

FALKIRK MINE

January 17, 2025

Mr. Jonathan Emmer
Reclamation Director
ND State Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505

RE: Technical Review Responses to Final Bond Release 6, Permit NAFK-9601

Dear Mr. Emmer:

Falkirk submits the following responses to the technical review items to Final Bond Release 6, Permit NAFK-9601 in response to your letter dated January 7, 2025.

Attachment ii – General Information

- 1. The fourth paragraph on page 1 of Attachment ii (General Information) incorrectly indicates that crop yields from 2013 and 2014 are being used to demonstrate revegetation success. The narrative also incorrectly indicates that only crop yield data from 2023 is being evaluated using the 2022 version of our Revegetation Success Standards document. Please revise to clarify the 2003 version of our Revegetation Success Standards document is being used to demonstrate revegetation success on Tract 6A, and the 2022 version is being used to demonstrate revegetation success on Tract 6B. (GAW)***

Please see the updated general information in Attachment ii.

- 2. The last sentence of the second paragraph on page 2 of Attachment ii (General Information) describes no-till farming practices used to control erosion which avoids contributions of suspended solids off-permit and into the basin of the reclaimed wetland LW-NE31-1. Reclaimed wetland LW-NE31-1 appears to be a typographical error that should be seasonal wetland SE31-1. Please revise accordingly. (JAR)***

Please see the updated general information in Attachment ii.

- 3. In Attachment ii (General Information), please mention Falkirk mined through two abandoned underground mines on Tract 6A, and clarify if SPGM was salvaged from the abandoned mine sites and how these pre-mine industrial sites were handled to establish the bond release productivity standard. (GAW)***

Please see the updated general information in Attachment ii.

- 4. Please depict the post-mining land uses on a map included in the bond release application so that one can realize which section line was affected by mining activities. Also, please label seasonal wetland SE31-1 on this map. (GAW/AAC/JAR)**

Please see the updated Post-Mine Watersheds and Land Use Map in Attachment X.

Attachment II – Metes and Bounds Description

- 5. The metes and bounds description for Subtract #6A in Attachment II (Metes and Bounds Description) contains two typographic errors, referring to the “south14corner” and “center14corner”. Please update these terms to “south ¼ corner” and “center ¼ corner,” respectively, to maintain consistency with the rest of Attachment II. Additionally, please revise the fourth bearing for Subtract #6A by replacing “east-west quarter line” with “east-west ¼ line.” (BSM)**

Please see the meets and bounds map for the updated “east-west quarter” to “east-west ¼” in attachment I and the updated meets and bounds description in Attachment II.

Attachment VIII – Bond Calculation

- 6. The ending of the second sentence in the narrative for Attachment VIII (Bond Calculation) states that the current bond is covered by a surety bond. However, the bonding instrument for NAFK-9601 is a collateral bond (CB-9601-01). Please revise the ending of the second sentence in the narrative for Attachment VIII to replace “covered by a surety bond” with “covered by a collateral bond.” (BSM)**

Please see the updated narrative in Attachment VIII.

Attachment IX – Cropland Data

- 7. To provide clarity, please include a note at the bottom of the unadjusted cropland yield standard on pages 91 and 104 of the pdf in Attachment IX (Cropland Data) to clarify that pre-mine prime farmland soils were determined to be exempt from the prime farmland performance standards because Falkirk had a legal right to mine the land prior to August 3, 1977 (see Section 2.8.1a of Permit NAFK-9601). (GAW)**

Please see the updated Section 30 Unadjusted Cropland Calculations and Section 31 Cropland Productivity Index in Attachment IX.

8. ***On page 103 in Attachment IX (Cropland Data), the following footnote is stated twice: “*Dockage and test weight is accounted for in the provided yields. Dockage and test weight was provided by the farmer on the cropland yield sheets.” Please revise the page to remove the duplicate footnote. (WWS)***

Please see the updated Section 31 Adjusted Cropland Standard in Attachment IX.

9. ***Please revise the Section 31 – Final Bond Release 6 Cropland Data chart on page 103 of Attachment IX (Cropland Data) by changing “Weighted Average” to “Weighted Average of Wheat and Soybeans” to provide clarity. (WWS)***

Please see the updated Section 31 Adjusted Cropland Standard in Attachment IX.

10. ***To provide clarity, please indicate in a footnote on page 103 in Attachment IX (Cropland Data) that the 2023 Section 31 Farming Boundary Map on page 115 does not include the wetland acreage used for calculating the yield comparison. (WWS)***

Please see the updated Section 31 Adjusted Cropland Standard in Attachment IX.

11. ***Acreage associated with the Williams-Zahl mapping unit (38C) is listed twice in the Section 31 Cropland Productivity Index table on page 104 of Attachment IX (Cropland Data). Please correct this error so that the cumulative acreage provided equals the value listed. (GAW)***

Please see the updated Section 31 Cropland Productivity Index in Attachment IX.

12. ***Falkirk is using a 40 Productivity Index (PI) percentage value for the Tonka soil mapping unit in the Section 31 Cropland Productivity Index table on page 104 of Attachment IX (Cropland Data). The PSC Revegetation Success Standards document provides that a PI ranging from 40 to 70 may be used. Please provide justification for using the lowest possible PI value. An average PI value was used in the previously approved unadjusted standard calculations. (GAW)***

The PI value for Tonka was changed to 60 as it was previously in the original index value of the permit, please see the updated Section 31 Cropland Productivity Index and the 31 Adjusted Cropland Standard in Attachment IX.

13. ***A sentence on page 103 of Attachment IX states that cropland productivity is equal to or greater than the approved standards with 90 percent statistical confidence. No statistics were used to demonstrate revegetation success since whole field harvest techniques were used. Please revise the statement accordingly. (GAW)***

Please see the updated Section 31 Adjusted Cropland Standard in Attachment IX.

Attachment X – Wetland

14. Please remove “Cropland” from the header on page 127 in Attachment X (Wetland). (JAR)

Please see the updated narrative in Attachment X.

15. The first sentence of the third paragraph in the Wetland Revegetation subsection of Attachment X (Wetland) specifies that reclaimed wetland LW-NE31-1 was designed to be a seasonal wetland. Reclaimed wetland LW-NE31-1 appears to be a typographical error. Please update the LW-NE31-1 to reclaimed seasonal wetland SE31-1. (JAR)

Please see the updated narrative in Attachment X.

16. Please depict the reclaimed temporary wetlands on a map in Attachment X (Wetland) and provide an analysis of the pre- and post-mining temporary and more permanent wetland acreage on the disturbed lands in each bond release tract, 6A and 6B. Please also discuss if any reclaimed temporary wetland acreage was farmed during the revegetation responsibility period and if these areas are capable of being periodically cropped. (GAW)

Please see the updated narrative and the Post-Mine Watersheds and Land Use Map in Attachment X.

17. A sentence in the first paragraph of Attachment X (Wetland) states that reclaimed wetland SE31-1 is approximately 1.55 acres. The 2019 Section 31 Farming Boundary Map on page 109 of Attachment IX (Cropland Data) indicates that the reclaimed wetland is approximately 5.5 acres and 2023 NAIP imagery indicates that approximately 10 acres around this wetland was avoided. Please provide a discussion about the variability of the size of this wetland. (GAW)

Please see the updated narrative in Attachment X.

Additional Updates:

1. Please see the updated address for adjacent landowner US West Communications in Attachment IV.
2. Please see the updated address and name for state agency North Dakota Soil Conservation Committee in Attachment IV.

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3. Please see the updated narrative with the header "Cropland" removed in Attachment ii.
4. Please see the updated narrative with the header "Cropland" removed in Attachment VII.
5. Please see the updated narrative with the header "Cropland" removed in Attachment VIII.
6. Please see the updated Section 30 Adjusted Cropland Yield Calculations with the header "Cropland" removed in Attachment IX.
7. Please see the updated Section 31 Adjusted Cropland Standard with the header "Cropland" removed in Attachment IX.
8. Please see the updated narrative with the header "Cropland" removed in Attachment XI.
9. Please see the updated narrative with the header "Cropland" removed in Attachment XII.

Sincerely,

THE FALKIRK MINING COMPANY



Tanner Jochim
Environmental Specialist

TJ/tv
Enc.