



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Sheri Haugen-Hoffart

sent via email only

November 25, 2022

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

Mr. Jason Frye
Environmental Specialist
Falkirk Mining Company
P.O. Box 1087
Underwood, ND 58576-1087
Jason.Frye@nacoal.com

Dear Mr. Frye:

The Reclamation Division has completed a technical review of the application for Final Bond Release No. 4 to Permit NAFK-8405. The following items must be addressed prior to this office recommending Commission action.

Attachment V – Aerial Photo Base Map

1. Please rename the “Subtract 4A” label to “Tract 4” in the Bond Release No. 4 area on the Attachment V – Aerial Photo Base Map to remain consistent with the naming convention used throughout the document. (JAR)

Attachment VII - Reclamation History

2. The word “buffer” is spelled” bugger” in the first sentence of the Wetland Buffer Zone narrative on page 79 of Attachment VII, Reclamation History. Please correct this error. (PJR/GAW)
3. Please revise the Wetland Buffer Zone narrative on page 79 of Attachment VII, Reclamation History, to clarify that the wetland buffer zone is classified as reclaimed cropland that is being managed as hayland to function as a perennial vegetative buffer zone around reclaimed wetlands R-E27-01 and R-E27-02. (GAW)

Attachment VIII – Bond Calculation

4. Please omit “which is currently under PSC review” from the first sentence on page 85. (MJF)

Attachment IX – Cropland Data

5. Narrative on page 104 of Attachment IX, Cropland Data, provides an adjusted yield standard for 2014 but data from 2014 are not being used to demonstrate revegetation success and calculations used to derive the 2014 adjusted standard are not provided. Please review and revise to provide clarity. (GAW)

Attachment X – Wetland

6. The third paragraph on page 120 of Attachment X, Wetland, states that the contributing watersheds to the reclaimed wetlands have received final grade approval. Please clarify if the

entire watersheds of both wetlands have been reclaimed and if a natural surface water runoff system was present during the years being used to demonstrate revegetation success. If any areas in the contributing watersheds have not been reclaimed, provide clarification about how surface water runoff is being managed for the area, expected impacts to the hydrologic balance of a reclaimed wetland, and depict areas not reclaimed on the Post-Mine Watershed Map. (GAW)

7. A sentence in the fifth paragraph on page 120 of Attachment X, Wetlands, suggests that the wetland buffer zone was planted to the pre-cropland seed mixture, which was not the case. Please revise to clarify that the wetland buffer zone consists of perennial vegetation rather than the pre-cropland seed mixture. (GAW)
8. The last sentence in the first paragraph on page 121 of Attachment X, Wetland, should be revised to clarify that the wetlands are classified as fresh “water” plant communities, rather than fresh plant communities. (PJR/GAW)
9. The second paragraph on page 121 of Attachment X, Wetland, states that wetland revegetation success is being evaluated using the latest version of the NDPSC revegetation success standards document. Please revise to clarify if the 2003 revegetation success document or the latest version (2022) is being used to demonstrate revegetation success. Only one version of this document should be used to demonstrate revegetation success of all land uses in the bond release application. (PJR/GAW)
10. The narrative describing the vegetation growing in reclaimed wetland R-E27-02, page 122 of Attachment X, Wetland, fails to mention the abundance of cottonwood trees growing in the wetland. Please discuss the abundance of trees in this wetland and clarify if trees are typically found on seasonal wetlands with cover type 1, according to Stewart and Kantrud, which is the cover type referenced in the first sentence of the narrative. (GAW)

General

11. Please update all maps showing the associated disturbance boundary to reflect the same 0.10 acre associated disturbance boundary as described in the reclamation narrative. Two different associated disturbance boundaries are shown on maps throughout the application. (MJF)

If you have any questions, please contact this office.

Sincerely,



Zanna Brinkman
Director
Reclamation Division

cc via email only: Steve Burke (steve.burke@nacoal.com)
Tara Voigt (tara.voigt@nacoal.com)