii - General Information. (JAR)***

Please see the updated general information narrative in Attachment ii that included the coal removal dates. Also, the changes that were requested in the public notice were updated in the general information narrative and letters to interested parties.

- 3. Please revise the second sentence of the first paragraph under General Information to clarify how many acres are associated with each land use included in the bond release application. (GAW)***

Please see the updated general information in Attachment ii that includes land uses acres.

- 4. Please include a sentence in Attachment ii that indicates if coal ownership within the bond release tract was private, state, or federal. Identify any portions of the tract where coal was Federally owned. We would like you to include this information in all future bond release***

applications, so it is clear to OSMRE if the bond release application requires their concurrence. (ZAB)

Please see the updated general information in Attachment ii that includes coal ownership.

Attachment III - Public Notice and Map

- 5. Please revise the second paragraph of the public notice by removing the following narrative from the third sentence: which is currently under the North Dakota Public Service Commission review. Falkirk calculated a worst-case bond in pending Revision 42 to NAFK-9503 in the amount of \$103,320,515. The current bond amount is approved and the pending review of the worst-case bond with Revision 42 to Permit NAFK-8405 is not relevant to the bond release application. (PJR/GAW/MJF)**

Please see the updated public notice narrative in Attachment III.

- 6. Please revise the statement Falkirk is not requesting a bond reduction for Permit NAFK-8405. The statement should read Falkirk is not requesting a bond reduction with Bond Release No. 4. (ZAB)**

Please see the updated public notice narrative in Attachment III.

- 7. Please review the post mining land uses statement and clarify that the portion of reclaimed county road and Basin's electric tower are industrial. (ZAB)**

Please see the updated public notice narrative in Attachment III. The portion of the reclaimed county road is not industrial but the Basin Electric Cooperative tower is industrial/commercial. The statement was changed to industrial/commercial for the tower.

- 8. Please revise the mining and reclamation narrative in the second paragraph of the public notice to be more specific. The current narrative is too general; it uses a combined narrative for mining and associated disturbances and does not clarify that only a small portion of the tract was reclaimed and initiated in 2014. Please identify the acreage of the associated disturbance or otherwise clarify that it is a very small portion of the tract and include the specific use of the associated disturbance. For areas mined or used for spoil placement, please clarify the dates of mining, final grading, SPGM respread, and seeding. Include a separate statement on the variance area final grading and seeding dates. In addition, please add a statement that reclamation was completed according to the requirements in the approved reclamation plan. (JAR/ZAB)**

Please see the updated public notice narrative in Attachment III.

Attachment IV – Letters to Interested Parties

Please replace Mr. John Paczkowski of the North Dakota Department of Water Resources with Andrea Travnicek, PhD-Director. (MJF)

Please see the updated North Dakota Department of Water Resources letter in Attachment IV.

- 9. Please incorporate all of the public notice changes into the letters to interested parties. (GAW/PJR/ZAB)***

Please see the updated Letters to the Interested Parties in Attachment IV, which includes the changes from the public notice.

Attachment VII – Reclamation History

- 10. In the Reclamation History narrative, or where appropriate, please revise to provide an assessment of the ground cover on those portions of the Industrial land uses that are established with perennial vegetation. This would include the county road ditches and areas associated with Basin Electric's tower. Information provided is needed to demonstrate the vegetation is adequate to control erosion. (GAW)***

Please see the vegetation assessment narrative in Attachment VII.

- 11. In the Reclamation History narrative, or where appropriate, please provide information about the reclamation history of the conservation shelterbelt and the wetland buffer zones. This should include details about what species were planted or seeded, and the narrative should provide an assessment of the species composition of what is currently established. Information provided should demonstrate that the vegetation established is adequate to protect the soil from erosion and that these conservation practices are functioning as intended. (GAW/PJR)***

Please see the vegetation assessment narrative and the reclamation history in Attachment VII.

- 12. In the Reclamation History narrative, or where appropriate, please include information about the county road passing through the bond release tract. Please include correspondence from the County that the road has been designed and constructed to meet McLean County standards, if necessary, and that the County is satisfied with the road in its current condition. Please also clarify if the road right-of-way has been extended beyond the statutory right-of-way. (GAW)***

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Please see the vegetation assessment narrative, reclamation history and the county road correspondence letter in Attachment VII.

13. In the Reclamation History information on page 76, under Date Mined, please review the reference to Subtract 5A and update as appropriate. (MJF/PJR/JAR)

Please see the updated reclamation history narrative in Attachment VII. Subtract 5A was removed, along with all other subtract references.

14. The Revegetation Period Initiated Map contains a small triangular area under the wetland in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27 that does not identify the year that the revegetation period was initiated. Also, the map's legend should include the NW $\frac{1}{4}$ of Section 27 in the title block and "variance request" should be replaced with Bond Release 4. (JAR)

Please see the updated Revegetation Period Initiated Map in Attachment VII.

Attachment IX – Cropland Data

15. The cropland data tables on pages 86 and 100 are titled "Final Bond Release 3 Cropland Data". Please review to ensure the table contains data for Final Bond Release 4 and correct the table titles. (JAR)

Please see the updated cropland data tables in Attachment IX.

Sincerely,

THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv
Enc.

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The Falkirk Mining Company, a subsidiary company of The North American Coal Corporation

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