

December 21, 2022

DEC 27 2022

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

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

Dear Ms. Brinkman:

Falkirk submits the following responses to the technical review of the application for Bond Release No. 4 for Permit NAFK-8405 in response to your letter dated November 25, 2022.

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)***

Please see the updated Aerial Photo Base Map in Attachment V.

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)***

Please see the updated Wetland Buffer Zone narrative in the Reclamation History in Attachment VII.

- 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)***

Please see the updated Wetland Buffer Zone narrative in the Reclamation History in Attachment VII.

Attachment VIII – Bond Calculation

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

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Response to Technical 1 Review Letter
Falkirk Mining Company
Jason Frye

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

Please see the updated Bond Calculation narrative in Attachment VIII.

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)***

Please see the updated Cropland Data in Attachment IX.

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)***

Please see the updated wetland narrative and Post-Mine Mine Watershed Map in Attachment X.

- 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)***

Please see the updated Wetlands narrative in Attachment X.

- 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)***

Please see the updated Wetlands narrative in Attachment X.

- 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***

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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)

Please see the updated Wetlands narrative in Attachment X.

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)

Please see the updated Wetlands narrative in Attachment X.

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)

All of the maps that are part of Bond Release No. 4 show the same associated disturbance boundary of 0.10 acres. The Mined Out and Associated Disturbance Map on page 12 has a different associated disturbance boundary. This map was part of a variance request that was approved by the PSC. After the approval of the variance, the boundary for Bond Release No. 4 was updated. That is the reason why the associated disturbance boundary is different on the maps on page 74 (Attachment VI) and page 82 (Mined Out and Associated Disturbance Map). Since the variance was part of a different approval, no maps were updated for Bond Release No. 4.

Sincerely,

THE FALKIRK MINING COMPANY



Jason Frye
Environmental Specialist

JF/tv
Enc.

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