



THE FALKIRK MINING COMPANY
2801 1st St. SW
P.O. Box 1087
Underwood, ND 58576-1087
(701) 442-5751 • Fax (701) 250-2473

SCANNED FALKIRK MINE

Date 8.4.08
File EK-7-31-08-submittal-1tr (30960)

RECEIVED

July 31, 2008

AUG -1 2008
30960
PUBLIC SERVICE COMMISSION

Mr. James R. Deutsch
Reclamation Director
ND State Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505

FROM DIRECTOR - RECLAMATION DIV.

Date: 8-4-08

Action: Store

Info. Only: _____

Info & File: _____

RE: Revision 13 to Permit NAFK-9601

Dear Mr. Deutsch:

Enclosed are three compact discs comprising the Thirteenth Revision to Permit NAFK-9601, together with the original application form and a certification letter for the surface water management operations plan for the revision .

This revision modifies the reclamation and post-mining land use plans on 428 acres of land surrounding Coal Lake in the W½ of Section 25, the SE¼ of Section 26, and the N½NE¼ of Section 35 in T146N, R82W of the NAFK-9601 permit area. These lands are part of a 730-acre tract that Falkirk and Great River Energy have agreed to transfer to the NDDOT to facilitate the mitigation of 1,217 acres of No-Mow acres with McLean County. The revision also updates the permit to include plans for deep ripping on select tracts of reclaimed lands as needed to improve water infiltration.

As per our telephone conversation on July 23, 2008, the Transfer Agreement with the ND Department of Transportation will be submitted at a later date.

If you have any questions regarding the enclosed materials or require additional information, please advise.

Sincerely,

THE FALKIRK MINING COMPANY

Joe Clarke
Environmental Manager

JWC/dge
Enc.

1 RC-08-640 Filed: 8/1/2008 Pages: 4
Revision Filed to Change the Postmining Land use
on 428 Acres

Falkirk Mining Company
Joe Clarke



APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS
 PUBLIC SERVICE COMMISSION
 RECLAMATION DIVISION
 SFN 10562 (1-2004)

Date	July 31, 2008
Revision Number	13
State	ND
Zip Code	58576

Name of Company, Corporation, Partnership, or Individual The Falkirk Mining Company	Permit Number NAFK-9601	Revision Number 13
Address 2801 1st Street SW	City Underwood	State ND
		Zip Code 58576

The above named hereby makes application for the above Revision Number to: (include a brief description of the surface coal mining and reclamation operation being revised.
 Revision 13 modifies the reclamation and post-mining land use plans on 428 acres of land surrounding Coal Lake in the W1/2 of Section 25, the SE1/4 of Section 26, and the N1/2NE1/4 of Section 35 in T146N, R82W of the NAFK-9601 permit area. These lands are part of a 730 acre tract that Falkirk and GRE have agreed to transfer to the NDDOT to facilitate the mitigation of 1,217 acres of No-Mow acres with McLean County. The revision also updates the permit to include plans for deep ripping on select tracts of reclaimed lands as needed to improve water infiltration.

Attached to this Permit Revision Application are a narrative describing the proposed permit revision, reasons for requesting the revision, and appropriate maps, cross-sections, graphs, construction details, revised reclamation plans and other data which demonstrate compliance with Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of a metes and bounds description):

NAME OF MINE	ACRES	LOCATION			
		SEC.	TWP.	RANGE	COUNTY
The Falkirk Mine	-0-				
ADDRESS					
2801 1st Street SW					
Underwood, ND 58576					
TOTAL ACRES	-0-				

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service Commission prior to issuance of the surface coal mining and reclamation operations permit herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ -0-, is included with the revision application.

Name of Official Authorized to Represent the Applicant
 Joseph W. Clarke III, Environmental Manager

- I, the above named, certify that:
1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit application;
 2. Information and documentation contained in the permit application affirmatively demonstrate that:
 - a. The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
 - b. Reclamation as required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;

- c. An assessment of the probable cumulative impact of all anticipated mining in the general area on the hydrologic balance as specified in subdivision o of subsection 1 of Section 38-14.1-14 has been made and the proposed operation has been designed to prevent material damage to the hydrologic balance both on and off the mine site;
 - d. The area proposed to be affected is not included within an area designated unsuitable for all or certain types of surface coal mining and is not within an area under study for such designation in an administrative proceeding;
 - e. The proposed surface coal mining operation will not interrupt, discontinue or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated and will not materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors; and
 - f. The permit revision applicant has the legal right to surface mine the land for which this permit revision application is made and all of the requirements of Chapter 38-18 of the North Dakota Century Code have been complied with.
3. The area proposed to be affected is not included within an area where mining is prohibited pursuant to Section 38-14.1-07 of the North Dakota Century Code; unless specifically allowed in accordance with the provisions of Section 69-05.2-04-01 of the North Dakota Administrative Code; and
4. The surface coal mining and reclamation operations contained in this permit revision application will be carried out at all times in a manner which ensures that all of the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, and any permit conditions attached thereto are complied with.

Signature of Official <i>Joseph W Clarke III</i>	Title Environmental Manager
---	--------------------------------

VERIFICATION

I, E. Brett Schafer, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.

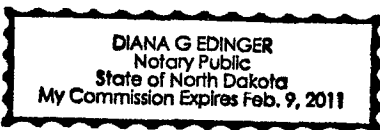
Signature of Official <i>E. Brett Schafer</i>	Title Vice President
--	-------------------------

STATE OF North Dakota)
COUNTY OF McLean)ss.

Subscribed and Sworn before me, this 31st day of July, 2008.

(SEAL)

Diana G. Edinger
Notary Public
My Commission Expires: Feb. 9, 2011



THE FALKIRK MINING COMPANY

A SUBSIDIARY OF THE NORTH AMERICAN COAL CORPORATION

FALKIRK MINE
2801 1st St. SW
Underwood, ND 58576-1087
(701) 442-5751 • Fax (701) 250-2473

July 31, 2008

To the Reviewing Agency:

I have reviewed and hereby certify the information and design drawings contained within the surface water management operations plan for the Falkirk Mine, which was prepared by myself, or under my direction, for the purpose of filing Revision 13 to the Island Permit (NAFK-9601). I further certify that the surface water management operations plans meet the requirements of Article 69-05.2 of the North Dakota Administrative Code and were developed using current and prudent engineering practices and procedures and the applicable design requirements established by the North Dakota Public Service Commission.



Sincerely,

THE FALKIRK MINING COMPANY

David Beck

David Beck, PE
Senior Civil Engineer
ND Registration No. PE-5030

DDB